



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

1595 Wynkoop Street  
DENVER, CO 80202-1129  
Phone 800-227-8917  
<http://www.epa.gov/region08>

MAR 19 2007

Ref: 8ENF-W

CERTIFIED MAIL LETTER  
RETURN RECEIPT REQUESTED

Millard County Commission  
c/o Kathleen Walker  
Sunset View Golf Course  
PO Box 854  
Delta, UT 84624

Re: Administrative Order  
Sunset View Golf Course  
Docket No. **SDWA-08-2007-0038**  
PWS ID # UTAH14035

Dear Ms. Walker:

Enclosed you will find an Administrative Order (Order), which the Environmental Protection Agency (EPA) has issued under the authority of the Safe Drinking Water Act (SDWA), 42 U.S.C. Section 300f *et seq.*, and its implementing regulations. Among other things, the Order finds that the Sunset View Golf Course water system is a public water supplier as defined by the SDWA and that it has violated the National Primary Drinking Water Regulations (NPDWRs) at 40 C.F.R. §§ 141.21, 141.23(d), and 141.201 for failure to monitor for total coliform bacteria, failure to monitor for nitrate, and failure to notify the public of violations.

Millard County, Utah is the owner and/or operator of the Sunset View Golf Course water system. If Millard County complies with the enclosed Order for a period of at least twelve months, EPA may choose to close the Order. Violating the enclosed Order may lead to (1) a penalty of up to \$32,500 per day of violation of the Order, (2) a separate such penalty for violating the regulations themselves, and/or (3) a court injunction ordering compliance.

A Small Business Regulatory Enforcement and Fairness Act (SBREFA) information sheet, U.S. EPA Small Business Resources, containing information on compliance assistance resources and tools available to small businesses, is enclosed with this letter. Small governments are also included under SBREFA, and the enclosed fact sheet discusses resources which may also be available to small governments. Also, there is a compliance assistance center for small governments, the Local Government Environmental Assistance Network (LGEAN). LGEAN can be accessed at [www.lgean.com](http://www.lgean.com) or by calling (877) 865-4326. SBREFA does not eliminate your responsibility to comply with the SDWA.

Please note that the effective date of the enclosed Order is the date of issuance. Within the next 10 days, please provide EPA with any new information that you believe the Agency is not aware of relating to the alleged violations in the Order. The information may be sent to Jeff McPherson at the address on the letterhead, include the mailcode 8ENF-W, or you may call Mr. McPherson at (800) 227-8917, extension 6362, or (303) 312-6362. If you wish to have an informal conference with EPA, you may also call or write Mr. McPherson. If you are represented by an attorney or have legal questions, please call Peggy Livingston at the above 800 number, extension 6858, or at (303) 312-6858.

We urge your prompt attention to this matter.

Sincerely,



Diane L. Sipe, Director  
Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

Enclosure

Order  
SBREFA fact sheet

cc: Neil Forster, Operator  
Ken Bousfield, Utah DEQ  
Patti Fauver, Utah DEQ

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

2007 MAR 19 PM 1:34

EPA REGION VIII  
HEARING CLERK

IN THE MATTER OF )  
 )  
Millard County )  
Sunset Hills Golf Course )  
Delta, Utah 84624 )  
 )  
Respondent )  
 )  
Proceedings under Section 1414(g) )  
of the Safe Drinking Water Act, )  
42 U.S.C. § 300g-3(g) )  
\_\_\_\_\_ )

ADMINISTRATIVE ORDER

Docket No. **SDWA-08-2007-0038**

The following Findings are made and Order issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency (EPA) by Section 1414(g) of the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300g-3(g), and its implementing regulations, as properly delegated to the Supervisors of the Technical and Legal Enforcement Programs of the Office of Enforcement, Compliance and Environmental Justice, EPA Region 8.

FINDINGS

1. Millard County (Respondent) is a "person" within the meaning of 40 C.F.R. § 141.2.
2. Respondent owns and/or operates a system, the Sunset View Golf Course Water System (System), located in Millard County, Utah, for the provision to the public of piped water for human consumption.
3. The System regularly serves an average of at least 25 individuals daily at least 60 days out of the year and

is therefore a "public water system" within the meaning of Section 1401(4) of the SDWA, 42 U.S.C. § 300f(4), and a "non-community water system" within the meaning of 40 C.F.R. § 141.2.

4. Respondent owns and/or operates a public water system and is therefore a "supplier of water" within the meaning of Section 1401(5) of the SDWA, 42 U.S.C. § 300f(5), and 40 C.F.R. § 141.2. Respondent is therefore subject to the requirements of Part B of the SDWA, 42 U.S.C. § 300g et seq., and its implementing regulations, 40 C.F.R. Part 141, also known as the National Primary Drinking Water Regulations (NPDWRs).
5. According to a September 29, 2005 sanitary survey by Wade Tolbert of the Central Utah Public Health Department, the System is supplied solely by a ground water source consisting of one well, serving an average of at least 25 persons through 1 service connection daily from April 1 to September 30.
6. The Utah Department of Environmental Quality (DEQ) has primary enforcement authority for the public water supply program of the Safe Drinking Water Act in the State of Utah. On January 30, 2007, EPA issued a Notice of Violation to the State regarding the System's violations of the Act and 40 C.F.R. part 141. The State chose not to commence enforcement for the violations within 30 days of EPA's letter.
7. EPA has provided the State, through the Utah DEQ, with an opportunity to confer with EPA regarding this Order pursuant to Section 1414(g)(2) of the Act, 42 U.S.C. § 300g-3(g)(2).
8. EPA has provided a copy of this Order to the Utah DEQ pursuant to Section 1414(g)(2) of the Act, 42 U.S.C. § 300g-3(g)(2).

FINDINGS OF VIOLATION

I.

1. 40 C.F.R. § 141.21(a) requires non-community public water systems with an average daily population of less than 1,001 with a ground water source to monitor their water at least once per quarter that they serve water to the public to determine compliance with the Maximum Contaminant Level (MCL) for total coliform bacteria as stated in 40 C.F.R. § 141.63.
2. Respondent failed to monitor the System's water for contamination by total coliform bacteria during 2<sup>nd</sup> Quarter 2002; 2<sup>nd</sup> and 3<sup>rd</sup> Quarters 2004; 2<sup>nd</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> Quarters 2005; and 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> Quarters 2006, in violation of 40 C.F.R. § 141.21(a).

II.

1. 40 C.F.R. § 141.23(d) requires public water systems to monitor annually for nitrate to determine compliance with the nitrate MCL as stated in 40 C.F.R. § 141.62.
2. Respondent failed to monitor for nitrate in 2003 and 2004, in violation of 40 C.F.R. § 141.23(d).

III.

1. 40 C.F.R. § 141.201 requires owners and/or operators of public water systems to notify the public of any violations of the NPDWRs, including violations of the MCL, maximum residual disinfection level (MRDL), treatment technique (TT), monitoring requirements, and testing procedures in 40 C.F.R. Part 141.
2. Respondent has not provided public notice of the noncompliance for the violations detailed in the preceding Sections I and II, in violation of 40 C.F.R. § 141.201.

IV.

1. 40 C.F.R. § 141.21(g)(2) requires a public water system that has failed to comply with a coliform monitoring requirement under 40 C.F.R. § 141.21 to report the violation to the State within ten days after the system discovers the violation.
2. Respondent failed to report to the State the noncompliance detailed in Section I above, in violation of 40 C.F.R. § 141.21(g)(2).

V.

1. 40 C.F.R. § 141.31(b) requires public water systems to report any failure to comply with any NPDWR to the State within 48 hours.
2. Respondent failed to report to the State the noncompliance detailed in Sections II and III above, in violation of 40 C.F.R. § 141.31(b).

ORDER

Based on the foregoing Findings, and pursuant to Sections 1414(g) and 1445(a)(1)(B) of the SDWA, IT IS ORDERED:

1. Upon the effective date of this Order, Respondent shall comply with the requirement of 40 C.F.R. § 141.21(a) to perform quarterly bacteriological monitoring to determine compliance with the MCLs as stated in 40 C.F.R. § 141.63. Respondent shall report analytical results to the State and EPA within the first 10 days of the end of the monitoring period, as required by 40 C.F.R. § 141.31(a).
2. Upon the effective date of this Order, and per the regulation thereafter, Respondent shall comply with the nitrate monitoring requirements as stated in 40 C.F.R. § 141.23(d) to determine compliance with the nitrate MCL appearing at 40 C.F.R. § 141.62(b).

Respondent shall report analytical results to the State and EPA within the first 10 days following the month in which sample results are received, as required by 40 C.F.R. § 141.31(a).

3. Within 30 days from opening for the 2007 season, Respondent must provide public notice of the violations specified under the Findings of Violation in this Order, to return to compliance with 40 C.F.R. §§ 141.201, 141.204, and 141.205. Upon the effective date of this Order, Respondent shall comply with the public notification requirements at 40 C.F.R. § 141.201 et seq. following any future NPDWR violation. Respondent shall submit a copy of the public notice to the State and EPA within 10 days of completion of the public notice, as required by 40 C.F.R. § 141.31(d). This notice must be given by any one of the following methods: (1) posting the notice in conspicuous locations throughout the distribution system frequented by persons served by the System; (2) by mail or direct delivery to each customer and service connection; AND (3) any other method reasonably calculated to reach other persons served by the System, if they would not normally be reached by the notice described in (1) and (2), including publication in a local newspaper or newsletter distributed to customers; use of email to notify employees or students; or, delivery of multiple copies in central locations.
4. Upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.21(g)(2) by reporting any failure to comply with coliform monitoring requirements under 40 C.F.R. § 141.21 to the State and EPA within ten days after the System discovers the violation.

5. Upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.31(b) by reporting any failure to comply with any NPDWR to the State and EPA within 48 hours.
6. Reporting requirements specified in this Order shall be provided by certified mail to:

Jeff McPherson  
U. S. EPA Region 8 (8ENF-W)  
1595 Wynkoop Street  
Denver, Colorado 80202-1129

Patti Fauver  
Division of Drinking Water  
Utah DEQ  
P.O. Box 144830  
Salt Lake City, Utah 84114-4830

GENERAL PROVISIONS

1. This Order does not constitute a waiver, suspension, or modification of the requirements of 40 C.F.R. § 141.1, et seq., or the SDWA, which remain in full force and effect. Issuance of this Order is not an election by EPA to forgo any civil or criminal action otherwise authorized under the SDWA.
2. Violation of any term of this Order may subject the Respondent to an administrative civil penalty of up to \$27,500 under Section 1414(g)(3)(B) of the SDWA, 42 U.S.C. § 300g-3(g)(3)(B), or a civil penalty of not more than \$32,500 per day of violation assessed by an appropriate U.S. District Court under Section 1414(g)(3)(C) of the SDWA, 42 U.S.C. § 300g-3(g)(3)(C).
3. Violation of any requirement of the SDWA or its implementing regulations may subject Respondent to a civil penalty of not more than \$32,500 per day of violation assessed by an appropriate U.S. District Court under Section 1414(b) of the SDWA, 42 U.S.C. § 300g-3(b).




4. The effective date of this Order shall be the date of issuance.

Issued this 10<sup>th</sup> day of march, 2007.



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David J. Janik, Acting Director  
Legal Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice



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Diane L. Sipe, Director  
Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice