



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

JAN 11 2012

Jonathan S. Clyde, Registered Agent
Woodland Mutual Water Company
201 S. Main Street, Suite 1300
Salt Lake City, UT 84111

Re: Administrative Order
Woodland Mutual Water Company
Public Water System
Docket No. SDWA-08-2012-0004
PWS ID #UTAH22018

Dear Mr. Clyde:

Enclosed is an Administrative Order (Order) issued by the Environmental Protection Agency (EPA) under the authority of section 1414(g) of the Safe Drinking Water Act, 42 U.S.C. § 300g-3(g). Among other things, the Order alleges that the Woodland Mutual Water Company (Company) has violated the National Primary Drinking Water Regulations at 40 C.F.R. Part 141 (Drinking Water Regulations).

The Order is effective upon the date received. Please review the Order and within 10 days provide the EPA with any information you believe the EPA may not have. If the Company complies with the Order, the EPA may close the Order without further action. Failure to comply with the Order may lead to substantial civil penalties and/or a federal court injunction ordering compliance.

The Order requires the Company to notify the public of having violated the Drinking Water Regulations. Enclosed please find a public notice template explaining the public notice requirements in more detail.

To submit information or to request an informal conference with the EPA, please contact Kathelene Brainich at the above address (with the mailcode 8ENF-W), or by phone at (800) 227-8917, extension 6481, or (303) 312-6481. Any questions from the Company's attorney should be directed

to Charles Figur, Enforcement Attorney, who may be reached at the above address (with the mailcode 8ENF-L), or by phone at (800) 227-8917, extension 6915, or (303) 312-6915.

We urge your prompt attention to this matter.

Sincerely,



Arturo Palomares, Director
Water Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosures (2)
Order
Public Notice

cc: Patti Fauver, UT DEQ Drinking Water
Tina Artemis, EPA Regional Hearing Clerk

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

2012 JAN 11 AM 11:46

FILED
EPA REGION VIII
TRAINING CLERK

IN THE MATTER OF:)
)
Woodland Mutual Water Company,)
)
Respondent.)

Docket No. SDWA-08-2012-0004

ADMINISTRATIVE ORDER

1. This Order is issued under the authority vested in the Administrator of the United States Environmental Protection Agency (EPA) by section 1414(g) of the Safe Drinking Water Act (Act), 42 U.S.C. § 300g-3(g), as properly delegated to the undersigned officials.

2. Woodland Mutual Water Company (Respondent) is a Utah corporation that owns and/or operates the Woodland Mutual Water System (System), which provides piped water to the public in Summit County, Utah, for human consumption.

3. The System is supplied by a groundwater source consisting of one spring and one well that is treated by chlorination.

4. The System has approximately 65 service connections used by year-round residents and regularly serves an average of approximately 186 residents year-round. Therefore, the System is a "public water system" and a "community water system" as defined in 40 C.F.R. § 141.2 and section 1401 of the Act, 42 U.S.C. § 300f.

5. Respondent is subject to the Act and the National Primary Drinking Water Regulations (Drinking Water Regulations) at 40 C.F.R. Part 141. The Drinking Water Regulations are "applicable requirements" as defined in section 1414(i) of the Act, 42 U.S.C. § 300g-3(i).

6. The Utah Department of Environmental Quality (DEQ) has primary enforcement authority for the public water system supervision provisions of the Act in the State of Utah (State). The EPA issued a notice of the System's violations to the State on November 14, 2011. The State elected not to commence an enforcement action against Respondent for the violations listed in the notice of violation within the 30-day time frame set forth in section 1414(a) of the Act, 42 U.S.C. § 300g-3(a). The EPA has provided a copy of this Order to the State and has provided the State the opportunity to confer with the EPA regarding this Order

VIOLATIONS

7. Respondent is required to monitor the residual disinfectant level in the System's distribution system monthly at the same time and place as total coliforms are to be sampled under 40 C.F.R. § 141.21. 40 C.F.R. § 141.132(c)(1). Respondent is required to submit the monthly monitoring results for the residual disinfectant level and all required information to

DEQ no later than 10 days after the end of each quarter. 40 C.F.R. § 141.134(c). Respondent failed to monitor the System's water monthly for residual disinfectant from January 2007 to the present, and, therefore, violated this requirement.

8. Respondent is required to collect a set of total trihalomethane (TTHM) and haloacetic acid (HAA5) samples each year during the month of warmest water temperature. 40 C.F.R. § 141.132(b)(1)(i). Respondent is required to submit monitoring results for TTHM and HAA5 to DEQ within 10 days after the end of each monitoring period in which samples are collected. 40 C.F.R. § 141.134. Respondent failed to monitor the System's water for TTHM and HAA5 during 2010 and 2011, and monitored outside the required monitoring period in 2007, sampling instead in October 2007, and, therefore, violated this requirement.

9. Respondent is required to conduct initial quarterly monitoring of the System's water for radium-228. 40 C.F.R. § 141.26(a). Respondent failed to monitor the System's water for radium-228 during the 3rd (July-September) quarter of 2009 and the 1st (January-March) quarter of 2010, and, therefore, violated this requirement. (Respondent completed the initial required quarterly monitoring in June 2010.)

10. If two or more samples collected in any month from the System's water are positive for total coliform bacteria, then the System has not complied with the maximum contaminant level (MCL) for total coliform bacteria. 40 C.F.R. § 141.63(a)(2). During the month of June 2007 two or more samples from the System were positive for total coliform, and, therefore, Respondent violated this requirement.

11. Respondent is required to prepare and deliver an annual Consumer Confidence Report (CCR) to the System's customers by July 1st of each year and to certify to DEQ that it has done so. The CCR is to include information about the quality of the System's water using data collected during, or prior to, the previous calendar year. 40 C.F.R. §§ 141.151-141.155. Respondent failed to prepare and deliver an annual CCR for 2008 and 2009 to the System's customers and to DEQ. Respondent also failed to provide a certification to DEQ. Therefore, Respondent violated these requirements.

12. Respondent's annual CCR must also include, among other things, information on drinking water violations that occurred during the year covered by the report. 40 C.F.R. § 141.153(f). Respondent failed to include the required information on the 2007 violations listed in paragraphs 7 and 8, above, in the CCR for 2007 and, therefore, violated this requirement.

13. Respondent is required to notify the public of certain violations of the Drinking Water Regulations. 40 C.F.R. §§ 141.201-141.211. Respondent failed to notify the public of the 2007 through 2009 violations cited in paragraphs 7, 8, 9, 11, and 12, above, and the 2010 violation cited in paragraph 9 above, and, therefore, violated this requirement.

(Respondent did provide public notice for many of the 2010 violations cited above in its 2010 CCR.)

14. Respondent is required to report any coliform MCL violation to DEQ no later than the end of the next business day after learning of it. 40 C.F.R. § 141.21(g)(1). Respondent did not notify DEQ of the MCL violation cited in paragraph 10, above, and, therefore, violated this requirement.

15. Respondent is required to report any failure to comply with any Drinking Water Regulation to DEQ within 48 hours (except where the Drinking Water Regulations specify a different time period). 40 C.F.R. § 141.31(b). Respondent failed to report the violations cited in paragraphs 7, 8, 9, 11, 12, and 13, above, and, therefore, violated this requirement.

ORDER

Based on the above violations, Respondent is ordered to perform the following actions upon Respondent's receipt of this Order (unless a different deadline is specified below):

16. Respondent shall monitor the residual disinfectant level in the System's water in the distribution system monthly at the same time and place it collects total coliform samples, as required by 40 C.F.R. §§ 141.132(c)(1) and 141.21. No later than 10 days after the end of each quarter, Respondent shall (a) submit residual disinfectant monitoring results to DEQ, as required by 40 C.F.R. § 141.134, and (b) provide the EPA with a copy of the results.

17. Respondent shall monitor for TTHM and HAA5 no later than July 30, 2012, and annually thereafter during the month of warmest water temperature, as required by 40 C.F.R. § 141.132(b)(1)(i). Within 10 days after the end of each quarter in which samples are collected, Respondent shall (a) submit monitoring results for TTHM and HAA5 to Utah DEQ, as required by 40 C.F.R. § 141.134, and (b) provide the EPA with a copy of the results.

18. Respondent shall monitor the System's water for radionuclides as required by the Drinking Water Regulations. Respondent is next required to sample for radionuclides during the 3 year period of 2011-2013 at the spring source; and during the 6 year period of 2014-2019 at the well source. 40 C.F.R. § 141.26(a). Within the first 10 days following the month in which sample results are received, Respondent shall (a) submit monitoring results for radionuclides to Utah DEQ, as required by 40 C.F.R. § 141.31(a), and (b) provide the EPA with a copy of the results.

19. Respondent shall comply with the total coliform MCL as stated in 40 C.F.R. § 141.63. If the System's water does not comply with the total coliform MCL, Respondent, by the end of the business day after discovering the violation, shall (a) report this violation to Utah DEQ, as required by 40 C.F.R. § 141.21(g)(1), and (b) report the violation to the EPA.

20. Within 30 days after receipt of this Order, Respondent shall prepare CCRs (to include all information required by 40 C.F.R. §§ 141.153 and 154) for the System for 2008 and 2009 and distribute the reports to the System's customers, DEQ and the EPA. No later than three months thereafter, Respondent shall certify to DEQ that the CCR has been distributed to the System's customers and that its information is correct and consistent with monitoring data previously provided to DEQ and provide a copy of the certification to the EPA. Thereafter, Respondent shall prepare and distribute annual CCRs that comply with regulatory requirements and provide certifications to Utah DEQ as required by 40 C.F.R. §§ 141.151-141.155. Respondent shall provide a copy of each CCR and certification to the EPA.

21. Within 30 days after receipt of this Order, Respondent shall notify the public of the 2007-2011 violations cited in paragraphs 7, 8, 9, 11, and 12, above, for which public notice has not yet been provided, following the instructions provided with the public notice templates provided to Respondent with this Order. Respondent's compliance with paragraph 20, above, can be used for compliance of this paragraph for the 2008 and 2009 violations. Thereafter, following any future violation of the Drinking Water Regulations, Respondent shall comply with any applicable public notice provisions of 40 C.F.R. Part 141, Subpart Q. Within 10 days after providing public notice, Respondent shall (a) provide a copy to DEQ of each type of public notice that was distributed and a certification of having notified the public in full compliance with the Drinking Water Regulations at 40 C.F.R. § 141.31(d), and (b) provide EPA with a copy of the notice and certification.

22. Respondent shall, within 48 hours of any violation of the Drinking Water Regulations, (a) report that violation to DEQ as required by 40 C.F.R. § 141.31(b), and (b) report the violation to EPA. However, if a different time period for reporting is specified in this Order or the Drinking Water Regulations, Respondent shall report to DEQ and to the EPA within that different period.

23. Respondent shall direct all reporting required by this Order to both:

Kathelene Brainich	AND	Patti Fauver, Rules Section Manager
U.S. EPA Region 8 (8ENF-W)		Utah DEQ Drinking Water
1595 Wynkoop Street		POB 144830
Denver, CO 80202-1129		SLC, UT 84114-4830

GENERAL PROVISIONS

24. This Order shall not constitute a waiver, suspension, or modification of any requirement of the Act or Drinking Water Regulations. Issuance of this Order is not an election by the EPA to forgo any civil or criminal action.

25. Violation of any part of this Order or the Drinking Water Regulations may subject Respondent to a civil penalty of up to \$37,500 (as adjusted for inflation) per day, per violation. 42 U.S.C. § 300g-3; 40 C.F.R. Part 19.

Issued: January 5, 2011.



James H. Eppers, Acting Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice



Arturo Palomares, Director
Water Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Instructions for Monitoring Violations Annual Notice--Template 3-1

Template on Reverse

Since most monitoring violations are included in Tier 3, you must provide public notice to persons served within one year after you learn of the violation (141.204(b)). Multiple monitoring violations can be serious, and your primacy agency may have more stringent requirements. Check with your primacy agency to make sure you meet its requirements.

Community systems must use one of the following (141.204(c)):

- Hand or direct delivery
- Mail, as a separate notice or included with the bill

Non-community systems must use one of the following (141.204(c)):

- Posting in conspicuous locations
- Hand delivery
- Mail

In addition, both community and non-community systems must use *another* method reasonably calculated to reach others if they would not be reached by the first method (141.204(c)). Such methods could include newspapers, e-mail, or delivery to community organizations. If you post the notice, it must remain posted until the violation is resolved. If the violation has been resolved, you must post the notice for at least one week (141.204(b)). If you mail, post, or hand deliver, print your notice on letterhead, if available.

The notice on the reverse is appropriate for insertion in an annual notice or the CCR, as long as public notification timing and delivery requirements are met (141.204(d)). You may need to modify the template for a notice for individual monitoring violations. This example presents violations in a table; however, you may write out an explanation for each violation if you wish. For any monitoring violation for volatile organic compounds (VOCs) or other groups, you may list the group name in the table, but you must provide the name of every chemical in the group on the notice, e.g., in a footnote.

You may need to modify the notice if you had any monitoring violations for which monitoring later showed a maximum contaminant level or other violation. In such cases, you should refer to the public notice you issued at that time.

Include in your notice the standard language for monitoring and testing procedure violations in *italics* (141.205(d)(2)). If you modify the notice, you may not alter this mandatory language.

Corrective Actions

In your notice, describe corrective actions you took or are taking. Listed below are some steps commonly taken by water systems with monitoring violations. Choose the appropriate language, or develop your own:

- We have since taken the required samples, as described in the last column of the table above. The samples showed we are meeting drinking water standards.
- We have since taken the required samples, as described in the last column of the table above. The sample for [contaminant] exceeded the limit. [Describe corrective action; use information from public notice prepared for violating the limit.]
- We plan to take the required samples soon, as described in the last column of the table above.

After Issuing the Notice

Make sure to send your primacy agency a copy of each type of notice and a certification that you have met all the public notice requirements within ten days after issuing the notice (141.31(d)).

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

WOODLAND MUTUAL WATER COMPANY

SOME DRINKING WATER MONITORING REQUIREMENTS NOT MET IN 2007-2011

We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not our drinking water meets health standards. During 2007-2011 we did not complete all monitoring or testing for the maximum residual disinfectant level, disinfection byproducts, and during 2010 for radium-228; and, therefore, cannot be sure of the quality of our drinking water during that time. Further, we did not prepare and deliver an annual consumer confidence report (CCR) for 2008 and 2009 and our 2007 CCR failed to provide required information on the violations incurred for the year.

What should I do? There is nothing you need to do at this time.

The table below lists the contaminants we did not properly test for, how often we are supposed to sample for these contaminants and how many samples we are supposed to take, how many we took, when samples should have been taken, and the date when the situation was corrected.

Contaminant	Required sampling frequency	Number of samples taken	When all samples should have been taken	When samples were or will be taken
Maximum residual disinfectant level	Monthly	0	January 2007 - present	
disinfection byproducts	Annually during the warmest water temperature	0	2007, 2010, 2011	
radium-228	Two consecutive quarters	1	1 st quarter 2010, 3 rd quarter 2009	June 2010

What happened? What is being done? _____

Call _____ at _____ if you have questions.
name telephone number

Please share this information with all the other people who drink this water. You can do this by posting this notice in a public place or distributing copies by hand or mail.

Note: send copy to UT DEQ and the EPA after public notice is complete with the date distributed, the method, and a certifying signature.

Date/s distributed

method

signature