



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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OCT 27 2006

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Kevin Brown, Director
Division of Drinking Water
Utah Department of
Environmental Quality
P.O. Box 144810
Salt Lake City, UT 84114-4810

NOTICE OF VIOLATION

Docket No. SDWA-08-2007-0001
Lake Powell Management
400 South Main
Alpine, UT 84004
PWS ID# UTAH09084

Dear Mr. Brown:

The above referenced public drinking water system has violated certain provisions of the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300f, et seq., and the National Primary Drinking Water Regulations at 40 C.F.R. part 141. The violations consist of failure to monitor for bacteriological quality, failure to take four repeat samples following a positive total coliform result, failure to take five routine samples following a positive total coliform sample in the preceding month, failure to monitor for nitrate, failure to provide public notice, and failure to notify the State of the violations. Our records, obtained from the Utah Department of Environmental Quality (DEQ), indicate the violations noted below. Please notify Kimberly Pardue Welch of my staff at (303) 312-6983 within 20 days if your records show any discrepancies with these determinations of violation.

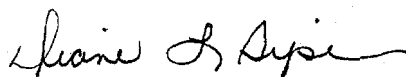
<u>Date of Violation</u>	<u>Violation</u>
2 nd (April – June) and 3 rd (July – Sep) quarters 2002, 2 nd (April – June) and 4 th (Oct – Dec) quarters 2003, 2 nd (April – June), 3 rd (July – Sep), and 4 th (Oct – Dec) quarters 2005, and 1 st (Jan – March) and 2 nd (April – June) quarters 2006	Failure to monitor for bacteriological quality. [40 C.F.R. § 141.21(a)]
June 2004	Failure to take 4 repeat samples following a total coliform positive result. [40 C.F.R. § 141.21(b)]
July 2004 (System incorrectly took 4 samples)	Failure to take five routine samples following a total coliform positive sample the preceding month. [40 C.F.R. § 141.21(b)(5)]
2003, 2004, and 2005	Failure to monitor for nitrate. [40 C.F.R. § 141.23 (d)]
2002 – 2005	Failure to provide public notice of the above-referenced violations. [40 C.F.R. § 141.201]
2002 – 2006	Failure to report the above-referenced violations to the State. [40 C.F.R. §§ 141.31(b), 141.21(g)(2)]

This NOTICE OF VIOLATION is issued pursuant to section 1414(a) of the SDWA, 42 U.S.C. § 300g-3(a). If the State does not commence appropriate enforcement action within 30 days from the receipt of this notification, the EPA is authorized either to issue an Administrative Order under section 1414(g) of the SDWA, 42 U.S.C. § 300g-3(g), requiring the public water system to comply with the regulations or requirements, or to commence civil action under section 1414(b) of the SDWA, 42 U.S.C. § 300g-3(b).

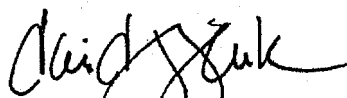
Please inform EPA of any change in the compliance status of this system. You may wish to confer with my staff to determine the Agency's position concerning this system and to exchange appropriate information. If the State does not commence appropriate enforcement action within 30 days from the receipt of the notification, EPA will proceed with issuance of an administrative order. Our technical contact is Kimberly Pardue Welch at (303) 312-6983.

A copy of this NOTICE OF VIOLATION has been concurrently sent to the system identified above.

Sincerely,



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



Michael T. Risner, Director
David J. Janik, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

cc: Scott Jorgenson, (via certified mail / return receipt requested)
Ken Bousfield, UT DEQ DW

