



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

1595 WYNKOOP STREET

DENVER, COLORADO 80202-1129

Phone 800-227-8917

<http://www.epa.gov/region08>

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

JAN 24 2007
8ENF-W

Darwin McGuire, Registered Agent
Daniel Domestic Water Co.
815 E. 3000 South
Heber City, UT 84032

Re: Administrative Order
Docket No. SDWA-08-2007-0005
PWS ID #UTAH26005

Dear Mr. McGuire:

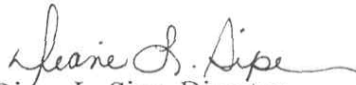
Enclosed you will find an Administrative Order (Order), which the Environmental Protection Agency (EPA) has issued under the authority of the Safe Drinking Water Act (SDWA), 42 U.S.C. Section 300f *et seq.*, and its implementing regulations. Among other things, the Administrative Order finds that Daniel Domestic Water Company (Company) is a supplier of water as defined by the SDWA and that the Company has violated the National Primary Drinking Water Regulations (NPDWRs) at 40 C.F.R. §§ 141.132(c) and 141.132(b) for failure to monitor for chlorine residual and disinfection byproducts. The Administrative Order issued to the Company on December 3, 2005 for failure to monitor both volatile and synthetic organic contaminants remains in effect.

If the Company complies with the enclosed Order 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 the Company to comply.

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 can be sent to Kathelene Brainich at the address on the letterhead, including the mailcode 8ENF-W, or you may call Ms. Brainich at (800) 227-8917, extension 6481, or (303) 312-6481. If you wish to have an informal conference with EPA, you may also call or write Ms. Brainich. If you are represented by an attorney, please ask your attorney to direct any legal questions to 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

cc: Patti Fauver, UT DEQ
Gary Walton, Daniel Domestic

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

IN THE MATTER OF)
)
Daniel Domestic Water Co)
Heber, Utah)
)
Respondent)
)
Proceedings under Section 1414(g))
of the Safe Drinking Water Act,)
42 U.S.C. § 300g-3(g))
_____)

2007 JAN 24 PM 1:20
JAN 24 2007
EPA REGION 8
SALT LAKE CITY, UT

ADMINISTRATIVE ORDER

Docket No. SDWA-08-2007-0005

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 (the Act), 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. Daniel Domestic Water Co (Respondent) is a corporation under the laws of the State of Utah as of February 14, 1958 and therefore a "person" within the meaning of 40 C.F.R. § 141.2.
2. Respondent owns and/or operates a system, the Daniel Domestic Water System (the "System"), located in Wasatch County, Utah for the provision to the public of piped water for human consumption.
3. The System has at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents and is therefore a "public water System" within the meaning of Section 1401(4) of the Act, 42 U.S.C. § 300f(4), and a "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 Act, 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 Act, 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, or NPDWRs).
5. According to a July 20, 2005 sanitary survey by the Utah Department of Environmental Quality, the System is supplied by a groundwater source consisting of two springs with gas chlorination treatment. The System serves approximately 312 persons and has 112 service connections.
6. The Utah Department of Environmental Quality has primary enforcement authority for the public water supply program of the Safe Drinking Water Act in the State of Utah. On November 7, 2006, 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.

FINDINGS OF VIOLATION

I.

1. 40 C.F.R. § 141.132(c)(1) requires community and non-transient, non-community water systems that use chlorine or chloramines to measure the residual disinfectant in their distribution system monthly at the same point and at the same

time as total coliforms are sampled, as specified in 40 C.F.R. § 141.21. Systems must report results to the State within 10 days after the end of each quarter in which samples were collected, as specified in 40 C.F.R. § 141.134.

2. Respondent failed to monitor the water for maximum residual disinfectant each month from January 2005 through June 2006, in violation of 40 C.F.R. § 141.132(c). Respondent has monitored from July through October 2006.

II.

1. 40 C.F.R. § 141.132(b) requires each owner and/or operator of a public water system served only by a ground water source providing water to fewer than 10,000 persons and using chemical disinfectant to collect one water sample per year per treatment plant to determine compliance with the maximum contaminant level (MCL) for disinfection byproducts, as stated in 40 C.F.R. § 141.64.
2. Respondent failed to monitor its water for disinfection byproducts during 2005, in violation of 40 C.F.R. § 141.132(b). Respondent monitored during 2006.

ORDER

Based on the foregoing Findings, and pursuant to Section 1414(g) of the Act, IT IS ORDERED:

1. Upon the effective date of this order, Respondent shall comply with monitoring requirements for disinfection residuals as stated in 40 C.F.R. § 141.132(c)(1). Respondent shall monitor maximum residual disinfectant (i.e., chlorine residual) at monthly at the same time and place as total coliform to determine compliance with the maximum residual disinfectant levels (MRDLs), as stated in 40 C.F.R.

§ 141.65(a). Respondent shall submit sample results quarterly to the State and EPA as required by 40 C.F.R. § 141.134.1.

2. Between June and August 2007, and per the regulation thereafter, Respondent shall comply with monitoring requirements for disinfection byproducts, as stated in 40 C.F.R. § 141.132(b). Respondent shall collect one sample per year per treatment plant at a location that represents maximum residence time to be analyzed for total trihalomethane (TTHM) and haloacetic acids (five) (HAA5) to determine compliance with the disinfection byproduct MCLs as stated in 40 C.F.R. § 141.64(a). Respondent shall report analytical results to EPA within the first 10 days following the month in which sample results are received, as required by 40 C.F.R. §§ 141.134(a) and (b).
3. Reporting requirements specified in this Order shall be provided by certified mail to both:

Kathelene Brainich	AND	Patti Fauver, Acting Compl. Mgr.
EPA, Region 8, 8ENF-W		UT DEQ Drinking Water
1595 Wynkoop Street		POB 144830
Denver, CO 80202		Salt Lake City, UT 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 Safe Drinking Water Act, 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 Act.

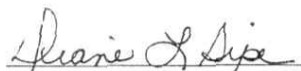


2. Violation of any term of this Order may subject the Respondent to an administrative civil penalty of up to \$27,500 under Section 1414(g)(3)(B) of the Act, 42 U.S.C. § 300g-3(g)(3)(B), or a civil penalty of not more than \$32,500 per day of violation assessed by an appropriate U.S. District Court under Section 1414(g)(3)(A) and (C) of the Act, 42 U.S.C. § 300g-3(g)(3)(A) and (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 Act, 42 U.S.C. § 300g-3(b).
4. The effective date of this Order shall be the date of issuance of this Order.

Issued this ____ day of _____, 2007.



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

 01-03-07

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



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece.

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *[Handwritten Signature]* Agent Addressee

B. Received by *[Handwritten Name]*