



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
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APR 19 2010

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Kip Bowler, Chairman
Gunlock Special Service District
411 N. Main
Gunlock, UT 84733

Re: Administrative Order
Gunlock Special Service District Public
Water System
Docket No. SDWA 08-2010-0016
PWS ID # UTAH27005

Dear Mr. Bowler:

Enclosed is an Administrative Order issued by the Environmental Protection Agency (EPA) under the authority of the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300f et seq. Among other things, the Order alleges that the Gunlock Special Service District (the Service District) has violated the National Primary Drinking Water Regulations (the drinking water regulations).

The Order is effective upon the date received. Please review the Order and within 10 days provide EPA with any information you believe EPA may not have. If the Service District complies with the Order, 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 Service District to notify the public of having violated the drinking water regulations. Enclosed please find a public notice template to assist in providing that notice.

To submit information or to request an informal conference with EPA, please contact Mario Mérida at the above address (with the mailcode 8ENF-W) or by phone at (800) 227-8917, extension 6297 or (303) 312-6297. Any questions from the Association's attorney should be directed to David Janik, Enforcement Attorney, who may be reached at the above address (with the mailcode 8ENF-L) or by phone at (800) 227-8917, extension 6917 or (303) 312-6917.

We urge your prompt attention to this matter.

Sincerely,



Darcy O'Connor, Acting Director
Water Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosures

Order
Public Notice template

cc: Tina Artemis, EPA Regional Hearing Clerk
Patti Fauver, UT DEQ DW
Helen Gardner, System Manager, Gunlock SSD

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

FILED
EPA REGION VIII
HEARING CLERK

IN THE MATTER OF:)
)
Gunlock Special Services District,)
)
)
Respondent.)

Docket No. SDWA-08-2010-0016

ADMINISTRATIVE ORDER

1. This Order is issued under the authority vested in the Administrator of the United States Environmental Protection Agency (EPA) by the Safe Drinking Water Act, 42 U.S.C. § 300f *et seq.* (the Act), as properly delegated to the undersigned officials.
2. The Gunlock Special Service District (Respondent) is a component unit of Washington County, Utah under Utah law that owns and/or operates the Gunlock Special Service District Water System (the system), which provides piped water to the public in Washington County for human consumption.
3. The system is supplied by a groundwater source consisting of one well and one spring. The water is treated via chlorination.
4. The system has approximately 50 service connections used by year-round residents and/or regularly serves at least 130 year-round residents. Therefore, the system is a "public water system" and a "community water system" as defined in 40 C.F.R. § 141.2 and § 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 § 1414(i) of the Act, 42 U.S.C. § 300g-3(i).
6. The drinking water regulations include monitoring requirements. The Utah Department of Environmental Quality has sent Respondent annual notifications of the specific monitoring requirements that apply to the system.
7. The Utah Department of Environmental Quality has primary enforcement authority for the public water system supervision provisions of the Act in the State of Utah (the State). EPA issued a notice of the system's violations to the State on February 8, 2010. The State elected not to commence an enforcement action against Respondent for the violations listed in the notice of violation within the thirty-day time frame set forth in § 1414(a) of the Act, 42 U.S.C. § 300g-3(a). EPA has provided a copy of this Order to the State and has provided the State the opportunity to confer with EPA regarding this Order.

VIOLATIONS

8. Respondent is required to monitor the system's water annually for nitrate. 40 C.F.R. § 141.23(d). Respondent failed to monitor the system's water for nitrate during 2006 and, therefore, violated this requirement.
9. Respondent is required to monitor the system's water annually for nitrate at a sampling point representative of each ground water source after treatment. 40 C.F.R. §§ 141.23(a) and (d). Respondent failed to monitor the system's water for nitrate at the group source sampling site during 2005 and 2007, and, therefore, violated this requirement.
10. Respondent is required to monitor the system's water monthly for total coliform bacteria. 40 C.F.R. § 141.21(a)(2) Respondent failed to monitor during December 2006, and, therefore, violated this requirement.
11. Within 24 hours of being notified of any total coliform – positive routine sample of the system's water, Respondent is required to collect a set of four repeat samples. 40 C.F.R. § 141.21(b). Respondent failed to take four repeat samples of the system's water within 24 hours of being notified of a total coliform-positive sample in February 2008, and, therefore, violated this requirement.
12. Respondent is currently required to monitor the system's water triennially for lead and copper. 40 C.F.R. § 141.86(d)(4). Respondent failed to monitor the system's water for lead and copper for the 2005 – 2007 period, and, therefore, violated this requirement.
13. Respondent is required to monitor the system's water for certain inorganic contaminants at least once every three years. 40 C.F.R. §§ 141.23(a) and (c). Respondent failed to monitor the system's water for inorganic contaminants during the 2005 – 2007 period, and, therefore, violated this requirement.
14. Respondent is required to monitor the system's water for synthetic organic (pesticide / herbicide) contaminants at least once in every three-year compliance period. 40 C.F.R. § 141.24(h). Respondent failed to monitor the system's water for pesticide/herbicide organic contaminants during 2005 – 2007, and, therefore, violated this requirement.
15. Respondent is required to collect a set of total trihalomethane (TTHM) and haloacetic acid (HAA5) samples each year. 40 C.F.R. § 141.132(b)(1)(i). Respondent is required to submit monitoring results for TTHM and HAA5 to the primacy state within 10 days after the end of each year in which samples are collected. 40 C.F.R. § 141.134. Respondent failed to monitor the system's water for TTHM and HAA5 during 2007 and 2008, and, therefore, violated this requirement.



16. Respondent is required to monitor the residual disinfectant level in the system's water, at the same time and place in the system's distribution system as total coliforms are to be sampled under 40 C.F.R. § 141.21. 40 C.F.R. § 141.132(c)(1). Respondent failed to monitor the system's water for residual disinfectant in the 4th quarter of 2007, the 1st, 2nd, and 4th quarters of 2008, and 2nd through 4th quarters of 2009, and, therefore, violated this requirement.

17. Respondent is required to notify the public of certain violations of the drinking water regulations, in the manner specified by the regulations. 40 C.F.R. § 141.201 *et seq.* Respondent failed to notify the public of the violations listed in paragraphs 8 through 16, above, and, therefore, violated this requirement.

18. Respondent is required to report any failure to comply with any coliform monitoring requirement to the State within ten days of discovering the violation. 40 C.F.R. § 141.21(g)(2). Respondent failed to report the violations listed in paragraphs 10 and 11, above, to the State and, therefore, violated this requirement.

19. Respondent is required to report any violation of any drinking water regulation to the State 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 8, 9 and 12 through 18 to the State 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):

20. Respondent shall monitor the system's water for nitrate at the sampling point representative of each ground water source after treatment. 40 C.F.R. § 141.23(a) and (d).

21. Respondent shall monitor the system's water for total coliform bacteria monthly, as required by 40 C.F.R. § 141.21. Respondent shall report any violation of the total coliform monitoring requirements to EPA and the State within ten days of discovery, as required by 40 C.F.R. § 141.21(g)(2).

22. If any total coliform routine sample for the system is total coliform-positive, Respondent shall collect a set of four repeat samples within 24 hours of being notified of a positive result, following the procedures in 40 C.F.R. § 141.21.

23. Respondent shall monitor the system's water for lead and copper as directed by the State and in accordance with 40 C.F.R. §§ 141.86(b), (c) and (d). Respondent's next lead and copper sample is due between June 1 and September 30, 2012.



24. Within 30 days of receiving this Order, and per the regulations thereafter, Respondent shall monitor the system's water for inorganic contaminants for the three-year period 2008 – 2010. 40 C.F.R. §§ 141.23(a) and (c).

25. Respondent shall monitor the system's water for pesticide/herbicide contaminants within 30 days for the three-year period of 2008 – 2010 and thereafter per the regulations. 40 C.F.R. § 141.24(h).

26. Respondent shall monitor for TTHM and HAA5 between June 1 and September 30, 2010 and per the regulations thereafter as required by 40 C.F.R. § 141.132(b)(1)(i). Respondent shall submit monitoring results for TTHM and HAA5 to EPA and the State within 10 days after the end of the monitoring period in which samples are collected, as required by 40 C.F.R. § 141.134(a).

27. Respondent shall monitor the residual disinfectant level in the system's water at the same time and place in the distribution system as total coliform are sampled, as required by 40 C.F.R. § 141.132(c)(1). Respondent shall report sample results and all information required by 40 C.F.R. § 141.134(c)(1) quarterly to EPA and the State no later than 10 days after the end of each quarter, as required by 40 C.F.R. § 141.134(a).

28. Unless specified otherwise above, Respondent shall report analytical results to EPA and the State within the first 10 days following the month in which each sample result is received, as required by 40 C.F.R. § 141.31(a).

29. Except where a different reporting deadline is specified in the drinking water regulations or this Order, Respondent shall report any violation of the drinking water regulations to EPA and the State within 48 hours or, if another time period for reporting is specified in the drinking water regulations, within that time period. 40 C.F.R. § 141.31(b).

30. Within 30 days of receiving this Order, Respondent shall notify the public of the violations cited in paragraphs 8 through 16, above, following the instructions provided with the public notice templates provided to Respondent with this Order. 40 C.F.R. § 141.201 et seq.

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

Mario E. Mérida, 8ENF-W
U. S. EPA Region 8
1595 Wynkoop Street
Denver, CO 80202-1129

AND

Patti Fauver, Rules Section
Manager
Utah Dept. of Environmental
Quality
P.O. Box 144830
Salt Lake City, UT 84114-4830



GENERAL PROVISIONS

32. This Order does 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 EPA to forgo any civil or criminal action.

33. 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 of violation. 42 U.S.C. § 300g-3; 40 C.F.R. part 19.

Issued: April 19, 2010.

David Rochlin

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

Darcy O'Connor

Darcy O'Connor, Acting Director
Technical Water Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice



Tier 3 Templates

Tier 3 notices are required for the following violations or situations:

- **Monitoring violations** (except for the following: failure to monitor for fecal coliform or *E. coli* when repeat samples are positive for coliform, failure to take a confirmation sample for nitrate or nitrite within 24 hours, and failure to take required samples for chlorine dioxide in the distribution system, which require Tier 1 notice; failure to collect 3 or more samples for *Cryptosporidium*, which requires Tier 2 notice; and any monitoring violations elevated to Tier 1 or 2 by the primacy agency);
- **Testing procedure violations**, except where elevated to Tier 2 by the primacy agency;
- Operation under a **variance or exemption**;
- Special notice for **availability of unregulated contaminant monitoring data**; and
- Special notice for **fluoride** secondary maximum contaminant level (SMCL) exceedances.

The pages that follow contain templates for Tier 3 violations and situations. Along with the templates are instructions, including the required method of delivery and suggestions for completing individual sections of the notices. These instructions are designed to supplement Chapter 7, so you may see much of the information repeated here.

Mandatory language on unknown risk for monitoring violations, which must be included as written with blanks filled in, is presented in italics (141.205(d)). All the language in the fluoride SMCL template (except the language discussed below) is mandatory (141.208).

You must also include the following italicized language in all notices, where applicable (141.205(d)). Use of this language does not relieve you of your obligation to take steps reasonably calculated to notify all persons served:

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.

Templates

Monitoring Violations Annual Notice—Template 3-1A
Monitoring Violations Annual Notice—Template 3-1B
Failure to Comply with a Testing Procedure Notice – Template 3-2
Operating Under an Exemption Notice – Template 3-3
Special Notice for Availability of Unregulated Contaminant Monitoring Data – Template 3-4
Fluoride SMCL Notice—Template 3-5

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

Template on Reverse

If you are required to provide Tier 3 notification, 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 seven days (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 Consumer Confidence Report (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. You can use the following language, if appropriate, 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

Monitoring Requirements Not Met for Gunlock Special Service District

Our water system violated drinking water standards over the past several years. Even though these were not emergencies, as our customers, you have a right to know what happened and what we did to correct these situations.

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. From 2005 through 2009, we did not complete all monitoring or testing for Nitrate, total coliform bacteria, lead and copper, inorganic contaminants, pesticides, disinfection byproducts, or disinfectant residuals and therefore cannot be sure of the quality of our drinking water during that time.

What should I do?

There is nothing you need to do at this time.

The table below lists the contaminant(s) we did not properly test for during the last year, how often we are supposed to sample for [this contaminant/these contaminants] and how many samples we are supposed to take, how many samples we took, when samples should have been taken, and the date on which follow-up samples were (or will be) taken.

| Contaminant | Required sampling frequency | Number of samples taken | When samples should have been taken | When samples were taken |
|-------------------------|------------------------------------------------------------|-------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|
| Nitrate | 1 sample annually at each sampling site | 0 | 2005, 2006, 2007 | 10/05/2008 |
| Total coliform bacteria | 1 sample monthly | 0 | December 2006 | January 2007 |
| Total coliform bacteria | 4 repeat samples following total coliform-positive results | 0 | February 2008 | N/A |
| Lead and Copper | 5 samples triennially | 0 | 2005-2007 | 9/29/2009 |
| Inorganic contaminants | 1 sample triennially | 0 | 2005-2007 | Due 2010 |
| Pesticides | 1 sample triennially | 0 | 2005-2007 | Due 2010 |
| Disinfection byproducts | 1 sample annually | 0 | 2007, 2008 | 9/29/2009 |
| Disinfectant residuals | Monitor monthly (1 sample) | 0 | 4 th quarter 2007 1 st , 2 nd and 4 th quarters 2008, 2 nd , 3 rd and 4 th quarters 2009 | Due March 2010 |

What is being done?

[Describe corrective action.]

For more information, please contact [name of contact] at [phone number] or [mailing address].

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.

This notice is being sent to you by Gunlock Special Service District.
State Water System ID#: UTAH27005

Date distributed: _____.