



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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

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EPA REGION VIII
HEARING ROOM

FEB 08 2010

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ken Bousfield, Director
Division of Drinking Water
Utah Department of Environmental Quality
P.O. Box 144830
Salt Lake City, UT 84114

Re: NOTICE OF VIOLATION

Docket No. **SDWA-08-2010-0018**

Holden Town Water
Public Water System
PWS ID # UTAH14013

Dear Mr. Bousfield:

The public water supply system referenced above (the system) has violated certain provisions of the National Primary Drinking Water Regulations at 40 C.F.R. part 141 (the drinking water regulations) according to records that the United States Environmental Protection Agency (EPA) has obtained from the Utah Department of Environmental Quality.

EPA promulgated the drinking water regulations under the authority of the Safe Drinking Water Act (the Act), 42 U.S.C. §§ 300f, et seq. EPA is issuing this notice of violation pursuant to § 1414(a) of the Act, 42 U.S.C. § 300g-3(a), which authorizes EPA to issue an administrative compliance order or file a lawsuit concerning the system if the State of Utah (the State) does not commence an appropriate enforcement action within 30 days of receiving this notice.

The violations are listed below.

<u>Date(s) of Violation</u>	<u>Violation</u>
2005, 2009	Failure to monitor for nitrate
December 2009	Failure to monitor for total coliform [40 C.F.R. § 141.21(a)]
July 2005	Failure to collect four repeat total coliform samples following a total coliform-positive routine monthly sample [40 C.F.R. § 141.21(b)]
August 2005	Failure to collect five additional routine monthly total coliform samples the month after a total coliform-positive sample [40 C.F.R. § 141.21(b)(5)]
2009	Failure to monitor for lead and copper triennially [40 C.F.R. § 141.86(d)]
2008 – 2009	Failure to monitor for Radium-228 during a minimum of two quarters [40 C.F.R. § 141.26]
2008, 2009	Failure to monitor for disinfection byproducts [40 C.F.R. §141.132(b)]
4 th Quarter 2006, 1 st – 4 th Quarters 2007 1 st – 4 th Quarters 2008	Failure to monitor for residual disinfectant level [40 C.F.R. §141.132(c)]
2006-2008	Failure to provide public notice on above violations [40 C.F.R. §141.201 <u>et seq.</u>]
2005-2008	Failure to report above violations to the State [40 C.F.R. §§ 141.21(g)(2), and 141.31(b)]

EPA is also sending a copy of this notice of violation to the system. Also enclosed for the benefit of the system is a copy of EPA's Small Business Regulatory Enforcement and Fairness Act (SBREFA) fact sheet containing information on compliance assistance resources and tools available to small businesses and small governments, in case these resources apply to this situation. SBREFA does not eliminate the responsibility to comply with the drinking water regulations. By providing this information sheet, EPA has not necessarily determined that the system is in fact a "small entity" as that term is defined in SBREFA.

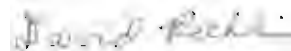
If the State does not commence an appropriate enforcement action concerning the system within 30 days from your receipt of the notification, EPA will likely issue an administrative order to the owner and/or operator of the system.

Please have your staff notify Mario Mérida at (303) 312-6297 within 20 days if your records show any discrepancies with the violations cited above, if your staff learns of any change in the system's compliance status, or if there are any questions or comments. Thank you for your assistance.

Sincerely,



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



David Rochlin, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosures

SBREFA fact sheet

cc: Tina Artemis, EPA Regional Hearing Clerk
Patti Fauver, UT DEQ DW (w/o enclosure)
The Honorable Brent Bennet, Mayor, Holden Town
via Certified Mail; return receipt requested
Kenneth A. Jackson, System Manager, Holden Town Water System