



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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

2009 DEC 17 AM 9:41

FILED
EPA REGION VIII
HEARING CLERK

DEC 17 2009

Ref: 8 ENF-W

CERTIFIED MAIL #
RETURN RECEIPT REQUESTED

Cody J. Bateman, Registered Agent
Sunset Park Water Company
2933 S 3000 W
Syracuse, UT 84075

Re: Violation of Administrative Order
Docket No. SDWA-08-2009-0069
Sunset Park Water Company Water
System
PWS ID # UTAH02069

Dear Mr. Bateman:

On August 31, 2009, the US Environmental Protection Agency (EPA) issued an Administrative Order (the Order), Docket No. SDWA-08-2009-0069, ordering Sunset Park Water Company, owner and/or operator of the Sunset Park Water Company Water System to comply with various regulations issued by EPA under the Safe Drinking Water Act (the Act), 42 U.S.C. § 300f et seq.

Our records indicate that Sunset Park Water Company is in violation of the Administrative Order. Among other things, the Order included the following requirement (quoted from item 26 of the Order section on page 5 of the Order):

1. Within 30 days, and during each subsequent 6-month period when lead action levels are exceeded, Respondent shall monitor for water quality parameters. Sampling shall be conducted at the tap and at each entry point to the distribution system according to 40 C.F.R. § 141.87(b). Respondent shall collect 2 tap samples for applicable water quality parameters during each monitoring period from 1 sampling site. 40 C.F.R. § 141.87(a)(2). Respondent shall submit results to EPA and the State within the first 10 days following the end of the monitoring period. 40 C.F.R. § 141.90(a).

Although EPA granted a 30 day extension (October 30, 2009) to complete the above requirement, Sunset Park Water Company did not monitor for water quality parameters during this timeframe. EPA does acknowledge that the system took one water quality parameter sample on November 12, 2009; however, this sample was incomplete because it did not include the required field measurements of temperature and pH. Please complete the entire suite of water quality parameter sampling and submit the results to EPA.

EPA is considering additional enforcement action as a result of the non-compliance with the Order. Violating an administrative order may lead to (1) a penalty of up to \$37,500 per day per violation of the Order, and/or (2) a court injunction ordering compliance.

If you have any questions or wish to have an informal conference with EPA, you may contact Shawn McCaffrey at 1-800-227-8917, extension 6515 or (303) 312-6515. If you are represented by an attorney who has questions, ask your attorney to contact Marc Weiner, Senior Enforcement Attorney, at 1-800-227-8917, extension 6913, or (303) 312-6913 or at the following address:

Marc Weiner
Senior Enforcement Attorney
U.S. EPA, Region 8 (8-ENF-L)
1595 Wynkoop Street
Denver, Colorado 80202-1129

We urge your prompt attention to this matter.



Lisa Kahn, Team Leader
Drinking Water Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

cc: Tina Artemis, EPA Regional Hearing Clerk
Patti Fauver, UT DEQ
Blaine Anderson, Operator

