



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8**

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

OCT 13 2009

Ref: 8ENF-W

CERTIFIED MAIL LETTER  
RETURN RECEIPT REQUESTED

Stephanie Rad, Registered Agent  
SRR Partners, LLC  
HC 64, Box 4002  
Moab, UT 84532

Re: Administrative Order  
Sorrel River Ranch  
Public Water System  
Docket No. SDWA-08-2009-0076  
PWS ID #UTAH10033

Dear Ms. Rad:

Enclosed is an Administrative Order (Order) issued by the Environmental Protection Agency (EPA) under the authority of the Safe Drinking Water Act, 42 U.S.C. §§ 300f *et seq.* Among other things, the Order alleges that SRR Partners, LLC (the company) 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 company 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 company to notify the public of having violated the drinking water regulations. EPA has provided paper copies of forms and instructions for providing public notice as an attachment to this document.

To submit information or to request an informal conference with EPA, please contact Kimberly Pardue Welch at the above address (with the mailcode 8ENF-W) or by phone at (800) 227-8917, extension 6983 or (303) 312-6983. Any questions from the company's attorney should be directed to Peggy Livingston, Enforcement Attorney, who may be reached at the above address (with the mailcode 8ENF-L) or by phone at (800) 227-8917, extension 6858 or (303) 312-6858.

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 Templates

cc:

Patti Fauver, Utah Division of Drinking Water  
Bill Shoaf, CEO, SRR Partners, LLC (via certified mail w/ return receipt)  
Tina Artemis, EPA Regional Hearing Clerk

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

2009 OCT 13 AM 8:32

IN THE MATTER OF: )  
 ) Docket No. SDWA-08-2009-0076  
SRR Partners, LLC, )  
 ) ADMINISTRATIVE ORDER  
Respondent. )

FILED  
EPA REGION VII  
HEARING CLERK

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. SRR Partners, LLC (Respondent) is a Utah corporation that owns and/or operates the Sorrel River Ranch Water System (the system), which provides piped water to the public in Grand County, Utah, for human consumption.

3. The system is supplied by a surface water source. The water is treated by conventional filtration and chlorination.

4. The system has approximately 24 service connections and/or regularly serves at least 35 individuals daily at least 60 days out of the year. Therefore, the system is a "public water system" as defined in § 1401(4) of the Act, 42 U.S.C. § 300f (4), and 40 C.F.R. § 141.2. The system is also a "transient, non-community water system" as defined in 40 C.F.R. § 141.2.

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 (UDEQ or the State) has sent Respondent annual notifications of the specific monitoring requirements that apply to the system.

7. The UDEQ has primary enforcement authority for the public water system supervision provisions of the Act in the State of Utah. EPA issued a notice of the system's violations to the State on July 30, 2009. 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 was required to submit a Long Term 2 Enhanced Surface Water Treatment Rule (LT2ESWTR) source water sampling schedule to the State by July 1, 2008. 40 C.F.R. § 141.702. Respondent failed to submit its sampling schedule to the State by the July 1, 2008, deadline and, therefore, violated this requirement. On July 9, 2009, Respondent submitted an LT2ESWTR source water sampling schedule to the State.

9. Respondent was required to begin the first round of source water monitoring for *E. coli* no later than October 1, 2008. 40 C.F.R. § 141.701(c). Respondent failed to begin the first round of source water monitoring by the October 1, 2008, deadline and, therefore, violated this requirement. According to information provided to EPA by UDEQ on August 4, 2009, Respondent began source water monitoring for *E. coli* on June 11, 2009 and June 25, 2009. Respondent's source water monitoring schedule indicates that future source water monitoring for *E. coli* will be conducted on the 1<sup>st</sup> and 3<sup>rd</sup> Tuesday of each month.

10. Prior to November 2008, Respondent was 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.

11. Beginning in November 2008, Respondent has been required by the State, to monitor the system's water quarterly for nitrate. Respondent failed to monitor the system's water for nitrate during the 4<sup>th</sup> quarter of 2008 and, therefore, violated this requirement.

12. Respondent is required to monitor the system's water monthly for total coliform bacteria. 40 C.F.R. § 141.21(a)(3)(iii). Respondent failed to monitor the system's water for total coliform bacteria during November 2008 and, therefore, violated this requirement.

13. Respondent is required to report turbidity monitoring results to the State within the first 10 days following the end of each month. 40 C.F.R. § 141.75(b)(1) and (2). Respondent failed to report turbidity monitoring results to the State within the first 10 days following the end of the month during May 2008 and, therefore, violated this requirement. EPA was notified

by the State on August 18, 2009 that Respondent submitted its May 2008 turbidity results.

14. Respondent is required to notify the public of certain violations of the drinking water regulations. 40 C.F.R. §§ 141.201, 141.203, and 141.204. Respondent did not notify the public of the violations mentioned in paragraphs 8, 9, 10 and 13 above and, therefore, violated this requirement.

15. Respondent is required to report any failure to meet a coliform monitoring requirement to the State no later than 10 days after learning of this violation. 40 C.F.R. § 141.21(g)(2). Respondent did not notify the State of the violation cited in paragraph 12, above, and, therefore, violated this requirement.

16. Respondent is required to report any failure to comply with any of the drinking water regulations to the State within 48 hours (except where a different reporting period is specified in the drinking water regulations). 40 C.F.R. § 141.31(b). Respondent failed to report the violations listed in paragraphs 8 through 11, 13, and 14 above, 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):

17. Within 10 days of receipt of this Order, Respondent shall submit to EPA a copy of its source water sampling schedule. Source water monitoring for *E. coli* shall be conducted on the 1<sup>st</sup> and 3<sup>rd</sup> Tuesday of each month, in accordance with the regulations, and as specified in Respondent's source water sampling schedule. 40 C.F.R. §§ 141.701, 141.702, 141.703, and 141.704. Respondent shall report all source water analytical results to EPA and the State no later than the first 10 days after the end of the first month following the month when the sample is collected. 40 C.F.R. § 141.706.

18. Respondent shall monitor the system's water for nitrate quarterly until notified by the State in writing of a different monitoring schedule. 40 C.F.R. § 141.23(d). Respondent shall report analytical results to EPA and the State within the first 10 days following the month in which sample results are received. 40 C.F.R. § 141.31(a). Respondent shall notify EPA and the State within 48 hours of any violation of the nitrate monitoring requirements, as required by 40 C.F.R. § 141.31(b).

19. Respondent shall monitor the system's water monthly for total coliform bacteria, as required by 40 C.F.R. § 141.21. Respondent shall report analytical results to EPA and the State within the first 10 days following the month in which sample results were received, as required by 40 C.F.R. § 141.31(a). Respondent shall report any violation of the total coliform monitoring requirements to EPA and the State within 10 days of discovery, as required by 40 C.F.R. § 141.21(g)(2).

20. Respondent shall report turbidity monitoring results to EPA and the State within the first 10 days following the end of each month. 40 C.F.R. § 141.75(b)(1) and 141.75(b)(2).

21. Within 30 days of receiving this Order, Respondent shall notify the public of the violations cited in paragraphs 8 through 11 and 13, above, as required by 40 C.F.R. part 141, subpart Q. Thereafter, following any future violation of the drinking water regulations, Respondent shall comply with the applicable public notice provisions of 40 C.F.R. part 141, subpart Q. Within 10 days of providing public notice, Respondent shall submit a copy of the notice to EPA and the State.

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

Kimberly Pardue Welch  
U.S. EPA Region 8 (8ENF-W)  
1595 Wynkoop Street  
Denver, CO 80202-1129

**AND**

Patti Fauver  
UT Dept. of Environmental Quality  
P.O. Box 144830  
Division of Drinking Water  
Salt Lake City, UT 84114-4830

## **GENERAL PROVISIONS**


23. 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.

24. 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: 13 October, 2009.



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



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

# Instructions for LT2ESWTR Failure to Conduct Source Water Monitoring (Initial or Second Round) Notice –Template 2-9d

## Template on Reverse

A system's failure to conduct an initial or second round of *Cryptosporidium* monitoring by the required date is a monitoring violation that requires Tier 2 notification. You must provide public notice to persons served as soon as practical but within 30 days after you learn of the violation (141.203(b)). You must issue a repeat notice every three months for as long as the violation persists. Your primacy agency may have more stringent requirements for this monitoring violation; e.g., it may require you to provide water from an alternate source. Check with your agency to make sure you meet all requirements.

Community systems must use one of the following methods (141.203(c)):

- Hand or direct delivery
- Mail, as a separate notice or included with the bill

Non-community systems must use one of the following methods (141.203(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 (141.203(c)). Such methods could include newspapers, e-mail, or delivery to community organizations. If you mail, post, or hand deliver, print your notice on letterhead, if available.

The notice on the reverse is appropriate for hand delivery or mail. However, you may wish to modify it before using it for posting. If you do, you must still include all the required elements and leave the health effects language in italics unchanged. This language is mandatory (141.205(d)).

### Corrective Action

In your notice, describe corrective actions you are taking. Listed below are some steps commonly taken by water systems with LT2ESWTR monitoring violations. You can use one or more of the following actions, if appropriate, or develop your own:

- We will begin collecting the required source water monitoring samples on [give date].
- We have since taken the required samples for initial monitoring and will begin collecting our second round of sampling on [give date].

### Repeat Notices

For repeat notices, you should state how long the violation has been ongoing and remind consumers of when you sent out the previous notice. If you are making progress in installing treatment, describe it. Alternatively, if funding or other issues are delaying installation of treatment, let consumers know.

### After Issuing the Violation

Make sure to send your primacy agency a copy of each type of notice and a certification that you have met the public notice requirements within ten days after you issued the notice (141.31(d)).



# IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

## Monitoring and Reporting Requirements Not Met for Sorrel River Ranch

We are required to monitor the source of your drinking water for *E. coli*. Results of the monitoring are to be used to determine whether the East carbon City treatment plant is sufficient to adequately treat the water for *Cryptosporidium*. We were required to start this monitoring and make this determination by October 1, 2008. We did not monitor or test on schedule and, therefore, we may not be able to determine by the required date what treatment modifications, if any, must be made. Missing this deadline may, in turn, jeopardize our ability to have the required treatment modifications, if any, completed by the deadline required.

### What should I do?

There is nothing you need to do. You do not need to boil your water or take other corrective actions. You may continue to drink the water. If a situation arises where the water is no longer safe to drink, you will be notified within 24 hours. We will announce any emergencies on [give TV and/or radio stations where they can get additional information].

### What does this mean?

This is not an emergency. If it had been, you would have been notified within 24 hours. Some people may be more vulnerable to contaminants in drinking water than the general population. Immuno-compromised persons such as persons with cancer undergoing chemotherapy, persons who have undergone organ transplants, people with HIV/AIDS or other immune system disorders, some elderly, and infants can be particularly at risk from infections. These people should seek advice about drinking water from their health care providers. EPA/CDC guidelines on appropriate means to lessen the risk of infection by *Cryptosporidium* and other microbial contaminants are available from the Safe Drinking Water Hotline (1-800-426-4791).

### What is being done?

[Describe corrective action.]

For more information, please contact [provide contact name] at [provide contact phone number] or write to [provide 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 Sorrel River Ranch.

State Water System ID# UTAH10033.

Date distributed: \_\_\_\_\_

# TIER 3 TEMPLATES

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 instructions 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 exactly as written, is presented in *italics* (141.205(d)).**

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 3-1

## Instructions for Monitoring Violations Annual Notice--Template 3-1

### Template on Reverse

Since most monitoring violations are included in Tier 3, 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)):

- X Hand or direct delivery
- X Mail, as a separate notice or included with the bill

Non-community systems must use one of the following (141.204(c)):

- X Posting in conspicuous locations
- X Hand delivery
- X 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 one week (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 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. Choose the appropriate language, or develop your own:

- X 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.
- X 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.]
- X We plan to take the required samples soon, as described in the last column of the table above.

# IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

## Monitoring and Reporting Requirements Not Met for Sorrel River Ranch

Our water system recently failed to submit a source water monitoring schedule 3 months before the date we were required to begin the monitoring. Although this incident was not an emergency, as our customers, you have a right to know what happened and what we did to correct the situation.

### What should I do?

There is nothing you need to do. You do not need to boil your water or take other corrective actions. You may continue to drink the water. If a situation arises where the water is no longer safe to drink, you will be notified within 24 hours. We will announce any emergencies on [include name of channel or radio station].

### What was done?

[Describe corrective action.]

For more information, please contact [provide contact name] at [provide contact phone number] or write to [provide 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 Sorrel River Ranch.

State Water System ID# UTAH10033.

Date distributed: \_\_\_\_\_

**IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER**  
**Monitoring Requirements not met for Sorrel River Ranch**

Our water system violated several drinking water standards over the past five 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. Over the past five years, we failed to monitor for a number of contaminants (see table below) 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 previous years, how often we are supposed to sample for 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.

<b>Contaminant</b>	<b>Required sampling frequency</b>	<b>When all samples should have been taken</b>	<b>When samples were or will be taken</b>
Failure to monitor nitrate	Annually until November 2008 and then quarterly thereafter.	Annually in 2006 4 <sup>th</sup> quarter of 2008	1 <sup>st</sup> quarter of 2009
Failure to report turbidity results	Within the first 10 days following the end of each month.	By June 10, 2008	May 2008 turbidity monitoring was reported to the State in August 2009.

**What happened? What is being done?**

For more information, please contact [owner / operator name] \_\_\_\_\_, Owner / Operator, at [phone] \_\_\_-\_\_\_-\_\_\_\_ or [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 **Sorrel River Ranch**  
 State Water System ID#: UTAH10033  
 Date distributed or dates posted: \_\_\_\_\_

**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)).**

Please send a copy of your notice and dates posted to:

Kimberly Pardue Welch  
U.S. EPA Region 8 (8ENF-W)  
1595 Wynkoop Street  
Denver, CO 80202-1129

**AND**

Patti Fauver  
UT Dept. of Environmental Quality  
P.O. Box 144830  
Division of Drinking Water  
Salt Lake City, UT 84114-4830

Or, you may fax a copy to: Attn: Kimberly Pardue Welch at 303-312-7518.

**Certification of Public Notification**

I \_\_\_\_\_ certify that the attached public notification was issued from  
(PWS Operator / Responsible Party)

\_\_\_\_\_ to \_\_\_\_\_  
(Date) (Date)

The attached notice was issued by \_\_\_\_\_  
(Method of delivery)

Signature \_\_\_\_\_ Date \_\_\_\_\_