

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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EPA REGION VIII
 HEARING CLERK

Ref: 8ENF-W

CERTIFIED MAIL RETURN RECEIPT REQUESTED

Kenneth Bousfield, Director
 Division of Drinking Water
 Utah Department of Environmental Quality
 POB 144830
 Salt Lake City, UT 84114-4830

NOTICE OF VIOLATION

Docket No. **SDWA-08-2009-0062**
 Town of Paragonah, UT
 PWS# UTAH11014

Dear Mr. Bousfield:

The public water supply system referenced above (the system) has violated certain provisions of the National 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 (DEQ). 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 section 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 thirty days of receiving this notice.

The violations are listed in the table below.

Violation Date	Violation
March, April, & December 2008; September 2007	Exceeded the MCL for total coliform bacteria. 40 C.F.R. § 141.63
January, March & May 2008; September 2005	Failure to collect a set of total coliform repeat samples after a total coliform positive sample. 40 C.F.R. § 141.21(b)
January 2009, February 2008, October 2007	Failure to collect five routine samples after a total coliform positive sample the preceding month. 40 C.F.R. § 141.21(b)(5)
2008	Failure to monitor for nitrate. 40 C.F.R. § 141.23(d)
2002-2004	Failure to monitor for inorganic contaminants. 40 C.F.R. § 141.23(c)(1)
2005-2009	Failure to provide public notice of the above referenced violations. 40 C.F.R. § 201 <i>et seq.</i>
2005-2008	Failure to report the above referenced violations to the State. 40 C.F.R. §§ 141.21(g)(1), 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. A compliance assistance center for small governments, the Local Government Environmental Assistance Network (LGEAN), can be reached at www.lgean.org or by calling (877) 865-4326. 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 this 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 Kathelene Brainich at (303) 312-6481 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,



Diane L. Sipe, 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

Enclosure
 SBREFA fact sheet

cc: Connie Robinson, Mayor, Town of Paragonah (via certified mail w/return receipt)
 Patti Fauver, UTDEQ Drinking Water Rule Section Manager (w/o enclosure)
 Tina Artemis, EPA Regional Hearing Clerk (w/o enclosure)

