



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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Ref: 8ENF-W

SEP - 3 2008

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-08-2008-0101**

Offshore Marina
Lake Powell, UT 84533
PWS# UTAH09086

Dear Mr. Bousfield:

The above referenced public drinking water system has violated certain provisions of the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300f, et seq. and the National Primary Drinking Water Regulations at 40 C.F.R. part 141. The violations consist of failure to monitor for total coliform bacteria and nitrate, and failure to provide public and state notification of the violations. Our records, obtained from the Utah Department of Environmental Quality (DEQ), indicate the violations noted below. Please have your staff notify Kathelene Brainich at (303) 312-6481 within 20 days if your records show any discrepancies with these determinations of violation.

<u>Violation Date</u>	<u>Violation</u>
2003, 2004, 2005, 2006, 2007	Failure to monitor for nitrate (40 C.F.R. § 141.23(d))
3 rd , 4 th quarters 2003 4 th quarters 2005 and 2006, 1 st quarter 2008	Failure to monitor for total coliform bacteria (40 C.F.R. § 141.21)
February 2007	Failure to take 5 additional routine total coliform samples after a total coliform positive sample the preceding month (40 C.F.R. § 141.21(a)(5))

January 2007 Failure to collect a set of total coliform repeat samples after a total coliform positive sample (40 C.F.R. § 141.21(b))

2004-2008 Failure to provide public notice of violations (40 C.F.R. § 141.201 *et seq.*)

2003-2008 Failure to notify the State of violations (40 C.F.R. §§ 141.21(g)(2), 141.31(b))

This notice of violation is issued pursuant to section 1414(a) of the SDWA, 42 U.S.C. § 300g-3(a). If the State does not commence appropriate enforcement action within 30 days from the receipt of this notification, the EPA is authorized either to issue an administrative order under section 1414(g) of the SDWA, 42 U.S.C. § 300g-3(g), requiring the public water system to comply with the regulations or other requirements, or to commence civil action under section 1414(b) of the SDWA, 42 U.S.C. § 300g-3(b).

Please inform EPA of any change in the compliance status of this system. You may wish to have your staff confer with Ms. Brainich to determine the Agency's position concerning this system and to exchange appropriate information. If the State does not commence appropriate enforcement action within 30 days from the receipt of the notification, EPA will proceed with issuance of an administrative order.

A copy of this notice of violation has been concurrently sent to the system identified above. 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.

EPA has agreed to notify small businesses of their right to comment on regulatory enforcement activities at the same time of an Agency enforcement action. SBREFA does not eliminate the responsibility to comply with the Act.

Sincerely,



Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
Office of Enforcement, Compliance
and Environmental Justice



David J. Janik, Director
Matthew Cohn, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosure

cc: Michael T. MacKay, Offshore Marina (certified mail w/return receipt)
Harold L. Bertola, Offshore Marina
Patti Fauver, UT DEQ DW (w/o enclosure)