



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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

**JUN 23 2011**

Ref: 8ENF-W

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Sherwin Larsen, Registered Agent  
Cove Waterworks Company  
12545 N 1200 E  
Lewiston, UT 84320-2110

Re: Administrative Order  
Cove Waterworks  
Public Water System  
Docket No. SDWA-08-2011-0038  
PWS ID #UTAH03006

Dear Mr. Larsen:

Enclosed is an Administrative Order (Order) issued by the Environmental Protection Agency (EPA) under the authority of section 1414 of the Safe Drinking Water Act, 42 U.S.C. § 300g-3. Among other things, the Order alleges that Cove Waterworks Company (the company) has violated the National Primary Drinking Water Regulations (the drinking water regulations).

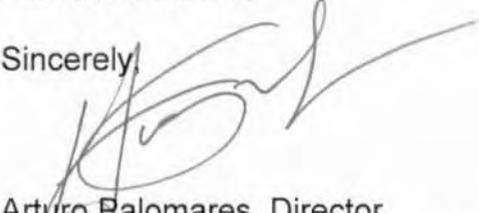
The Order is effective upon the date received. Please review the Order and within 10 days provide EPA with any information you believe EPA may not have. If the company complies with the Order, EPA may close the Order without further action. Failure to comply with the Order may lead to substantial civil 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. Enclosed please find a public notice template explaining the public notice requirements in more detail.

To submit information, or to request an informal conference with EPA, please contact Shawn McCaffrey at the above address (with the mailcode 8ENF-W) or by phone at (800) 227-8917, extension 6515 or (303) 312-6515. Any questions from the company's attorney should be directed to Jean Belille, Enforcement Attorney, who may be reached at the above address (with the mailcode 8ENF-L) or by phone at (800) 227-8917, extension 6556 or (303) 312-6556.

We urge your prompt attention to this matter.

Sincerely,



Arturo Palomares, Director  
Water Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

Enclosures:

Order  
Public Notice Template

cc: Tina Artemis, EPA Regional Hearing Clerk  
Patti Fauver, UT DEQ DW  
Randy Larsen, Cove Waterworks

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

2011 JUN 23 AM 9:21

\_\_\_\_\_  
IN THE MATTER OF: )  
 )  
 )  
Cove Waterworks Company, )  
 )  
Respondent. )  
\_\_\_\_\_ )

FILED  
EPA REGION VIII  
HEARING CLERK

ADMINISTRATIVE ORDER

Docket No. **SDWA-08-2011-0038**

1. This Order is issued under the authority vested in the Administrator of the United States Environmental Protection Agency (EPA) by section 1414 of the Safe Drinking Water Act (the Act), 42 U.S.C. § 300g-3, as properly delegated to the undersigned officials.

2. The Cove Waterworks Company (Respondent) is a Utah corporation that owns and/or operates the Cove Waterworks Water System (the system), which provides piped water to the public in Cache County, Utah, for human consumption.

3. The system is supplied by a groundwater (spring) source which provides water that is not treated.

4. The system has approximately 26 service connections used by year-round residents and/or regularly serves an average of approximately 100 year-round residents. Therefore, the system is a "public water system" and a "community water system" as defined in 40 C.F.R. § 141.2 and § 1401 of the Act, 42 U.S.C. § 300f.

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 Utah Department of Environmental Quality has primary enforcement authority for the public water system supervision provisions of the Act in the State of Utah (the State). EPA issued a notice of the system's violations to the State on May 12, 2011. 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

7. If two or more samples collected in any month from the system's water are positive for total coliform, then the system has not complied with the maximum contaminant level (MCL) for total coliform bacteria. 40 C.F.R. § 141.63(a)(2). During the months of June 2008 and June 2009, two or more samples from the system were positive for total coliform, and, therefore, Respondent violated this requirement.

8. If any routine or repeat sample of the system's water tests positive for total coliform, the Respondent is required to test that sample for fecal coliform or *E. coli*. 40 C.F.R. § 141.21(e). If any repeat sample is positive for fecal coliform or for *E. coli*, this is a violation of the acute MCL for total coliform. 40 C.F.R. § 141.63(b). After a sample of the system's water taken during June 2009 tested positive for total coliform, a repeat test in June 2009 was positive for *E. coli*. Therefore, Respondent violated the acute MCL for total coliform.

9. Respondent is 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 2009, and, therefore, violated this requirement. EPA acknowledges the Respondent did sample for nitrate in 2010.

10. If the system has one or more sampling results that are positive for total coliform, Respondent is required to collect at least 5 routine samples during the next month the system provides water to the public. 40 C.F.R. § 141.21(b)(5). After the system's water tested positive for total coliform in October 2006, July 2009, and October 2010, Respondent failed to take at least 5 routine samples of the system's water in November 2006, August 2009, and November 2010 and, therefore, violated this requirement.

11. Within 24 hours of being notified of any total coliform-positive routine sample of the system's water, Respondent is required to collect a set of 4 repeat samples. 40 C.F.R. § 141.21(b). Respondent failed to take 4 repeat samples of the system's water within 24 hours of being notified of a total coliform-positive sample in October 2006, May 2008, July 2008, July 2009, and October 2010, and, therefore, violated this requirement.

12. Respondent is required to conduct triggered source monitoring requirements within 24 hours of being notified that a regular, routine total coliform monitoring sample is positive for total coliform. For triggered source water monitoring, Respondent must sample each ground water source and have it analyzed for a fecal indicator. 40 C.F.R. § 141.402. Respondent was notified on October 7, 2010 that a routine sample (collected pursuant to 40 C.F.R. § 141.21(a) and not invalidated under 40 C.F.R. § 141.21(c)) was positive for total coliform. However, Respondent failed to collect any ground water source samples within 24 hours and, therefore, violated this requirement.

13. Respondent is required to prepare and deliver an annual Consumer Confidence Report (CCR) to the system's customers by July 1 of each year and to certify to the State that it has done so. The CCR is to include information about the quality of the system's water using data collected during, or prior to, the previous calendar year. 40 C.F.R. §§ 141.151-141.155. Respondent failed to prepare and deliver an annual CCR to the system's customers and to the State for 2006, 2007, 2008 and 2009. Respondent also failed to provide a certification to the State in 2006, 2007, 2008 and 2009. Therefore, Respondent violated these requirements. EPA acknowledges that the Respondent has completed its 2010 CCR. The 2010 CCR certification is due to the State by October 1, 2011.

14. Respondent is required to report any coliform MCL violation to the State no later than the end of the next business day after learning of it. 40 C.F.R. § 141.21(g)(1). Respondent did not notify the State of the MCL violations cited in paragraph 7 above and, therefore, violated this requirement.

15. Respondent is required to report any acute MCL for total coliform to the State by the end of the day when the system is notified of the test result, unless the system is notified of the result after the State office is closed, in which case the system must notify the State before the end of the next business day. 40 C.F.R. § 141.21(e). Respondent did not notify the State of the acute MCL violation cited in paragraph 8 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 cited in paragraphs 9, 12 and 13, above, to the State and, therefore, violated this requirement.

17. 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 paragraphs 10 and 11, above, and, therefore, violated this requirement.

18. Respondent is required to notify the public of certain violations of the drinking water regulations, in the manner specified by the regulations. 40 C.F.R. §§ 141.201 *et seq.* Respondent failed to notify the public of the violations listed in paragraphs 7 through 13 above, and, therefore, violated this requirement. Public notice for the 2010 failure to collect a ground water source sample cited in paragraph 12, the November 2010 violation cited in paragraph 10, and the October 2010 violation cited in paragraph 11 are not yet overdue.

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):

19. Respondent shall comply with the total coliform MCL. 40 C.F.R § 141.63.

20. If Respondent's total coliform sample results exceed the MCL while this Order is in effect, Respondent shall, within 30 days of learning of this violation, provide EPA and the State with a compliance plan and schedule for the system to come into compliance with the MCL for total coliform as stated in 40 C.F.R. § 141.63(a). The plan shall include proposed system modifications, estimated costs of modifications, and a schedule for completion of the project and compliance with the total coliform MCL. The proposed schedule shall include specific milestone dates and a final compliance date. The final compliance date shall be within 3 months from the date of EPA's approval of the plan and schedule. The proposed plan and schedule must be approved by EPA before construction or modifications may begin. EPA's approval of Respondent's plan and schedule does not substitute for any State of Utah approvals of plans and specifications that may also be required before modifications may be made to the system.

21. The plan and schedule required by paragraph 20, above, will be incorporated into this Order as enforceable requirements upon written approval by EPA. Within 10 days after completing all tasks included in the plan and schedule, Respondent shall notify EPA of the project's completion.

22. Respondent shall achieve and maintain compliance with the total coliform MCL by the final date specified in the approved plan, or no later than three months after receiving EPA's approval of the plan and schedule required by paragraph 20 above, whichever is earliest. Respondent shall meet that deadline even if the plan as approved does not achieve compliance. If the plan fails to achieve permanent compliance, EPA may order further steps and/or seek penalties for noncompliance.

23. Respondent shall monitor the system's water annually for nitrate per the regulations. 40 C.F.R. § 141.23.

24. If any routine sample for the system is total coliform-positive, Respondent shall collect at least 5 routine samples during the next month in which the system provides water to the public, following the procedures in 40 C.F.R. § 141.21.

25. If any total coliform routine sample for the system is total-coliform positive, Respondent shall collect a set of 4 repeat samples within 24 hours of being notified of a positive result, following the procedures in 40 C.F.R. § 141.21.

26. Within 48 hours of receipt of this Order, Respondent shall collect at least one water sample from its ground water source for fecal indicator analysis. Thereafter, Respondent shall comply with all source water monitoring and related requirements in

40 C.F.R. § 141.402. When reporting any triggered source water sample result to the State and the EPA, Respondent shall specify that it is a triggered source water sample.

27. Within 30 days of receipt of this Order, Respondent shall prepare a comprehensive CCR (to include all information required by 40 C.F.R. §§ 141.153 and 154) for the system covering the years 2006, 2007, 2008 and 2009 and distribute the report to the system's customers, EPA, and the State. No later than 3 months thereafter, Respondent shall certify to EPA and the State that the CCR has been distributed to the system's customers and that its information is correct and consistent with monitoring data previously provided to the State. Thereafter, Respondent shall prepare and distribute annual CCRs and provide certifications as required by 40 C.F.R. §§ 141.151-141.155.

28. Within 30 days of receipt of this Order, Respondent shall notify the public of the violations cited in paragraphs 7 through 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 any 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.

29. If the system's water exceeds the acute total coliform MCL or the total coliform MCL in 40 C.F.R. § 141.63, Respondent shall report this violation to EPA and the State immediately or by the end of the next business day after discovering the violation, as required by 40 C.F.R. § 141.21(e) and (g)(1).

30. 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).

31. Respondent shall report any violation of the drinking water regulations to EPA and the State within 48 hours of the violation occurring or, if another time period for reporting is specified in this Order or the drinking water regulations, within that other time period. 40 C.F.R. § 141.31(b).

32. Except where noted above, Respondent shall report analytical results to EPA and the State within the first 10 days following the month in which sample results are received as required by the drinking water regulations. 40 C.F.R. § 141.31(a).

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

Shawn McCaffrey, 8ENF-W  
U. S. EPA Region 8  
1595 Wynkoop Street  
Denver, CO 80202-1129

AND

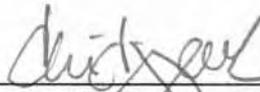
Patti Fauver, DW Rules Manager  
UT Dept. Environmental Quality  
P.O. Box 144830  
Salt Lake City, UT 84114-4830

**GENERAL PROVISIONS**

34. This Order shall 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.

35. 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: \_\_\_\_\_, 20\_\_.



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Michael T. Risner, Director  
David Janik, Supervisory Attorney  
Legal Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice



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Arturo Palomares, Director  
Water Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice