



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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

**FEB 04 2010**

Ref: 8ENF-W

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Indian Ridge Water Conservancy District  
Chuck Cummins, Chair  
983 E. 1240 S  
Spanish Fork, UT 84660

Re: Amended Administrative Order  
Indian Ridge Water Conservancy  
District  
Docket No. SDWA-08-2008-0098  
PWS ID # UTAH20057

Dear Mr. Cummins:

Enclosed is an Amended Administrative Order (AAO) issued by the Environmental Protection Agency (EPA) under the authority of the Safe Drinking Water Act, 42 U.S.C. §§ 300f *et seq.* This AAO amends the Administrative Order (Order) originally issued to the Indian Ridge Water Conservancy District on January 22, 2009 by including new order requirements No. 18 – 20 relative to violation of the maximum contaminant level (MCL) for total coliform bacteria. This amendment addresses the March 2007 total coliform MCL violation which is included in paragraph 6 of the Order and this AAO. The Order was amended based upon unsafe water samples collected from the Indian Ridge water system on January 5, 2010. The AAO addresses any possible future violation of the MCL for total coliform bacteria. Also, this AAO notes where the Indian Ridge Water Conservancy District has complied with certain requirements of the original Administrative Order.

The AAO is effective upon the date received. Please review the AAO and within 10 days provide EPA with any information you believe EPA may not have. If the Indian Ridge Water Conservancy District complies with the AAO, EPA may close the AAO without further action. Failure to comply with the AAO may lead to substantial civil penalties and/or a Federal court injunction ordering compliance.

To submit information or to request an informal conference with EPA, please contact Mario Mérida at the above address (with the mailcode 8ENF-W) or by phone at (800) 227-8917, extension 6297 or (303) 312-6297. Any questions from the Indian Ridge Water Conservancy District's attorney should be directed to Marc Weiner, Enforcement Attorney, who may be reached at the above address (with the mailcode 8ENF-L) or by phone at (800) 227-8917, extension 6913 or (303) 312-6913.

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

cc: Tina Artemis, EPA Regional Hearing Clerk  
Patti Fauver, UT DEQ DW  
Dave Bess, Operator, Indian Ridge Water System, via fax

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

IN THE MATTER OF: \_\_\_\_\_ )  
 )  
Indian Ridge Water Conservancy District, )  
 )  
 )  
Respondent. \_\_\_\_\_ )

Docket No. SDWA-08-2008-0098

AMENDED  
ADMINISTRATIVE ORDER

2010 FEB -4 AM 9:22

EPA REGION VIII  
HEARING CLERK

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

2. Indian Ridge Water Conservancy District (Respondent) is a district that owns and/or operates the Indian Ridge Water System (the system) in Sanpete County, Utah which provides piped water to the public for human consumption. The system is supplied by a groundwater source consisting of one spring and one untreated well and serves an average of 30 people daily through 15 service connections all year round. The system is a "non-community" water system as defined in 40 C.F.R. § 141.2. Respondent is subject to the requirements of the Act and the National Primary Drinking Water Regulations (drinking water regulations), at 40 C.F.R. part 141.

3. The Utah Department of Environmental Quality has primary enforcement authority for the Act in the State of Utah (State). On September 3, 2008, EPA issued a Notice of Violation to the State regarding the violations at the system. The State elected not to commence an enforcement action against the system for the violations within the thirty-day timeframe set forth in section 1414(a) of the Act, 42 U.S.C. § 300g-3(a). EPA has provided a copy of this Order to the State as well as the opportunity to confer with EPA regarding this Order pursuant to Section 1414(g)(2) of the Act, 42 U.S.C. § 300g-3(g)(2).

**VIOLATIONS**

4. Respondent is required to monitor the system's water annually for nitrate to determine compliance with the nitrate maximum contaminant level (MCL). 40 C.F.R. § 141.23(d). Respondent failed to monitor the water for nitrate contamination in 2006 and 2007 for the well source and in 2003, 2004, 2005 and 2007 for the spring source and, therefore, violated this requirement.

5. Respondent is required to monitor the system's water at least once per quarter to determine compliance with the maximum contaminant level (MCL) for total coliform bacteria. 40 C.F.R. § 141.21. Respondent failed to monitor the water for contamination of total coliform bacteria during 2<sup>nd</sup> (April-June) quarter 2006, and, therefore, violated this requirement.

6. Respondent is required to monitor the system's water at least once per

quarter to determine compliance with the MCL for total coliform bacteria. 40 C.F.R. § 141.21. If more than one sample collected during a month tests positive for such bacteria, it is a violation of the MCL. 40 C.F.R. § 141.63. Respondent's sampling results in March 2007 exceeded the MCL for total coliform bacteria and, therefore, violated this requirement.

7. Respondent is required to collect a set of four repeat samples within 24 hours of being notified of a total coliform positive routine sample. 40 C.F.R. § 141.21(b). Respondent failed to collect a set of repeat samples after a March 2007 total coliform positive routine sample and an August 2008 total coliform positive routine sample and, therefore, violated this requirement.

8. Respondent is required to collect five routine total coliform samples the month after the system has one or more total coliform positive samples. 40 C.F.R. § 141.21(b)(5). Respondent failed to collect at least five routine samples in April 2007 and September 2008 after a total coliform positive sample in the preceding month and, therefore, violated this requirement.

9. Respondent is required to report any total coliform MCL to the State by the end of the next business day after it learned of the violation. 40 C.F.R. § 141.21(g)(1). Respondent failed to report to the State the MCL violation listed in paragraph 6 above and, therefore, violated this requirement.

10. 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 4 through 8 above and, therefore, violated the requirement. Public notice for failure to collect a set of four repeat samples in August 2008 and five routine samples in September 2008 were not due until August and September 2009, respectively.

11. Respondent is required to report any failure to comply with a coliform monitoring requirement to the State within ten days after the system learned of the violation. 40 C.F.R. § 141.21(g)(2). Respondent failed to report to the State the failure to monitor total coliform violations listed in paragraphs 5, 7 and 8 above and, therefore, violated this requirement.

12. Respondent is required to report any other failure to comply with any of the drinking water regulations to the State within 48 hours. 40 C.F.R. § 141.31(b). Respondent failed to report the violations listed in paragraphs 4 and 10 above to the State and, therefore, violated this requirement.

### ORDER

Based on the above violations, Respondent is ordered to perform the following actions, upon receipt of this Order by Respondent:

13. Respondent shall monitor annually for nitrate at the well and spring sources as required by the drinking water regulations. 40 C.F.R. § 141.23(d). Note: Respondent properly monitored for nitrate on April 28, 2009; the required source samples for 2010 are still pending.

14. Respondent shall monitor quarterly for total coliform bacteria. 40 C.F.R. § 141.21.

15. Respondent shall comply with all total coliform repeat sampling requirements. 40 C.F.R. § 141.21(b). This requires that Respondent take no fewer than four repeat total coliform bacteria samples within 24 hours of being notified of a total coliform positive routine sample.

16. Respondent shall comply with all total coliform routine sampling requirements. 40 C.F.R. § 141.21(b)(5). This requires that Respondent take no fewer than five routine total coliform bacteria samples during the next month after having one or more total coliform positive samples.

17. Respondent shall report any violation of the total coliform MCL to EPA and the State by the end of the next business day after Respondent learns of it. 40 C.F.R. § 141.21(g)(1).

18. If Respondent's total coliform samples should exceed the MCL while this Order is in effect, within 30 days of learning of such violation, Respondent shall provide EPA 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 90 days 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 system 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.

19. The plan and schedule required by paragraph 18, above, will be incorporated into this Order as enforceable requirements upon written approval by EPA.

20. Within 10 days of completing all tasks included in the plan and schedule required by paragraph 18, above, Respondent shall notify EPA of the project's completion.

21. Within 30 days Respondent must provide public notice of the violations specified in paragraphs 4 through 8 above. 40 C.F.R. § 141.201 *et seq.* Respondent shall submit a copy of the public notice to EPA and the State within ten days of completion of the public notice. 40 C.F.R. § 141.31(d). This notice shall be given by (1) posting the notice in conspicuous locations throughout the distribution system frequented by persons served by the system OR (2) by mail or direct delivery to each customer and service connection; AND (3) any other method reasonably calculated to reach other persons served by the system if they would not normally be reached by the notice required above, such as publication in a local newspaper or newsletter distributed to customers; use of E-mail to notify employees or students; or delivery of multiple copies in central locations. If the public notice is posted, the notice must remain in place for as long as the violation or situation persists, but for no less than seven days. The public water system must repeat the notice every three months as long as the violation or situation persists. Respondent shall comply with the public notification requirements following any future drinking water regulations violation. 40 C.F.R. § 141.201 *et seq.* **Note: The public notice required in this paragraph was submitted by Respondent on April 9, 2009.**

22. Respondent shall report all analytical results to EPA and the State within the first 10 days following the month in which sample results are received, or within the first 10 days following the end of the monitoring period, whichever is shortest. 40 C.F.R. § 141.31(a).

23. Respondent shall report any failure to comply with coliform monitoring requirements to EPA and the State within ten days after the system discovers the violation. 40 C.F.R. § 141.21(g)(2).

24. Respondent shall report any other violation of the drinking water requirements to EPA and the State within 48 hours (except where a different reporting period is specified in paragraphs 17 and 23). 40 C.F.R. § 141.31(b).

25. Reporting requirements specified in this Order shall be provided to:

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

AND

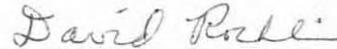
Patti Fauver, Rule Manager  
Dept. Environmental Quality  
P.O. Box 144830  
Salt Lake City, UT 84114-4830

### GENERAL PROVISIONS

26. 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.

27. Violation of any part of this Order, the Act, 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(g)(3); 40 C.F.R. part 19.

Issued: February 4, 2010.



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



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