



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

1595 WYNKOOP STREET
DENVER, COLORADO 80202-1129

Phone 800-227-8917

<http://www.epa.gov/region08>

Ref: 8ENF-W

AUG 19 2008

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Jim D. Arnold, President
Boulder King Ranch Estates Water Company
POB 1519
Boulder, UT 84716

Re: Administrative Order
Docket No. **SDWA-08-2008-0092**
PWS ID #UTAH09070

Dear Mr. Arnold:

Enclosed is an Administrative Order issued by the Environmental Protection Agency (EPA) under the authority of the Safe Drinking Water Act (SDWA), 42 U.S.C. section 300f et seq. Among other things, the Order describes how the Boulder King Ranch Water Company (Boulder King) has violated the National Primary 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 Boulder King complies with the Order for twelve months, 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.

To submit information or request an informal conference with EPA, contact Kathelene Brainich at the above address (with the mailcode 8ENF-W) or by phone at (800) 227-8917, extension 6481 or (303) 312-6481. For legal questions, the attorney assigned to this matter is Marc Weiner, who can 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,

A handwritten signature in cursive script, appearing to read "Diane L. Sipe".

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

Enclosure

cc: Patti Fauver, UT DEQ
Keith Gailey, Boulder King Ranch Estates

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

2008 AUG 19 PM 12:15

IN THE MATTER OF)
)
Boulder King Ranch Estates Water Company) ADMINISTRATIVE ORDER
Boulder, UT)
) Docket No. **SDWA-08-2008-0092**
Respondent)

FILED
EPA REGION 8
HEARING CLERK

1. This Order is issued under the authority vested in the Administrator of the United States Environmental Protection Agency (EPA) in the Public Health Service Act (as amended by and hereafter referred to as the "Safe Drinking Water Act" or the "Act," 42 U.S.C. § 300f, as properly delegated to the undersigned officials.

2. Boulder King Ranch Estates Water Company (Respondent) is a company and a public utility that owns and/or operates the Boulder King Ranch Estates Water System (the system), in Garfield County, Utah which provides piped water to the public for human consumption. The system is supplied by one well, a groundwater source, with no treatment and serves an average of approximately 72 people per day through 13 service connections. The system is a "non-transient, 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. § 141.

3. The Utah Department of Environmental Quality has primary enforcement authority for the Act in the State of Utah (State). On July 16, 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 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 the 1st (January-March), 2nd (April-June), 3rd (July-September) and 4th (October-December) quarters of 2007 and, therefore, violated this requirement.

5. Respondent is required to monitor the system's water annually for nitrate to determine compliance with the nitrate MCL. 40 C.F.R. § 141.23(d). Respondent monitored for nitrate in 2008, but failed to monitor the water for nitrate contamination in 2006 and 2007 and, therefore, violated this requirement.

6. 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 paragraph 4 above and, therefore, violated this requirement.

7. Respondent is required to report any failure to comply with any of the drinking water regulations (except where a different reporting period is specified in paragraph 7 above) to the State within 48 hours. 40 C.F.R. § 141.31(b). Respondent failed to report the violations listed in paragraph 5 and 6 above to the State and, therefore, violated this requirement.

ORDER

Based on the above violations, Respondent is ordered to perform the following actions:

8. Upon receipt of this Order, Respondent shall monitor quarterly for total coliform bacteria. 40 C.F.R. § 141.21. Respondent shall report analytical results to the State and EPA within the first 10 days following the month in which sample results were received, as required by the drinking water regulations. 40 C.F.R. § 141.31(a). Any violation of total coliform monitoring requirements shall be reported to the State and EPA within ten days after the Respondent learns of it. 40 C.F.R. § 141.21(g)(2).

9. Upon the effective date of this Order, Respondent shall monitor for nitrate annually, at a minimum, and in compliance with the regulations. 40 C.F.R. § 141.23(d). Respondent shall report analytical results to the State and EPA 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). Any violation of nitrate monitoring requirements shall be reported to the State and EPA within 48 hours. 40 C.F.R. § 141.31(b).

10. Reporting requirements specified in this Order shall be provided by certified mail to:

Kathelene Brainich, 8ENF-W	AND	Patti Fauver, Rule Manager
U. S. EPA Region 8		Dept. Environmental Quality
1595 Wynkoop Street		POB 144830
Denver, CO 80202-1129		Salt Lake City, UT 84114-4830

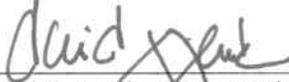
GENERAL PROVISIONS

11. 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.

12. Violation of any part of this Order, the Act, or the drinking water regulations may subject Respondent to a civil penalty of up to \$32,500 (as adjusted for inflation) per day of violation, 42 U.S.C. § 300g-3(g)(3); 40 C.F.R. part 19.

8/18/08

Date



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

08.13.08

Date



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