



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ken Bousfield, Director
Division of Drinking Water
Utah Department of Environmental Quality
P.O. Box 144830
Salt Lake City, UT 84114-4810

Re: NOTICE OF VIOLATION

Docket No. SDWA-08-2010-0020
Chekshani Cliffs HOA
Public Water System
PWS ID # UTAH11087

Dear Mr. Bousfield:

The public water supply system referenced above (the system) has violated certain provisions of the National Primary 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.

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 § 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 30 days of receiving this notice.

The violations are listed below.

<u>Date of Violation</u>	<u>Violation</u>
2005	Failure to monitor for inorganic contaminants [40 C.F.R. § 141.23(c)(1)]
2005, 2007	Failure to monitor for volatile organic contaminants [40 C.F.R. § 141.24(f)]

3 rd Quarter 2008 4 th Quarter 2008 1 st Quarter 2009 3 rd Quarter 2009	Failure to monitor for radionuclides [40 C.F.R. § 141.26(a)]
2007	Failure to monitor for lead and copper during the designated period of June through September [40 C.F.R. §§ 141.86(d)(4)(iv)]
2005 and 2006	Failure to monitor for nitrite [40 C.F.R. § 141.23(e)]
2 nd Quarter 2008 3 rd Quarter 2008 4 th Quarter 2008 1 st Quarter 2009	Failure to monitor for nitrate [40 C.F.R. § 141.23(d)]
January 2006	Failure to monitor for total coliform [40 C.F.R. § 141.21]
October 2005 December 2005 November 2009	Exceedance of the total coliform maximum contaminant level (MCL) [40 C.F.R. § 141.63]
July 2006	Failure to take five routine samples following a total coliform positive sample the preceding month [40 C.F.R. § 141.21(b)(5)]
June 2006	Acute MCL for total coliform bacteria [40 C.F.R. § 141.63(b)]
2005-2009	Failure to provide public notice of above violations [40 C.F.R. §141.201 <u>et seq.</u>]
2005-2009	Failure to report above 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, in case these resources apply to this situation. 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 the 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 Shawn McCaffrey at 800-227-8917, extension 6515 or 303-312-6515 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,



Darcy O'Connor, Acting 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: Tina Artemis, EPA Regional Hearing Clerk
Patti Fauver, UT DEQ DW (w/o enclosure)
Robert Kruger, Registered Agent, Chekshani Cliffs HOA
Ray Ross, Chekshani Cliffs HOA Water System