



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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

2009 JUL 20 PM 1:31

Ref: 8ENF-W

JUL 21 2009

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Kenneth H. Bousfield, Director
Division of Drinking Water
Utah Department of
Environmental Quality
P.O. Box 144810
Salt Lake City, UT 84114-4810

Re: NOTICE OF VIOLATION

Docket No. **SDWA-08-2009-0063**
East Carbon City
Public Water System
PWS ID# UTAH04012

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 (DEQ).

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 section 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 thirty days of receiving this notice.

The violations are listed in the table below.

<u>Date of Violation</u>	<u>Violation</u>
July 1, 2008	Failure to submit a sampling schedule as required by the Long Term 2 Enhanced Surface Water Treatment Rule (LT2ESWTR). [40 C.F.R. § 141.702]
October 1, 2008	Failure to monitor for <i>E. coli</i> as required by the LT2ESWTR. [40 C.F.R. § 141.701]
2008	Failure to monitor for nitrate. [40 C.F.R. § 141.23(d)]
2007 and 2008	Failure to monitor for inorganic chemicals. [40 C.F.R. § 141.23]
2002 - 2007	Failure to monitor for volatile organic chemicals. [40 C.F.R. § 141.24(f)]
2008	Failure to monitor for disinfection byproducts. [40 C.F.R. § 141.132(b)]
2008 - 2009	Failure to notify public of various above-referenced violations. [40 C.F.R. § 141.201 <u>et seq.</u>]
2007 - 2008	Failure to report the above-referenced violations to the State. [40 C.F.R. §§ 141.21(g)(1) 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. A compliance assistance center for small governments, the Local Government Environmental Assistance Network (LGEAN), can be reached at www.lgean.org or by calling (877) 865-4326. 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.

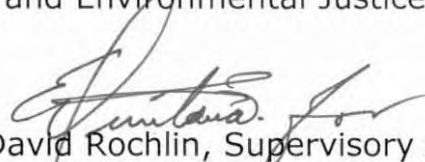
If the State does not commence an appropriate enforcement action concerning this system within 30 days from your receipt of the notification, EPA will likely issue an administrative order to the owner and/or operator of the system.

Please have your staff notify Kimberly Pardue Welch at 1-800-227-8917, extension 6983 or 303-312-6983 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,



Diane L. Sipe, 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:

Small Business Regulatory Enforcement Fairness Act (SBREFA) Office
of Enforcement and Compliance Assurance Information Sheet

cc:

Patti Fauver, UT DEQ DW
Orlando La Fontaine, Mayor, East Carbon City
(via certified mail w/ return receipt)
Tina Artemis, EPA Regional Hearing Clerk

