



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

1595 Wynkoop Street  
Denver, CO 80202-1129  
Phone 800-227-8917  
www.epa.gov/region8

2018 JAN -2 AM 10:38

JAN 02 2018

FILED  
EPA REGION VIII  
HEARING CLERK

Ref: 8ENF-W-SDW

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

The Honorable Luke Duncan, Chairman  
Ute Tribe Business Committee  
P.O. Box 70  
Fort Duchesne, Utah 84026-0190

Re: Violation of the Administrative Order issued to the Ute Tribe Business Committee,  
Whiterocks Public Water System, PWS ID# 084990003, Docket No. SDWA-08-2017-0019

Dear Chairman Duncan:

On June 15, 2017, the U.S. Environmental Protection Agency issued an Administrative Order (Order), Docket No. SDWA-08-2017-0019, ordering the Ute Tribe and Ute Tribe Public Works (Respondents), as owner and/or operator of the Whiterocks Public Water System (System), to comply with the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300f *et seq.*, and its implementing regulations, the National Primary Drinking Water Regulations, 40 C.F.R. part 141.

Our records indicate that Respondents are in violation of the Order. Among other things, Respondents are required to comply with paragraphs 26, 28, and 40 of the Order:

- Respondents shall monitor the System's water monthly for total coliform bacteria.

The EPA has not received total coliform monitoring for September 2017.

- Between June 1, 2017, and September 30, 2017, Respondents shall monitor the System's water for lead and copper, and thereafter as directed by the EPA in accordance with 40 C.F.R. § 141.86(b), (c) and (d).

The EPA has not received lead and copper samples taken between June 1, 2017 and September 30, 2017.

- Within 30 days after receipt of this Order, Respondents shall notify the public of the violations cited in paragraphs 10 through 21, above.

The EPA has not received a completed public notice for all violations cited in paragraphs 10 through 21 of the Order. Public notice instructions and templates can be found at: <https://www.epa.gov/region8-waterops/reporting-forms-and-instructions-public-notification>.

The EPA is considering additional enforcement action as a result of Respondents' non-compliance with the Order. Violating an administrative order may lead to (1) a penalty of up to \$54,789 per day per violation of the order, and/or (2) a court injunction ordering compliance.

If Respondents have any questions please contact Olive Hofstader via email at [hofstader.olive@epa.gov](mailto:hofstader.olive@epa.gov), or by phone at 1-800-227-8917, extension 6467, or (303) 312-6467. If Respondents are represented by an attorney who has questions, please ask the attorney to direct legal questions to Amy Swanson, Enforcement Attorney, who may be reached via email at [swanson.amy@epa.gov](mailto:swanson.amy@epa.gov), by phone at (800) 227-8917, extension 6906, or (303) 312-6906.

We urge your prompt attention to this matter.

Sincerely,



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

cc: Mr. Tony Small, Vice Chairman  
Mr. Bart Powaukee, Environmental Coordinator  
Mr. Clifford Serawop, Executive Director  
Ms. Quanah Powaukee, Assistant Executive Director  
Mr. Ron Wopsock, Uintah Band Representative  
Mr. Shaun Chapoose, Uncompahgre Band Representative  
Mr. Edred Secakuku, Whiteriver Band Representative  
Ute Tribe

Mr. Eli Chapoose, Director  
Ute Tribe Public Works

Eric Matson, Deputy Directory, Division of Sanitation, Facilities and Construction  
Indian Health Service, Phoenix

Commander Dan Wallis, District Engineer  
Commander Kelli D. Mohler, District Environmental Health Officer  
Lyle Setwyn, District Engineer  
Indian Health Service, Reno

Lieutenant Matthew Chadwick, Field Engineer  
Mr. Adam Mannarino, Environmental Health Officer  
Indian Health Service Fort Duschesne