



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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

MAY 17 2010

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Brent Hunter, Chairman
Central Iron County Water
Conservancy District
88 E. Fiddlers Canyon Road
Cedar City, UT 84720

Re: Administrative Order
Docket No. **SDWA 08-2010-0020**
Chekshani Cliffs HOA
PWS ID # UTAH11087

Dear Mr. Hunter:

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. § 300f *et seq.* Among other things, the Order describes how Central Iron County Water Conservancy District (the District) 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 the District complies with the Order, 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 Shawn McCaffrey at the above address (with the mailcode 8ENF-W) or by phone at (800) 227-8917, extension 6515 or (303) 312-6515. For legal questions, the attorney assigned to this matter is Peggy Livingston, who can be reached at the above address (with the mailcode 8ENF-L) or by phone at (800) 227-8917, extension 6858 or (303) 312-6858.



We urge your prompt attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Darcy O'Connor", with a long horizontal flourish extending to the right.

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

Enclosures

Order

Public notice samples/templates

cc: Tina Artemis, EPA Regional Hearing Clerk
Patti Fauver, UT DEQ
George Mason, Operator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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IN THE MATTER OF:)
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_____)

Central Iron County Water
Conservancy District,

Respondent.

FILED
EPA REGION VIII
HEARING CLERK

ADMINISTRATIVE ORDER

Docket No. **SDWA 08-2010-0020**

1. This Order is issued under the authority vested in the Administrator of the United States Environmental Protection Agency (EPA) by § 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. The Central Iron County Water Conservancy District (Respondent) is a public body created by or pursuant to Utah law that owns and operates the Chekshani Cliffs Homeowners Association Water System (the system) in Iron County, Utah, which provides piped water to the public for human consumption.

3. The system is supplied by a groundwater source consisting of one well which provides water that is not treated.

4. The system has approximately 26 service connections used by year-round residents and/or regularly serves at least 62 year-round residents. Therefore, the system is a "public water system" and a "community water system" as defined in 40 C.F.R. § 141.2 and § 1401 of the Act, 42 U.S.C. § 300f.

5. Respondent is subject to the Act and the National Primary Drinking Water Regulations (drinking water regulations) at 40 C.F.R. part 141. The drinking water regulations are "applicable requirements" as defined in § 1414(i) of the Act, 42 U.S.C. § 300g-3(i).

6. The Utah Department of Environmental Quality has primary enforcement authority for the Act in the State of Utah (the State). On March 10, 2010, 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 § 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 § 1414(g)(2) of the Act, 42 U.S.C. § 300g-3(g)(2).

VIOLATIONS

7. Respondent is required to monitor the system's water at least once per month to determine compliance with the maximum contaminant level (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 November 2009 exceeded the MCL for total coliform bacteria and, therefore, violated this requirement.

8. If any routine or repeat sample of the system's water tests positive for total coliform, the Respondent is required to test that sample for fecal coliform or *E. coli*. 40 C.F.R. § 141.21(e). If any repeat sample is positive for fecal coliform or for *E. coli*, this is a violation of the acute MCL for total coliform. 40 C.F.R. § 141.63(b). After a sample of the system's water taken during June 2006 tested positive for total coliform, a repeat test in June 2006 was positive for *E. coli*. Therefore, Respondent violated the acute MCL for total coliform.

9. Respondent is required to monitor the system's water at least annually for volatile organic contaminants. 40 C.F.R. § 141.24(f)(5). Respondent failed to monitor the system's water for volatile organic contaminants in 2007, and, therefore, violated this requirement. Respondent most recently monitored the system's water for volatile organic contaminants on March 2, 2010.

10. Respondent is required to monitor the system's tap water for lead and copper during 2 consecutive 6-month monitoring periods. 40 C.F.R. § 141.86(d). Respondent failed to monitor the system's water for lead and copper during 2 consecutive 6-month monitoring periods in 2007, and, therefore, violated this requirement. Respondent most recently monitored the system's water for lead and copper on May 27, 2009 and November 24, 2009.

11. Respondent sampled for gross alpha contamination of the water on April 30, 2008 and that result exceeded the MCL. 40 C.F.R. § 141.66(c). As a result of this exceedance, Respondent was required to sample quarterly for gross alpha contamination beginning in the quarter immediately following the violation until the results from four consecutive quarters were at or below the MCL. 40 C.F.R. § 141.26(a)(2)(iv). Respondent failed to monitor beginning in the 3rd quarter of 2008 for four consecutive quarters, and, therefore, violated this requirement. Respondent completed four quarters of gross alpha sampling in the 1st quarter of 2010.

12. Respondent sampled for nitrate contamination of the water on December 17, 2007 and that result exceeded 5 milligrams per liter (mg/l) which is one-half the MCL. As a result of this exceedance, Respondent was required to sample quarterly for nitrate contamination in the quarter immediately following the violation until the results from four consecutive quarters were at or below the MCL.

40 C.F.R. § 141.23(d)(2). Respondent failed to monitor the water beginning in the 1st quarter of 2008 for four consecutive quarters, and, therefore, violated this requirement. Respondent completed four quarters of nitrate monitoring in the 1st quarter of 2010.

13. Respondent is required to report any total coliform MCL violation at the system to the State by the end of the next business day after the system learns of the violation. 40 C.F.R. § 141.21(g)(1). Respondent failed to report to the State the MCL violations listed in paragraphs 7 and 8 above and, therefore, violated this requirement.

14. 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 9 through 12 above to the State and, therefore, violated this requirement.

15. 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 9 through 12 above and, therefore, violated this requirement.

ORDER

Based on the above violations, Respondent is ordered to perform the following actions upon Respondent's receipt of this Order (unless a different deadline is specified below):

16. Respondent shall comply with the total coliform MCL. 40 C.F.R § 141.63.

17. Respondent shall comply with the acute total coliform MCL as stated in 40 C.F.R. § 141.63(b). If any repeat test result shows that fecal coliforms or E.coli are present in the system's water, Respondent shall notify the EPA and the State no later than the end of the day on which the system was notified of the test result. If the system is notified of the result after the appropriate EPA and State office is closed, then the Respondent shall notify the EPA and the State before the end of the next business day. 40 C.F.R. § 141.21(e).

18. Respondent shall monitor annually for volatile organic contaminants in compliance with 40 C.F.R. § 141.24.

19. Between June 1, 2010, and September 30, 2010, Respondent shall monitor the system's water for lead and copper, and thereafter as directed by the State in accordance with 40 C.F.R. § 141.86(b), (c) and (d). Respondent shall report analytical results to EPA and the State within the first 10 days following the end of the monitoring period, as required by 40 C.F.R. § 141.90.

20. Respondent shall monitor the system's water per the regulations for radionuclides. 40 C.F.R. § 141.26(a). The next sample is due during the 3-year monitoring period of January 1, 2011 through December 31, 2013.

21. Respondent shall monitor the system's water per the regulations for nitrates. 40 C.F.R. § 141.23. Respondent's next nitrate sample is due between January 1, 2011 and December 31, 2011.

22. 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).

23. Respondent shall report any other violation of the drinking water requirements to EPA and the State within 48 hours. 40 C.F.R. § 141.31(b).

24. Within 30 days of receiving this Order, Respondent shall notify the public of the violations cited in paragraphs 9 through 12 above, as required by 40 C.F.R. part 141, subpart Q. Thereafter, following any future violation of the drinking water regulations, Respondent shall comply with the applicable public notice provisions of 40 C.F.R. part 141, subpart Q. Within 10 days of providing public notice, Respondent shall submit a copy of the notice to EPA and the State.

25. Except where noted above, Respondent shall report analytical results to EPA and the State 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).

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

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

AND

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

GENERAL PROVISIONS

27. 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.

28. 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 this 17th day of May, 2010

David Rochlin

David Rochlin, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Darcy O'Connor

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