



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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

2009 AUG 11 AM 8:42

FILED
EPA REGION VIII
HEARING CLERK

AUG 11 2009

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

NOTICE OF VIOLATION

Docket No. SDWA-08-2009-0077

Clean Harbors – Aragonite
Public Water System
PWS ID # UTAH23067

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 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 30 days of receiving this notice.

The violations are listed below.

Date(s) of Violation	Violation
2007, 2008	Failure to monitor for nitrate [40 C.F.R. § 141.23(d)]
2008	Failure to monitor for lead and copper during the required period of June through September [40 C.F.R. § 141.86(d)(4)(iv)]
2007	Failure to monitor for disinfection byproducts [40 C.F.R. § 141.132(b)]
2005 - 2007	Failure to monitor for inorganic contaminants [40 C.F.R. § 141.23(a) and (c)]
2008	Failure to provide public notice of above violations [40 C.F.R. §141.201 <u>et seq.</u>]
2007-2008	Failure to report above violations to the State [40 C.F.R. § 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.

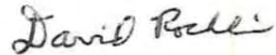
If the State does not commence an appropriate enforcement action concerning the system within 30 days from your receipt of the notification, EPA will likely issue an administrative order to the owner and/or operator of the system.

Please have your staff notify Mario Mérida at (303) 312-6297 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

SBREFA fact sheet

cc: Tina Artemis, EPA Regional Hearing Clerk
Patti Fauver, UT DEQ DW (w/o enclosure)
Chris Lilley, Senior Environmental Compliance Manager, Clean Harbors-
Aragonite Water System; Certified Mail, Return Receipt Requested
C T Corporation System, Registered Agent, Clean Harbors Aragonite, LLC
Certified Mail, Return Receipt Requested