

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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



2009 SEP 23 AM 11:59

Ref: 8ENF-W

SEP 23 2009

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EPA REGION VIII  
HEARING CLERK

CERTIFIED MAIL #  
RETURN RECEIPT REQUESTED

Henry Gutz, Commissioner  
Daggett County  
POB 219  
Manila, UT 84046

Re: Administrative Order Violation #2  
Docket No. SDWA-08-2007-0048  
Dutch John, PWS ID #UTAH05001

Dear Mr. Gutz:

On March 23, 2007, the US Environmental Protection Agency (EPA) issued an Administrative Order (Order), Docket No. SDWA-08-2007-0048, ordering Daggett County, as owner of the Dutch John water system, to comply with various regulations issued by EPA under the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300f et seq.

Our records indicate Daggett County (Respondent) is in violation of the Order. Among other things, the Order included the following requirements (quoted from items 5, 7, 9, and 10 on pages 7 through 10 of the Order):

1. Within 30 days of the date of this Order, and per the schedule in the regulations thereafter, Respondent shall comply with the nitrate monitoring requirements as stated in 40 C.F.R. § 141.23(d) to determine compliance with the nitrate maximum contaminant level (MCL) appearing at 40 C.F.R. § 141.62(b). 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 40 C.F.R. § 141.31(a).

Respondent did not monitor for nitrate in 2008.

2. Upon the effective date of this Order, Respondent shall comply with the requirement of 40 C.F.R. § 141.21(a) to perform monthly bacteriological monitoring to determine compliance with the MCLs as stated in 40 C.F.R. § 141.63. Respondent shall report analytical results to EPA and the State within the first 10 days of the end of the monitoring period, as required by 40 C.F.R. § 141.31(a).

Respondent did not monitor for total coliform bacteria in February 2009. Respondent has failed to report any analytical results to EPA during 2009.

3. Upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.31(b) by reporting any failure to comply with any National Primary Drinking Water Regulation (40 C.F.R. Part 141) to EPA and the State within 48 hours.

Respondent failed to report to EPA the noncompliance detailed in part 1 above, failure to monitor for nitrate.

4. Upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.21(g)(2) by reporting any failure to comply with coliform monitoring requirements under 40 C.F.R. § 141.21 to EPA and the State within 10 days after the system discovers the violation.

Respondent failed to report to EPA the noncompliance detailed in part 2 above, failure to monitor for total coliform bacteria.

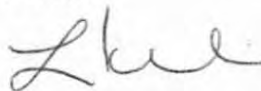
This is the second Order violation letter sent regarding Dutch John. EPA is considering additional enforcement action as a result of non-compliance with the Order. Violating an Administrative Order may lead to (1) a penalty of up to \$37,500 per day per violation of the Order, and/or (2) a court injunction ordering compliance.

If you have any questions or wish to have an informal conference with EPA, you may contact Kathelene Brainich at 1-800-227-8917, extension 6481 or (303) 312-6481. If you are represented by an attorney who has questions, ask your attorney to contact Thomas Sitz, Enforcement Attorney, at 1-800-227-8917, extension 312-6918, or (303) 312-6918 or at the following address:

Thomas Sitz  
Enforcement Attorney  
U.S. EPA, Region 8 (8ENF-L)  
1595 Wynkoop Street  
Denver, Colorado 80202-1129

We urge your prompt attention to this matter.

Sincerely,



Lisa Kahn, Team Leader  
Drinking Water Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

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