



State of Utah

GARY R. HERBERT
Governor

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Lieutenant Governor

Department of
Environmental Quality

Scott Baird
Executive Director

DIVISION OF DRINKING WATER
Marie E. Owens, P.E.
Director

February 21, 2020

Fink Garl
Hidden Lake Association
P.O. Box 90
Oakley, UT 84055

Subject: **Response Required Within 30 Days** Water System Rating Change/Warning of Not Approved Rating, System UTAH22029

Dear Mr. Garl:

Enclosed please find a copy of your Improvement Priority Report which shows that a “Not Approved” rating on your system is justified.

This letter is provided as a courtesy to allow Hidden Lake Association, UTAH22029, the opportunity to show good cause why the Division should not change your system’s rating to “Not Approved.” Good cause may include correcting inaccurate information in the attached report, correcting deficiencies, taking missing samples, or entering into a Corrective Action Plan or Compliance Agreement with the Division. Hidden Lake Association may need to voluntarily submit a corrective action plan, variance, exemption request, or enter into a Compliance Agreement to avoid the Director pursuing formal enforcement or legal enforcement actions as required by Utah law. *See* Utah Code § 19-4-107 (requiring the Director to “promptly” notify systems of violations and to “issue an order requiring correction . . . by a specific date.”).

A Corrective Action Plans (CAP) allows a system more time to correct significant deficiencies following a sanitary survey or assessment. The CAP request must come before the Director issues a Notice of Violation for failure to address a deficiency. This means within 120 days of a sanitary survey or 30 days of an assessment. Systems can request a CAP at www.requestcap.utah.gov or contact **Brandi Smith** at (801) 536-4210 or brandismith@utah.gov.

Compliance Agreements\Enforcement Orders (CA\EO) are formal enforcement actions taken by the Director. However, a CA\EO allows system flexibility in compliance deadlines, including extensions for issues beyond the system’s control. Systems under a CA\EO are also rated “Corrective Action” rather than “Not Approved”. A Corrective Action rating typically allows systems to function as if rated Approved, including the issuance of business licenses, food service

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and building permits. If your system has monitoring or failure to address deficiency points you must request a CA\EO within 30 days of this letter. Please contact Colt Smith at 801-536-4155 (office), 435-610-1104 (mobile\text), or acsmith@utah.gov.

A response to this letter within 30 days of mailing is mandatory. At a minimum, you must contact **Brandi Smith** by **March 23, 2020** at **(801) 536-4210** or brandismith@utah.gov to discuss your report and this letter. Failure to respond to this letter, not only will the Division presume that all of the information in the attached report is correct but the Director may assess an additional 25 to 200 points against your system, pursuant to UAC R309-400-11(6)(b). In addition, the Division will change your system's rating to "Not Approved." A "Not Approved" system requires a Tier 2 public notice.

EPA Region 8 maintains a separate enforcement priority list which is generated by monitoring and quality violations. Their ranking system also assigns points to violations and requires system action for any point total of 11 or more. Your system has **4** points on the EPA ranking system, and your failure to address the listed violations may result in EPA taking independent enforcement action.

Your immediate attention to this matter is required.

Sincerely,



Rachael Cassidy
Rules Enforcement Manager

Enclosure

Cc: Nathan Brooks, Summit County Health Department
Bret F. Randall, Assistant Attorney General
Olive Wittenberg, US EPA Region 8, wittenberg.olive@epa.gov
Cheryl Parker, Utah Division of Drinking Water, chparker@utah.gov