



State of Utah

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Lieutenant Governor

Department of
Environmental Quality

L. Scott Baird
Executive Director

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

January 23, 2020

FINK GARL
HIDDEN LAKE ASSOCIATION
PO BOX 90
OAKLEY UT 84055

Subject: **Response Required Within 30 Days** Water System Rating Change/Rate Down as a Result of the Revised IPS Rule and Notice of Significant Deficiencies, HIDDEN LAKE ASSOCIATION, UTAH22029

Dear Mr. GARL:

The implementation of the revised Improvement Priority System and Public Water System Ratings rule (R309-400) began January 1, 2020. These revisions change the IPS points associated with deficiencies and violations and reclassified some deficiencies as significant. Consequently, **your water system's rating is expected to become "Not Approved" according to the revised R309-400.** 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, 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. The System 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.").

Descriptions of Corrective Action Plan and Compliance Agreement/Enforcement Orders (CA\EO) are briefly summarized below:

- A Corrective Action Plans (CAP) allows a system more time to correct significant deficiencies. The CAP request must come before the Director issues a Notice of Violation for a water system's 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

195 North 1950 West • Salt Lake City, UT
Mailing Address: P.O. Box 144830 • Salt Lake City, UT 84114-4830
Telephone (801) 536-4200 • Fax (801) 536-4211 • T.D.D. (801) 903-3978

www.deq.utah.gov

Printed on 100% recycled paper

www.requestcap.utah.gov or contact **Brandi Smith** at **(801) 536-4210** or brandismith@utah.gov.

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

Your immediate attention to the following items is required:

17. **A response to this letter within 30 days of the date of this letter is mandatory.** At a minimum, you must contact **Brandi Smith** by **February 28, 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 is required to issue a Tier 2 public notice.

The IPS rule revision also changed the deficiency type of some minor and recommendation deficiencies to significant. The following is a list of deficiencies that have changed for your system:

Date Determined	Deficiency Code	Facility	Facility Status	Deficiency Description
9/7/2010	V010	ST005	Active	STORAGE TANK LID NOT SHOEBOX STYLE

The Division is giving public water systems an additional 120 days from the date the water system opens (January 1) to correct these deficiencies that were changed to significant. If they cannot be corrected by April 1, 2020 and you need additional time, please request extra time through a Corrective Action Plan (CAP) by going to requestcap.utah.gov. Please contact Brandi Smith at brandismith@utah.gov with questions regarding the CAP process.

If you have already corrected the above significant deficiencies please notify the Division immediately. Notification must include identifying the deficiency, how it was fixed, the date it was fixed, and photo evidence if applicable. This information can be emailed to ddwips@utah.gov. Please contact Jennifer Yee at jyee@utah.gov with questions regarding the deficiency resolution process.

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Please review the attached IPS report for your system and begin to resolve these deficiencies now. Failure to fix a significant deficiency will result in a violation and 50 additional IPS points, and could escalate to formal enforcement. We invite you to contact us using the Fact Sheet staff list. Division staff is available to provide technical assistance in resolving the deficiencies and/or violations on your system's IPS report.

Your immediate attention to this matter is required.

Sincerely,

A handwritten signature in blue ink that reads "Rachael Cassidy". The signature is fluid and cursive, with the first name being more prominent.

Rachael Cassidy
Rules Enforcement Manager

Enclosures

cc:

Summit County Public Health Department
Jennifer Yee, Division of Drinking Water
Brandi Smith, Division of Drinking Water
Bret F. Randall, Assistant Attorney General
Olive Wittenberg, US EPA Region VIII