

From: The ECHO-Association <m.tracy@echo-association.com>

Subject: Lead Contamination of Drinking Water in Emigration Canyon (EID Public Water System 18141)

Date: November 2, 2019 at 5:09:30 AM PDT

To: Scot Boyd <scot.boyd@chrisjen.com>, george.burbidge@chrisjen.com, Steve Kelson <Steve.Kelson@chrisjen.com>, Bryson Brown <bryson.brown@chrisjen.com>

Cc: Bubba Brown <bubba@parkrecord.com>, paigeb@hcn.org, jfahys@kuer.org, jnguyen@abc4.com, Amy Joi O'Donoghue <amyjoi@deseretnews.com>, Brian Maffly <bmaffly@sltrib.com>, tstevens@sltrib.com, dharrie@sltrib.com, ldavidson@sltrib.com, Katie McKellar <kmckellar@deseretnews.com>, lpacker@xmission.com, lindsaywhitehurst@gmail.com, newsdesk@kutv2.com, news@fox13now.com, laura.briefer@slcgov.com, "cwoodward@slco.org" <cwoodward@slco.org>, mrjohnson@slco.org, rosshansen@utah.gov, boydclayton@utah.gov, kentljones@utah.gov, uasd@uasd.org, briandavis@utah.gov, uag@utah.gov, districtattorney@slco.org, "wendy@utahopenlands.org" <wendy@utahopenlands.org>, mike@utahopenlands.org, carl@saveourcanyons.org, jdougall@utah.gov, slcotreasurer@slco.org, newsmedia@ldschurch.org, btippets@vcbo.com, flowerpixel@hotmail.com, kate.miyagi@gmail.com, paul.h.brown@verizon.net, Rin Harris <rinharris@gmail.com>, agarybowen@msn.com, "mike@ecid.org" <mike@ecid.org>, "brent@ecid.org" <brent@ecid.org>, "dave@ecid.org" <dave@ecid.org>, "eric@ecid.org" <eric@ecid.org>, dbarnett@barnettwater.com, craign@aquaeang.com, joesmolka@ecmetro.org, jenhawkes@comcast.net, SteveECCC@gmail.com, lincmehring@gmail.com, danderson760@gmail.com, harpsts@gmail.com, bill_tobey@yahoo.com, Paul Brown <paulhandybrown@gmail.com>, emigrationweb@gmail.com, Tyler@tippets.cc, marciascott52@yahoo.com, tab5k@yahoo.com, dbrems@gbsbsarchitects.com, robertpaine@ecmetro.org, claire.clark@hsc.utah.edu, Mike Jimenez <manajejimenez@gmail.com>

Dear Emigration Canyon Home/Property Owner,

As you are aware, the Emigration Canyon Home Owners Association ("**The ECHO-Association**") has legal filed action under the Federal False Claims Act ("**FCA**") against Emigration Improvement District ("**EID**") trustee, managers and private land-developers The Boyer Company LC, City Development Inc., and R. Steve Creamer *et al.* currently pending with the United States Court of Appeals for the 10th Circuit (see https://echo-association.com/?page_id=818).

Recently, EID sent at least one Emigration Canyon home owner and water user the following "Enhanced Consumer Notice" regarding the water system operated by EID for circa 278 homes. The notice reports that EID's drinking-water had exceeded safe water standards for lead contamination at a level 56% higher than determined by the Environmental Protection Agency under the Safe Drinking Water Act of 1974:

The Emigration Improvement District's Water System, I.D. UTAH 18141, is providing you with the lead and copper test results for the system. Please share this notice with everyone who uses or drinks the water.

Our water system recently exceeded a drinking water standard. Although this is not an emergency, as our customers, you have a right to know what happened, what you should do, and what we are doing to correct the situation.

We routinely monitor for the presence of drinking water contaminants. Testing results we received on 10-16-19 show that our system exceeds the standard, or action level (AL), for lead. The standard for lead is 0.015 mg/L [15 parts per billion].

[ECHO Note: EID reported 0.0234 mg/L (23.4 parts per billion, *i.e.*, 56% above the EPA Action Level)].

What is an action level?

An action level is a threshold published by the Environmental Protection Agency [EPA] above which a public water system is required to take steps to ensure public health and educate consumers on how to reduce exposure (emphasis added) (see also original notice attached below).

Apparently, water sample analytical results, dated October 16, 2019, demonstrated lead contamination of the EID's drinking water system at concentration 0.0234 mg/L (23.4 parts per billion).

It appears that EID has not circulated the attached letter to all of its water users nor to the property owners of vacant lots currently paying EID "standby fees" for the construction of **97 future homes** in Emigration Canyon

(see <https://echo-association.com/wp-content/uploads/Stand-by-lots.pdf>), and EID has failed to post the information on its website (see <https://www.ecid.org>).

We further note that EID trustees have repeatedly failed to notify its customers of water-testing violations since December 15, 2008 in possible violation of Utah State Administrative Rules and EPA regulations (see https://echo-association.com/?page_id=1221).

The ECHO-Association intends immediately to file public records requests to the Utah Division of Drinking Water for all water testing data regarding lead and copper contamination in the EID public-drinking water system in order to better understand the scope, history and possible gaps in water testing in Emigration Canyon since June 15, 1986.

Please feel free to contact me directly with any questions, concerns or comments.

Kind Regards,

Mark Christopher Tracy
- *qui tam* Relator / ECHO President
Tel. 929-208-6010

ENHANCED CONSUMER NOTICE

Lead & Copper Water Sample Results

The Emigration Improvement District's Water System, I.D. UTAH 18143, is providing you with the lead and copper test results for the system. Please share this notice with everyone who uses or drinks the water.

Our water system recently exceeded a drinking water standard. **Although this is not an emergency**, as our customers, you have a right to know what happened, what you should do, and what we are doing to correct this situation.

We routinely monitor for the presence of drinking water contaminants. Testing results we received on 10-16-19 show that our system exceeds the standard, or action level (AL), for lead. The standard for lead is 0.015 mg/L.

| Contaminant | EPA Published Action Level | Result |
|-------------|----------------------------|----------------------------|
| Lead | 15 ug/L (or 0.015 mg/L) | 23.4 ug/L (or 0.0234 mg/L) |
| Copper | 1,300 ug/L (or 1.3 mg/L) | 270 Ug/L (or 0.27 mg/L) |

What is an action level?

An action level is a threshold published by the Environmental Protection Agency (EPA) above which a public water system is required to take steps to ensure public health and educate consumers on how to reduce exposure.

How to interpret results

The EPA has established Maximum Contaminant Level Goals (MCLG). These goals are set at levels at which no adverse health effects are likely to occur with a margin of safety.

| Contaminant | EPA Published Maximum Contamination Level Goal (MCLG) |
|-------------|---|
| Lead | 0 |
| Copper | 1,300 ug/L |

Health Effects Information

Lead

EPA has set the maximum contaminant level goal for lead in drinking water at zero because lead is a toxic metal that can be harmful to human health even at low exposure levels. Lead is persistent, and it can bio-accumulate in the body over time.

Young children, infants, and fetuses are particularly vulnerable to lead because the physical and behavioral effects of lead occur at lower exposure levels in children than in adults. A dose of lead that would have little effect on an adult can have a significant effect on a child. In children, low levels of exposure have been linked to damage to the central and peripheral nervous system, learning disabilities, shorter stature, impaired hearing, and impaired formation and function of blood cells.

The Centers for Disease Control and Prevention (CDC) recommends that public health actions be initiated when the level of lead in a child's blood is 5 micrograms per deciliter ($\mu\text{g}/\text{dL}$) or more.