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***VIA CERTIFIED UNITED STATES POSTAL SERVICE
AND ELECTRONIC MAIL***

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- and -

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June 23, 2021

Ref: Possible Violations of the Federal Safe Drinking Water Act (SDWA)

Dear Elected Representatives of Salt Lake County and Emigration Canyon,

As you are aware, in September 2014, the undersigned commenced federal litigation against Emigration Improvement District (“EID” aka Emigration Canyon Improvement District aka ECID) trustees, managers, consultants and private land-developers regarding alleged violations of the Safe Drinking Water Act of 1974 (“FCA Litigation”) currently pending with United States Court of Appeals for the 10th Circuit.

It appears that public officials may be involved in the fraudulent acquisition, fraudulent diversion and/or the active concealment of the fraudulent acquisition and fraudulent diversion of federally-backed funds to include possible falsification of government records.

Although not required under federal statute, due to the imminent risk to public health and safety as documented herein, the Emigration Canyon Home Owners Association (“The ECHO-Association”) is providing this notice to you.

Please note the following for the record:

- During the August 2015 Sanitary Survey of water system 18143 owned by EID and operated by the Simplifi Company through Emigration Canyon Deputy Mayor Jennifer Hawkes and Eric Hawkes (“EID Water System”), the Utah Division of Drinking Water (“DDW”) informed the Salt Lake County Health Department that operation of Boyer Well No. 2 (“WS002”) was expressly forbidden and EID had failed to secure a permanent operating permit for the Wildflower Reservoir (“ST002”) – a fact removed from EID public records at the request of EID Trustee Co-Chairman Brent Tippets (*see* audio recording, email correspondence, approved EID trustee minutes, and handwritten notes of then DDW-Environmental Engineer III, Dr. Steve Onysko (“Dr. Onysko”) available at The ECHO-Association website at https://echo-association.com/?page_id=8235);
- Under No. 29 of the 2018 Sanitary Survey, the Salt Lake County Health Department recorded that that no undocumented sources are physically connected to the EID Water System. Yet, DDW had specifically reported that the chlorinator for Boyer Well No. 2 (“WS002”) was unapproved and the Brigham Fork Well (“WS003”) was inoperative due to drinking water contamination in violation of federal safe-drinking water guidelines (*see* handwritten notes of Dr. Onysko, attached as **Exhibit A** and audio recording of EID Trustee meeting from September 13, 2018 available at The ECHO-Association website at https://echo-association.com/?page_id=5851);

- In the 2015 and 2018 Sanitary Surveys, the Salt Lake County Health Department recorded the Wildflower Reservoir (“ST002”) at 1 million gallons. Yet, the same was listed at 1.3 million gallons in the 2007, 2010 and 2012 Sanitary Surveys as alleged in the FCA litigation unsealed in June 2015 (*see* handwritten notes of Dr. Onysko, attached as **Exhibit B**; *see also* Salt Lake Tribune article entitled “‘We Don’t Need Your Water’ – Emigration Canyon Water Fight Breaks Out in Court” available at the ECHO-Association website at https://echo-association.com/?page_id=405);
- Under No. 56 of the 2018 Sanitary Survey, the Salt Lake County Health Department recorded that all water lines installed after 1995 that provide fire flow are at least 8 inches in diameter. Yet, EID Advisory Committee Chairman R. Steve Creamer had only allowed construction of a 4-inch distribution line connecting the Upper Freeze Creek Well (“WS0004”) to the EID Water System, and EID operations manager and Emigration Canyon Mayor Joseph Smolka expressly confirmed the use of 2-inch fire flow lines in the area of Little Tree Road (*see* EID Trustee Meeting Minutes, attached as **Exhibit C** and audio-video recording entitled “Mayor Smolka, EID, and Eric Hawkes of the Simplifi Company – Misrepresentation of Fire Protection Lines in Violation of the Safe Drinking Water Act of 1974” available at the ECHO-Association website https://echo-association.com/?page_id=7603);
- Also under No. 56 of the 2018 Sanitary Survey, the Salt Lake County Health Department recorded that the water distribution system is capable of providing a minimum of 20 psi to all service connections. Yet, EID’s own organizational meeting minutes document that pressure was not sufficient to activate a residential lawn sprinkler system requiring reposition of the EID service line above the pressure reducing valve (*see* EID Trustee Meeting Minutes, attached as **Exhibit D**);

- The 2018 Sanitary Survey failed to record that EID Advisory Committee Chairman R. Steve Creamer had installed black PVC lines unapproved for drinking-water use on property belonging to Salt Lake City, and Mr. Hawkes had expressly confirmed the presence of lead in the EID water distribution lines (*see* construction photos of the EID Water System installed east of Emigration Oaks and audio-video recording entitled, “EID General Manager Eric Hawkes – ‘Very Small Amounts of Lead in EID Water Lines,’” available at the website maintained by The ECHO-Association at https://echo-association.com/?page_id=1442);
- Under Nr. 47 of the 2018 Sanitary Survey, the Salt Lake County Health Department recorded compliance with the cross-connection program. Yet, EID trustees were expressly informed that EID operations Manager and Emigration Canyon Mayor Joe Smolka had personally installed cross connection on at least 1 Canyon home and failed to take corrective action (*see* photos of EID Water System connection to home serviced by a private well, attached as **Exhibit E**);
- Under No. 30 of the 2018 Sanitary Survey, the Salt Lake County Health Department recorded “N/A.” Yet, no water sources are “naturally flowing” and no underground water source of the EID Water System has a source of standby power;
- Sometime in 2013, Salt Lake County issued a permit for the construction of the Upper Freeze Creek Well (“WS004”) with multiple service connections to include a 10-inch diverter placed on property belonging to R. Steve Creamer. Yet, additional services connections were expressly forbidden by DDW (*see* plan approval letter dated May 6, 2013, attached as **Exhibit F**);
- Under No. 12 of the 2018 Sanitary Survey, the Salt Lake County Health Department recorded “300 connections.” Yet, EID had listed 375 units physically connected to the

EID water system in addition to 475 future units that EID is “obligated to serve” in the project notification filed with DDW (*see* Plan Notification Form dated 1/17/2013, attached as **Exhibit G**);

- In September 2018, Emigration Canyon Stream suffered total depletion due to the current overbuild of Emigration Canyon at 600 units (*see* audio-video recording entitled, “2018 – Salt Lake City Protest of EID Water Rights – Dr. Hansen Testimony” available at the website maintained by The ECHO-Association at https://echo-association.com/?page_id=7408);
- In the 2010, 2012, 2015, and 2018 Sanitary Surveys, the Salt Lake County Health Department failed to record any of the known drinking water violations of the EID Water System (*see* DDW correspondences from June 3, 2008 to February 15, 2019 available at the website maintained by The ECHO-Association at https://echo-association.com/?page_id=1221);
- The Salt Lake County Surveyor’s Office failed to investigate and/or take corrective action for EID having failed to record a land survey of property belonging to Salt Lake City, thereby concealing that construction of the Wildflower Reservoir had occurred on property belonging to the former CEO of Energy Solutions Inc. and EID Advisory Committee Chairman R. Steve Creamer, as alleged in the FCA litigation;
- Although less than half of the Canyon homes are connected to the EID Water System, in December 2020, EID acknowledged that it was improperly diverting property taxes to service its federal water revenue bonds, while Salt Lake County Assessor commenced tax-foreclosure sale impacting 46 Emigration Canyon property owners under the “Certified Delinquent Program.” Yet, none of these properties were connected to the EID Water System (*see* audio-video recording entitled “Payment of \$118,000 of Public

Funds to Deputy Major Jennifer Hawkes and EID General/Financial Manager Eric Hawkes (2021 EID Budget Hearing Excerpt)” available at the website maintained by The ECHO-Association at https://echo-association.com/?page_id=6054);

- The Salt Lake County Health Department failed to document lead contamination of EID water sources since April 1994 (*see* chart entitled “Lead Contamination Table – EID Water Sources and Customers” available at the website maintained by The ECHO-Association at https://echo-association.com/?page_id=4950; *see also* Salt Lake Tribune article entitled “Lead Shows up in Emigration Canyon Drinking Water” by Brian Maffly at The ECHO-Association website at https://echo-association.com/?page_id=405);
- To date, EID trustees have refused to return water rights stripped from the Mt. Olivet Cemetery Association by the Boyer Company LC as mandated under the 1909 deed from the United States of America creating the only active federal military cemetery established by an Act of Congress (*see* letter to United States Congressional Leaders of the State of Utah dated September 19, 2020 available at the website maintained by The ECHO-Association at https://echo-association.com/?page_id=6908);
- The Emigration Canyon Metro Township Council has taken no action to date to mitigate possible danger to life and limb in the area of the Freeze Creek Drainage due to massive fissures and ground subsidence (*see* audio-video recording entitled “Aerial and Ground Recording of Emigration Oaks PUD near Lots Nr. 199, 171, 178, 180, 182 and 184 (YouTube)” available at the website maintained by The ECHO-Association at https://echo-association.com/?page_id=3310).

We trust that you will take immediate corrective action to mitigate the clear and present dangers to the health and safety of Emigration Canyon residents and property owners as well as return water rights to hallowed cemetery grounds.¹

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

Kind Regards,

A handwritten signature in blue ink, appearing to read 'Mark Tracy', is written over a horizontal line.

Mark Christopher Tracy
dba Emigration Canyon Home Owners Association

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¹ See e.g., NBC – Nightly News Report entitled “Ex-Governor, Former Michigan Officials Charged In Flint Water Crisis” available at the website maintained by The ECHO-Association at https://echo-association.com/?page_id=405).

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