

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

Received by  
EPA Region VIII  
Hearing Clerk

IN THE MATTER OF:	)	
	)	Docket No. SDWA-08-2021-0028
City of Parshall	)	
	)	<b>ADMINISTRATIVE ORDER</b>
Respondent	)	
	)	
City of Parshall Public Water System	)	
<u>PWS ID #083890030</u>	)	

1. This Order is issued under the authority vested in the Administrator of the United States Environmental Protection Agency (EPA) by section 1414(g) of the Safe Drinking Water Act (Act), 42 U.S.C. § 300g-3(g), as properly delegated to the undersigned official.
2. The City of Parshall, North Dakota (Respondent) is a municipality that owns and/or operates the City of Parshall Public Water System (System), which provides piped water to the public at the City of Parshall, North Dakota and also to the Parshall Lucky Mound Public Water System (083890017) for human consumption.
3. The System is supplied by a surface water source accessed by two intakes on Lake Sakakawea and two ultrafiltration water treatment plants. The water is treated using aluminum chlorhydrate and potassium permanganate during the winter months.
4. The System has approximately 448 service connections used by year-round residents and/or regularly serves an average of approximately 903 year-round residents. Therefore, the System is a “public water system” and a “community water system” as defined in 40 C.F.R. § 141.2 and section 1401 of the Act, 42 U.S.C. § 300f.
5. For purposes of federal enforcement, Respondents are “persons” as defined in section 1401(12) of the Act, 42 U.S.C § 300f(12) and are subject to the Act and 40 C.F.R. part 141 (Part 141). Part 141 is an “applicable requirement” as defined in section 1414(i) of the Act, 42 U.S.C. § 300g-3(i).
6. Part 141 includes monitoring requirements. The EPA has sent Respondents annual notifications of the specific monitoring requirements that apply to the System.

**VIOLATIONS**

7. The maximum contaminant level (MCL) for total trihalomethanes (TTHM) is 0.080 milligrams per liter (mg/L) and for haloacetic acid (HAA5) is 0.060 milligrams per liter (mg/L), based on the locational running annual average (LRAA) of four consecutive quarterly samples at each sampling location. 40 C.F.R. §§ 141.64 and 141.620(d).
  - The LRAA of HAA5 samples at sampling location 24 Main Street was calculated at 0.063 mg/L in 1<sup>st</sup> quarter of 2020, 0.064 mg/L in the 2<sup>nd</sup> quarter of 2020, 0.068 mg/L in the 3<sup>rd</sup> quarter of 2020, and 0.076 mg/L in the 4<sup>th</sup> quarter of 2020.

- The LRAA of TTHM samples at sampling location 24 Main Street was calculated at 0.082 mg/L in the 3<sup>rd</sup> quarter of 2020 and 0.087 mg/L in the 4<sup>th</sup> quarter of 2020.
- The LRAA of HAA5 samples at sampling location 501 Main Street was calculated at 0.064 mg/L in the 1<sup>st</sup> quarter of 2020, 0.065 mg/L in the 2<sup>nd</sup> quarter of 2020, 0.069 mg/L in the 3<sup>rd</sup> quarter of 2020, and 0.073 mg/L in the 4<sup>th</sup> quarter of 2020.
- The LRAA of TTHM samples at sampling location 501 Main Street was calculated at 0.083 mg/L in the 3<sup>rd</sup> quarter of 2020 and 0.089 mg/L in the 4<sup>th</sup> quarter of 2020.

Therefore, Respondent violated the requirements of 40 C.F.R. §§ 141.64 and 141.620(d).

8. Respondent was required to monitor the System's water quarterly for nitrate at every entry point of the distribution System after treatment. 40 C.F.R. §§ 141.23(a) and (d). Respondent failed to monitor the System's water for nitrate during the 3<sup>rd</sup> quarter of 2019 at sampling point TP02 and therefore, violated this requirement.

9. Respondent is required to monitor the System's water monthly for total coliform bacteria. 40 C.F.R. §§ 141.853-858. Respondent failed to monitor the System's water for total coliform bacteria during May 2018 and, therefore, violated this requirement.

10. Respondents are required to notify the public of certain violations of Part 141 and, within 10 calendar days after completing public notice, provide a copy of the public notice and certification to the EPA. 40 C.F.R. §§ 141.31(d) and 141.201-141.211. The violations identified in paragraph 7, above, are classified as Tier 2 violations, requiring public notice no later than 30 calendar days after the System learns of the violation and every three months as long as the violation or situation persists, according to 40 C.F.R. § 141.203. The EPA's records reflect that the Respondents failed to notify the public of the violation cited in paragraph 7 and failed to submit a copy of the public notice and certification to the EPA and therefore, violated this requirement.

11. Respondent is required to notify the public of certain violations of Part 141 and, within 10 calendar days after completing public notice, provide a copy of the public notice and certification to the EPA. 40 C.F.R. §§ 141.31(d) and 141.201-141.211. The violations identified in paragraphs 8 and 9, above, are classified as Tier 3 violations, requiring public notice within 1 year, according to 40 C.F.R. § 141.204. Respondent failed to notify the public of the violations cited in paragraphs 8 and 9 and/or failed to submit a copy to the EPA, and therefore, violated this requirement.

12. Respondent is required to report any failure to comply with Part 141 to the EPA within 48 hours (except where Part 141 specifies a different time period). 40 C.F.R. § 141.31(b). Respondent failed to report the violations cited in paragraphs 7 and 8, above, to the EPA and therefore, violated this requirement.

13. Respondent is required to report any violation of total coliform monitoring requirements to the EPA within 10 calendar days after discovering the violation. 40 C.F.R. § 141.861(a)(4). Respondent failed to report the violation listed in paragraph 9, above, to the EPA and therefore, violated this requirement.

### **ORDER**

Respondent is ordered to perform the following actions upon Respondent's receipt of this Order (unless a different deadline is specified below):

14. Within 30 calendar days after receipt of this Order, Respondent shall submit to the EPA a proposed schedule (Schedule) and plan to bring the System into compliance with the TTHMs and HAA5s maximum contaminant level (MCL) as identified in 40 C.F.R. § 141.62(b). The plan shall include proposed modifications to the System and estimated costs of such modifications. The Schedule shall include a project start date, interim milestone deadlines, and a final compliance deadline (which shall be within six months of the project start date). Respondent shall not begin construction or modifications to the System before the EPA has approved Respondent's Schedule.
  - a. Each milestone in the Schedule shall be incorporated into this Order as an enforceable requirement upon written approval by the EPA.
  - b. Within 90 calendar days after receipt of the EPA's approval of the Schedule, Respondent shall begin to provide the EPA with quarterly reports on the progress made toward bringing the System into compliance with the TTHM and HAA5 MCL. Each quarterly report is due by the 10th day of the month following the relevant calendar quarters (e.g., April 10 for the first calendar quarter).
  - c. Within 10 calendar days after completing all tasks included in the Schedule, Respondent shall notify the EPA of the project's completion.
  - d. The System shall achieve compliance with the TTHM and HAA5 MCL by the final compliance deadline specified in the EPA-approved Schedule. If the Respondent's plan fails to achieve permanent compliance, the EPA may order further steps and/or seek penalties for noncompliance.
15. Within 90 calendar days after receipt of the EPA's approval of the Schedule, Respondent shall begin to provide the EPA with quarterly reports on the progress made toward bringing the System back into compliance.
16. Within **24 hours** after receipt of this Order, Respondent shall notify the public of the violations cited in paragraph 7, above. Templates and instructions are available at: <https://www.epa.gov/region8-waterops/reporting-forms-drinking-water-systems-wyoming-and-tribal-lands-epa-region-8#pn>. Within 10 calendar days after providing public notice, Respondent shall submit a copy of the certification and notice to the EPA. Thereafter, following any future violation of Part 141, Respondent shall comply with any applicable public notice provisions of 40 C.F.R. Part 141, Subpart Q.
17. Respondent shall notify the public quarterly by completing a public notice (PN) until the TTHMs and HAA5 MCL violations are resolved. Respondent shall submit a copy of the completed PN and appropriate certification 10 calendar days after the PN was provided. 40 C.F.R. §§ 141.31(d) and 141.201(c)(3).

18. Respondent shall monitor the System's water annually for nitrates at every entry point to the distribution System, which is representative of each well after treatment, in accordance with 40 C.F.R. §§ 141.23(a) and (d). Respondent shall report results to the EPA within the first 10 calendar days following the end of the required monitoring period. 40 C.F.R. § 141.31(a).
19. Respondent shall report any violation of total coliform monitoring requirements to the EPA within 10 calendar days after discovering the violation and notify the public in accordance with subpart Q of this part, as required by 40 C.F.R. § 141.861(a)(4).
20. For any future violation of Part 141 for which this Order does not specify a reporting period, Respondents must report the violation to the EPA within 48 hours of the violation occurring, as required by 40 C.F.R. § 141.31(b). However, if Part 141 specifies a different time period for reporting the particular violation, Respondents must report the violation to the EPA within that different period.
21. If Respondents (a) lease or sell the System to another person or entity, or (b) contract with or hire any other person or entity to operate the System, Respondents must, within 10 calendar days, provide a copy of this Order to the lessee, purchaser, or contractor and notify the EPA in writing of the change. In either of these circumstances, Respondents will remain obligated to comply with this Order.
22. Respondent must send all reporting and notifications required by this Order to the EPA at:

Email: [R8DWU@epa.gov](mailto:R8DWU@epa.gov), and [carballal-broome.christina@epa.gov](mailto:carballal-broome.christina@epa.gov)

### **GENERAL PROVISIONS**

23. This Order is binding on Respondents, their assigns and heirs, and any person (*e.g.*, employee, contractor, or other agent) acting in concert with Respondents.
24. This Order does not constitute a waiver, suspension, or modification of any requirement of the Act or Part 141. Issuance of this Order is not an election by the EPA to forgo any civil or criminal action.
25. Violation of any part of this Order, the Act, or Part 141 may subject Respondents to a civil administrative penalty of up to \$59,017 (as adjusted for inflation) per day of violation, a court injunction ordering compliance, or both. 42 U.S.C. § 300g-3; 40 C.F.R. part 19; 85 Fed. Reg. at 83821 (December 23, 2020).

26. Respondents may seek federal judicial review of this Order pursuant to section 1448(a) of the Act, 42 U.S.C. § 300j-7(a).

Issued: June 21, 2021.

Colleen Rathbone, Chief  
Water Enforcement Branch  
Enforcement and Compliance Assurance Division