



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8
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EPA REGION VIII
HEARING CLERK

OCT 30 2006

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Wayne Kern, Director
Drinking Water Program
Division of Municipal Facilities
Environmental Health Section
North Dakota Department of Health
918 East Divide Avenue
Bismarck, North Dakota 58501-1947

NOTICE OF VIOLATION

Docket No. SDWA-08-2007-0004

Prairie School
P.O. Box 307
Medora, ND 58645-0307
PWS ID# ND0411377

Dear Mr. Kern:

The above referenced public water system ("system") has violated certain provisions of the Safe Drinking Water Act ("SDWA"), 42 U.S.C. § 300f, et seq. and the National Primary Drinking Water Regulations at 40 C.F.R. part 141. The violations consist of exceeding the maximum contaminant level ("MCL") for total trihalomethanes ("TTHM"). Our records, obtained from Safe Drinking Water Information System (SDWIS), indicate the violations noted below. Please notify Jeff McPherson of my staff at (303) 312-6362 if your records show any discrepancies with these determinations of violation.

Dates of Violations

Violation

3rd and 4th Quarter 2005, Exceeded the MCL for total trihalomethanes ("TTHM"). [40 C.F.R. §
1st and 2nd Quarter 2006 141.64(a)]

North Dakota representatives informed EPA representatives of recent measures taken by Prairie School to address the TTHM MCL violations, which include repairing the chlorinator and reducing the amount of water stored in the system's storage tank. EPA requests the State provide a copy of the



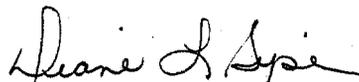
system's Fourth Quarter 2006 TTHM sample results to EPA within ten days of sample availability; within 30 days of this letter, provide a list of all additional measures planned by the State if TTHM violations reoccur. Furthermore, please continue to provide the system's TTHM sample results to EPA within ten days of their availability until advised that this practice may be discontinued. EPA's analysis of this information provided by the State will enable it to determine what action, if any, is appropriate to address the violations at the system. EPA may request additional information from the State regarding the system in the future to assist in making its determination. EPA will confer with you upon review of the information submitted by the State prior to taking enforcement action.

This NOTICE OF VIOLATION ("NOV") is issued pursuant to section 1414(a) of the SDWA, 42 U.S.C. § 300g-3(a). If the State does not commence an appropriate enforcement action EPA is authorized either to issue an Administrative Order under section 1414(g) of the SDWA, 42 U.S.C. § 300g-3(g) requiring the public water system to comply with the regulations or requirements, or to commence a civil action under section 1414(b) of the SDWA, 42 U.S.C. § 300g-3(b).

Please inform EPA of any change in the compliance status of this system. You may wish to confer with our staff to determine the Agency's position concerning this system and to exchange appropriate information. Our technical contact is Jeff McPherson at (303) 312-6362.

A copy of this NOTICE OF VIOLATION has been concurrently sent to the system identified above.

Sincerely,



Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice



David J. Janik, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

cc: Darlene Mitchell, Billings County School District Manager – via certified mail / return receipt requested
Dennis O'Brien, President, School Board, Prairie School – via certified mail / return receipt requested
Larry Thelen, ND Drinking Water Administrator