



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
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EPA REGION VIII
HEARING CLERK

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Wayne Kern, Director
Division of Municipal Facilities
North Dakota Department of Health
918 E. Divide Ave., 3rd Floor
Bismarck, ND 58501-1947

Re: NOTICE OF VIOLATION

Docket No. SDWA-08-2010-0031

Round Prairie School Public Water
System
PWS ID # ND5310137

Dear Mr. Kern:

The public water supply system referenced above (the system) has violated certain provisions of the National Primary Drinking Water Regulations at 40 C.F.R. part 141 (the drinking water regulations) according to records the United States Environmental Protection Agency (EPA) has obtained from the Safe Drinking Water Information System database and from the North Dakota Department of Health.

EPA promulgated the drinking water regulations under the authority of the Safe Drinking Water Act (the Act), 42 U.S.C. §§ 300f, et seq. EPA is issuing this notice of violation pursuant to § 1414(a) of the Act, 42 U.S.C. § 300g-3(a), which authorizes EPA to issue an administrative compliance order or file a lawsuit concerning the system if the State of North Dakota (the State) does not commence an appropriate enforcement action within 30 days of receiving this notice.

The violations are listed below.

Date(s) of Violation	Violation
3 rd and 4 th quarters, 2008; 1 st through 4th quarters, 2009; and 1 st quarter 2010	Running annual average for Selenium exceeds the maximum contaminant level [40 C.F.R. §§ 141.23(i)(1) and 141.62(b)]

EPA is also sending a copy of this notice of violation to the system.

If the State does not commence an appropriate enforcement action concerning the system within 30 days from your receipt of the notification, EPA will likely issue an administrative order to the owner and/or operator of the system.

Please have your staff notify Mario Mérida at (303) 312-6297 within 20 days if your records show any discrepancies with the violations cited above, if your staff learns of any change in the system's compliance status, or if there are any questions or comments. Thank you for your assistance.

Sincerely,



Darcy O'Connor, Acting Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice



David Rochlin, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

cc: Tina Artemis, EPA Regional Hearing Clerk
Larry Thelen, Program Administrator, North Dakota Department of Health,
Drinking Water Program
Gregory A. McNary, Administrator, New Public School District #8 – via certified
mail