



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

999 18TH STREET- SUITE 200

DENVER, CO 80202-2466

Phone 800-227-8917

http://www.epa.gov/region08

2006 OCT 30 AM 8:24

EPA REGION VIII
HEARING CLERK

Ref: 8ENF-W

OCT 30 2006

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-08-2007-0003

City of Washburn
PO Box 467
Washburn, ND 58577
PWS ID# ND2800989

Dear Mr. Kern:

The above referenced public drinking water 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 inadequate precursor removal of total organic carbons ("TOC") and failure to meet Surface Water Treatment Rule ("SWTR") monitoring requirements. Our records, obtained from the 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 Violation

Violation

4 th Quarter 2004; 1 st , 2 nd , 3 rd , and 4 th Quarter 2005	Inadequate precursor removal of total organic carbon. [40 C.F.R. §§141.135(a) and (b)]
June 2002, May 2004	Failure to monitor for Surface Water Treatment Rule. [40 C.F.R. § 141.74(c)]



North Dakota representatives informed EPA representatives of Washburn's plan to upgrade the system to address the TOC violations and advised EPA that the system is currently utilizing interim measures until the upgrades are operational. Within 60 days of this letter, EPA requests North Dakota submit the following to EPA: (1) a description of the improvements planned at the system for precursor removal of TOC (to maintain compliance with 40 C.F.R. § 141.135), signed by the City of Washburn, which includes specific information regarding the interim measures, proposed modifications, estimated costs of modifications and a schedule for implementing and completing the improvements, with specific milestone dates and a final compliance date; and (2) a list of all additional actions planned by the State if future TOC violations occur at the system or if the system fails to comply with the schedule set forth in (1) above. Additionally, within 90 days of this letter, please submit to EPA quarterly reports on the system's progress in implementing and completing the plan. EPA also requests the State provide a copy of the system's Fourth Quarter 2006 TOC sample results to EPA within ten days of sample availability, and continue to provide TOC sample results within ten days of their availability until advised that this practice may be discontinued.

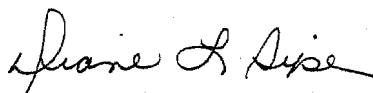
EPA's analysis of the information provided by the State will enable EPA to determine what action, if any, is appropriate to address the violations at the system. EPA may request additional information from the State regarding the system in the future to assist in making its determination. EPA will confer 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 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).

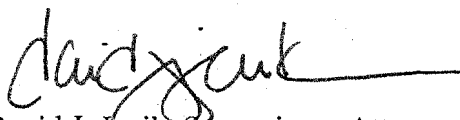
Please inform EPA of any change in the compliance status of this system. You may wish to confer with our staff to determine the Agency's position concerning this system and to exchange appropriate information. Our technical contact is Jeff McPherson at (303) 312-6362.

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: Joel Frieze, Washburn City Auditor – via certified mail/return receipt requested
Larry Thomas, Operator, City of Washburn – via certified mail/return receipt requested
Larry Thelen, ND Drinking Water Administrator