



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

2007 FEB -1 AM 8:54

EPA REGION 8
HEARING CENTER

Ref: 8ENF-W

FEB - 1 2007

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-08-2007-0024**

City of Deering
104 Elmer Avenue
Deering, ND 58731-4038
PWS ID# ND2500227

Dear Mr. Kern:

The above referenced public drinking 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 levels ("MCLs") for haloacetic acids ("HAA5") and total trihalomethanes ("TTHM"), failure to monitor and report chlorine disinfectant residuals, and failure to provide public notice of violations. Our records, obtained from the Safe Drinking Water Information System ("SDWIS") and from System sample results provided by the State, indicate the violations noted on the following page. Please notify Jeff McPherson of my staff at (303) 312-6362 within 20 days if your records show any discrepancies with these determinations of violation.



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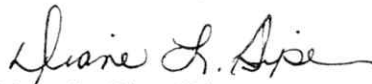
<u>Dates of Violations</u>	<u>Violation</u>
1 st Quarter 2004	Failure to monitor and report chlorine disinfectant residuals [40 C.F.R. § 141.132]
Beginning June 2004	Failure to provide public notice [40 C.F.R. § 141.201]
1 st , 2 nd , 3 rd , and 4 th Quarter 2006	Exceeded the MCL for total haloacetic acids ("HAA5") [40 C.F.R. § 141.64(a)]
3 rd and 4 th Quarter 2006	Exceeded the MCL for total trihalomethanes ("TTHM") [40 C.F.R. § 141.64(a)]

This NOTICE OF VIOLATION 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 within 30 days from the receipt of this notification, the 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 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 my staff to determine the Agency's position concerning this system and to exchange appropriate information. If the State does not commence appropriate enforcement action within 30 days from the receipt of the notification, EPA will proceed with issuance of an administrative order. 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, Acting Director
 Legal Enforcement Program
 Office of Enforcement, Compliance
 and Environmental Justice

cc: Laurie Herslip, City Auditor – via certified mail/return receipt requested
 Larry Thelen, ND Drinking Water Administrator