



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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Ref: 8ENF-W

OCT 18 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-08-2008-0004**

Fort Rice Bar and Grill
6140 HWY 1806
Fort Rice, ND 58554-8914
PWS ID# ND3011472

Dear Mr. Kern:

The above referenced public drinking water system (the "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 failure to monitor quarterly for total coliform, failure to collect a set of repeat samples following a total coliform positive routine sample, failure to monitor annually for nitrate, failure to provide public notice, and failure to notify the State of the violations. Our records, obtained from the Safe Drinking Water Information System ("SDWIS"), indicate the violations noted on the following page. Please notify Shawn McCaffrey of my staff at (303) 312-6515 within 20 days if your records show any discrepancies with these determinations of violation.



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Dates of Violations

Violation

4th Quarter 2004,
1st Quarter 2005,
4th Quarter 2006,
and 1st Quarter 2007

Failure to monitor for total coliform [40 C.F.R. § 141.21]

2nd Quarter 2006

Failure to collect a set of repeat samples after TC+ routine [40 C.F.R. § 141.21(b)]

2005

Failure to monitor annually for nitrate [40 C.F.R. § 141.23(d)]

Beginning May 2005

Failure to provide public notice [40 C.F.R. § 141.201]

2004 – 2007

Failure to report the above-referenced violations to the State [40 C.F.R. §§ 141.21(g)(2) and 141.31(b)]

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 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 my staff to determine the Agency's position concerning this system and to exchange appropriate information. If the system does not return to compliance or if EPA does not have a copy of a State executed enforcement action by November 29, 2007, EPA will proceed with issuance of an Administrative Order.

A copy of this NOTICE OF VIOLATION has been concurrently sent to the system identified above. Also enclosed for the benefit of the system is a copy of EPA's Small Business Regulatory Enforcement and Fairness Act (SBREFA) fact sheet containing information on compliance assistance resources and tools available to small businesses. EPA has agreed to notify small businesses of their right to comment on regulatory enforcement activities at the same time of an Agency enforcement action. SBREFA does not eliminate the responsibility to comply with the Act.

If you have any questions or comments, please contact Shawn McCaffrey at the telephone number given above or at (800) 227-8917, extension 6515. Thank you for your attention to this matter.

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

Enclosure:

SBREFA fact sheet

cc: James Castillo, Fort Rice Bar and Grill
Larry Thelen, ND Drinking Water Administrator