



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8  
999 18<sup>TH</sup> STREET- SUITE 200  
DENVER, CO 80202-2466  
Phone 800-227-8917  
<http://www.epa.gov/region08>

2006 OCT 30 AM 8:20

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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-08-2007-0002

City of Burlington  
P.O. Box 159  
Burlington, ND 58722-0159  
PWS ID# ND5100138

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 the exceedance of maximum contaminant levels ("MCL") for total haloacetic acids ("HAA5") and total trihalomethanes ("TTHM"), failure to monitor for total coliform and failure to provide public notice of a violation. Our records, obtained from the Safe Drinking Water Information System (SDWIS), indicate the violations noted on the proceeding page. Please notify Jeff McPherson of my staff at (303) 312-6362 if your records show any discrepancies with these determinations of violation.



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<u>Dates of Violations</u>	<u>Violation</u>
2 <sup>nd</sup> , 3 <sup>rd</sup> , and 4 <sup>th</sup> Quarter 2005; 1 <sup>st</sup> Quarter 2006	Exceeded the MCL for total haloacetic acids ("HAA5") [40 C.F.R. § 141.64(a)]
4 <sup>th</sup> Quarter 2004; 1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> , and 4 <sup>th</sup> Quarter 2005; 1 <sup>st</sup> and 2 <sup>nd</sup> Quarter 2006	Exceeded the MCL for total trihalomethanes ("TTHM") [40 C.F.R. § 141.64(a)]
June 2002	Failure to monitor for total coliform [40 C.F.R. § 141.21]
Beginning January 2006	Failure to provide public notice [40 C.F.R. § 141.201]

North Dakota representatives informed EPA representatives that the City of Burlington recently changed its disinfection treatment from chlorine to chloramines to prevent additional HAA5 and TTHM MCL violations. EPA requests the State provide the system's Fourth Quarter 2006 HAA5 and TTHM sample results to EPA within ten days of their availability, so that we may evaluate the effectiveness of the change in treatment; within 30 days of this letter, provide a list of all additional measures planned by the State if TTHM and/or HAA5 violations reoccur. Furthermore, please continue to provide the system's HAA5 and TTHM sample results to EPA within ten days of their availability until advised that this practice may be discontinued. EPA's analysis of this additional 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 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).

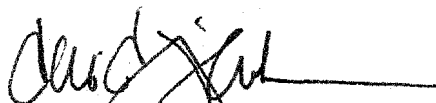
Please inform EPA of any change in the compliance status of this system. You may wish to confer with our staff to determine the Agency's position concerning this system and to exchange appropriate information. Our technical contact is Jeff McPherson at (303) 312-6362.

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: Jerome Gruenberg, Mayor, City of Burlington – via certified mail/return receipt requested  
Clint Cogdill, Burlington Drinking Water Operator – via certified mail/return receipt requested  
Larry Thelen, ND Drinking Water Administrator