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About Enforcement Alert

The Enforcement Alert is published periodically by EPA's Office of Regulatory Enforcement. It informs and educates the public and regulated community of important environmental enforcement issues, recent trends and significant enforcement actions.

This issue is published in coordination with the Federal Facilities Enforcement Office.

This information should help the regulated community anticipate and prevent violations of federal environmental law that could otherwise lead to enforcement action.

See Page 2 for useful EPA Websites and additional resources.

**Eric V. Schaeffer, Director
Office of Regulatory
Enforcement**

**Craig E. Hooks, Director
Federal Facilities
Enforcement Office**

*Editor: Virginia Bueno, (202) 564-8684.
bueno.virginia@epamail.epa.gov.*
*Layout & Design: Phyllis Nimeroff
nimeroff.phyllis@epamail.epa.gov.*

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Office of Regulatory Enforcement and the Federal Facilities Enforcement Office

EPA SETTLES FIRST SDWA PENALTY CASE AGAINST FEDERAL FACILITY FOR \$900,000

In settlement of the first Safe Drinking Water Act (SDWA) penalty case against a Federal facility, the Army's Redstone Arsenal, in Huntsville, Ala. agreed on Dec. 10 to pay a cash penalty of \$80,000 and spend \$807,000 on supplemental environmental projects (SEPs).

The settlement resolves an enforcement action initiated in April, when EPA Region 4 filed an administrative penalty order against the U.S. Army Aviation and Missile Command, Redstone Arsenal, for violations of the SDWA. The base was found to have violated requirements of the law that ensure the safety of the drinking water for the 22,000 people at the Redstone Arsenal. Improper management of a drinking water system can allow

bacteria, harmful to people, to flourish in the water.

What the Law States:

"If the Administrator finds that a Federal agency has violated an applicable requirement under this subchapter, the Administrator may issue a penalty order assessing a penalty against the Federal agency." Safe Drinking Water Act, Section 1447(b)(1)

This is the first time the Agency has imposed a SDWA penalty against any Federal agency. The SDWA was amended in 1996, giving EPA penalty authority against Federal facilities for the first time. The Redstone settlement is the largest drinking water penalty in Region 4 history.

This settlement resolves violations uncovered during a 1997 multi-media inspection at the Redstone Arsenal.

The inspection and subsequent investigation revealed that Redstone violated the Surface Water Treatment Rule, Total Coliform Rule, and Public Notification Rule, including a maximum contaminant level (MCL) violation for total

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The Federal Facilities Enforcement Office (FFEO) is responsible for ensuring that Federal facilities take all necessary actions to prevent, control, and abate environmental pollution.

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coliform (bacteria). Redstone failed to properly operate and maintain its storage tanks and reservoirs, a water main flushing program, and maintain adequate disinfectant residual in the distribution system to meet MCLs for total coliform. The \$807,000 in SEPs developed as part of the settlement includes improvements to Redstone's water system.

The SEPs developed for Redstone include the installation of a chlorine

monitoring system to enhance water quality by allowing the facility to measure chlorine residual on an on-going basis. In addition, operating computer software for one of Redstone's water treatment plants will be upgraded and construction projects will address water stagnation problems in some of the supply lines. These SEPs will improve Redstone's water system to help ensure the base's water supply is safe while putting less water purification disinfectant into the environment.

SUPPLEMENTAL ENVIRONMENTAL PROJECTS

SEPs are environmentally beneficial projects that a defendant or respondent agrees to undertake in the settlement of an enforcement action, the performance of which is not otherwise legally required of the defendant or respondent. EPA encourages the use of SEPs which are consistent with the SEP Policy in settling enforcement actions, including those at Federal facilities. For more information about the SEP Policy, see EPA's SEP Policy website at: <http://www.epa.gov/oeca/sep/>.

Useful Resources

David Levenstein, OECA, FFEO:
(202) 564-2591;
levenstein.david@epamail.epa.gov

Mary-Kay Lynch, Dir., SRES, FFEO:
(202) 564-2574;
lynch.mary-kay@epamail.epa.gov

Adam Sowatzka, Region 4, Office of Regional Counsel: (404) 562-9545; sowatzka.adam@epa.gov

Lisa Uhl, Region 4. Water Enforcement Branch: (404) 562-9789; uhl.lisa@epa.gov

Safe Drinking Water Hotline: (800) 426-4791; hotline-sdwa@epamail.epa.gov

Office of Enforcement and Compliance Assurance: <http://www.epa.gov/oeca/index.html>

Federal Facilities Enforcement Office: <http://www.epa.gov/oeca/fedfac/fflex.html>



United States
Environmental Protection Agency
Office of Regulatory Enforcement
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Washington, D.C. 20460

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