

**PUBLIC NOTICE**

**NOTICE OF PROPOSED ADMINISTRATIVE ORDER AND PENALTY ASSESSMENT, AND  
OPPORTUNITY TO COMMENT**

**RESPONDENT:** Genesee County Highway Department  
153 Cedar Street  
Batavia, NY 14020

**SITE/FACILITY:** Genesee County Highway Department  
153 Cedar Street  
Batavia, NY 14020

**PERMIT NUMBER:** Not applicable

**DOCKET NO.** SDWA-02-2009-8902

**PUBLIC NOTICE NO.** 09-28

**COMPLAINANT:** Dore LaPosta, Director  
Division of Enforcement and  
Compliance Assistance  
U.S. EPA, Region 2  
290 Broadway  
New York, NY 10007-1866

**PUBLIC COMMENT PERIOD:** May 18, 2009

**SUMMARY & DESCRIPTION OF VIOLATION:** EPA is providing notice of a proposed administrative order and penalty assessment for alleged violations of the Safe Drinking Water Act (Act). EPA is also providing notice of opportunity to comment on the proposed administrative order and penalty assessment.

Part C of the Safe Drinking Water Act (SDWA) specifically mandates regulation of the underground injection of fluids through wells to ensure that the quality of underground sources of drinking water is protected. Section 1422 of the SDWA requires the EPA to administer UIC programs in states that do not have approved UIC programs. New York has not acquired primacy over the UIC program pursuant to 40 C.F.R. Part 147 and, therefore, the EPA administers the program in New York.

The Complaint addresses a well that is owned/operated by Genesee County Highway Department (Respondent). Service bay wastewater was injected into the well.

Respondent, without authorization by rule or permit, injected waste into Drains in auto service and wash areas, that lead to a septic system. Respondent therefore failed to comply with 40 C.F.R. §144.11.

The fluids were injected into or above a local aquifer, which is an underground source of drinking water (USDW), as defined in 40 C.F.R. §144.3 and §146.3. Respondent's actions may have caused a violation of primary drinking water regulations or may otherwise adversely affect the health of persons and, therefore, Respondent is in violation of 40 C.F.R. §144.12.

**RELIEF SOUGHT:** Respondent shall be ordered to cease injection and submit a complete permit application or approvable closure plan. If a closure plan is submitted, Respondent shall close the well accordingly. In addition EPA is proposing a penalty of \$14,000.

**FOR FURTHER INFORMATION:** Karen Maples, EPA Region 2, 290 Broadway, 16th Floor, New York, New York 10007 (212) 637-3247.

Persons wishing to receive a copy of EPA's Consolidated Rules, or review documents filed in these proceedings, comment upon the proposed assessments, or otherwise participate in any of the proceedings, should contact the Regional Hearing Clerk. Unless otherwise noted, the administrative record for these proceedings is located in the EPA Regional Office identified above, and the files will be open for public inspection during normal business hours. All pertinent information submitted by the Respondent is available as part of the administrative record, subject to provisions of law restricting public disclosure of confidential information.

