

**U.S. ENVIRONMENTAL PROTECTION AGENCY
PUBLIC NOTICE
OPPORTUNITY FOR PUBLIC COMMENT ON
COMBINED COMPLAINT AND
CONSENT AGREEMENT
AGAINST
UNITED PARCEL SERVICE, INC.
FOR FAILURE TO COMPLY WITH
UNDERGROUND INJECTION CONTROL REQUIREMENTS**

PURPOSE OF PUBLIC NOTICE

The purpose of this notice is to solicit written comments on a Combined Complaint and Consent Agreement (consent agreement), Docket # SDWA-08-2013-0050 that Region 8 of the United States Environmental Protection Agency (EPA) proposes to issue to United Parcel Service, Inc. for alleged violations at the facility located in Lewistown, Montana. The consent agreement alleges violations of the Safe Drinking Water Act (SDWA) and the regulations detailing the requirements of the SDWA's Underground Injection Control (UIC) program. These regulations govern the injection of fluids that may endanger an underground source of drinking water (USDW). The consent agreement proposes the assessment of a monetary penalty in the amount of \$9,327.

The EPA desires to receive written comments from any interested party having knowledge of the alleged violations or who can provide any information useful to ensure that the consent agreement is appropriate. The EPA will review and consider all comments received, and will thereafter determine whether to modify or withdraw the consent agreement.

BACKGROUND

Part C of the SDWA (40 U.S.C. §300h *et seq*) requires the EPA to regulate underground injection of fluid through wells to assure that underground sources of drinking water (USDWs) are not endangered. Section 1421 of the SDWA (40 U.S.C. §300h) requires the EPA to administer UIC programs in States that do not have approved State UIC programs. Regulation of the UIC Class V Program has not been delegated to the State of Montana; therefore, the EPA administers the program in accordance with title 40 of the Code of Federal regulations (40 C.F.R.), Parts 124, 144, 146, 147, and 148.

The Class V underground injection well which is the subject of this consent agreement is located at 80675 Highway 87 West, Lewistown, Montana. A Class V injection well, pursuant to 40 C.F.R. 144.6 and 146.5, is a shallow injection well that injects fluids into or above a USDW.

The consent agreement alleges that United Parcel Service, Inc. is in violation of UIC requirements, and is subject to appropriate penalties and fines for exceeding its permit limits or Maximum Contaminant Levels (MCL) for arsenic, failing to notify the EPA orally within twenty four hours of any noncompliance which may endanger health or the environment, failing to submit to the EPA written notification within five calendar days of the noncompliance, failing to

collect and analyze a follow up sample, and failing to submit a timely report of analysis. The consent agreement cites that after the EPA took all factors required by the SDWA into account, the EPA proposed a penalty of \$9,327.

PUBLIC COMMENTS

Written comments on the consent agreement are encouraged and will be accepted at the address listed below for a period of thirty (30) calendar days after the publication of this notice. Written comments submitted by the public as well as information submitted by United Parcel Service, Inc. will be available for public review as part of the Administrative Record, subject to the provisions of law restricting the disclosure of confidential information. Any person submitting written comments may petition the Regional Administrator of EPA Region 8 to set aside the consent agreement subject to the requirements in 40 C.F.R. section 22.45(c)(4). The consent agreement and the Administrative Record are available for review between 9:00 a.m. and 4:00 p.m. at the address listed below. It is recommended that those wishing to view the Administrative Record call Eduardo Quintana, Enforcement Attorney, Legal Enforcement Program, EPA Region 8, at (303) 312-6924 before visiting the EPA Region 8 offices. Please submit written comments to:

Tina Artemis (8RC)
Regional Hearing Clerk
U.S. EPA, Region 8
1595 Wynkoop Street
Denver, Colorado 80202

Any person interested in receiving their own copy of this or any future public notice of a UIC administrative action can call Britta Copt in the UIC program, EPA Region 8, at (303) 312-6229.

THE DECISION

The EPA will review and consider all public comments received on the public notice and will thereafter determine whether to modify or withdraw the consent agreement. If the consent agreement is revised, copies shall be provided to all parties and to all members of the public who have commented.



Darcy O'Connor, Director
UIC/FIFRA/OPA Technical Enforcement Program
U.S. EPA, Region 8
1595 Wynkoop Street
Denver, CO 80202