



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8, MONTANA OFFICE  
FEDERAL BUILDING, 10 W. 15<sup>th</sup> STREET, SUITE 3200  
HELENA, MONTANA 59626

2008 MAR 11 PM 3:30

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CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Richard Opper, Director  
Montana Department of Environmental Quality  
Metcalf Building  
1520 West Sixth Avenue  
Helena, MT 59620

NOTICE OF VIOLATION

Docket No. SDWA-08-2008-0031

Re: Alder Steakhouse Public Water System  
PWS ID# MT0002100

Dear Richard:

The above referenced public water system has violated certain provisions of the Safe Drinking Water Act (SDWA), 42 U.S.C. section 300f, et seq. and the National Primary Drinking Water Regulations at 40 C.F.R. part 141 described below.

The Environmental Protection Agency (EPA) obtained this information from the Montana Department of Environmental Quality's (MDEQ) files and data contained in the Safe Drinking Water Information System (SDWIS). Please notify Eric Finke of my staff at (406) 457-5026 within 20 days if your records show any discrepancies with these determinations of violation.




<b>Alleged Violations at Alder Steakhouse PWS ID # MT0002100</b>	
Description of Violation and Regulatory Citation	Compliance Periods
Failure to monitor/report routine <b>Nitrate</b> [40 CFR 141.23(d)], Failure to report violations to EPA [40 CFR 141.31(b)], Failure to provide public notice of a violation [40 CFR 141.201]	2003
Failure to monitor/report <b>5 Routine Coliform Samples</b> during the month following a coliform positive result [40 CFR 141.21(b)(5)], Failure to report violations to EPA [40 CFR 141.31(b)], Failure to provide public notice of a violation [40 CFR 141.201]	Feb 2007 (system collected 4 rather than 5)
Failure to monitor/report Routine <b>Total Coliform Bacteria</b> [40 CFR 141.21], Failure to report violations to EPA [40 CFR 141.31(b)], Failure to provide public notice of a violation [40 CFR 141.201]	3 <sup>rd</sup> qtr 2003; 2 <sup>nd</sup> qtr 2004; 1 <sup>st</sup> qtr 2005; 1 <sup>st</sup> , 3 <sup>rd</sup> & 4 <sup>th</sup> qtr 2006; Apr, May & Oct 2007.
Failure to monitor/report <b>4 Repeat Samples</b> after a coliform positive result [40 CFR 141.21(b)], Failure to report violations to EPA [40 CFR 141.31(b)], Failure to provide public notice of a violation [40 CFR 141.201]	Jan 2007

This Notice of Violation is issued pursuant to section 1414(a) of the SDWA, 42 U.S.C. section 300g-3(b). For the violations listed above, if MDEQ does not commence appropriate enforcement action within 30 days from the receipt of this notification, EPA is authorized to either issue an Administrative Order under section 1414(g) of the SDWA requiring the public water system to comply with these regulations, or commence civil action under section 1414(b) of the SDWA.

Please inform EPA of any change in the compliance status of this system. You may wish to confer with my staff to determine EPA's position concerning this system and to exchange appropriate information. If the MDEQ does not commence appropriate enforcement action within 30 days from the receipt of the notification, EPA will proceed with the issuance of an Administrative Order.

If you have any questions, please contact Eric Finke at (406) 457-5026. A copy of this Notice of Violation has been concurrently sent to the public water system identified above.

Sincerely,



John F. Wardell, Director  
EPA Montana Office

cc: Judy Hanson, Permitting and Compliance Division  
John Arrigo, Enforcement Division  
Andrea Vickory, Public Water and Subdivision Bureau  
Lisa Kahn, 8ENF-W  
Marc Weiner, 8ENF-L  
Alder Steakhouse, PWS ID# MT0002100