



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8**

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HEARING CLERK

Ref: 8 ENF-W

**JAN 27 2010**

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

CT Corporation System, Registered Agent  
Bear Harbour Limited Partnership  
P.O. Box 7054  
401 N 31<sup>st</sup> Street  
STE 1650  
Billings, MT 59103-7054

Re: Violation of Administrative Order  
Fazooli's Family Italian  
Docket No. SDWA-08-2010-0003  
PWS ID # MT0000889

To whom it may concern:

On November 19, 2009, the US Environmental Protection Agency (EPA) issued an Administrative Order, Docket No. SDWA-08-2010-0003, ordering Bear Harbour Limited Partnership (Respondent) as owner of the Fazooli's Family Italian public water system, to comply with various regulations issued by EPA under the Safe Drinking Water Act (SDWA), 42 U.S.C. section 300f et seq.

Our records indicate that Bear Harbour Limited Partnership is in violation of the Order. Among other things, the Order included the following requirements (quoted from items 15 and 22 of the "Order" section on pages 3 and 4 of the Order):

1. Within 30 days of receipt of this Order, Respondent shall provide EPA with a compliance plan and schedule for the system to come into compliance with the nitrate maximum contaminant level (MCL) at 40 C.F.R. § 141.62(b).

Respondent failed to provide EPA with a compliance plan and schedule for bringing the system into compliance with the nitrate MCL within 30 days

of receipt of the Order (by December 23, 2009). Please submit this plan to EPA immediately.

2. Within 30 days of receiving this Order, Respondent shall notify the public of the violations cited in paragraphs 8 through 11, as required by 40 C.F.R. part 141, subpart Q.


Respondent failed to submit a public notice to EPA. If public notice has not been completed, please do so immediately and submit a copy to EPA. If public notice has been conducted, please provide EPA a copy.

EPA is considering additional enforcement action as a result of the non-compliance with the Order. Violating an Administrative Order may lead to (1) a penalty of up to \$37,500 per day per violation of the Order, and/or (2) a court injunction ordering compliance.

If you have any questions or wish to have an informal conference with EPA, you may contact Kimberly Pardue Welch at 1-800-227-8917, extension 6983 or (303) 312-6983. If you are represented by an attorney who has questions, please ask your attorney to contact Amy Swanson, Enforcement Attorney, at 1-800-227-8917, extension 6906 or (303) 312-6906 or at the following address:

Amy Swanson  
Enforcement Attorney  
U.S. EPA, Region 8 (8-ENF-L)  
1595 Wynkoop Street  
Denver, Colorado 80202-1129

We urge your prompt attention to this matter.



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Lisa Kahn, Team Leader  
Drinking Water Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

cc:

John Arrigo, MDEQ  
Shelley Nolan, MDEQ  
Josh Townsley, Operator (via certified mail w/ return receipt)  
Tina Artemis, EPA Regional Hearing Clerk