



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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2007 JUN -8 AM 8:19

EPA REGION VIII
HEARING CLERK

JUN - 8 2007

Ref: 8ENF-W

CERTIFIED MAIL #7003 2260 0002 0331 7066
RETURN RECEIPT REQUESTED

Richard Opper, Director
Montana Department of
Environmental Quality
1520 E. Sixth Avenue
P.O. Box 200901
Helena, MT 59620-0901

NOTICE OF VIOLATION

Docket No. **SDWA-08-2007-0060**

China Wok Restaurant
188 Highway 12 East
Townsend, MT 59644
PWS ID# MT0000965

Dear Mr. Opper:

The above referenced public drinking water system has violated certain provisions of the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300f, et seq. and the National Primary Drinking Water Regulations at 40 C.F.R. part 141. The violations consist of failure to monitor for bacteriological quality, failure to conduct five routine samples the month after a total coliform-positive routine sample, failure to monitor nitrate/nitrite, failure to provide public notice, and failure to notify the State of the violations. Our records, obtained from the Montana Department of Environmental Quality's Public Water Supply Online Query Reports, indicate the violations noted below. Please notify Kimberly Pardue-Welch of my staff at (303) 312-6983 within 20 days if your records show any discrepancies with these determinations of violation.

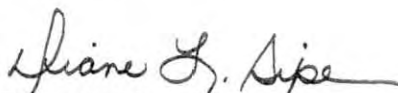
<u>Date of Violation</u>	<u>Violation</u>
July – Dec 2005, Jan – Jun 2006, December 2006, January 2007	Failure to monitor for bacteriological quality. [40 C.F.R. § 141.21 and ARM Chapter 38, Sub-Chapter 2, Section 17.38.215(1)(b)]
September 2006	Failure to conduct five routine samples the month after a total coliform-positive routine sample. [40 C.F.R. § 141.21(b)(5)]
2005	Failure to monitor for nitrate. [40 C.F.R. § 141.23(d)]
3 rd Quarter 2006, 4 th Quarter 2006, 1 st Quarter 2007	Failure to monitor for nitrate quarterly after a sample is \geq 50 percent of the Maximum Contaminant Level (MCL). [40 C.F.R. § 141.23(d)(2) and ARM Chapter 38, Sub-Chapter 2, Section 17.38.219]
2006 – 2007	Failure to notify public of violations. [40 C.F.R. § 141.201]
2005 – 2007	Failure to report the above-referenced violations to the State. [40 C.F.R. §§ 141.21(g)(1), 141.21(g)(2) and 141.31(b)]

This NOTICE OF VIOLATION is issued pursuant to section 1414(a) of the SDWA, 42 U.S.C. § 300g-3(a). If the State does not commence appropriate enforcement action within 30 days from the receipt of this notification, the EPA is authorized either to issue an Administrative Order under section 1414(g) of the SDWA, 42 U.S.C. § 300g-3(g) requiring the public water system to comply with the regulations or requirements, or to commence civil action under section 1414(b) of the SDWA, 42 U.S.C. § 300g-3(b).

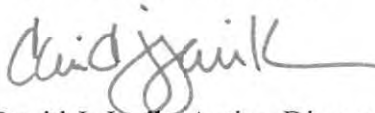
Please inform EPA of any change in the compliance status of this system. You may wish to confer with my staff to determine the Agency's position concerning this system and to exchange appropriate information. If the State does not commence appropriate enforcement action within 30 days from the receipt of the notification, EPA will proceed with issuance of an administrative order. Our technical contact is Kimberly Pardue-Welch at (303) 312-6983.

A copy of this NOTICE OF VIOLATION has been concurrently sent to the system identified above. Also enclosed for the benefit of the System is a copy of EPA's Small Business Regulatory Enforcement and Fairness Act (SBREFA) fact sheet containing information on compliance assistance resources and tools available to small businesses. EPA has agreed to notify small businesses of their right to comment on regulatory enforcement activities at the same time of an EPA enforcement action. SBREFA does not eliminate the responsibility to comply with the SDWA.

Sincerely,



Diane L. Sipe, Director
Water Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice



David J. Janik, Acting Director
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosure: SBREFA Fact Sheet

cc: Chris Hedricks, Bank of the Rockies (certified mail/return receipt requested w/Enclosure)
Herman Chan (w/Enclosure)
Hoa Vien, China Wok Restaurant (w/Enclosure)
John Arrigo, MT DEQ (w/o Enclosure)
Kate Miller, MT DEQ (w/o Enclosure)

