



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

2009 JAN 27 AM 8:51

JAN 27 2009

Ref: 8ENF-W

CERTIFIED MAIL
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-08-2009-0026**
Bearcreek Municipal Water
System - Town of Bearcreek
P.O. Box 1082
Bearcreek, MT 59007
PWS ID# MT0000063

Dear Mr. Opper:

The above referenced public drinking water system has violated certain provisions of the National Primary Drinking Water Regulations at 40 C.F.R. part 141, which EPA promulgated under the Safe Drinking Water Act (the Act), 42 U.S.C. § 300f, et seq. Our records, obtained from the Montana Department of Environmental Quality's Public Water Supply Online Query Reports, indicate the violations noted below. Please have your staff notify Kimberly Pardue Welch at (303) 312-6983 within 20 days if your records show any discrepancies with these determinations of violation.

Date of
Violation

Violation

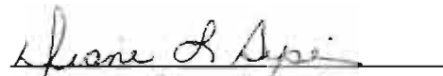
September 2007	Exceeded the maximum contaminant level (MCL) for total coliform. [40 C.F.R. § 141.63(a)(2)]
2002 – 2004 2005 – 2007	Failure to monitor for lead and copper. [40 C.F.R. §§ 141.86(c) and 141.86(d)(4)] Failure to take the correct number of samples during each monitoring period.
2004	Failure to monitor for volatile organic contaminants. [40 C.F.R. § 141.24(f)]
2005 - 2008	Failure to notify public of above referenced violations (public notices for 2005 – 2007 lead and copper violation and September 2007 total coliform MCL violation have been issued). [40 C.F.R. § 141.201]
2004 - 2008	Failure to report the above-referenced violations to the State. [40 C.F.R. §§ 141.21(g)(1) and 141.31(b)]

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

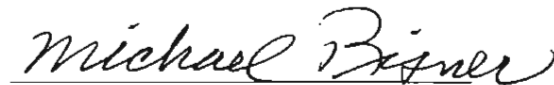
Please inform EPA of any change in the compliance status of this system. You may wish to have your staff confer with Ms. Pardue Welch to determine the Agency's position concerning this system and to exchange appropriate information. If the State does not commence an appropriate enforcement action within 30 days from the receipt of the notification, EPA will proceed with issuance of an administrative order.

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 and small governments, in case these resources apply to this situation. A compliance assistance center for small governments, the Local Government Environmental Assistance Network (LGEAN), can be reached at www.lgean.org or by calling (877) 865-4326.

Sincerely,



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



Michael Risner, Director
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosure:

SBREFA fact sheet

cc: Robert DeArmond, Mayor
Dean Webb, Operator
John Arrigo, MT DEQ (w/o enclosures)
Shelly Nolan, MT DEQ (w/o enclosures)
Tina Artemis, EPA Regional Hearing Clerk (via e-mai)