



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

2008 NOV 19 PM 1:34

EPA REGION VIII  
 HEARING CLERK

Ref: 8MO

NOV 19 2008

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-08-2009-0012**

Re: Shakers Steak and Ale Public Water System  
 422 Spokane Ave.  
 Whitefish, MT 59937  
 PWS ID# MT0004436

Dear Mr. Opper:

The above referenced public drinking water system has violated certain provisions of the Safe Drinking Water Act (the Act), 42 U.S.C. § 300f, *et seq.* and the National Primary Drinking Water Regulations at 40 C.F.R. part 141. 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 Eric Finke at (406) 457-5026 within 20 days if your records show any discrepancies with these determinations of violation.

Violations	
Failure to monitor/report <b>Nitrate</b> [40 C.F.R. § 141.23(d)]	2003, 2004, 2007
Failure to monitor/report Routine <b>Total Coliform Bacteria</b> [40 C.F.R. § 141.21 and ARM 17.38.215(1)(b)]	Mar 2006, Jun-Jul 2006, Mar 2007, Jun-Dec 2007, Jan-Sep 2008
Failure to provide public notice of the above-referenced violations [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)(2) and 141.31(b)]	2003-2008

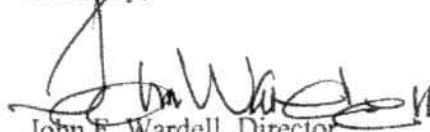
This Notice of Violation is issued pursuant to section 1414(a) of the Act, 42 U.S.C. § 300g-3(a). If the State does not commence appropriate enforcement action within 30 days from the receipt of this notification, EPA is authorized either to issue an administrative order under

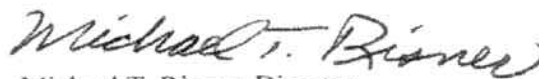
section 1414(g) of the Act, 42 U.S.C. § 300g-3(g) requiring the public water system to comply with the regulations or requirements, or to commence civil action under section 1414(b) of the Act, 42 U.S.C. § 300g-3(b).

Please inform EPA of any change in the compliance status of this system. You may wish to have your staff confer with Mr. Finke 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.

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. By providing this fact sheet, EPA has made no determination whether the system is a "small entity" as defined by SBREFA. SBREFA does not eliminate the responsibility to comply with the Act.

Sincerely,

  
John F. Wardell, Director  
Montana Office

  
Michael T. Risner, Director  
Matthew Cohn, Supervisory Attorney  
Legal Enforcement Program  
Office of Enforcement, Compliance, and  
Environmental Justice

Enclosure: SBREFA fact sheet

cc: Claudia Knudsen, Shakers Steak and Ale (via certified mail w/ return receipt)  
John Arrigo, MT DEQ (w/o enclosures)  
Shelly Nolan, MT DEQ (w/o enclosures)  
Tina Artemis, Regional Hearing Clerk, 8RC

bcc: Brenda Cazier, 8ENF-PT  
Marc Weiner, 8ENF-L  
Lisa Kahn, 8ENF-W (via email)  
Eric Finke, 8MO

cc addresses:

Shakers Steak and Ale (via certified mail w/ return receipt)  
c/o Claudia Knudsen  
422 Spokane Avenue  
Whitefish, MT 59937-2779

John Arrigo, Administrator  
Enforcement Division  
Montana Department of  
Environmental Quality  
1520 E. Sixth Avenue  
P.O. Box 200901  
Helena, MT 59620-0901

Shelly Nolan, Chief  
Public Water Supply Compliance Section  
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