



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

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

2008 MAY -5 PM 1:21

MAY - 5 2008

EPA REGION VIII
HEARING CLERK

Ref: 8 ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mary and Bill Matovich, Owners
Branding Iron Saloon
3610 US Hwy 87 South
Roundup, MT 59072-6819

Re: Violation of Administrative Order
Docket No. SDWA-08-2008-0002
PWS ID # MT0003690

Dear Mary and Bill Matovich:

On November 23, 2007, the US Environmental Protection Agency (EPA) issued an Administrative Order, Docket No. SDWA-08-2008-0002, ordering you (Respondents) as owners of the Branding Iron Saloon 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 you are in violation of the Administrative Order (the Order). Among other things, the Order included the following requirements (quoted from items 9 through 12 of the "Order" section on pages 2 and 3 of the Order):

1. Upon receipt of this Order, Respondents shall monitor monthly for total coliform bacteria. ARM 17.38.215(1)(b). Respondents shall report analytical results to EPA and the State within the first 10 days following the month in which sample results are received, as required by the drinking water regulations. 40 C.F.R. § 141.31(a). Any violation of total coliform monitoring requirements shall be reported to EPA within ten days after the Respondents learn of it. 40 C.F.R. § 141.21(g)(2).

Respondents failed to submit total coliform monitoring results for December 2007, January 2008, February 2008, and March 2008. Respondents failed to report noncompliance with the total coliform monitoring requirements to EPA within 10 days of learning of the violation.

2. Within 30 days of the effective date of the Order and annually thereafter, Respondents shall monitor the system's water for nitrate. 40 C.F.R. § 141.23(d). Respondents shall report analytical results to EPA and the State within the first ten days following the month in which sample results are received, as required by the drinking water regulations. 40 C.F.R. § 141.31(a).

Respondents failed to comply with the requirements for performing nitrate monitoring within 30 days of the effective date of the Order. EPA has not received any nitrate results since the Order was issued.

3. Within 30 days of receiving this order, Respondent shall provide notice to the public of the violations listed in paragraph 4 and 5 above or any subsequent violations by (1) posting the notice for at least 7 days in public locations where it will be seen by people served by the system, (2) mailing or delivering the notice to each customer and connection, or (3) any other effective method if people would not be notified by either of the first two notice options. Specific notice requirements can be found in the attached templates. Respondent shall send a copy of the notices to EPA within 10 days after providing the notice. Upon the effective date of this Order, Respondent shall comply with the public notification requirements following any future drinking water regulations violation. 40 C.F.R. § 141.201 et seq.

Respondents failed to comply with the requirements for providing public notice within 30 days of the effective date of the Order and EPA has not received any public notices from Respondents since the Order was issued.

4. Respondents shall report any other violation of the drinking water regulations to EPA within 48 hours of discovery.

Respondents failed to report to EPA the noncompliance detailed in part 2 above, failure to monitor for nitrate.

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 \$32,500 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 Marc Weiner, Enforcement Attorney, at 1-800-227-8917, extension 6913 or (303) 312-6913 or at the following address:

Marc Weiner
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.



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

CC:

John Arrigo, MDEQ
Shelly Nolan, MDEQ
Jerry Burns, MDEQ Billings Office

