



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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2009 APR -6 AM 9:26

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1595 WYNKOOP ST
DENVER CO 80202

Ref: ENF-W

Apr - 6 2009

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Thomas F. Kenneally, Registered Agent
Town Pump, Inc.
P.O. Box 6000
Butte, MT 59701

Re: Addendum and Violation of
Administrative Order
Docket No. SDWA-08-2008-0067
Town Pump #9100
Public Water System
PWS ID #MT0004424

Dear Mr. Kenneally:

On September 23, 2008, EPA issued an Administrative Order (the Order), Docket No. SDWA-08-2008-0067, to Town Pump Inc., as the Owner and/or Operator of the Town Pump #9100 public water system (the system).

The Order required the system, among other things, to provide EPA with a schedule for the system to correct the significant deficiencies identified during the April 7, 2008 Sanitary Survey and to ensure the system's well #1 is constructed according to the State's March 1, 2005 approved plans, including 1) installing a sanitary well cap on well #1, 2) extending the conduit for the well pump wiring to eliminate the gap between it and the sanitary seal well cap, and 3) installing a concrete pad around the base of the well per approved plans to ensure that surface water runoff and contaminants flow away from the wellhead. On November 18, 2008, Jeff Schmidt of NCI Engineering, on behalf of Town Pump, Inc., notified EPA that these items had been completed.

However, our records indicate that Town Pump, Inc. is in violation of the September 23, 2008 Administrative Order. Among other things, the Order included the following requirements (quoted from item 15 of the Order section on page 4 of the Order)(emphasis added).

Within 30 days of completion of the approved schedule, Respondent shall notify EPA in writing of project completion and provide photographs of the corrected deficiencies. **Additionally, Respondent shall provide a complete set of signed and certified "as-built" drawings to the State and EPA.**

The Respondent has not provided the required complete set of "as-built" drawings to the State and EPA. On November 20, 2008, EPA inquired in an e-mail to Roger Hovis of Town Pump, Inc. about whether the "as-built" drawings for this portion of the project would be submitted separately or upon completion of the entire project. To date, EPA has not received a response.

Since issuance of the Order, EPA has become aware through conversations with both the State and the system that Town Pump, Inc. is currently operating the system with an unapproved treatment system, specifically a UV disinfection system and sand filtration. This is a violation of ARM 17.38.101 as cited in the Order. Page 2 paragraph 6 under the Violation Section of the Order states that "the Montana Department of Environmental Quality requires Respondents who are constructing, altering, or extending a public water system to submit a design report and plans and specifications for review and approval by the State. Respondents are required to construct or operate the system according to the State's approved plans and specifications". The State notified the system in a June 10, 2008 Sanitary Survey cover letter that the system needed to submit the required plans and specifications to the State for the unapproved system. On January 15, 2009, Mr. Schmidt requested an extension for submitting the required plans and specifications until February 28, 2009. On March 5, 2009, upon inquiry from the State, Mr. Schmidt requested another extension until April 15, 2009.

This addendum to the September 23, 2008 Administrative Order approves the requested extension for submittal of plans and specifications until April 15, 2009 and incorporates the revised schedule for submitting plans and specifications for system improvements into the Administrative Order. Each deadline in the schedule below will be enforceable as if it were part of the Administrative Order itself.

The following schedule lists the action to be taken, deadline date, and completion date if applicable.


<u>Action</u>	<u>Deadline</u>	<u>Completion (if applicable)</u>
Submit to the State for approval plans and specifications for the existing or planned treatment system at the Town Pump #9100 public water system	April 15, 2009	
Submit a complete set of signed and certified "as-built" drawings to EPA and MDEQ.	Within 30 days of receipt of this Addendum (for existing treatment plans) or within 30 days following construction completion (if changes to the plans and specifications are made from the current treatment system).	
Notify EPA and the State in writing of completion of permanent treatment facility.	Within two weeks of completing permanent treatment facility.	

Please be advised that you are required to comply with all provisions of the Administrative Order. Penalties for failing to comply are set forth in the Order. Please contact Kimberly Pardue Welch at (303) 312-6983 if you have any questions concerning this Addendum and Notice of Violation. If you are represented by an attorney, please ask your attorney to call Peggy Livingston at the above 800 number, extension 6858, or at (303) 312-6858.

Sincerely,



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



Dave Rochlin, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

cc:

Roger Hovis, Town Pump #9100
John Arrigo, MDEQ
Shelley Nolan, MDEQ
Tina Artemis, EPA Regional Hearing Clerk

