



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
DENVER, CO 80202-11
Phone 800-227-8917
<http://www.epa.gov/region08>

2009 DEC 10 PM 12:12

4 - F.11
EPA REGION VIII
HEARING CLERK

Ref: 8ENF-W

DEC 10 2009

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

Re: NOTICE OF VIOLATION

Docket No. **SDWA-08-2010-0007**
Bitterroot Gateway
Mobile Home Park
10011 Hwy 93 S
Lolo, MT 59847
PWS ID# MT0000443

Dear Mr. Opper:

The public water supply system referenced above (the system) has violated certain provisions of the National Primary Drinking Water Regulations at 40 C.F.R. part 141 (the drinking water regulations), according to records that the United States Environmental Protection Agency (EPA) has obtained from the Montana Department of Environmental Quality and its Public Water Supply Online Query Reports.

EPA promulgated the drinking water regulations under the authority of the Safe Drinking Water Act (the Act), 42 U.S.C. § 300f *et seq.* EPA is issuing this notice of violation pursuant to section 1414(a) of the Act, 42 U.S.C. § 300g-3(a), which authorizes EPA to issue an administrative compliance order or file a lawsuit concerning the system if the State of Montana (the State) does not commence an appropriate enforcement action within thirty days of receiving this notice.

The violations are listed in the table below.

<u>Date of Violation</u>	<u>Violation</u>
1 st , 2 nd , 3 rd and 4 th quarters of 2007, 2 nd and 4 th quarters of 2008, and 1 st , 2 nd and 3 rd quarters of 2009	Failure to monitor for combined radium at wells #1 and #2. [40 C.F.R. § 141.26(a)(2)]
1 st , 2 nd , and 3 rd quarters of 2007.	Failure to monitor for gross alpha at wells #1 and #2. [40 C.F.R. § 141.26(a)(2)]
2008	Failure to monitor for nitrate at well #2. [40 C.F.R. § 141.23(d)]
2005 - 2007	Failure to monitor for inorganic chemicals at well #1. [40 C.F.R. § 141.23(c)(1)]
2005 2008	Failure to monitor for volatile organic chemicals at well #2. [40 C.F.R. § 141.24(f)]
2006 - 2009	Failure to notify public of various above-referenced violations. [40 C.F.R. § 141.201]
2005 - 2009	Failure to report the above-referenced violations to the State. [40 C.F.R. § 141.31(b)]

EPA is also sending a copy of this notice of violation to the system. 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. SBREFA does not eliminate the responsibility to comply with the drinking water regulations. By providing this information sheet, EPA has not necessarily determined that the system is in fact a "small entity" as that term is defined in SBREFA.

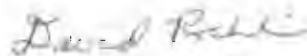
If the State does not commence an appropriate enforcement action concerning this system within 30 days from your receipt of the notification, EPA will likely issue an administrative order to the owner and/or operator of the system.

Please have your staff notify Kimberly Pardue Welch at (800) 227-8917, extension 6983 or (303) 312-6983, within 20 days if your records show any discrepancies with the violations cited above, if your staff learns of any change in the system's compliance status, or if there are any questions or comments. Thank you for your assistance.

Sincerely,



Darcy O'Connor, Acting Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice



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

Enclosures:

SBREFA fact sheet

cc: John Arrigo, MT DEQ (w/o enclosures)
Shelley Nolan, MT DEQ (w/o enclosures)
Terry L. Burkholder, Bitterroot Gateway Mobile Home Park
(via certified mail w/ return receipt)
Bitterroot Gateway MH and RV Park L.L.C. (via certified mail w/ return
receipt)
Tina Artemis, EPA Regional Hearing Clerk

bcc: Brenda Cazier, 8ENF-PT
Amy Swanson, 8ENF-L
Hannah Ross, 8ENF-L
Lisa Kahn, 8ENF-W
Julie DalSoglio, 8MOO
Reading File

cc addresses:

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

Shelley Nolan, Rule Specialist, Manager
Public Water Supply Compliance Section
Montana Department of
Environmental Quality
1520 E. Sixth Avenue
P.O. Box 200901
Helena, MT 59620-0901

Terry L. Burkholder, Owner/Operator (via certified mail w/ return receipt)
Bitterroot Gateway Mobile Home Park
P.O. Box 1292
Lolo, MT 59847

Paul Neal Cooley, Registered Agent (via certified mail w/ return receipt)
Bitterroot Gateway MH and RV Park L.L.C.
5707 West Harrier Ave.
Missoula, MT 59801