



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8**

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Ref: 8ENF-W

MAY 19 2010

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-08-2010-0043  
United States Air Force  
Malmstrom Air Force Base  
Great Falls, MT 59402  
PWS ID# MT0000515

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.

4 <sup>th</sup> quarter 2008 1 <sup>st</sup> quarter 2009 2 <sup>nd</sup> quarter 2009 3 <sup>rd</sup> quarter 2009 and 4 <sup>th</sup> quarter 2009	Exceeded the maximum contaminant level (MCL) for disinfection byproducts (HAA5). [40 C.F.R. § 141.64(b)]
October 2005 (system collected only 8 of the required 9 monthly samples)	Failure to monitor for bacteriological quality. [40 C.F.R. § 141.21(a)]
2006 - 2009	Failure to notify public of the above-referenced violations (except the HAA5 MCLs). [40 C.F.R. § 141.201]
2005 - 2009	Failure to report the above-referenced violations to the State (except the HAA5 MCLs). [40 C.F.R. §§ 141.21(g)(2) and 141.31(b)]

EPA is also sending a copy of this notice of violation to the system. 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

cc: Col. Michael Fortney, MAFB Commander  
Robert G. Richards, P.E., MAFB  
John Arrigo, MT DEQ (w/o enclosures)  
Shelley Nolan, MT DEQ (w/o enclosures)  
Tina Artemis, EPA Regional Hearing Clerk