

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

FILED

Jul 27, 2026

9:15 am

**U.S. EPA REGION 8
HEARING CLERK**

IN THE MATTER OF:

Ross Foster,

Respondent.

Hot Springs Court Public Water System
PWS ID #083090312

ADMINISTRATIVE ORDER

Docket No. SDWA-08-2026-0050

1. This Order is issued under the authority vested in the Administrator of the United States Environmental Protection Agency (EPA) by section 1414(g) of the Safe Drinking Water Act (Act), 42 U.S.C. § 300g-3(g), as properly delegated to the undersigned official.
2. Ross Foster (Respondent) is an individual who owns the Hot Springs Court Public Water System (System), which provides piped water to the public within the exterior boundaries of the Flathead Reservation for human consumption.
3. The System has approximately 19 service connections used by year-round residents and/or regularly serves an average of approximately 26 year-round residents. Therefore, the System is a “public water system” and a “community water system” as defined in 40 C.F.R. § 141.2 and sections 1401(4) and (15) of the Act, 42 U.S.C. §§ 300f(4) and (15).
4. Respondent is a “person” as defined in section 1401(12) of the Act, 42 U.S.C. § 300f(12), and is subject to the Act and 40 C.F.R. part 141 (Part 141). Part 141 is an “applicable requirement” as defined in section 1414(i) of the Act, 42 U.S.C. § 300g-3(i).
5. Part 141 includes monitoring requirements. The EPA has sent Respondent annual notifications of the specific monitoring requirements that apply to the System.

VIOLATIONS

6. The maximum contaminant level (MCL) for fluoride is 4.0 milligrams per liter (mg/L), with compliance based on a running annual average (RAA) of four consecutive fluoride samples. 40 C.F.R. § 141.23 (i)(1) and 141.62(b). Samples collected at the pump facility sample tap resulted in RAAs exceeding the fluoride MCL as listed below. Note that Respondent took ownership of the System beginning in the fourth quarter of 2025:

Ownership	Quarters Contributing to the RAA	RAA (mg/L)
Previous Ownership	1Q2023 – 4Q2023	5.0
Previous Ownership	2Q2023 – 1Q2024	5.0
Previous Ownership	3Q2023 – 2Q2024	5.0
Previous Ownership	4Q2023 – 3Q2024	5.0
Previous Ownership	1Q2024 – 4Q2024	5.0
Previous Ownership	2Q2024 – 1Q2025	5.1
Previous Ownership	3Q2024 – 2Q2025	5.1
Previous Ownership	4Q2024 – 3Q2025	5.1
Current Ownership	1Q2025 – 4Q2025	5.1
Current Ownership	2Q2025 – 1Q2026	5.2
Current Ownership	3Q2025 – 2Q2026	5.2

7. Respondent is required to monitor the System’s water for fluoride at every entry point to the distribution System which is representative of each well after treatment during four consecutive quarters. 40 C.F.R. §§ 141.23. Respondent failed to monitor the System’s water for fluoride during the fourth quarter of 2025 and therefore, violated this requirement. (Note: Respondent did collect the required fluoride sample at the entry point to the distribution system on February 4, 2026, and therefore, this violation has been returned to compliance.)
8. Respondent is required to notify the public of certain violations of Part 141 and, within 10 calendar days after completing public notice, provide a copy of the public notice and certification to the EPA. 40 C.F.R. §§ 141.31(d) and 141.201-141.211. The violations identified in paragraph 6, above, are classified as violations requiring Tier 2 public notice within 30 calendar days, with the public notice to be repeated every three months and for notice to remain in place for as long as the violation or situation persists, according to 40 C.F.R. § 141.203. The EPA’s records reflect that the Respondent notified the public of the first quarter 2026 violation cited in

paragraph 6, however, the notice was incomplete due to the lack of information regarding System specific circumstances and contact information. The EPA's records reflect that the Respondent failed to notify the public of the second quarter 2026 violation cited in paragraph 6 and failed to submit a copy of the public notice and certification to the EPA. Respondent, therefore, violated this requirement..

9. Respondent is required to report any failure to comply with Part 141 to the EPA within 48 hours (except where Part 141 specifies a different time period). 40 C.F.R. § 141.31(b). Respondent failed to report the violations cited in paragraphs 6 and 7, above, to the EPA and therefore, violated this requirement.

ORDER

Respondent is ordered to perform the following actions upon Respondent's receipt of this Order (unless a different deadline is specified below):

10. Respondent is ordered to comply with all provisions of the Act and Part 141, including but not limited to each requirement cited above.
11. Within 30 calendar days after receipt of this Order, Respondent shall submit to the EPA a proposed schedule and plan to bring the System into compliance with the fluoride MCL as identified in 40 C.F.R. § 141.62(b). The plan shall include proposed modifications to the System and estimated costs of such modifications. The proposed schedule shall include a project start date, interim milestone deadlines, project completion deadline, and a final deadline for compliance with the RAA. The EPA will review the proposed schedule, and any approved schedule (Schedule) shall be incorporated into this Order with each milestone to be an enforceable requirement upon written approval by the EPA. Within 90 calendar days after receipt of the EPA's approval of the Schedule, Respondent shall begin to provide the EPA with quarterly reports on the progress made toward bringing the System into compliance with the fluoride MCL. Each quarterly report is due by the 10th day of the month following the relevant calendar quarters (e.g., January 10 for the first calendar quarter). Within 10 calendar days after completing all tasks included in the Schedule, Respondent shall notify the EPA of the project's completion. The System

shall achieve compliance with the fluoride MCL by the final compliance deadline specified in the EPA-approved Schedule. If the Respondent's plan fails to achieve permanent compliance, the EPA may order further steps and/or seek penalties for noncompliance.

12. For any future violation of Part 141 for which this Order does not specify a reporting period, Respondent must report the violation to the EPA within 48 hours of the violation occurring, as required by 40 C.F.R. § 141.31(b). However, if Part 141 specifies a different time period for reporting the particular violation, Respondent must report the violation to the EPA within that different period.
13. Respondent shall monitor the System's water for fluoride each quarter, in compliance with 40 C.F.R. § 141.23(b)(8). Respondent shall report results to the EPA within the first 10 calendar days following the end of the required monitoring period. 40 C.F.R. § 141.31(a).
14. Within 30 calendar days of receipt of this Order, Respondent shall modify and redistribute the public notice for the first quarter 2026 violation and distribute and certify the public notice for the second quarter 2026 violation cited in paragraph 6. Respondent shall notify the public quarterly as long as the violations cited in paragraph 6 persist. Thereafter, following any future violation of Part 141, Respondent shall comply with any applicable public notice provisions of 40 C.F.R. part 141, subpart Q. Within 10 calendar days after providing public notice, Respondent shall submit a copy of the notice and certification to the EPA. 40 C.F.R. § 141.31(d). Templates and instructions are available at:
<https://www.epa.gov/region8-waterops/reporting-forms-drinking-water-systems-wyoming-and-tribal-lands-epa-region-8#pn>.
15. If the population or number of connections served by the System falls below 25 individuals or 15 connections, Respondent must notify the EPA in writing within 10 calendar days by submitting a completed basic information form. The form is available at: <https://www.epa.gov/region8-waterops/reporting-forms-drinking-water-systems-wyoming-and-tribal-lands-epa-region-8#new>.
16. If Respondent (a) leases or sells the System to another person or entity, or (b)

contracts with or hires any other person or entity to operate the System, Respondent must, within 10 calendar days, provide a copy of this Order to the lessee, purchaser, or contractor and notify the EPA in writing of the change. In either of these circumstances, Respondent will remain obligated to comply with this Order.

17. Respondent must send all reporting and notifications required by this Order to the EPA at:

Email: R8DWU@epa.gov, and Brookins.rachel@epa.gov

GENERAL PROVISIONS

18. This Order is binding on Respondent, Respondent's assigns and heirs, and any person (*e.g.*, employee, contractor, or other agent) acting in concert with Respondent.
19. This Order does not constitute a waiver, suspension, or modification of any requirement of the Act or Part 141. Issuance of this Order is not an election by the EPA to forgo any civil or criminal action.
20. Violation of any part of this Order, the Act, or Part 141 may subject Respondent to an administrative civil penalty of up to \$71,545 (as adjusted for inflation) per day of violation, a court injunction ordering compliance, or both. 42 U.S.C. § 300g-3(g)(3); 40 C.F.R. part 19; 90 Fed. Reg. at 1375 (January 8, 2025).
21. Respondent may seek federal judicial review of this Order pursuant to section 1448(a) of the Act, 42 U.S.C. § 300j-7(a).

Issued: July 27, 2026.

Colleen Rathbone, Manager
Water Enforcement Branch
Enforcement and Compliance Assurance Division