



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
 REGION 8, MONTANA OFFICE
 FEDERAL BUILDING, 10 W. 15TH STREET, SUITE 3200
 HELENA, MONTANA 59626

2009 MAY 27 AM 8:46

EPA REGION VIII
 HEARING CLERK

Ref: 8MO

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Richard Opper, Director
 Montana Department of Environmental Quality
 Metcalf Building
 1520 West Sixth Avenue
 Helena, MT 59620

NOTICE OF VIOLATION

Docket No. SDWA-08-2009-0012

Re: Shakers Steak and Ale Public Water System
 2635 Hwy 93 W
 Whitefish, MT 59937-2779
 PWS ID# MT0004436

Dear Mr. Opper 

The above referenced public drinking water system has violated certain provisions of the Safe Drinking Water Act (the Act), 42 U.S.C. § 300f, et seq. and the National Primary Drinking Water Regulations at 40 C.F.R. part 141. Our records, obtained from the Montana Department of Environmental Quality's Public Water Supply Online Query Reports, indicate the violations noted below. Please have your staff notify Eric Finke at (406) 457-5026 within 20 days if your records show any discrepancies with these determinations of violation.

This revised NOV contains additional violations that have accrued since the first NOV for this water system was sent to you in November 2008. This NOV also contains a corrected address.

Violations	
Failure to monitor/report Nitrate [40 C.F.R. § 141.23(d)]	2003, 2004, 2007, 2008
Failure to monitor/report Routine Total Coliform Bacteria [40 C.F.R. § 141.21 and ARM 17.38.215(1)(b)]	Mar 2006, Jun-Jul 2006, Mar 2007, Jun-Dec 2007, Jan-Dec 2008, Jan-Apr 2009
Failure to provide public notice of the above-referenced violations [40 C.F.R. § 141.201]	2004-2009
Failure to report the above-referenced violations to the State [40 C.F.R. §§ 141.21(g)(2) and 141.31(b)]	2003-2009

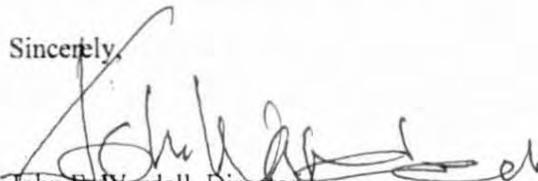
This Notice of Violation is issued pursuant to section 1414(a) of the Act, 42 U.S.C. § 300g-3(a). If the State does not commence appropriate enforcement action within 30 days from the receipt of this notification, EPA is authorized either to issue an administrative order under section 1414(g) of the Act, 42 U.S.C. § 300g-3(g) requiring the public water system to comply with the regulations or requirements, or to commence civil action under section 1414(b) of the Act, 42 U.S.C. § 300g-3(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.

Please inform EPA of any change in the compliance status of this system. You may wish to have your staff confer with Mr. Finke to determine the Agency's position concerning this system and to exchange appropriate information.

A copy of this notice of violation has been concurrently sent to the system identified above.

Sincerely,



John F. Wardell, Director
Montana Office

David Rochlin

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

cc: Claudia Knudsen, Shakers Steak and Ale (via certified mail w/ return receipt)
John Arrigo, MT DEQ (w/o enclosures)
Shelley Nolan, MT DEQ (w/o enclosures)
Tina Artemis, Regional Hearing Clerk, 8RC