



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
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Phone 800-227-8917
<http://www.epa.gov/region08>

2007 APR -9 AM 9:30

APR 9 2007

EPA REGION VIII
HEARING CLERK

Ref: 8ENF-W

CERTIFIED MAIL #7003 2260 0002 0331 6939
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-08-2007-0045

River Grove Estates Trailer Park
1926 Mullawaney Street
Billings, MT 59101
PWS ID# MT0000123

Dear Mr. Opper:

The above referenced public drinking water system has violated certain provisions of the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300f, *et seq.* and the National Primary Drinking Water Regulations at 40 C.F.R. part 141. The violations consist of: exceedance of the maximum contaminant level (MCL) for nitrate; failure to collect and analyze confirmation samples after an exceedance of the MCL for nitrate; failure to monitor nitrate; failure to monitor as required under the lead and copper rules; failure to monitor for disinfection byproducts; failure to monitor for bacteriological quality; failure to conduct repeat sampling for each total coliform-positive routine sample; failure to provide public notice; and failure to notify the State of the violations. Our records, obtained from the Montana Department of Environmental Quality's Public Water Supply Online Query Reports, indicate the violations noted below. Please notify Darcy O'Connor of my staff at (303) 312-6392 within 20 days if your records show any discrepancies with these determinations of violation.

<u>Date of Violation</u>	<u>Violation</u>
12/12/02, 8/11/04, 8/18/04, 12/30/05, 8/11/06, 9/11/06, 10/11/06	Exceeded the MCL for nitrate. [40 C.F.R. § 141.62(b)]
December 2002, January 2006, August 2006, September 2006, October 2006	Failure to collect confirmation samples within 24 hours of receipt of notification of the results of the first nitrate MCL violation. [40 C.F.R. § 141.23(f)(2)]
3 rd quarter 2002, 1 st – 3 rd quarters of 2003, 4 th quarter of 2004, 2 nd & 3 rd quarters of 2005, 1 st quarter of 2006	Failure to monitor for nitrate. [40 C.F.R. § 141.23(d)(2)]
Jan – June 2003, July – Dec 2003, Jan – June 2004, July – Dec 2004, Jan – June 2005, Jan – June 2006, July – Dec 2006	Failure to monitor for lead and copper. [40 C.F.R. § 141.86 (d)(4)(iii)]
2004, 2005, 2006	Failure to monitor for disinfection byproducts. [40 C.F.R. § 141.132(b)]
October 2004	Failure to monitor for bacteriological quality. [40 C.F.R. § 141.21 and ARM Chapter 38, Sub-Chapter 2, Section 17.38.215(1)(b)]
May 2004	Failure to conduct repeat monitoring for each total coliform-positive routine sample. [40 C.F.R. § 141.21(b)]
2002 – 2006	Failure to notify public of violations. [40 C.F.R. § 141.201]
2002 – 2006	Failure to report the above-referenced violations to the State [40 C.F.R. §§ 141.21(g)(2) and 141.31(b)]

This NOTICE OF VIOLATION is issued pursuant to section 1414(a) of the SDWA, 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, the EPA is authorized either to issue an Administrative Order under section 1414(g) of the SDWA, 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 SDWA, 42 U.S.C. § 300g-3(b).

Please inform EPA of any change in the compliance status of this system. You may wish to confer with my staff to determine the Agency's position concerning this system and to exchange appropriate information. If the State does not commence appropriate enforcement action within 30 days from the receipt of the notification, EPA will proceed with issuance of an administrative order. Our technical contact is Darcy O'Connor at (303) 312-6392.

A copy of this NOTICE OF VIOLATION has been concurrently sent to the system identified above. 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. EPA has agreed to notify small businesses of their right to comment on regulatory enforcement activities at the same time of an EPA enforcement action. SBREFA does not eliminate the responsibility to comply with the SDWA.

Sincerely,



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



David J. Janik, Acting Director
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosure: SBREFA Fact Sheet

cc: Jim Hudson, Hudson Trust LLP (certified mail/return receipt requested w/Enclosure)
Lee Michalsky, River Grove Estates Trailer Park (w/Enclosure)
John Arrigo, MT DEQ (w/o Enclosure)
Kate Miller, MT DEQ (w/o Enclosure)



U. S. EPA Small Business Resources

If you own a small business, the United States Environmental Protection Agency (EPA) offers a variety of compliance assistance and tools to assist you in complying with federal and state environmental laws. These resources can help you understand your environmental obligations, improve compliance and find cost-effective ways to comply through the use of pollution prevention and other innovative technologies.

Hotlines, Helplines and Clearinghouses

EPA sponsors approximately 89 free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements.

The National Environmental Compliance Assistance Clearinghouse provides quick access to compliance assistance tools, contacts, and planned activities from the U.S. EPA, states, and other compliance assistance providers: <http://www.epa.gov/clearinghouse>

Pollution Prevention Clearinghouse
<http://www.epa.gov/opptintr/library/ppicindex.htm>

EPA's Small Business Ombudsman Hotline can provide a list of all the hot lines and assist in determining the hotline best meeting your needs:
(800) 368-5888

Emergency Planning and Community Right-To-Know Act
(800) 424-9346

National Response Center (to report oil and hazardous substance spills)
(800) 424-8802

Toxics Substances and Asbestos Information
(202) 554-1404

Safe Drinking Water
(800) 426-4791

Stratospheric Ozone and Refrigerants Information
(800) 296-1996

Clean Air Technology Center
(919) 541-0800

Wetlands Helpline
(800) 832-7828

EPA Websites

EPA has several Internet sites that provide useful compliance assistance information and materials for small businesses. If you don't have access to the Internet at your business, many public libraries provide access to the Internet at minimal or no cost.

EPA's Home Page
<http://www.epa.gov>

Small Business Assistance Program
<http://www.epa.gov/ttn/sbap>

Office of Enforcement and Compliance Assurance
<http://www.epa.gov/compliance>

Compliance Assistance Home Page
<http://www.epa.gov/compliance/assistance>

Office of Regulatory Enforcement
<http://www.epa.gov/compliance/civil/index.html>

Office of Site Remediation Enforcement
<http://www.epa.gov/compliance/cleanup>

Innovative Programs for Environmental Performance
<http://www.epa.gov/partners>

Small Business Ombudsman
www.sba.gov/ombudsman