



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8**

1595 Wynkoop Street  
DENVER, CO 80202-1129  
Phone 800-227-8917  
<http://www.epa.gov/region08>

Ref: 8ENF-W

CERTIFIED MAIL LETTER  
RETURN RECEIPT REQUESTED

William Decker, Registered Agent  
Rivershore Mobile Home Park  
3308 Lower River Road TRLR #26  
Great Falls, MT 59405

Re: Amended Administrative Order  
Rivershore Mobile Home Park  
Public Water System  
Docket No. SDWA-08-2009-0033  
PWS ID # MT0000414

Dear Mr. Decker:

EPA issued an Administrative Order, Docket No. SDWA-08-2009-0033, to you on May 21, 2009 for violations of the drinking water regulations. EPA is now amending that Order by including additional violations and requirements.

Through discussions with you and the Montana Department of Environmental Quality (MDEQ or the State), EPA was informed that as a consecutive system to the City of Great Falls, you may qualify for a consecutive system exclusion to many of the requirements of the drinking water regulations, as described in 40 C.F.R. Part 141. On July 28, 2010, EPA was informed by Mike Judge, City of Great Falls representative, that a Consecutive System Agreement between you and the City of Great Falls had been formalized. As part of ARM 17.38.209, you are also required to apply to the MDEQ for the exclusion. EPA was notified on July 26, 2010 that no application for Rivershore Mobile Home Park has been received by the State and therefore you have not completed all the requirements of ARM 17.38.210 in order to receive the consecutive system exclusion. Therefore, Rivershore Mobile Home Park continues to be classified as a consecutive public water system and is required to comply with the drinking water regulations.

This Amended Order requires you to either 1) submit a consecutive system exclusion application to the State (and copy EPA) within thirty days

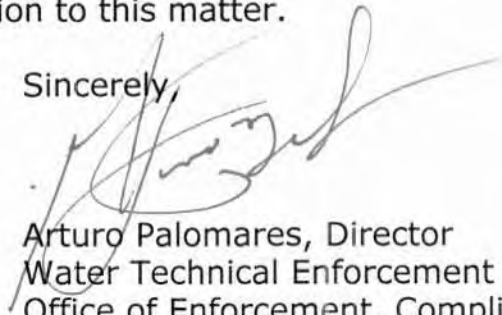
of this Amended Order; or 2) comply with the drinking water regulations, at 40 C.F.R Part 141, including monitoring the system's water for total coliform bacteria and lead and copper. The Amended Order also requires you to issue Consumer Confidence Reports for calendar years 2004 through 2009 and issue past due public notices to the system's water users. This Amended Order includes additional violations for failure to monitor total coliform bacteria and failure to issue a Consumer Confidence Report which were incurred after EPA's May 21, 2009 Order was issued.

The Amended Order is effective upon the date received. Please review the Order and within 10 days provide EPA with any information you believe EPA may not have. If you comply with the Order for at least twelve months, EPA may close the Order without further action. Failure to comply with the Order may lead to substantial civil penalties and/or a Federal court injunction ordering compliance.

To submit information or request an informal conference with EPA, contact Kimberly Pardue Welch at the above address (with the mailcode 8ENF-W) or by phone at (800) 227-8917, extension 6983 or (303) 312-6983. For legal questions, the attorney assigned to this matter is Marc Weiner, who may be reached at the above address (with the mailcode 8ENF-L) or by phone at (800) 227-8917, extension 6913 or (303) 312-6913.

We urge your prompt attention to this matter.

Sincerely,



Arturo Palomares, Director  
Water Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

Enclosures

Order  
Attachment A: Consecutive System Coverage  
Public Notice template

cc:

John Arrigo, MT DEQ  
Shelley Nolan, MT DEQ  
Tina Artemis, EPA Regional Hearing Clerk

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

2011 JAN 10 PM 1:52

\_\_\_\_\_  
IN THE MATTER OF )  
 )  
William Decker, Owner )  
Rivershore Mobile Home Park )  
Great Falls, MT )  
 )  
Respondent )  
\_\_\_\_\_

FILED  
EPA REGION VIII  
HEARING CLERK

AMENDED ADMINISTRATIVE ORDER

Docket No. SDWA-08-2009-0033

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 (the Act), 42 U.S.C. § 300g-3(g), as properly delegated to the undersigned officials.

2. William Decker (Respondent) is a person who owns and/or operates the Rivershore Mobile Home Park Water System (the system) in Cascade County, Montana which provides piped water to the public for human consumption. Pursuant to the Administrative Rules of Montana (ARM) which incorporates by reference 40 C.F.R. § 141.2, the system is a consecutive water system to the City of Great Falls (the City) and serves approximately 120 people per day through 50 service connections year round. The system is also a "community" water system as defined in 40 C.F.R. § 141.2. Respondent is subject to the requirements of the Act and the National Primary Drinking Water Regulations (drinking water regulations), at 40 C.F.R. part 141. The Respondent received annual notification from the State regarding the system's monitoring requirements.

3. ARM 17.38.210 states that a consecutive system that meets all of the conditions in (1)(a) through (e) may be excluded from the requirements of the National Primary Drinking Water Regulations, as described in 40 C.F.R. part 141. In order to be considered for the consecutive system exclusion (the exclusion), a consecutive system must meet certain requirements including but not limited to, 1) not selling water to any person and 2) documenting that the wholesale water system from which it obtains all of its water will include the consecutive system in its sampling plan and be responsible for issuing public notice and consumer confidence reports for the consecutive system. In addition, to obtain the exclusion, the consecutive system must apply to the Montana Department of Environmental Quality (MDEQ or the State) for approval. The application must be in writing and must document the system's conformance with these requirements (and others as noted in ARM 141.38.210) and must be

accompanied by a signed copy of the written agreement between the wholesale and consecutive system. ARM 17.38.210.

4. On July 28, 2010, EPA was informed by the City of Great Falls that Mr. William Decker had signed a Consecutive System Agreement with the City. EPA was notified by MDEQ on July 26, 2010 that Rivershore Mobile Home Park has not completed all the requirements of 17.38.210 in order to receive the exclusion and is currently considered a consecutive public water system. Therefore, Respondent is required to monitor the water for certain constituents.

5. The MDEQ has primary enforcement authority for the Act in the State of Montana. On March 2, 2009, EPA issued a Notice of Violation to MDEQ regarding the violations at the system. MDEQ elected not to commence an enforcement action against the system for the violations within the thirty-day time frame set forth in section 1414(a) of the Act, 42 U.S.C. § 300g-3(a). On May 21, 2009, EPA issued an Administrative Order (Order) to the Respondent requiring compliance with the drinking water regulations. EPA has provided a copy of this Amended Order to MDEQ and has provided the State, through MDEQ, with an opportunity to confer with EPA regarding this Order pursuant to section 1414(g)(2) of the Act, 42 U.S.C. § 300g-3(g)(2). EPA is issuing this Order requiring the system to comply with the "applicable requirements" it violated. An "applicable requirement" includes requirements of an applicable approved State program, such as Montana's "Public Water Supply Requirements" at Administrative Rules of Montana (ARM) 17.38.101 through 703. 42 U.S.C. § 300g-3(i).

### **VIOLATIONS**

6. Respondent is required to monitor the system's water at least once per month to determine compliance with the maximum contaminant level (MCL) for total coliform bacteria. 40 C.F.R. § 141.21. Respondent failed to monitor the water for contamination of total coliform bacteria during February 2004, January 2005, February 2005, July 2005, April 2006, September 2006, October 2006, November 2006, December 2006, January 2007, February 2007, March 2007, and May 2007 through November 2010 and, therefore, violated this requirement.

7. Respondent was required to monitor the system's water every three years to determine compliance with the action levels for lead and copper. 40 C.F.R. § 141.86(d). Respondent failed to monitor for lead and copper during the 2002 - 2004 and 2005 - 2007 monitoring periods and, therefore,

violated this requirement. As of July 1, 2010, the system is required by the State to conduct initial lead and copper monitoring by collecting 10 samples during two consecutive six-month monitoring periods. 40 C.F.R. § 141.86 (c) and (d).

8. Respondent is required to prepare and deliver an annual Consumer Confidence Report (CCR) to its customers by July 1, containing data collected during the previous calendar year. 40 C.F.R. § 141.152. Respondent failed to prepare and deliver the CCRs for calendar years 2004, 2005, 2006, 2007, 2008 and 2009 and, therefore, violated this requirement. 40 C.F.R. §§ 141.152- 155.

9. The law requires Respondent to notify the public of certain violations of the drinking water regulations, in the manner specified by the regulations. 40 C.F.R. § 141.201 *et seq.* Respondent failed to notify the public of the violations listed in paragraphs 6, 7 and 8 above (except the February 2004 failure to monitor total coliform violation) and, therefore, violated this requirement. Public notice for the December 2009 through November 2010 failure to monitor total coliform violations and the failure to issue the 2009 CCR violation is not yet overdue.

10. Respondent is required to report any failure to comply with a coliform monitoring requirement to the State within ten days after the system learned of the violation. 40 C.F.R. § 141.21(g)(2). Respondent failed to report to the State the failure to monitor total coliform violations listed in paragraph 6 above and, therefore, violated this requirement.

11. Respondent is required to report any failure to comply with any of the drinking water regulations (except where a different reporting period is specified in the drinking water regulations) to the State within 48 hours. 40 C.F.R. § 141.31(b). Respondent failed to report the violations listed in paragraphs 7 through 9 above to the State and, therefore, violated this requirement.

### **ORDER**

**Based on the above violations, Respondent is ordered to perform the following actions:**

12. Within 30 days of this Order, Respondent shall submit a complete application to the MDEQ for the consecutive system exclusion and submit a copy of the application to EPA. The application shall be in writing and include a copy of the agreement between the Respondent and the City of

Great Falls and must document the system's conformance with the requirements of ARM 17.38.210 (1)(a) through (e). (see Attachment A)

13. Following MDEQ approval of the application, and in accordance with ARM 17.38.210 and the Consecutive System Agreement with the City of Great Falls, the Respondent may be excluded from many of the requirements of the drinking water regulations as described in 40 C.F.R Part 141. Respondent's obligations include:

- In the event that a public notice is needed for the City of Great Falls, the City will issue a single public notice to the system at the property address and the Respondent shall distribute the notice to the system's water users. Respondent shall notify MDEQ that the public notice was delivered as required by State regulations.
- The City will issue a single Consumer Confidence Report to the system at the property address and the Respondent shall distribute the CCR to the system's water users. The Respondent shall notify MDEQ that the CCR was provided to the system's water users as required by State regulations.
- Conduct and record daily chlorine residual monitoring of the distribution system and report those results to MDEQ by the 10<sup>th</sup> day of the following month on forms approved by MDEQ.
- Submit plans and specifications for MDEQ review and approval prior to any addition or modification of the system in accordance with Montana laws and rules.
- Pay the annual service connection fee to MDEQ.
- Meet the sanitary survey requirements.

**If Respondent fails to meet the requirements of items 12 and 13 above, Respondent is ordered to perform the following actions:**

14. Respondent shall monitor monthly for total coliform bacteria. 40 C.F.R. § 141.21. Any violation of the total coliform monitoring requirements shall be reported to EPA and the State within ten days after Respondent learns of it. 40 C.F.R. § 141.21(g)(2).

15. Respondent shall monitor as directed by the State for lead and copper. Respondent shall monitor the system's water by collecting 10 samples during January 1, 2011 through June 30, 2011 and again between July 1, 2011 and December 31, 2011. 40 C.F.R. §§ 141.86(c) and 141.86(d). Respondent shall report analytical results to EPA and the State within the first 10 days following the end of the monitoring period, as required by 40 C.F.R. § 141.90.

**Regardless of whether Respondent obtains the consecutive system exclusion or monitors the system's water, Respondent is ordered to perform the following actions:**

16. Within 30 days of receipt of this Order, Respondent shall prepare its annual CCRs for the calendar years 2004 - 2009 and distribute them to its customers. Respondent shall prepare (provided exclusion is not obtained) and deliver annual CCRs thereafter. The CCRs must identify all violations incurred for the specific reporting year and should be submitted to the EPA and State within 10 days of its distribution. Respondent shall comply with the CCR requirements as stated in 40 C.F.R. §§ 141.152-155.

17. Within 30 days of receipt of this Order, Respondent shall provide public notice of the violations specified in paragraphs 6, 7 and 8 of this Order (except the February 2004 failure to monitor total coliform violation). 40 C.F.R. §§ 141.201, 141.202 and 141.205. This notice shall be given by (1) mail or other direct delivery to each customer receiving a bill and to other service connections to which water is delivered by the system; AND (2) any other method reasonably calculated to reach other persons served by the system, if they would not normally be reached by the notice, such as publication in a local newspaper; delivery of multiple copies for distribution by customers that provide their drinking water to others; posting in public places or on the Internet; or delivery to community organizations. Upon the effective date of this Order, Respondent shall comply with the public notification requirements following any future drinking water regulations violation. 40 C.F.R. § 141.201 et seq. Respondent shall submit a copy of the public notice to EPA and the State within ten days of completion of the public notice. 40 C.F.R. § 141.31(d).

18. Respondent shall report all analytical results to EPA and the State within the first 10 days following the month in which samples results are received, or within the first 10 days following the end of the monitoring period, whichever is shortest. 40 C.F.R. § 141.31(a).

19. Respondent shall report any other violation of the drinking water regulations to EPA and the State within 48 hours of discovery. 40 C.F.R. § 141.31(b).

20. Reporting requirements specified in this Order shall be provided by certified mail to:

Kimberly Pardue Welch  
U. S. EPA Region 8 (8ENF-W)  
1595 Wynkoop Street  
Denver, CO 80202-1129

**AND**

Shelley Nolan  
Montana Department of  
Environmental Quality- PWSS  
P.O. Box 200901  
Helena, MT 59620-0901

**GENERAL PROVISIONS**

21. This Order does not constitute a waiver, suspension, or modification of any requirement of the Act or drinking water regulations. Issuance of this Order is not an election by EPA to forgo any civil or criminal action.

22. Violation of any part of this Order, the Act, or the drinking water regulations may subject Respondent to a civil penalty of up to \$37,500 (as adjusted for inflation) per day of violation. 42 U.S.C. § 300g-3(g)(3); 40 C.F.R. part 19.

Issued this 10<sup>th</sup> day of January, 2011.



Michael T. Risner, Director  
David Janik, Supervisory Attorney  
Legal Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice



Arturo Palomares, Director  
Water Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice



**17.38.210 CONSECUTIVE SYSTEM COVERAGE**

(1) As provided in this rule, a consecutive system that meets all of the conditions in (1)(a) through (e) may be excluded from the requirements of the National Primary Drinking Water Regulations, as described in 40 CFR Part 141. A consecutive system that is granted an exclusion under this rule is not excluded from any requirements, additional to those in 40 CFR Part 141, which are applicable to the system under Title 75, chapter 6, MCA, or rules adopted thereunder. In order to be considered for the exclusion, a consecutive system must:

(a) consist only of distribution and storage facilities and not have any collection or treatment facilities;

(b) obtain all of its water from, but not be owned or operated by, a public water system to which the regulations of Part 141 apply;

(c) not sell water to any person;

(d) not be a carrier that conveys passengers in interstate commerce;

(e) document that the wholesale water system from which it obtains all of its water will:

(i) include the consecutive system in its sampling plans;

(ii) be responsible for issuing public notice; and

(iii) be responsible for issuing consumer confidence reports for the consecutive system.

(2) To obtain an exclusion from the requirements of Part 141, a consecutive system must apply to the department. The request must be in writing and must document the system's conformance with the requirements of (1)(a) through (e). The request must be accompanied by a signed copy of the written agreement between the wholesale and consecutive systems. The agreement must implement the requirements of (1)(e).

(3) Based on a consideration of potential impacts to public health, the department may grant, partially grant, or deny a request for exclusion, and may revoke or modify any exclusion after it is granted.

(4) Unless otherwise required by the department, consecutive systems are not required to duplicate their wholesaler's entry-point sampling.

History: 75-6-103, MCA; IMP, 75-6-103, MCA; NEW, 2008 MAR p. 2625, Eff. 12/25/08.

# TIER 3 TEMPLATES

The pages that follow contain templates for Tier 3 violations and situations. Along with the templates are instructions, including the required method of delivery and instructions for completing individual sections of the notices. These instructions are designed to supplement Chapter 7, so you may see much of the information repeated here.

**Mandatory language on unknown risk for monitoring violations, which must be included exactly as written, is presented in *italics* (141.205(d)).**

You must also include the following italicized language in all notices, where applicable (141.205(d)). Use of this language does *not* relieve you of your obligation to take steps reasonably calculated to notify all persons served:

*Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.*

## Templates

Monitoring Violations Annual Notice–Template 3-1

## Instructions for Monitoring Violations Annual Notice--Template 3-1

### Template on Reverse

Since most monitoring violations are included in Tier 3, you must provide public notice to persons served within one year after you learn of the violation (141.204(b)). Multiple monitoring violations can be serious, and your primacy agency may have more stringent requirements. Check with your primacy agency to make sure you meet its requirements.

Community systems must use one of the following (141.204(c)):

- Hand or direct delivery
- Mail, as a separate notice or included with the bill

Non-community systems must use one of the following (141.204(c)):

- Posting in conspicuous locations
- Hand delivery
- Mail

In addition, both community and non-community systems must use *another* method reasonably calculated to reach others if they would not be reached by the first method (141.204(c)). Such methods could include newspapers, e-mail, or delivery to community organizations. If you post the notice, it must remain posted until the violation is resolved. If the violation has been resolved, you must post the notice for at least one week (141.204(b)). If you mail, post, or hand deliver, print your notice on letterhead, if available.

The notice on the reverse is appropriate for insertion in an annual notice or the CCR, as long as public notification timing and delivery requirements are met (141.204(d)). You may need to modify the template for a notice for individual monitoring violations. This example presents violations in a table; however, you may write out an explanation for each violation if you wish. For any monitoring violation for volatile organic compounds (VOCs) or other groups, you may list the group name in the table, but you must provide the name of every chemical in the group on the notice, e.g., in a footnote.

You may need to modify the notice if you had any monitoring violations for which monitoring later showed a maximum contaminant level or other violation. In such cases, you should refer to the public notice you issued at that time.

Include in your notice the standard language for monitoring and testing procedure violations in *italics* (141.205(d)(2)). If you modify the notice, you may not alter this mandatory language.

### Corrective Actions

In your notice, describe corrective actions you took or are taking. Listed below are some steps commonly taken by water systems with monitoring violations. Choose the appropriate language, or develop your own:

- We have since taken the required samples, as described in the last column of the table above. The samples showed we are meeting drinking water standards.
- We have since taken the required samples, as described in the last column of the table above. The sample for [contaminant] exceeded the limit. [Describe corrective action; use information from public notice prepared for violating the limit.]
- We plan to take the required samples soon, as described in the last column of the table above.

**After Issuing the Notice**

**Make sure to send your primacy agency a copy of each type of notice and a certification that you have met all the public notice requirements within ten days after issuing the notice (141.31(d)).**

Please send a copy of your notice and dates posted to:

Kimberly Pardue Welch  
US EPA Region 8  
8ENF-W  
1595 Wynkoop Street  
Denver, CO 80202-1129

Or, you may fax a copy to: Attn: Kimberly Pardue Welch at 303-312-7518.

**Certification of Public Notification**

I \_\_\_\_\_ certify that the attached public notification was issued from  
(PWS Operator / Responsible Party)

\_\_\_\_\_ to \_\_\_\_\_  
(Date) (Date)

The attached notice was issued by \_\_\_\_\_  
(Method of delivery)

Signature \_\_\_\_\_ Date \_\_\_\_\_

**IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER**  
**Monitoring Requirements Not Met for Rivershore Mobile Home park**

Our water system violated several drinking water standards over the past several years. Even though these were not emergencies, as our customers, you have a right to know what happened and what we did to correct these situations.

We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not our drinking water meets health standards. We failed to monitor total coliform during multiple months listed below and failed to collect the correct number of lead and copper samples during the 2002 – 2004 and 2005 – 2007 sampling period and therefore cannot be sure of the quality of our drinking water during that time. We also failed to issue our annual Consumer Confidence Report during 2004, 2005, 2006, 2007, 2008 and 2009.

**What should I do?**

**There is nothing you need to do at this time.**

The table below lists the contaminant(s) we did not properly test for during the previous years, how often we are supposed to sample for [this contaminant/these contaminants] and how many samples we are supposed to take, how many samples we took, when samples should have been taken, and the date on which follow-up samples were (or will be) taken.

<b>Contaminant</b>	<b>Required sampling frequency</b>	<b>When all samples should have been taken</b>	<b>When samples were or will be taken</b>
Failure to monitor for Total coliform	One sample per month	February 2004, January 2005, February 2005, July 2005, April 2006, September 2006, October 2006, November 2006, December 2006, January 2007, February 2007, March 2007, and every month from May 2007 through November 2010	
Lead and Copper	5 samples every three years	2002 – 2004 and 2005 – 2007	
Failure to Issue Consumer Confidence Report	Annually	2004, 2005, 2006, 2007, 2008 and 2009	

**What happened? What is being done?**

For more information, please contact [name and number of contact person] \_\_\_\_\_ or  
[Address] \_\_\_\_\_

*Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.*

This notice is being sent to you by **Rivershore Mobile Home Park**  
State Water System ID#: **MT0000414**

Date distributed or dates posted: \_\_\_\_\_