



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

2008 NOV 19 PM 1:34

EPA REGION VIII
 HEARING CLERK

Ref: 8MO

NOV 19 2008

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-08-2009-0013**

Re: Thriftway Super Stop Bozeman Public Water System
 Sutey Oil Company
 2000 Holmes Ave.
 Butte, MT 59701
 PWS ID# MT0001259

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.

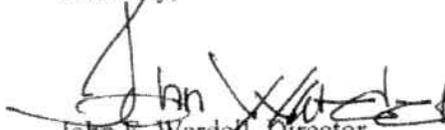
Violations	
Failure to monitor/report Nitrate [40 C.F.R. § 141.23(d)]	2006
Failure to monitor/report 5 Routine Coliform Samples during the month following a coliform positive result [40 C.F.R. § 141.21(b)(5)]	Feb 2007, May 2007
Failure to monitor/report Routine Total Coliform Bacteria [40 C.F.R. § 141.21 and ARM 17.38.215(1)(b)]	Feb 2005, Jun 2005, Aug 2005, Aug 2006, Dec 2006
Failure to monitor/report 4 Repeat Samples after a coliform positive result [40 C.F.R. § 141.21(b)]	Oct 2007, Dec 2007, Jan-Mar 2008
Exceeded monthly MCL for Total Coliform Bacteria [40 C.F.R. § 141.63(a)(2)]	Oct 2007, Dec 2007, Jan-Apr 2008
Failure to provide public notice of the above-referenced violations [40 C.F.R. § 141.201]	2006-2008
Failure to report the above-referenced violations to the State [40 C.F.R. §§ 141.31(b), 141.21(g)(1), and 141.21(g)(2)]	2005-2008

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).

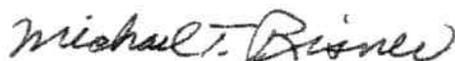
Please inform EPA of any change in the compliance status of this system. You may wish to have your staff confer with Mr. Finke to determine the Agency's position concerning this system and to exchange appropriate information. If the State does not commence appropriate enforcement action within 30 days from the receipt of the notification, EPA will proceed with issuance of an administrative order.

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 and small governments, in case these resources apply to this situation. By providing this fact sheet, EPA has made no determination whether the system is a "small entity" as defined by SBREFA. SBREFA does not eliminate the responsibility to comply with the Act.

Sincerely,



John F. Wardell, Director
Montana Office



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

Enclosure: SBREFA fact sheet

cc: Dave Sutey, Registered Agent
Thriftway Super Stop Bozeman (via certified mail w/ return receipt)
John Arrigo, MT DEQ (w/o enclosures)
Shelly Nolan, MT DEQ (w/o enclosures)
Tina Artemis, Regional Hearing Clerk, 8RC

bcc: Brenda Cazier, 8ENF-PT
Marc Weiner, 8ENF-L
Lisa Kahn, 8ENF-W (via email)
Eric Finke, 8MO

cc addresses:

Thriftway Super Stop Bozeman (via certified mail w/return receipt)
c/o Dave Sutey, Registered Agent
2000 Holmes Ave.
Butte, MT 59701

John Arrigo, Administrator
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Shelly Nolan, Chief
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