



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

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

2008 JUN 9 10 11 34

Ref: 8ENF-W

JUN - 9 2008

CERTIFIED MAIL
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-08-2008-0066**
Furniture Row - Billings
8108 Frontage Road
Billings, MT 59106
PWS ID# MT0004426

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. The violations consist of failure to monitor for bacteriological quality, failure to monitor for nitrate, 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 have your staff notify Kimberly Pardue Welch at (303) 312-6983 within 20 days if your records show any discrepancies with these determinations of violation.

Date of
Violation

Violation

December 2006,
January 2007,
February 2007,
March 2007,
August 2007,
September 2007,
November 2007,
December 2007,
January 2008,
February 2008,
and March 2008

Failure to monitor for bacteriological quality. [40 C.F.R. § 141.21(a) and ARM Chapter 38, Sub-Chapter 2, Section 17.38.215(1)(b)]

2007

Failure to monitor for nitrate. [40 C.F.R. § 141.23(d)]

2007 – 2008

Failure to notify public of above referenced violations. [40 C.F.R. § 141.201]

2006 – 2007

Failure to report the above-referenced violations to the State [141.21(g)(2) and 141.31(b)]

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 Ms. Pardue Welch 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. EPA has agreed to notify small businesses of their right to comment on regulatory enforcement activities at the same time of an Agency enforcement action. SBREFA does not eliminate the responsibility to comply with the Act.

Sincerely,



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



David J. Janik, Director
Matthew Cohn, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosure:

SBREFA fact sheet

cc: CT Corporation System, Registered Agent (via certified mail w/ return receipt)
Ed Draper, Furniture Row USA LLC (via certified mail w/ return receipt)
Ross Nicholas, Furniture Row USA LLC (via certified mail w/ return receipt)
John Arrigo, MT DEQ (w/o enclosures)
Shelly Nolan, MT DEQ (w/o enclosures)



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