



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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

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EPA REGION VIII
HEARING CLERK

MAY 11 2011

Ref: 8 ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

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

Re: Violation of the Amended
Administrative Order
Docket No. SDWA-08-2009-0033
PWS ID # MT0000414

Dear Mr. Decker:

On January 10, 2011, the US Environmental Protection Agency (EPA) issued an Amended Administrative Order (the Order), Docket No. SDWA-08-2009-0033, ordering you (Respondent) to either submit a complete application to the Montana Department of Environmental Quality (MDEQ) for the consecutive system exclusion or comply with applicable regulations issued by EPA under the Safe Drinking Water Act (SDWA), 42 U.S.C. section 300f *et seq.*, and the Administrative Rules of Montana (ARM) 17.38.101 through 703. In addition, you were also required to provide the system's water users with a public notice for past violations and Consumer Confidence Reports for calendar years 2004 - 2009.

Our records indicate that you are in violation of the Order. Among other things, the Order included the following requirements (quoted from items 12, 14, 16, and 17 of the "Order" section on pages 3 through 5 of the Order):

1. 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).

On February 17, 2011, Respondent submitted an application for the consecutive system exclusion to the MDEQ, however, it was incomplete. It did not include a complete copy of the Consecutive System Agreement with the City of Great Falls. In addition, your application did not include the specifics of how and when you will provide public notices you receive from the City of Great Falls to your water users and how you will certify compliance with those requirements to the MDEQ. Gino Pizzini, of the MDEQ, obtained a complete copy of the Consecutive System Agreement between you and the City of Great Falls from the City of Great Falls. Please provide the outstanding required information specifying how and when you will provide public notices you receive from the City of Great Falls to your water users and how you will certify compliance with those requirements to the MDEQ.

If Respondent fails to meet the requirements of item 12 in the Order (the above mentioned violation), Respondent is ordered to perform the following actions:

2. 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).

Respondent failed to submit total coliform monitoring results in January 2011, February 2011, March 2011 and April 2011. Respondent failed to report noncompliance with the total coliform monitoring requirements to EPA within 10 days of learning of the violation.

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

3. Within 30 days of receipt of this Order (by February 10, 2011), Respondent shall prepare its annual Consumer Confidence Report (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.

Respondent failed to submit its annual CCRs for calendar years 2004 - 2009 to EPA. If the CCRs have not been completed, please do so immediately and submit copies to EPA. If the CCRs have been completed

and issued to the system's water users, please provide EPA with a copy of each CCR and certification of their distribution.

4. Within 30 days of receipt of this Order (by February 10, 2011), 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).

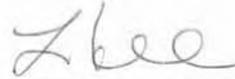
Respondent failed to submit a public notice to EPA. If public notice has not been completed, please do so immediately and submit a copy to EPA. If public notice has been conducted, please provide EPA a copy.

EPA is considering additional enforcement action, including assessment of penalties, as a result of the System's non-compliance with the Order. Violating an Administrative Order may lead to (1) a penalty of up to \$37,500 per day per violation of the Order, and/or (2) a court injunction ordering compliance.

If you have any questions or wish to have an informal conference with EPA, you may contact Kimberly Pardue Welch at 1-800-227-8917, extension 6983 or (303) 312-6983. If you are represented by an attorney who has questions, please ask your attorney to contact Marc Weiner, Enforcement Attorney, at 1-800-227-8917, extension 6913 or (303) 312-6913 or at the following address:

Marc Weiner
Enforcement Attorney
U.S. EPA, Region 8 (8-ENF-L)
1595 Wynkoop Street
Denver, Colorado 80202-1129

We urge your prompt attention to this matter.



Lisa Kahn, Team Leader
Drinking Water Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

cc:

John Arrigo, MDEQ
Shelley Nolan, MDEQ
Tina Artemis, EPA Regional Hearing Clerk

