



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

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

2008 MAR 31 AM 8:42

EPA REGION VIII
HEARING CLERK

Ref: 8ENF-W

MAR 31 2008

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Richard Oppen, Director
Montana Department of
Environmental Quality
1520 E. Sixth Avenue
P.O. Box 200901
Helena, MT 59620-0901

NOTICE OF VIOLATION

Docket No. SDWA-08-2008-0016
Red Rooster Bar
5429 Carey Ave.
Shepherd, MT 59079
PWS ID# MT0001763

Dear Mr. Oppen:

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 notify Kimberly Pardue Welch of my staff at (303) 312-6983 within 20 days if your records show any discrepancies with these determinations of violation.

On February 12, 2008, the Environmental Protection Agency (EPA) issued a Notice of Violation, Docket No. SDWA-08-2008-0016, to Joan Fisk as the owner of the Red Rooster Bar. This Notice of Violation is being reissued to Wesley Fisk who is the correct owner of the Red Rooster Bar water system.

Date of
Violation

Violation

3 rd quarter 2006, 4 th quarter 2006, 1 st quarter 2007, 2 nd quarter 2007, and 3 rd quarter 2007	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)]
2006 and 2007	Failure to monitor for nitrate. [40 C.F.R. § 141.23 (d)]
2007	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. [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 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, the 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 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 Kimberly Pardue Welch at (303) 312-6983.

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, Acting Director
Matthew Cohn, Acting Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosure:

SBREFA fact sheet

cc: Wesley Fisk, Owner (via Certified Mail w/ return receipt)
John Arrigo, MT DEQ (w/o enclosures)
Andrea Vickory, MT DEQ (w/o enclosures)
Jon Dilliard, MT DEQ (w/o enclosures)



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