



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

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CT Corporation System, Registered Agent  
Tamarack II, LLC  
P.O. Box 7054  
STE 1650  
Billings, MT 59103-7054

Re: 3<sup>rd</sup> Violation of Administrative Order  
Fazooli's Family Italian  
Docket No. SDWA-08-2010-0072  
PWS ID # MT0000889

To Whom It May Concern:

On September 7, 2010, the US Environmental Protection Agency (EPA) issued an Administrative Order (Order), Docket No. SDWA-08-2010-0072, ordering Tamarack II, LLC (Respondent) as owner and/or operator of the Fazooli's Family Italian public water system (system), to comply with various regulations issued by the EPA under the Safe Drinking Water Act (SDWA), 42 U.S.C. section 300f et seq.

Our records indicate that Tamarack II, LLC is in violation of the Order. Among other things, the Order included the following requirements (excerpted from items 19, 21, and 23 of the "Order" section on pages 4 and 5 of the Order):

1. Respondent shall monitor the system's water for nitrate quarterly until notified by the State in writing of a different monitoring schedule. 40 C.F.R. § 141.23(g) and ARM 17.38.219. Respondent shall report analytical results to EPA and the State within the first 10 days following the month in which sample results are received. 40 C.F.R. § 141.31(a).

Respondent failed to monitor the system's water for nitrate during the 4<sup>th</sup> quarter of 2012 and, therefore, violated this requirement of the Order.

2. Respondent shall monitor the system's water monthly for total coliform bacteria, as required by ARM 17.38.215(1)(b). Respondent shall report analytical results to EPA and the State within the first 10 days following the month in which sample results were received, as required by 40 C.F.R. § 141.31(a). Respondent shall report any violation of the total coliform monitoring requirements to EPA and the State within 10 days of discovery, as required by 40 C.F.R. § 141.21(g)(2).



Respondent failed to monitor the system's water for total coliform during October, November, and December of 2012 and during January 2013 and failed to report these violations to EPA and the State within 10 days of discovery. Respondent, therefore, violated these requirements of the Order.

3. Except where a different reporting deadline is specified in the drinking water regulations or this Order, Respondent shall notify EPA and the State within 48 hours of any failure to comply with the drinking water regulations, as required by 40 C.F.R. § 141.31(b).

Respondent failed to report the above mentioned failure to monitor nitrate violation to EPA and the State within 48 hours of discovery and, therefore, violated this requirement of the Order.

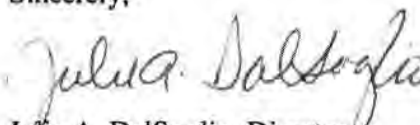
**The EPA is considering additional enforcement action as a result of the non-compliance with the Order.** Violating an Administrative Order may lead to (1) a penalty of up to \$37,500 per day per violation of the Order and/or (2) a court injunction ordering compliance.

If you have any questions or wish to have an informal conference with EPA, you may contact Sienna Meredith at 1-800-457-2690 or (406) 457-5026. If you are represented by an attorney who has questions, please ask your attorney to contact Peggy Livingston, Enforcement Attorney, at 1-800-227-8917, extension 6858 or (303) 312-6858 or at the following address:

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

We urge your prompt attention to this matter.

Sincerely,



Julie A. DalSoglio, Director  
EPA Region 8 Montana Office

cc:

John Arrigo, MDEQ, by email  
Rich Jost, MDEQ, by email  
Shelley Nolan, MDEQ, by email  
Tina Artemis, EPA Regional Hearing Clerk, by email  
Josh Townsley, President, Tamarack II, LLC (via certified mail w/ return receipt)  
Lucy Jeffrey, Department of Revenue, liquor licensing, by email

