

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

FILED

Aug 13, 2025

11:47 am

U.S. EPA REGION 8
HEARING CLERK

IN THE MATTER OF:)

City of Havre,)

Respondent.)

City of Havre Public Water System)
PWS ID #MT0000524)

Docket No. SDWA-08-2025-0030

ADMINISTRATIVE ORDER

1. This Order is issued under the authority vested in the Administrator of the United States Environmental Protection Agency (EPA) by sections 1414(b)(2) and 1414(g)(1) of the Safe Drinking Water Act (Act), 42 U.S.C. §§ 300g-3(b)(2) and (g)(1), as properly delegated to the undersigned official.
2. The City of Havre, Montana (Respondent) is a municipality that owns and operates the City of Havre Public Water System (System), which provides piped water to the public in Hill County, Montana, for human consumption.
3. The System is supplied by surface water via an intake on the Milk River and is treated through a conventional filtration surface water treatment plant. Water is disinfected with sodium hypochlorite.
4. The System has approximately 3,641 service connections used by year-round residents and regularly serves an average of approximately 9,921 year-round residents. Therefore, the System is a “public water system” and a “community water system” as defined in 40 C.F.R. § 141.2 and section 1401 of the Act, 42 U.S.C. § 300f.
5. Respondent is a “person” as defined in section 1401(12) of the Act, 42 U.S.C. § 300f(12) and is subject to the Act.
6. Section 1433 of the Act is an “applicable requirement” as defined in section 1414(i)(1) of the Act, 42 U.S.C. § 300g-3(i)(1).
7. The EPA has primary enforcement authority for section 1433 of the Act. 42 U.S.C. § 300i-2.
8. The drinking water regulations in 40 C.F.R. part 141 (Part 141) and in title 17, chapter 38 of the Administrative Rules of Montana are “applicable requirement[s]” as defined in section 1414(i)(2) and (i)(4) of the Act, 42 U.S.C. § 300g-3(i)(2), (i)(4).

9. The Montana Department of Environmental Quality (MDEQ) has primary enforcement authority in the State of Montana (State) for the Surface Water Treatment Rule (SWTR) and the Long Term 1 Enhanced Surface Water Treatment Rule (LT1ESWTR) of Part 141 and title 17, chapter 38 of the Administrative Rules of Montana.
10. The MDEQ has requested that the EPA take this action to require compliance with the SWTR and LT1ESWTR of Part 141 and title 17, chapter 38 of the Administrative Rules of Montana.
11. The EPA has provided the MDEQ an opportunity to confer prior to issuance of this Order.
12. A copy of this Order will be sent to the MDEQ.

VIOLATIONS

13. Respondent must conduct a risk and resilience assessment (RRA) of the System and certify its completion to the EPA. 42 U.S.C. § 300i-2(a). Respondent must maintain a copy of the RRA for five years after the date on which it certifies its completion to the EPA. 42 U.S.C. § 300i-2(d). Respondent certified the completion of its RRA on June 23, 2021, but failed to maintain a copy of the RRA for five years and therefore violated this requirement.
14. Respondent must conduct continuous monitoring of individual filter effluent (IFE) turbidity for each filter and record those results at least every 15 minutes. 40 C.F.R. § 141.560(c); Mont. Admin. R. 17.38.225(7)(g). Between January and April 2024, Respondent did not accurately record IFE turbidity measurements for each filter and therefore violated these requirements.
15. Respondent must perform combined filter effluent (CFE) turbidity measurements on representative samples of the System's filtered water every four hours (or more frequently). 40 C.F.R. § 141.74(c)(1); Mont. Admin. R. 17.38.225(7)(b). The CFE turbidity measurements must be reported to the State within 10 days after the end of each month the system serves water to the public. 40 C.F.R. § 141.75(b)(1); Mont.

Admin. R. 17.38.234(7)(d). Between January and April 2024, Respondent did not accurately report CFE turbidity measurements to the State within 10 days after the end of each month and therefore violated these requirements.

16. Respondent is required to notify the public of certain violations of the national primary drinking water regulations and, within 10 calendar days after completing public notice, provide a copy of the public notice and certification to the State. 40 C.F.R. §§ 141.31(d), 141.201-141.211; Mont. Admin. R. 17.38.234, 239. The violation identified in paragraph 14, above, is classified as a violation requiring Tier 3 public notice within 1 year. 40 C.F.R. § 141.204; Mont. Admin. R. 17.38.239. The EPA's records reflect that the Respondent did not notify the public of the violation cited in paragraph 14, above, and did not submit a copy of the public notice and certification to the State. Respondent therefore violated these requirements.
17. Respondent is required to report any failure to comply with any national primary drinking water regulation to the State within 48 hours, except where a different time period is specified. 40 C.F.R. § 141.31(b); Mont. Admin. R. 17.38.234. Respondent failed to report the violations cited in paragraphs 14 and 15, above, to the State within 48 hours and therefore violated this requirement.

ORDER

Respondent is ordered to perform the following actions upon Respondent's receipt of this Order (unless a different deadline is specified below):

18. Respondent must comply with all provisions of the Act and the national primary drinking water regulations of Part 141 and title 17, chapter 38 of the Administrative Rules of Montana, including but not limited to each requirement cited above.
19. Respondent must update and recertify its RRA by June 23, 2026. The updated RRA must contain all elements required by section 1433(a)(1) of the Act. 42 U.S.C. §300i-2(a)(1). Thereafter, Respondent must maintain a copy of the updated RRA for five

years after the date of certification, as required by section 1433(d) of the Act. 42 U.S.C. § 300i-2(d).

20. Respondent must accurately record the IFE turbidity results at least once every 15 minutes. 40 C.F.R. § 141.560(c); Mont. Admin. R. 17.38.225(7)(g). To demonstrate compliance, Respondent must submit IFE turbidity results to the EPA each month for the six months following execution of this Order. In order to accurately record this data, Respondent must eliminate the practice of freezing data recorded by the System's supervisory control and data acquisition (SCADA) system and must ensure that each IFE turbidimeter is programmed to accurately reflect turbidity values.
21. Respondent must accurately report CFE turbidity measurements to the State within 10 days after the end of each month the system serves water to the public. 40 C.F.R. § 141.75(b)(1); Mont. Admin. R. 17.38.234(7)(d). To demonstrate compliance, Respondent must also send CFE turbidity measurements to the EPA each month for the six months following execution of this Order. In order to accurately report this data, Respondent must eliminate the practice of freezing data recorded by the System's SCADA system and ensure that the CFE turbidimeter is programmed to accurately reflect turbidity values.
22. Within 30 calendar days after receipt of this Order, Respondent shall notify the public of the violation cited in paragraph 14, above. Thereafter, following any future violation of the national primary drinking water regulations, Respondent shall comply with the applicable public notice provision. 40 C.F.R. part 141, subpart Q; Mont. Admin. R. 17.38.239. Within 10 calendar days after providing public notice, Respondent shall submit a copy of the notice and certification to the EPA and the State. 40 C.F.R. § 141.31(d); Mont. Admin. R. 17.38.234. A template public notice is enclosed.
23. For any future violation of the national primary drinking water regulations for which this Order does not specify a reporting period, Respondent must report the violation to the State within 48 hours of the violation occurring. 40 C.F.R. § 141.31(b); Mont. Admin. R. 17.38.234. However, if a different time period is

specified for reporting the particular violation, Respondent must report the violation to the State within that different period.

24. If Respondent (a) leases or sells the System to another person or entity, or (b) contracts with or hires any other person or entity to operate the System, Respondent must, within 10 calendar days, provide a copy of this Order to the lessee, purchaser, or contractor and notify the State and the EPA in writing of the change. In either of these circumstances, Respondent will remain obligated to comply with this Order.
25. Respondent must send all reporting and notifications required by this Order to the EPA and the State at:

Email: brookins.rachel@epa.gov and LKaufman@mt.gov

GENERAL PROVISIONS

26. This Order is binding on Respondent, and any person (*e.g.*, employee, contractor, or other agent) acting in concert with Respondent.
27. This Order does not constitute a waiver, suspension, or modification of any requirement of the Act or Part 141. Issuance of this Order is not an election by the EPA to forgo any civil or criminal action.
28. Violation of any part of this Order, the Act, or the national primary drinking water regulations may subject Respondent to a civil penalty of up to \$71,545 (as adjusted for inflation) per day of violation, a court injunction ordering compliance, or both. 42 U.S.C. § 300g-3; 40 C.F.R. part 19; 88 Fed. Reg. at 89309 (January 8, 2025).
29. Respondent may seek federal judicial review of this Order pursuant to section 1448(a) of the Act, 42 U.S.C. § 300j-7(a).

Issued: August 13, 2025.

Colleen Rathbone, Manager
Water Enforcement Branch
Enforcement and Compliance Assurance Division