

2015 MAY 13 PM 1:51

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

FILED
EPA REGION VIII
HEARING CLERK

IN THE MATTER OF)

Beaverhead County Jackson Water)
and/or Sewer District)

) Docket No. SDWA-08-2014-0048

) **COMPLAINANT'S SECOND**
) **STATUS REPORT**

Respondent.)
_____)

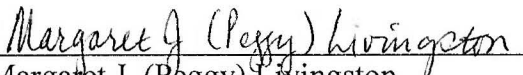
The United States Environmental Protection Agency (EPA) submits this report in response to an Order issued by the Honorable Elyana R. Sutin, Presiding Officer in this matter, on April 1, 2015.

Since the EPA's March 27, 2015, Status Report, the EPA has visited the offices of the Montana Department of Administration in Helena, Montana, and scanned several hundred pages of financial reports concerning the Beaverhead Jackson Water and/or Sewer District (Respondent); emailed follow-up questions to the Respondent on April 10, 2015, to which the Respondent responded on April 23 and 24, 2015; and spoken by telephone on May 11, 2015, with a representative of the Respondent regarding the April submissions and the options for the Respondent to fund necessary improvements.

At this point, the EPA and the Respondent have not reached a settlement in this matter. The Respondent has continued to fail to meet deadlines in its compliance schedule for meeting the maximum contaminant level for arsenic. That schedule is referenced in Count II of the Complaint in this action. The Respondent has also failed to comply with a compliance order that the EPA issued on September 17, 2014, which is not a subject of this proceeding. The Respondent has not taken advantage

of opportunities to enlist the assistance of County officials in applying for federal and/or state funding or, as provided by Montana law, to require Beaverhead County to levy taxes and collect unpaid fees for the Respondent. Therefore, the EPA is evaluating its options for assuring the Respondent's compliance with drinking water requirements.

Respectfully submitted,


Margaret J. (Peggy) Livingston
Senior Enforcement Attorney
Office of Enforcement, Compliance
and Environmental Justice
1595 Wynkoop Street
Denver, Colorado 80202
(303) 312-6858 (telephone)
livingston.peggy@epa.gov (email)

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the original and a copy of the foregoing Complainant's Second Status Report were hand-carried to the Regional Hearing Clerk, EPA, Region 8, 1595 Wynkoop Street, Denver, Colorado, and that a true copy of the foregoing Status Report was sent to the following:

Jeannette Robertson, Clerk

P.O. Box 792

Jackson, Montana 59736

Certified Mail, Return Receipt Number: 7008 3230 0003

0726 1194

Date: 05/13/2015

By: Gayle Aldinger