



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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

2011 FEB -8 AM 11:22

FILED
EPA REGION VIII
HEARING CLERK

Ref: 8ENF-W

FEB 08 2011

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

The Honorable Bryan Cummings
Town of Fairview
P.O. Box 426
Fairview, MT 59221

Re: Violation of Administrative Order
Town of Fairview
Public Water System
Docket No. SDWA-08-2010-0069
PWS ID #MT0000213

Dear Mayor Cummings:

On September 28, 2010, the US Environmental Protection Agency (EPA) issued an Administrative Order, Docket No. SDWA-08-2010-0069, ordering the Town of Fairview (the Town or Respondent) to comply with various regulations issued by EPA under the Safe Drinking Water Act (SDWA), 42 U.S.C. section 300f et seq.

Our records indicate that the Town of Fairview is in violation of the Order. Among other things, the Order included the following requirements (quoted from item 20 of the "Order" section on pages 4 and 5 of the Order):

1. Within 3 months of receipt of this Order (by January 1, 2011), Respondent shall submit an optimal corrosion control treatment recommendation and source water treatment recommendation to EPA and the State, including a schedule with milestone dates. 40 C.F.R. §§ 141.81(e)(1), 141.82 and 141.83. Respondent shall complete installation of optimal corrosion control treatment or source water treatment (if applicable) within 18 months after the State and EPA approve the recommendation.

Respondent failed to submit an optimal corrosion control treatment recommendation and source water treatment recommendation (if applicable) to EPA and the State by January 1, 2011. On February 3, 2011, Keith Gustafson, Public Works Director, notified EPA that the Town is currently

working with Interstate Engineering to develop an optimal corrosion control treatment recommendation. Please notify EPA when its completion is expected.

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 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 Amy Swanson, Enforcement Attorney, at 1-800-227-8917, extension 6906 or (303) 312-6906 or at the following address:

Amy Swanson
Enforcement Attorney
U.S. EPA, Region 8 (8ENF-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:

Keith Gustafson, Public Works Director
John Arrigo, MT DEQ
Shelley Nolan, MT DEQ
Tina Artemis, EPA Regional Hearing Clerk