



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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EPA REGION VIII  
HEARING CLERK

Ref: 8ENF-W

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Richard Opper, Director  
Montana Department of  
Environmental Quality  
1520 E. Sixth Avenue  
Helena, MT 59620-0901

Re: NOTICE OF VIOLATION

Docket No. **SDWA-08-2010-0063**  
H Bar J Saloon and Cafe  
P.O. Box 219  
Wise River, MT 59762  
PWS ID # MT0002160

Dear Mr. Opper:

The public water supply system referenced above (the system) has violated certain provisions of the National Primary Drinking Water Regulations at 40 C.F.R. part 141 (the drinking water regulations), according to records that the United States Environmental Protection Agency (EPA) has obtained from the Montana Department of Environmental Quality's Public Water Supply Online Query Reports.

EPA promulgated the drinking water regulations under the authority of the Safe Drinking Water Act (the Act), 42 U.S.C. §§ 300f, et seq. EPA is issuing this notice of violation pursuant to § 1414(a) of the Act, 42 U.S.C. § 300g-3(a), which authorizes EPA to issue an administrative compliance order or file a lawsuit concerning the system if the State of Montana (the State) does not commence an appropriate enforcement action within thirty days of receiving this notice.

The violations are listed below.

<u>Date of Violation</u>	<u>Violation</u>
June 2010	Exceeded the acute maximum contaminant level (MCL) for total coliform bacteria. [40 C.F.R. § 141.63(b)]
August 2009 June 2010	Failed to collect a set of four repeat samples within 24 hours of being notified of a total coliform positive routine sample. [40 C.F.R. § 141.21(b)]
March 2010	Exceeded the maximum contaminant level (MCL) for total coliform bacteria. [40 C.F.R. § 141.63(a)(2)]

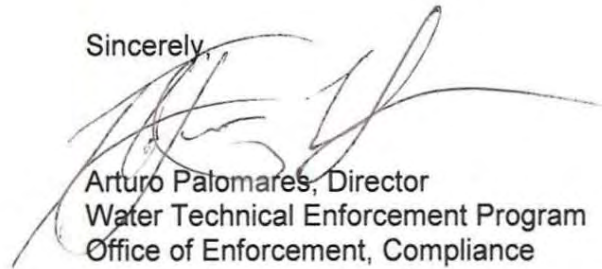
November 2008 April 2010	Failed to monitor for total coliform. [40 C.F.R. § 141.21(a)]
October 2009	Failed to collect five routine total coliform bacteria samples after having one or more total coliform positive samples in the previous month. [40 C.F.R. § 141.21(b)(5)]
2009	Failed to monitor for nitrate. [40 C.F.R. § 141.23(d)]
2008-2010	Failed to provide public notice of above violations. [40 C.F.R. §141.201 <u>et seq.</u> ]
2008-2010	Failed to report above violations to the State. [40 C.F.R. §§ 141.21(g)(1), 141.21(g)(2), and 141.31(b)]

EPA is also sending a copy of this notice of violation to the system.

If the State does not commence an appropriate enforcement action concerning the system within 30 days from your receipt of the notification, EPA will likely issue an administrative order to the owner and/or operator of the system.

Please have your staff notify Shawn McCaffrey at (303) 312-6515 within 20 days if your records show any discrepancies with the violations cited above, if your staff learns of any change in the system's compliance status, or if there are any questions or comments. Thank you for your assistance.

Sincerely,



Arturo Palomares, Director  
 Water Technical Enforcement Program  
 Office of Enforcement, Compliance  
 and Environmental Justice  
 U.S. Environmental Protection Agency-Region 8



David Rochlin, Supervisory Attorney  
 Legal Enforcement Program  
 Office of Enforcement, Compliance  
 and Environmental Justice

cc: Tina Artemis, EPA Regional Hearing Clerk  
 Ronald and Audrey Wilson, Owners, H Bar J Saloon and Cafe  
 John Arrigo, MT DEQ  
 Shelley Nolan, MT DEQ