



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

1595 Wynkoop Street
DENVER, CO 80202-1129

Phone 800-227-8917

<http://www.epa.gov/region08>

2007 DEC 19 PM 1:03

EPA REGION VIII
HEALTH AND ENVIRONMENTAL SERVICES

Ref: 8 ENF-W

DEC 19 2007

CERTIFIED MAIL #
RETURN RECEIPT REQUESTED

Debra Kearns, Registered Agent
Hitching Post LLC
P.O. Box 67
Melrose, MT 59743

Re: Violation of Administrative Order
Docket No. SDWA-08-2007-0051
PWS ID # MT0002143

Dear Ms. Kearns:

On July 2, 2007, the US Environmental Protection Agency (EPA) issued an Administrative Order, Docket No. SDWA-08-2007-0051, ordering Hitching Post, LLC (Respondent) to comply with the Safe Drinking Water Act (the Act), 42 U.S.C. Section 300f et seq., and its implementing regulations, the National Primary Drinking Water Regulations (NPDWR) at 40 C.F.R. part 141.

Our records indicate that The Hitching Post (System) is in violation of the Administrative Order (the Order). Among other things, the Order included the following requirement (quoted from items 1, 3, and 5 of the Order section on pages 5 and 6 of the Order):

1. Upon the effective date of this Order, Respondent shall monitor the water monthly for total coliform as required by ARM 17.38.215(1)(b) to determine compliance with the total coliform MCL appearing at ARM 17.38.207(l) and 40 C.F.R. § 141.63(a)(2). Respondent shall report results to EPA and the State within ten days following the end of each monitoring period, as required by 40 C.F.R. § 141.31(a).

Respondent did not monitor for total coliform bacteria in September 2007 and November 2007.

2. Upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.21(g)(2) by reporting any failure to comply with coliform

monitoring requirements under 40 C.F.R. § 141.21 to EPA and the State within ten days after the Respondent discovers the violation.

Respondent failed to report to EPA the noncompliance detailed in part 1 above, failure to monitor for total coliform bacteria.

3. Within 30 days of the effective date of this Order, Respondent must provide public notice of the violation(s) specified under the Findings of Violation Section I and II in this Order, to return to compliance with 40 C.F.R. §§ 141.201, 141.202 and 141.205. Upon the effective date of this Order, Respondent shall comply with the public notification requirements at 40 C.F.R. § 141.201 et seq. following any future NPDWR violation. Respondent shall submit a copy of the public notice to EPA and the State within ten days of completion of the public notice, as required by 40 C.F.R. § 141.31(d).

Respondent failed to submit a public notice for violations of the Order within 30 days from the effective date of the Order (by August 2, 2007).

EPA is considering additional enforcement action as a result of the System's non-compliance with the Order. Violating an Administrative Order may lead to (1) a penalty of up to \$32,500 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 or have legal questions, please contact Amy Swanson, Enforcement Attorney at (303) 312-6906 or at the following address:

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