



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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

Ref: 8ENF-W

SEP - 9 2008

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

C T Corporation System, Registered Agent
Church Universal and Triumphant, Inc.
401 N 31st Street
Suite 1650
P.O. Box 7054
Billings, MT 59103-7054

Re: Administrative Order
Sphinx Mountain Mobile Home Park
Public Water System
Docket No. SDWA-08-2009-0075
PWS ID #MT0003755

Dear C T Corporation System:

Enclosed is an Administrative Order (Order) issued by the Environmental Protection Agency (EPA) under the authority of the Safe Drinking Water Act, 42 U.S.C. §§ 300f et seq. Among other things, the Order alleges that Church Universal and Triumphant, Inc. (the company) has violated the National Primary Drinking Water Regulations (the drinking water regulations).

The Order is effective upon the date received. Please review the Order and within 10 days provide EPA with any information you believe EPA may not have. If the company complies with the Order, EPA may close the Order without further action. Failure to comply with the Order may lead to substantial civil penalties and/or a Federal court injunction ordering compliance.

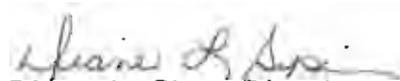
The Small Business Regulatory Enforcement and Fairness Act (SBREFA) may apply to this situation. Enclosed is a small business information sheet, outlining compliance assistance resources available to small businesses and small governments, in case these are relevant. SBREFA does not eliminate the responsibility to comply with the Order or the drinking water regulations.

The Order requires the company to notify the public of having violated the drinking water regulations. Enclosed are public notice templates and instructions to assist with that task.

To submit information, or to request an informal conference with EPA, please contact Shawn McCaffrey at the above address (with the mailcode 8ENF-W) or by phone at (800) 227-8917, extension 6515 or (303) 312-6515. Any questions from the company's attorney should be directed to Peggy Livingston, Senior Enforcement Attorney, who may be reached at the above address (with the mailcode 8ENF-L) or by phone at (800) 227-8917, extension 6858 or (303) 312-6858.

We urge your prompt attention to this matter.

Sincerely,



Diane L. Sipe, Director
Water Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosures:

Order
SBREFA Information Sheet
Public notice samples/templates

cc: Tina Artemis, EPA Regional Hearing Clerk
David Otis, Operator, Sphinx Mountain Mobile Home Park (via certified mail/return receipt requested)
John Arrigo, MT DEQ
Shelley Nolan, MT DEQ

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2009 SEP -9 AM 10:43

IN THE MATTER OF:)	
)	Docket No. SDWA-08-2009-0075
Church Universal and)	
Triumphant, Inc.,)	
)	ADMINISTRATIVE ORDER
Respondent.)	

FILED
EPA REGION 8
HEARING CLERK

1. This Order is issued under the authority vested in the Administrator of the United States Environmental Protection Agency (EPA) by the Safe Drinking Water Act, 42 U.S.C. §§ 300f *et seq.* (the Act), as properly delegated to the undersigned officials.
2. Church Universal and Triumphant, Inc. is a Montana corporation that owns and/or operates the Sphinx Mountain Mobile Home Park Water System (the system), which provides piped water to the public in Park County, Montana, for human consumption.
3. The system is supplied by a groundwater source consisting of one well. There is no treatment or disinfection applied to the water.
4. The system has approximately 18 service connections used by year-round residents and/or regularly serves at least 52 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 § 1401 of the Act, 42 U.S.C. § 300f.
5. Respondent is subject to the Act and the National Primary Drinking Water Regulations (drinking water regulations) at 40 C.F.R. part 141. The drinking water regulations are "applicable requirements" as defined in § 1414(i) of the Act, 42 U.S.C. § 300g-3(i).
6. The Montana Department of Environmental Quality has primary enforcement authority for the public water system supervision provisions of the Act in the State of Montana (the State). EPA issued a notice of the system's violations to the State on July 30, 2009. The State elected not to commence an enforcement action against the Respondent for the violations listed in the notice of violation within the thirty-day time frame set forth in § 1414(a) of the Act, 42 U.S.C. § 300g-3(a). EPA has provided a copy of this Order to the State and has provided the State the opportunity to confer with EPA regarding this Order.

VIOLATIONS

7. If any routine sample is positive for fecal coliform or *E.coli*, and if a repeat sample is total coliform positive, this is a violation of the acute maximum contaminant level (MCL) for total coliform. 40 C.F.R. § 141.63(b). After a sample of the system's water taken on April 7, 2006 tested positive for *E. coli*, a repeat sample tested positive for total coliform. Therefore, Respondent violated the acute MCL for total coliform.

8. Within 24 hours of being notified of any total coliform positive routine sample of the system's water, Respondent is required to collect a set of 4 repeat samples. 40 C.F.R. § 141.21(b). Respondent failed to take 4 repeat samples of the system's water within 24 hours of being notified of a total coliform positive sample on September 15, 2004 and, therefore, violated this requirement.

9. Respondent is required to monitor the system's water triennially for lead and copper. 40 C.F.R. § 141.86(d). Based on the population served by the system, Respondent is required to collect at least 5 samples during each 3-year monitoring period. Respondent most recently monitored the system's water for lead and copper on September 5, 2007. However, Respondent failed to monitor the system's water for lead and copper during the 2002 - 2004 period and, therefore, violated this requirement.

10. If arsenic in any sample of the system's water exceeds 0.010 milligrams per liter (mg/l), Respondent is required to monitor quarterly for arsenic, beginning in the first quarter after the exceedance occurs. 40 C.F.R. § 141.23(c)(7). Although arsenic in the system's water exceeded 0.010 mg/l on September 5, 2007, Respondent failed to monitor the system's water for arsenic during the 1st (January-March) and 4th (October-December) quarters of 2008 and, therefore, violated this requirement.

11. Arsenic monitoring results of the system's water during the 4th quarter of 2007, the 2nd (April-June) quarter of 2008, the 3rd (July-September) quarter of 2008, and the 1st quarter of 2009, averaged 0.011 mg/L, which, computed according to 40 C.F.R. § 141.23(i)(1), exceeded the arsenic MCL of 0.010 mg/l, as established by 40 C.F.R. § 141.62(b). Respondent, therefore, violated the arsenic MCL.



12. Respondent is required to notify the public of certain violations of the drinking water regulations. 40 C.F.R. §§ 141.201, 141.202, and 141.204. Respondent failed to notify the public of the violations listed in paragraphs 7 through 9 above, and, therefore, violated this requirement.

13. Respondent is required to report any failure to meet a coliform monitoring requirement to the State no later than 10 days after learning of this violation. 40 C.F.R. § 141.21(g)(2). Respondent did not notify the State of the violation cited in paragraph 8, above, and, therefore, violated this requirement.

14. Respondent is required to report any coliform MCL violation to the State no later than the end of the first business day after learning of it. 40 C.F.R. § 141.21(g)(1). Respondent did not notify the State of the MCL violation cited in paragraph 7, above, and, therefore, violated this requirement.

15. Respondent is required to report any failure to comply with any of the drinking water regulations to the State within 48 hours (except where a different reporting period is specified in the drinking water regulations). 40 C.F.R. § 141.31(b). Respondent failed to report the violations listed in paragraphs 9 through 11, above, to the State and, therefore, violated this requirement.

ORDER

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

16. Respondent shall comply with the acute total coliform MCL as stated in 40 C.F.R. § 141.63(b). If any test result shows that fecal coliforms or *E.coli* are present in the system's water, Respondent shall notify the EPA and the State no later than the end of the day on which the system was notified of the test result. If the system is notified of the result after the appropriate EPA or State office are closed, then the Respondent shall notify the EPA and the State before the end of the next business day. 40 C.F.R. § 141.21(e).



17. If any total coliform routine sample for the system is total coliform positive, Respondent shall collect a set of 4 repeat samples within 24 hours of being notified of a positive result, following the procedures in 40 C.F.R. § 141.21. Respondent shall report analytical results to EPA and the State within the first 10 days following the month in which sample results were received, as required by 40 C.F.R. § 141.31(a). Respondent shall report any violation of the total coliform monitoring requirements to EPA and the State within 10 days of discovery, as required by 40 C.F.R. § 141.21(g)(2).

18. Between June 1, 2010, and September 30, 2010, Respondent shall monitor the system's water for lead and copper, and thereafter as directed by the State in accordance with 40 C.F.R. § 141.86(b), (c) and (d). Respondent shall report analytical results to EPA and the State within the first 10 days following the end of the monitoring period, as required by 40 C.F.R. § 141.90. Respondent shall report any violation of lead and copper monitoring requirements to EPA and the State within 48 hours, as required by 40 C.F.R. § 141.31(b).

19. Effective immediately, Respondent shall implement the compliance plan described in an August 10, 2009, letter to the State from McNabb Engineering, LLC. This shall include, but not be limited to, using Well #1 as the primary source of the system's water, with supplementation from Well #3 during June through September of each year. It shall also include sampling the system's water for arsenic. Sampling shall be weekly during the weeks of September 10, 17, and 24 of 2009, and monthly between October 1, 2009, and September 30, 2010. Respondent shall report analytical results to EPA and the State within the first 10 days following the month in which sample results were received, as required by 40 C.F.R. § 141.31(a).

20. No later than September 15, 2010, Respondent shall consult with the State and EPA to determine the required frequency of monitoring after September of 2010. Respondent shall report any future violation of the arsenic monitoring requirements to EPA and the State within 48 hours. 40 C.F.R. § 141.31(b).



21. Respondent shall comply with the MCL for arsenic. 40 C.F.R. § 141.62(b). Respondent must comply even if the plan Respondent has submitted does not achieve compliance.

22. If Respondent's water exceeds the arsenic MCL while this Order is in effect, Respondent shall, within 60 days of the arsenic exceedance, submit another plan and schedule to EPA and the State, containing detailed steps for bringing the system into compliance with the MCL for arsenic. The plan shall include proposed system modifications, estimated costs of modifications, and a schedule for construction of the project and compliance with the MCL for arsenic. The proposed plan and schedule shall include specific milestone dates and a final compliance date (that shall be within 18 months from the date of the arsenic MCL violation triggering the need for the plan), and shall be submitted to EPA for approval. The plan and schedule must be approved by EPA before construction can commence. EPA's approval of Respondent's plan and schedule does not substitute for any State of Montana approvals of plans and specifications that may also be required before modifications may be made to the system.

23. If applicable, the plan and schedule required by paragraph 22, above, will be incorporated into this Order as enforceable requirements upon written approval by EPA.

24. Within 60 days of receiving this Order, Respondent shall provide EPA with quarterly reports on the progress made toward bringing the system into compliance with the arsenic MCL. Each quarterly report is due by the 10th day of the month following the relevant quarter.

25. Within 30 days of receiving this Order, Respondent shall notify the public of the violations cited in paragraphs 7 through 9, above, following the instructions provided with the public notice templates provided to Respondent with this Order. For any future violations of the drinking water regulations, Respondent shall provide public notice as required by 40 C.F.R. part 141, subpart Q.

26. Respondent shall direct all reporting required by this Order to:

Shawn McCaffrey, 8ENF-W
U. S. EPA Region 8
1595 Wynkoop Street
Denver, CO 80202-1129

AND

Shelley Nolan, PWSS
Montana Dept. of Environmental Quality
P.O. Box 200901
Helena, MT 59620-0901



GENERAL PROVISIONS

27. This Order does not constitute a waiver, suspension, or modification of any requirement of the Act or drinking water regulations. Issuance of this Order is not an election by EPA to forgo any civil or criminal action.

28. Violation of any part of this Order or the drinking water regulations may subject Respondent to a civil penalty of up to \$37,500 (as adjusted for inflation) per day of violation. 42 U.S.C. § 300g-3; 40 C.F.R. part 19.

Issued: September 9, 2009

David Rochlin

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

Diane L. Sipe

Diane L. Sipe, Director
Technical Water Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice



Instructions for Fecal Coliform or *E. coli* Notice – Template 1-4

Template on Reverse

Since exceeding the fecal coliform or *E. coli* maximum contaminant level is a Tier 1 violation, you must provide public notice to persons served as soon as practical but within 24 hours after you learn of the violation (141.202(b)). During this time, you must also contact your primacy agency. You should also coordinate with your local health department. You may also have to modify the template if you also have high nitrate levels or other coliform MCL violations. You must use one or more of the following methods to deliver the notice to consumers (141.202(c)):

- Radio
- Television
- Hand or direct delivery
- Posting in conspicuous locations

You may need to use additional methods (e.g., newspaper, delivery of multiple copies to hospitals, clinics, or apartment buildings), since notice must be provided in a manner reasonably calculated to reach all persons served.

The notice on the reverse is appropriate for hand delivery or a newspaper notice. However, you may wish to modify it before using it for a radio or TV notice. If you do, you must still include all required elements and leave the health effects language in italics unchanged. This language is mandatory (141.205(d)). If you post or hand deliver, print your notice on letterhead, if you have it.

Population Served

Make sure it is clear who is served by your water system—you may need to list the areas you serve.

Corrective Action

In your notice, describe corrective actions you are taking. Listed below are some steps commonly taken by water systems with fecal coliform or *E. coli* violations. You can use one or more of the following actions, if appropriate, or develop your own:

- We are chlorinating and flushing the water system.
- We are switching to an alternate drinking water source.
- We are increasing sampling for coliform bacteria to determine the source of the contamination.
- We are repairing the wellhead seal.
- We are repairing the storage tank.
- We are restricting water intake from the river/lake/reservoir to prevent additional bacteria from entering the water system and restricting water use to emergencies.

After Issuing the Notice

Send a copy of each type of notice and a certification that you have met all the public notice requirements to your primacy agency within ten days from the time you issue the notice (141.31(d)).

It is recommended that you notify health professionals in the area of the violation. People may call their doctors with questions about how the violation may affect their health, and the doctors should have the information they need to respond appropriately. In addition, health professionals, including dentists, use tap water during their procedures and need to know of contamination so they can use bottled water.

It is a good idea to issue a "problem corrected" notice when the violation is resolved. See Template 1-8.

DRINKING WATER WARNING

Sphinx Mountain MHP water was contaminated with *E. coli*

E. coli bacteria were found in the water supply on April 7, 2006. These bacteria can make you sick, and are a particular concern for people with weakened immune systems.

Bacterial contamination can occur when increased run-off enters the drinking water source (for example, following heavy rains). It can also happen due to a break in the distribution system (pipes) or a failure in the water treatment process.

What should I do? What does this mean?

- *Fecal coliforms and E. coli are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Microbes in these wastes can cause diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a special health risk for infants, young children, and people with severely compromised immune systems.*
- The symptoms above are not caused only by organisms in drinking water. If you experience any of these symptoms and they persist, you may want to seek medical advice. People at increased risk should seek advice about drinking water from their health care providers.

What has been done?

[Describe corrective action.]

For more information, please contact [name of contact] at [phone number] or [mailing address]. General guidelines on ways to lessen the risk of infection by microbes are available from the EPA Safe Drinking Water Hotline at 1-800-426-4791.

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.

This notice is being sent to you by Sphinx Mountain MHP.

State Water System ID#: MT0003755.

Date distributed: _____.

After Issuing the Notice

Make sure to send your primacy agency a copy of each type of notice and a certification that you have met all the public notice requirements within ten days after issuing the notice (141.31(d)).

Please send a copy of your notice and dates posted to:

Shawn McCaffrey, 8ENF-W U. S. EPA Region 8 1595 Wynkoop Street Denver, CO 80202-1129	AND	Shelley Nolan, PWSS Montana Dept. of Environmental Quality P.O. Box 200901 Helena, MT 59620-0901
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Or, you may fax a copy to: Attn: Shawn McCaffrey at 303-312-7202.

Certification of Public Notification

I _____ certify that the attached public notification was issued from
(PWS Operator / Responsible Party)

_____ to _____
(Date) (Date)

The attached notice was issued by _____
(Method of delivery)

Signature _____ Date _____

TIER 3 TEMPLATES

The pages that follow contain templates for Tier 3 violations and situations. Along with the templates are instructions, including the required method of delivery and instructions for completing individual sections of the notices. These instructions are designed to supplement Chapter 7, so you may see much of the information repeated here.

Mandatory language on unknown risk for monitoring violations, which must be included exactly as written, is presented in *italics* (141.205(d)).

You must also include the following italicized language in all notices, where applicable (141.205(d)). Use of this language does *not* relieve you of your obligation to take steps reasonably calculated to notify all persons served:

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.

Templates

Monitoring Violations Annual NoticeBTemplate 3-1

Instructions for Monitoring Violations Annual Notice--Template 3-1

Template on Reverse

Since most monitoring violations are included in Tier 3, you must provide public notice to persons served within one year after you learn of the violation (141.204(b)). Multiple monitoring violations can be serious, and your primacy agency may have more stringent requirements. Check with your primacy agency to make sure you meet its requirements.

Community systems must use one of the following (141.204(c)):

- Hand or direct delivery
- Mail, as a separate notice or included with the bill

Non-community systems must use one of the following (141.204(c)):

- Posting in conspicuous locations
- Hand delivery
- Mail

In addition, both community and non-community systems must use *another* method reasonably calculated to reach others if they would not be reached by the first method (141.204(c)). Such methods could include newspapers, e-mail, or delivery to community organizations. If you post the notice, it must remain posted until the violation is resolved. If the violation has been resolved, you must post the notice for at least one week (141.204(b)). If you mail, post, or hand deliver, print your notice on letterhead, if available.

The notice on the reverse is appropriate for insertion in an annual notice or the CCR, as long as public notification timing and delivery requirements are met (141.204(d)). You may need to modify the template for a notice for individual monitoring violations. This example presents violations in a table; however, you may write out an explanation for each violation if you wish. For any monitoring violation for volatile organic compounds (VOCs) or other groups, you may list the group name in the table, but you must provide the name of every chemical in the group on the notice, e.g., in a footnote.

You may need to modify the notice if you had any monitoring violations for which monitoring later showed a maximum contaminant level or other violation. In such cases, you should refer to the public notice you issued at that time.

Include in your notice the standard language for monitoring and testing procedure violations in *italics* (141.205(d)(2)). If you modify the notice, you may not alter this mandatory language.

Corrective Actions

In your notice, describe corrective actions you took or are taking. Listed below are some steps commonly taken by water systems with monitoring violations. Choose the appropriate language, or develop your own:

- X We have since taken the required samples, as described in the last column of the table above. The samples showed we are meeting drinking water standards.
- X We have since taken the required samples, as described in the last column of the table above. The sample for [contaminant] exceeded the limit. [Describe corrective action; use information from public notice prepared for violating the limit.]
- X We plan to take the required samples soon, as described in the last column of the table above.

After Issuing the Notice

Make sure to send EPA Region 8 a copy of each type of notice and a certification that you have met all the public notice requirements within ten days after issuing the notice (141.31(d)).

Please send a copy of your notice and dates posted to:

Shawn McCaffrey, 8ENF-W	AND	Shelley Nolan, PWSS
U. S. EPA Region 8		Montana Dept. of Environmental Quality
1595 Wynkoop Street		P.O. Box 200901
Denver, CO 80202-1129		Helena, MT 59620-0901

Or, you may fax a copy to: Attn: Shawn McCaffrey at 303-312-7202.

Certification of Public Notification

I _____ certify that the attached public notification was issued from
(PWS Operator / Responsible Party)

_____ To _____
(Date) (Date)

The attached notice was issued by _____
(Method of delivery)

Signature _____ Date _____

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER
Monitoring Requirements Not Met for Sphinx Mountain MHP

Our water system violated a drinking water standard over the past five years. Even though this was not an emergency, as our customers, you have a right to know what happened and what we did to correct the situation.

We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not our drinking water meets health standards. We failed to take 4 repeat total coliform samples following a total coliform positive result on September 15, 2004. We also failed to monitor the system's water for lead and copper during the 2002 – 2004 monitoring period.

What should I do?

There is nothing you need to do at this time.

The table below lists the contaminant(s) we did not properly test for during the previous years, how often we are supposed to sample for [this contaminant/these contaminants] and how many samples we are supposed to take, how many samples we took, when samples should have been taken, and the date on which follow-up samples were (or will be) taken.

Contaminant	Required sampling frequency	When all samples should have been taken	When samples were or will be taken
Failure to take 4 repeat total coliform samples following a total coliform positive result.	Only after a total coliform positive result.	September 2004	October 2004
Failure to monitor for lead and copper.	Triennial	2002 – 2004	September 5, 2007

What happened? What is being done?

For more information, please contact [name and number of contact person] _____ or [Address] _____

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.

This notice is being sent to you by **Sphinx Mountain MHP**
 State Water System ID#: **MT0003755**

Date distributed or dates posted: _____