



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

1595 Wynkoop Street  
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Phone 800-227-8917  
<http://www.epa.gov/region08>

2008 DEC 29 PM 10:25

Ref: ENF-W

DEC 29 2008

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Honorable Bill Lewis, Mayor  
Town of Neihart  
P.O. Box 36  
Neihart, MT 59465

Re: Administrative Order Addendum  
Docket No. SDWA-08-2008-0008  
PWS ID #MT0000298

Dear Mayor Lewis:

This addendum to the Amended Administrative Order issued January 22, 2008 to The Town of Neihart (Respondent) as the Owner/Operator of the Town of Neihart public water system (the system) incorporates the schedule for system improvements as outlined in the e-mails which the Environmental Protection Agency (EPA) received on September 3, 2008, from John Juras P.E., of Thomas Dean & Hoskins Inc., on behalf of the Town of Neihart and from Bob Reynolds on October 1, 2008 and October 3, 2008. The Montana Department of Environmental Quality (MDEQ) granted approval of the plans and specifications for the project on June 5, 2007.

This letter constitutes the written approval by EPA of the schedule set forth in this letter. The effect of today's approval is to incorporate the following schedule into the Administrative Order. Each deadline in the schedule will be enforceable as if it were part of the Administrative Order itself. The system is responsible for notifying EPA of any delays with regard to grant funds or this schedule.


The following schedule lists the action to be taken, deadline date, and completion date if applicable.

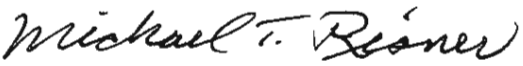
<b><u>Action</u></b>	<b><u>Deadline</u></b>	<b><u>Completion (if applicable)</u></b>
Plans for a temporary modification to the water system intake ("pilot test") which includes modifying the intake to allow water to be drawn from either Shorty Creek or the O'Brien Creek depending on turbidity levels.	Within 90 days following a violation in which the 95 <sup>th</sup> percentile turbidity value of the monitoring results in any monitoring period exceeds 0.3 NTU. (Violation occurred in May 2008)	Plans submitted to MDEQ <b>June 1, 2007</b>  Approved by MDEQ <b>June 5, 2007</b>  Plans submitted to EPA September 3, 2008 as required following the May 2008 turbidity violation.
Pilot test start-up		July 12, 2008
Conduct pilot test to determine effectiveness of intake modifications.	Pilot test to run through July 15, 2009	
Provided grant funds are awarded and pilot test is a success, System will complete the installation of the permanent modifications to the intake.	December 31, 2009	
If grant funds are not awarded or the pilot test is unsuccessful, System will notify EPA within 90 days of alternative plans for bringing the public water system into compliance with the 90 <sup>th</sup> percentile turbidity limit.	Within 90 days of determining the pilot test is unsuccessful or being notified that grant funds were denied	

Notify EPA and the State Within two weeks of  
in writing of completion completing permanent  
of permanent system system modifications  
modifications.

Please be advised that you are required to comply with all provisions of the Administrative Order. Penalties for failing to comply are set forth in the Order. Please contact Kimberly Pardue Welch at (303) 312-6983 if you have any questions concerning this Addendum. If you are represented by an attorney, please ask your attorney to call Thomas E. Sitz at the above 800 number, extension 6918, or at (303) 312-6918.

Sincerely,

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

  
Michael Risner, Director  
Legal Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

cc:

John Jurus P.E., Thomas Dean & Hoskins Inc.  
Bob Reynolds, Operator (via e-mail)  
John Arrigo, MDEQ  
Shelly Nolan, MDEQ  
Tina Artemis, EPA Regional Hearing Clerk (via e-mail)



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