



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8, MONTANA OFFICE  
FEDERAL BUILDING, 10 W. 15<sup>th</sup> STREET, SUITE 3200  
HELENA, MONTANA 59626

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EPA REGION VIII  
HEARING CLERK

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Richard Opper, Director  
Montana Department of Environmental Quality  
Metcalf Building  
1520 West Sixth Avenue  
Helena, MT 59620

RE: NOTICE OF VIOLATION

Docket No. **SDWA-08-2010-0066**  
Feeding Frenzy, Inc.  
Cheffys Public Water System  
2635 Hwy 93 W  
Whitefish, MT 59937-2779  
PWS ID# MT0004436

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 (MDEQ) and its 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 section 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.

On May 27, 2009, EPA issued a revised Notice of Violation to MDEQ regarding violations of the drinking water regulations at Shaker's Steak and Ale located in Whitefish, MT. On July 28, 2009, EPA issued an Administrative Order (Order) to Claudia Knudsen as owner and operator of Shaker's Steak and Ale. The Order required Ms. Knudsen to comply with the drinking water regulations, including monitoring for total coliform and nitrate, providing public notice of violations, and reporting the violations to the State and EPA. In June 2009, Shaker's Steak and Ale changed its name to Cheffy's. On December 9, 2009, EPA issued a Violation of



Administrative Order letter for ongoing violations of the Order and the drinking water regulations. In March 2009, Feeding Frenzy, Inc. was incorporated with the Montana Secretary of State; however, EPA was not informed of the ownership change until July 2010. Shaker's Steak and Ale, LLC, as the previous owner of Cheffy's public water system and Feeding Frenzy, Inc., as the owner and operator of Cheffy's, have continued to violate the drinking water regulations and the system's water has recently exceeded the maximum contaminant level (MCL) for total coliform in June and July 2010. Therefore, EPA is issuing a revised Notice of Violation (NOV) to incorporate the total coliform MCL violations and to update ownership and operator information. This NOV also includes additional violations that have accrued since the first Administrative Order was issued to Ms. Knudsen in September 2009.

The violations are listed in the table below.

Violations	
Failure to monitor/report <b>Nitrate</b> [40 C.F.R. § 141.23(d)]	2007 and 2008
Failure to monitor/report Routine <b>Total Coliform Bacteria</b> [40 C.F.R. § 141.21 and ARM 17.38.215(1)(b)]	September – October 2005, Mar 2006, Jun-Jul 2006, Mar 2007, Jun-Dec 2007, Jan-Dec 2008, Jan-May 2009, July – Dec 2009, March 2010
Violation of the Maximum Contaminant Level for <b>Total Coliform Bacteria</b> [40 C.F.R. § 141.62(b)(16)]	June 2010 and July 2010
Failure to provide public notice of the above-referenced violations [40 C.F.R. § 141.201]	2006-2010
Failure to report the above-referenced violations to the State [40 C.F.R. §§ 141.21(g)(2) and 141.31(b)]	2005-2010

EPA is also sending a copy of this notice of violation to the system. Also enclosed for the benefit of the system is a copy of EPA's Small Business Regulatory Enforcement and Fairness Act (SBREFA) fact sheet containing information on compliance assistance resources and tools available to small businesses and small governments, in case these resources apply to this situation. SBREFA does not eliminate the responsibility to comply with the drinking water regulations. By providing this information sheet, EPA has not necessarily determined that the system is in fact a "small entity" as that term is defined in SBREFA.

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

Please have your staff notify Sienna Paquin at (406) 457-5026, 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,



Julie DalSoglio, Director  
Montana Office



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

cc: Kenneth Lyons, Registered Agent, Feeding Frenzy, Inc. and Operator of Cheffy's  
(via certified mail w/ return receipt)  
Claudia Knudsen (via certified mail w/ return receipt)  
John Arrigo, MT DEQ (w/o enclosures)  
Shelley Nolan, MT DEQ (w/o enclosures)  
Tina Artemis, Regional Hearing Clerk, 8RC

bcc: Brenda Cazier, 8ENF-PT  
Marc Weiner, 8ENF-L  
Lisa Kahn, 8ENF-W (via email)  
Sienna Paquin, 8MO  
Kimberly Pardue Welch, 8ENF-W (via email)

cc addresses:

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Claudia Knudsen, (via certified mail w/ return receipt)  
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John Arrigo, Administrator  
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Shelley Nolan, Chief  
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