



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8, MONTANA OFFICE
FEDERAL BUILDING, 10 W. 15th STREET, SUITE 3200
HELENA, MONTANA 59626

Ref: 8MO

JUL 28 2009

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ms. Beverly Madsen, Chairwoman
Board of Trustees
Luccock Methodist Church Camp
P.O. Box 1262
Livingston, MT 59047

Re: Administrative Order
Docket No. SDWA-08-2009-0017
Luccock Methodist Church Camp
Public Water System
PWS ID # MT0002825

Dear Ms. Madsen:

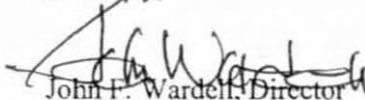
Enclosed is an Administrative Order issued by the Environmental Protection Agency (EPA) under the authority of the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300g-3(g). Among other things, the Order describes how the Luccock Methodist Church Camp Public Water System has violated the National Primary 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 Luccock Methodist Church Camp complies with the Order for 12 months after the effective date of 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.

You may submit information or request an informal conference with EPA by contacting Eric Finke at the above address or by phone at toll free (866) 457-2690 extension 5026, or (406) 457-5026. For legal questions, the attorney assigned to this matter is Marc Weiner, who can be reached at EPA Region 8, 1595 Wynkoop Street, Denver, CO 80202-1129 (with the mailcode 8ENF-L) or by phone at toll free (800) 227-8917 extension 6913, or (303) 312-6913.

I urge your prompt attention to this matter.

Sincerely,


John F. Wardell, Director
EPA Montana Office

Enclosures

Order

Public notice samples/templates

cc: Tina Artemis, EPA Regional Hearing Clerk

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

IN THE MATTER OF)
)
Beverly Madsen, Trustee)
Rex A. Madsen, Trustee)
Timothy Jenkins, Trustee)
Diane Jenkins, Trustee)
Ray Center, Trustee)
Bob Pettit, Trustee)
Sarah Savage, Trustee)
Sara Hays, Trustee)
Sue Roberts, Trustee)
Perry Roberts, Trustee)
)
Respondents for)
Luccock Methodist Church Camp)
Livingston, MT)

2009 JUL 28 AM 08:44

ADMINISTRATIVE ORDER
Docket No. SDWA-08-2009-0017

1. This Order is issued under the authority vested in the Administrator of the United States Environmental Protection Agency (EPA) by § 1414(g) of the Safe Drinking Water Act (the Act), 42 U.S.C. § 300g-3(g), as properly delegated to the undersigned officials.

2. The Respondents named above are trustees of the Luccock Methodist Church Camp which owns and operates the Luccock Methodist Church Camp Public Water System (the system) in Park County, Montana which provides piped water to the public for human consumption. The system is supplied by a groundwater source consisting of one well and serves approximately 200 people per day through 1 service connection during June through September. The system is a "non-community" water system as defined in 40 C.F.R. § 141.2. The Respondents are subject to the requirements of the Act and the National Primary Drinking Water Regulations (drinking water regulations), at 40 C.F.R. part 141. The Respondents received annual notification from the Montana Department of Environmental Quality (MDEQ or the State) regarding the system's monitoring requirements.

3. The MDEQ has primary enforcement authority for the Act in the State of Montana. On November 19, 2008, EPA issued a Notice of Violation to MDEQ regarding the violations at the system. MDEQ elected not to commence an enforcement action against the system for the violations 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 MDEQ and has provided the State, through MDEQ, with an opportunity to confer with EPA

regarding this Order pursuant to § 1414(g)(2) of the Act, 42 U.S.C. § 300g-3(g)(2). EPA is issuing this Order requiring the system to comply with the "applicable requirements" it violated. An "applicable requirement" includes requirements of an applicable approved State program, such as Montana's "Public Water Supply Requirements" at Administrative Rules of Montana (ARM) 17.38.101 through 703. 42 U.S.C. § 300g-3(i).

VIOLATIONS

4. Respondents are required to monitor the system's water at least once per quarter to determine compliance with the maximum contaminant level (MCL) for total coliform bacteria. 40 C.F.R. § 141.21. Respondents failed to monitor for total coliform bacteria during the 3rd quarter 2006 and 3rd quarter 2007 and, therefore, violated this requirement.

5. When so directed by the State, Respondents are required to monitor the system's water at least once per month to determine compliance with the MCL for total coliform bacteria. ARM 17.38.215(1)(b). The State directed Respondents to do so beginning June 2008. Respondents failed to monitor the water for contamination of total coliform bacteria during the months of June and September 2008 and, therefore, violated this requirement.

6. Respondents are required to monitor the system's water at least once per year to determine compliance with the MCL for nitrate. 40 C.F.R. § 141.23(d). Respondents failed to monitor for nitrate during 2003, 2006, and 2007 and, therefore, violated this requirement.

7. Respondents are required to notify the public of certain violations of the drinking water regulations, in the manner specified by the regulations. 40 C.F.R. § 141.201, *et seq.* Respondents failed to notify the public of their failure to monitor for total coliform during 2006 and 2007, as specified in paragraph 4 above, and the nitrate monitoring violations listed in paragraph 6 above and, therefore, violated this requirement. Public notice for the 2008 monthly coliform violations listed in paragraph 5 above is not yet overdue.

8. Respondents are required to report any failure to comply with a coliform monitoring requirement to the State within ten days after the system learned of the violation. 40 C.F.R. § 141.21(g)(2). Respondents failed to report to the State their failure to monitor for total coliform as listed in paragraphs 4 and 5 above and, therefore, violated this requirement.

9. Respondents are required to report any failure to comply with any other drinking water regulation to the State within 48 hours. 40 C.F.R. §

141.31(b). Respondents failed to report the violations listed in paragraphs 6 and 7 above to the State and, therefore, violated this requirement.

ORDER

Based on the above violations, Respondents are ordered to perform the following actions:

10. Upon receipt of this Order, Respondents shall monitor for total coliform bacteria monthly. ARM 17.38.215(1)(b).

11. Upon receipt of this Order, Respondents shall monitor for nitrate annually.

12. Within 30 days of the effective date of this Order, Respondents must provide public notice of the violations as specified in paragraphs 4, 5, and 6. 40 C.F.R. §§ 141.201, et seq. Respondents shall submit a copy of the public notice to EPA and the State within ten days of completion of the public notice. 40 C.F.R. § 141.31(d). This notice shall be given by (1) posting the notice in conspicuous locations throughout the distribution system frequented by persons served by the system OR (2) by mail or direct delivery to each customer and service connection; AND (3) any other method reasonably calculated to reach other persons served by the system if they would not normally be reached by the notice required above, such as publication in a local newspaper or newsletter distributed to customers; use of E-mail to notify employees or students; or delivery of multiple copies in central locations. If the public notice is posted, the notice must remain in place for as long as the violation or situation persists, but for no less than seven days. The public water system must repeat the notice every three months as long as the violation or situation persists.

13. Upon the effective date of this Order, Respondents shall comply with the public notification requirements following any future drinking water regulations violation. 40 C.F.R. § 141.201 et seq.

14. Respondents shall report any violation of the total coliform monitoring requirements to EPA and the State within ten days after Respondent learns of it. 40 C.F.R. § 141.21(g)(2).

15. Respondents shall report any other violation of the drinking water regulations to EPA and the State within 48 hours of discovery. 40 C.F.R. § 141.31(b).

16. Respondents shall report analytical results to EPA and the State within the first 10 days following the month in which sample results are received, as required by the drinking water regulations. 40 C.F.R. § 141.31(a).

17. Reporting requirements specified in this Order shall be provided by certified mail to:

Eric Finke
U. S. EPA Montana Office
10 W. 15th St., Suite 3200
Helena, MT 59626

AND

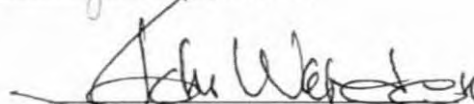
Shelley Nolan
Montana Department of
Environmental Quality- PWSB
P.O. Box 200901
Helena, MT 59620-0901

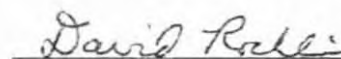
GENERAL PROVISIONS

18. 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.

19. Violation of any part of this Order, the Act, 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(g)(3); 40 C.F.R. part 19.

Issued this 28th day of July, 2009.


John F. Wardell, Director
Montana Office


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

16. Respondents shall report analytical results to EPA and the State within the first 10 days following the month in which sample results are received, as required by the drinking water regulations. 40 C.F.R. § 141.31(a).

17. Reporting requirements specified in this Order shall be provided by certified mail to:

Eric Finke
U. S. EPA Montana Office
10 W. 15th St., Suite 3200
Helena, MT 59626

AND

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

GENERAL PROVISIONS

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Issued this ____ day of _____, 2009.

John F. Wardell, Director
Montana Office

David Rochlin

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