



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8, MONTANA OFFICE
FEDERAL BUILDING, 10 W. 15TH STREET, SUITE 3200
HELENA, MONTANA 59628

2013 MAY 15 PM 1:57

FILED
EPA REGION VIII
HEARING CLERK

Ref: 8MO

MAY 15 2013

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ms. Tracy Stone-Manning, Director
Montana Department of
Environmental Quality
1520 E. Sixth Avenue
P.O. Box 200901
Helena, MT 59620-0901

Re: NOTICE OF VIOLATION
Fazooli's Family Italian
PWS ID# MT0000889
Docket No. SDWA-08-2010-0072

Dear Ms. Stone-Manning:

According to records that the United States Environmental Protection Agency (EPA) has obtained from the Montana Department of Environmental Quality's Public Water Supply Drinking Water Watch online report and/or the EPA's Safe Drinking Water Information System national database, the owner and operator of the public water supply system referenced above (System) have violated regulations promulgated by the EPA under the Safe Drinking Water Act, 42 U.S.C. §§ 300f through 300j-26 and the Montana Board of Environmental Review under section 75-6-103, Montana Code Annotated (the Drinking Water Regulations).

The EPA is issuing this notice of violation pursuant to section 1414(a) of the Act, 42 U.S.C. § 300g-3(a), which authorizes the EPA to issue an administrative compliance order or to file a lawsuit concerning the System if the State of Montana (State) does not commence an appropriate enforcement action within thirty days of receiving this notice of violation. The violations are listed below.

<u>Dates of Violation</u>	<u>Violations</u>
August through November 2011; January through December 2012; and January through March 2013	Failure to monitor and report the daily entry point residual disinfectant concentration, in violation of ARM Chapter 38, Sub-Chapter 2, Sections 17.38.225 and 17.38.234. [Note: See ARM Chapter 38, Chapter 2, Section 17.38.229 for disinfection residual requirement.]
Above-referenced violations	Failure to provide public notice, in violation of 40 C.F.R. part 141, subpart Q.

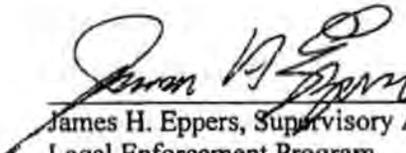
The EPA is also sending a copy of this notice of violation to the System. Also enclosed for the benefit of the System is a copy of the EPA's Small Business Regulatory Enforcement and Fairness Act (SBREFA)

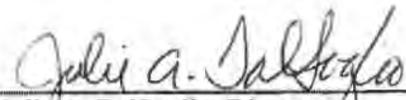
fact sheet containing information on compliance assistance resources and tools available to small businesses and small governments, in case these resources apply to this situation. A compliance assistance center for small governments, the Local Government Environmental Assistance Network (LGEAN), can be reached at www.lgean.org or by calling (877) 865-4326. SBREFA does not eliminate the responsibility to comply with the regulations cited above. By providing this information sheet, the 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 the System within 30 days from your receipt of this notification, the EPA will likely issue an administrative order to the owner and/or operator of the System.

Please have your staff notify Sienna Meredith at (406) 457-5026 or mercdith.sienna@epa.gov 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,


James H. Eppers, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice


Julie A. DalSoglio, Director
EPA Region 8 Montana Office

Enclosure:

SBREFA fact sheet

cc:

John Arrigo, MT DEQ
Shelley Nolan, MT DEQ
Josh Townsley, Tamarack II, LLC
CT Corporation System, Registered Agent, Tamarack II, LLC
Tina Artemis, EPA Regional Hearing Clerk