



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

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MAY 26 2010

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Richard Opper, Director
Montana Department of
Environmental Quality
1520 E. Sixth Avenue
P.O. Box 200901
Helena, MT 59620-0901

NOTICE OF VIOLATION

Docket No. SDWA-08-2010-0047
Lambert County Sewer and
Water District
Lambert, MT 59243
PWS ID# MT0000269

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 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.

The violations are listed in the table below.

June 2009	Failure to monitor for bacteriological quality. [40 C.F.R. § 141.21(a)]
September 2009	Failure to take 4 repeat samples following a total coliform positive result. [40 C.F.R. § 141.21(b)]
3 rd quarter 2009 and 4 th quarter 2009	Failure to monitor the residual disinfectant level in the system's water, at the same time and place in the system's distribution as total coliforms are sampled. [40 C.F.R. § 141.132(c)(1)]
August 2009 September 2009 October 2009 November 2009 December 2009 January 2010 February 2010 March 2010	Failure to monitor and report the daily entry point residual disinfectant concentration. [ARM Chapter 38, Sub-Chapter 2, Section 17.38.225 and 17.38.229]
2009	Failure to monitor for nitrate. [40 C.F.R. § 141.23(d)]
2005 - 2007	Failure to monitor for lead and copper. [40 C.F.R. § 141.86 (d)]
2 nd quarter 2005, 2 nd quarter 2007, 2 nd quarter 2008, and 2009 (annual sample)	Failure to monitor for Fluoride. [40 C.F.R. § 141.23(c)]
CY2008	Failure to provide Consumer Confidence Report. [40 C.F.R. § 141.152-155]
2006 - 2009	Failure to notify public of the above-referenced violations. [40 C.F.R. § 141.201]
2005 - 2010	Failure to report the above-referenced violations to the State [40 C.F.R. §§ 141.21(g)(2) and 141.31(b)]

EPA is also sending a copy of this notice of violation to the system. 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/or operator of the system.

Please have your staff notify Kimberly Pardue Welch at (800) 227-8917, extension 6983 or (303) 312-6983, 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,



Darcy O'Connor, Acting Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice



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

cc: John Arrigo, MT DEQ (w/o enclosures)
Shelley Nolan, MT DEQ (w/o enclosures)
Tina Artemis, EPA Regional Hearing Clerk
Brian Ligon, Lambert County Sewer and Water District
Lambert County Sewer and Water District, Registered Agent