



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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EPA REGION VIII  
HEARING CLERK

Ref: 8ENF-W

SEP 13 2010

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Paul Neal Cooley, Registered Agent  
Bitterroot Gateway MH and RV Park, L.L.C.  
5707 West Harrier Ave.  
Missoula, MT 59801

Re: Violation of Administrative Order  
Bitterroot Gateway Mobile Home  
Park Public Water System  
Docket No. SDWA-08-2010-0007  
PWS ID # MT0000443

Dear Mr. Cooley:

On January 27, 2010, the US Environmental Protection Agency (EPA) issued an Administrative Order, Docket No. SDWA-08-2010-0007, ordering Bitterroot Gateway MH and RV Park, L.L.C. (Respondent), as owner of the Bitterroot Gateway Mobile Home Park public water system, to comply with various regulations issued by EPA under the Safe Drinking Water Act (SDWA), 42 U.S.C. section 300f et seq.

Our records indicate that Bitterroot Gateway MH and RV Park, L.L.C. is in violation of the Order. Among other things, the Order included the following requirements (quoted from items 15 and 21 of the "Order" section on pages 3 and 4 of the Order):

1. Between January 1, 2010 and March 31, 2010, and for subsequent quarters until the State specifies in writing a different monitoring frequency, Respondent shall monitor the system's water for combined radium at each entry point to the distribution system as required by 40 C.F.R. § 141.26(a).

Respondent monitored well #1 and well #2 for combined radium on January 27, 2010 and February 16, 2010, respectively. The Respondent, however, failed to monitor and report combined radium for both entry points

to the distribution system (both wells) during the 2<sup>nd</sup> quarter (April – June) of 2010.

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

Respondent failed to report the above mentioned violation to EPA and the State within 48 hours of discovery.

EPA is considering additional enforcement action as a result of the non-compliance with the Order. Violating an Administrative Order may lead to (1) a penalty of up to \$37,500 per day per violation of the Order, and/or (2) a court injunction ordering compliance.

If you have any questions or wish to have an informal conference with EPA, you may contact Kimberly Pardue Welch at 1-800-227-8917, extension 6983 or (303) 312-6983. If you are represented by an attorney who has questions, please ask your attorney to contact Amy Swanson, Enforcement Attorney, at 1-800-227-8917, extension 6906 or (303) 312-6906 or at the following address:

Amy Swanson  
Enforcement Attorney  
U.S. EPA, Region 8 (8ENF-L)  
1595 Wynkoop Street  
Denver, Colorado 80202-1129

We urge your prompt attention to this matter.



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Lisa Kahn, Team Leader  
Drinking Water Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

cc:

Terry L. Burkholder, Bitterroot Gateway MHP (via certified mail w/  
return receipt)  
John Arrigo, MT DEQ  
Shelley Nolan, MT DEQ  
Tina Artemis, EPA Regional Hearing Clerk