



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

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MAY 21 2009

CERTIFIED MAIL LETTER
RETURN RECEIPT REQUESTED

Mike Grove, President
Bank of the Rockies
205 West Main
White Sulphur Springs, MT 59545

CERTIFIED MAIL LETTER
RETURN RECEIPT REQUESTED

Hoa Vien, Registered Agent
China Wok, Inc.
188 Hwy 12 E
Townsend, MT 59644

CERTIFIED MAIL LETTER
RETURN RECEIPT REQUESTED

Herman Chan
China Wok Restaurant
4309 Morning Sun Drive
Bozeman, MT 59715

Re: 3rd Administrative Order Addendum
China Wok Restaurant
Public Water System
Docket No. SDWA-08-2007-0060
PWS ID #MT0000965

Dear Mr. Grove, Mr. Vien, and Mr. Chan:

This 3rd Addendum to the Administrative Order issued July 23, 2007 to the Bank of the Rockies, China Wok, Inc., and Herman Chan (Respondents), Owner, Registered Agent, and Operator, respectively, of the China Wok Restaurant water system (the System), incorporates the changes to the schedule for nitrate monitoring that were outlined in the 2nd Administrative Order Addendum which was issued December 29,

2008. Specifically, this Addendum allows monthly nitrate sampling instead of daily sampling.

On March 6, 2009, Craig Henrickson of Morrison Maierle, Inc. requested, on behalf of China Wok, a reduction in nitrate monitoring from daily to monthly during the six-month pilot period. China Wok is being required to collect a monthly nitrate sample and have it tested by an approved laboratory for nitrate plus nitrite.

This letter constitutes the written approval by EPA of the schedule set forth in this letter. The effect of today's approval is to supersede the 2nd Administrative Order Addendum schedule and to incorporate the following schedule into the Administrative Order. Each deadline in the schedule will be enforceable as if it were part of the Administrative Order itself. The system is responsible for notifying EPA of any delays with regard to this schedule. This Addendum is effective upon the date received.

The following schedule lists the actions to be taken, deadline dates, and completion date if applicable.

<u>Action</u>	<u>Deadline</u>	<u>Completion (if applicable)</u>
Respondents shall submit to EPA and the State detailed plans and specifications for a corrective action that will bring the System into compliance with the maximum contaminant level (MCL) for nitrate, through either the installation of treatment or the construction of an alternate source of water.	April 13, 2008	April 7, 2008 October 21, 2008 (final submission)
Respondents shall complete installation of the 6-month full scale pilot study according to the State's approved plans and specifications. Modifications include but are not limited to the installation of chlorination and ion exchange treatment for nitrate removal.	April 1, 2009	March 31, 2009

Action

Deadline

Completion (if applicable)

Respondents shall sample chlorine residual daily (with onsite test equipment) and report results to EPA and the State within 10 days following the end of the monitoring period.

Immediately following start-up of the pilot study

Respondents shall sample nitrate monthly (sample collected by facility and submitted to a certified laboratory for analysis) and report results to EPA and the State within 10 days following the end of the monitoring period.

Immediately following receipt of this Addendum

For the duration of the pilot study, Respondents shall monitor raw and treated water monthly for metals, alkalinity, hardness, pH, total solids (TS), sulfate, and sulfide and submit samples to a certified laboratory in order to track progress of nitrate removal treatment. Respondents shall report analytical results to EPA and the State within the first 10 days following the month in which sample results are received.

Immediately following start-up of the pilot study

<u>Action</u>	<u>Deadline</u>	<u>Completion (if applicable)</u>
Based on the results of the full scale pilot study, Respondents shall determine if the pilot study successfully provides compliance with the nitrate MCL. If successful, the pilot study will become the permanent treatment system.	October 1, 2009	
Respondents shall notify EPA and the State in writing of the final project completion.	Within two weeks of completing the final installation of the treatment system	
If the full scale pilot study does not provide compliance with the nitrate MCL, Respondents shall provide EPA and the State with an alternate plan for bringing the system into compliance with the nitrate MCL.	December 1, 2009	
Respondents shall provide, through the engineer, certification and as-built plans and specifications to EPA and MDEQ verifying that the corrective action was installed or constructed in accordance with the approved plans and specifications.	Within 90 days of completing the final installation of the treatment system	

<u>Action</u>	<u>Deadline</u>	<u>Completion (if applicable)</u>
<p>Respondents shall monitor nitrate quarterly for at least one year following completion of installation and/or construction. Respondents shall report analytical results to EPA and the State within the first 10 days following the month in which sample results are received.</p>	<p>Within two weeks of completing the final installation of the treatment system</p>	

Please be advised that Respondents are required to comply with all provisions of the Administrative Order. Penalties for failing to comply are set forth in the Order. Please contact Kimberly Pardue Welch at (303) 312-6983 if you have any questions concerning this Addendum. If you are represented by an attorney, please ask your attorney to call Peggy Livingston at the above 800 number, extension 6858, or at (303) 312-6858.

Sincerely,



Diane L. Sipe, 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:

Joel Guthals, Bank of the Rockies (via certified mail w/ return receipt)
Wendy Holman, China Wok Restaurant
John Arrigo, MT DEQ
Shelley Nolan, MT DEQ
Tina Artemis, EPA Regional Hearing Clerk

bcc:

Brenda Cazier, 8ENF-PT
Peggy Livingston, 8ENF-L
Lisa Kahn, 8ENF-W
Eric Finke, MOO (via e-mail)
Reading File

cc addresses:

Joel Guthals
Bank of the Rockies
P.O. Box 1977
Billings, MT 59103

Wendy Holman
China Wok Restaurant
188 Hwy 12 E
Townsend, MT 59644

John Arrigo, Administrator
Enforcement Division
Montana Department of
Environmental Quality
1520 E. Sixth Avenue
P.O. Box 200901
Helena, MT 59620-0901

Shelley Nolan, Rule Specialist Manager
Public Water Supply Compliance Section
Montana Department of
Environmental Quality
1520 E. Sixth Avenue
P.O. Box 200901
Helena, MT 59620-0901