



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

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

2008 NOV 20 11:14:08

NOV 20 2008

Ref: 8 ENF-W

CERTIFIED MAIL #
RETURN RECEIPT REQUESTED

Bill and Hayli Thompson, Owners
The Ranch House of Dupuyer
P.O. Box 142
Dupuyer, MT 59432

Re: 2nd Violation of Administrative Order
Docket No. SDWA-08-2007-0052
PWS ID # MT0002032

Dear Mr. and Ms. Thompson:

On June 27, 2007, the US Environmental Protection Agency (EPA) issued an Administrative Order (the Order), Docket No. SDWA-08-2007-0052, ordering you (Respondents), as owners of The Ranch House of Dupuyer, to comply with the Safe Drinking Water Act (the Act), 42 U.S.C. Section 300f *et seq.*, and its implementing regulations, the National Primary Drinking Water Regulations (NPDWR) at 40 C.F.R. part 141. EPA issued an initial Violation of Administrative Order letter on December 19, 2007, outlining violations of the Order. This second Violation of Administrative Order letter describes subsequent violations of the Order.

Our records indicate that The Ranch House of Dupuyer is in violation of the Administrative Order. Among other things, the Order included the following requirements (quoted from items 2, 3, and 5 of the Order section on pages 6 and 7 of the Order):

1. Upon the effective date of this Order, Respondents shall monitor the water monthly for total coliform as required by ARM 17.38.215(1)(b) to determine compliance with the total coliform MCL appearing at ARM 17.38.207(l) and 40 C.F.R. § 141.63(a)(2). Respondents shall report results to EPA and the State within ten days following the end of each monitoring period, as required by 40 C.F.R. § 141.31(a).

Respondents did not monitor for total coliform bacteria or report the results to EPA in November 2007, December 2007, August 2008 and October 2008.

2. Within 30 days of the effective date of this Order, Respondents must provide public notice of the violation(s) specified under the Findings of Violation Section I and II (for 2005 violations) in this Order, to return to compliance with 40 C.F.R. §§ 141.201, 141.202 and 141.205. Respondents shall submit a copy of the public notice to EPA and the State within ten days of completion of the public notice, as required by 40 C.F.R. § 141.31(d).

Respondents failed to submit a public notice for violations of the Order within 30 days from the effective date of the Order (by July 27, 2007). Please complete the public notice for violations listed in the Order, as well as those that occurred after the Order, and submit the public notice to EPA and the State.

3. Upon the effective date of this Order, Respondents shall comply with 40 C.F.R. § 141.21(g)(2) by reporting any failure to comply with coliform monitoring requirements under 40 C.F.R. § 141.21 to EPA and the State within ten days after the Respondents discover the violation.

Respondents failed to report to EPA the noncompliance detailed in part 1 above, failure to monitor for total coliform bacteria.

EPA is considering additional enforcement action, including assessment of penalties, as a result of the System's non-compliance with the Order. Violating an Administrative Order may lead to (1) a penalty of up to \$32,500 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 or have legal questions, please contact Amy Swanson, Enforcement Attorney at (303) 312-6906 or at the following address:

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

We urge your prompt attention to this matter.



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

CC:

John Arrigo, MT DEQ
Shelly Nolan, MTDEQ
Tina Artemis, EPA Regional Hearing Clerk

