



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

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Ref: 8ENF-W

AUG 24 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-08-2010-0069**
Town of Fairview
Fairview, MT 59221
PWS ID# MT0000213

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.

Results from the September 30, 2009 lead and copper sampling show that the system exceeded both the lead and copper action levels of 0.015 mg/L and 1.3 mg/L respectively. The system's water exceeded the action level for lead with 0.027 mg/L and for copper with 1.92 mg/L. The system

was required to take the following actions as a result of the lead and copper action level exceedance and has failed to do so:

By November 30, 2009	Failure to, within 30 days after the system learns of the tap monitoring results, provide notification of lead tap exceedance to the occupants of the residence where the sample was taken. [40 C.F.R. § 141.85 (d)]
By November 30, 2009	Failure to conduct public education for lead within 60 days after the end of the monitoring period in which the exceedance occurred. [40 C.F.R. § 141.85]
By March 30, 2010	Monitor the source water for lead and copper. [40 C.F.R. § 141.88(b)]
By March 30, 2010	Develop and submit an optimal corrosion control treatment recommendation and a source water treatment recommendation. [40 C.F.R. §§ 141.81(e)(1), 141.82 and 141.83]
January – June 2010	Monitor for lead and copper during consecutive 6 month periods. [40 C.F.R. § 141.86(d)(4)]
Prior to December 31, 2009 and between January – June 2010	Monitor for water quality parameters during consecutive 6 month periods. [40 C.F.R. § 141.87(b)]

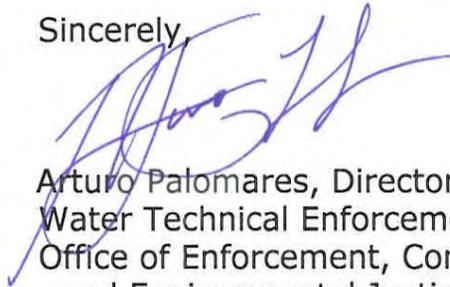
In addition to the above mentioned lead and copper violations, the system had additional violations which are listed in the table below.

3 rd quarter 2005, 4 th quarter 2005, and 3 rd quarter 2006	Failure to monitor for volatile organic chemicals at well #2. [40 C.F.R. § 141.24(f)]
2006 - 2010	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)]

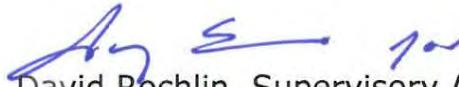
EPA is also sending a copy of this notice of violation to the system. If the State does not commence an appropriate enforcement action concerning this system within 30 days from your receipt of the notification, EPA will likely issue an administrative order to the owner and/or operator of the system.

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,



Arturo Palomares, Director
Water 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: Mayor Bryan Cummins, Town of Fairview (via certified mail w/ return receipt)
John Arrigo, MT DEQ (w/o enclosures)
Shelley Nolan, MT DEQ (w/o enclosures)
Tina Artemis, EPA Regional Hearing Clerk