



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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2011 JAN 13 AM 9:20

Ref: 8ENF-W

JAN 13 2011

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EPA REGION VIII
HEARING CLERK

CERTIFIED MAIL LETTER
RETURN RECEIPT REQUESTED

James Brawdy, Owner
Gramma Ruby's Café
5 Third Street
Hobson, MT 59452

Re: Administrative Order Addendum
and Violation Letter
Gramma Ruby's Café
Public Water System
Docket No. SDWA-08-2009-0007
PWS ID # MT0002011

Dear Mr. Brawdy:

This addendum to the Administrative Order (Order) issued November 24, 2008, to you as owner of the Gramma Ruby's Public Water System (the system), approves your December 13, 2010 request via e-mail for a two month extension for submitting a compliance plan and schedule for bringing the system into compliance with the nitrate maximum contaminant level (MCL). This letter serves to incorporate into the Order the new date of February 13, 2011 as the deadline for the compliance plan and schedule. This new deadline will be an enforceable part of the Order.

Please note that EPA expects this deadline extension to be met. If unexpected events occur that are beyond your control and that may prompt you to request an extension of these deadlines, you will be responsible for notifying EPA well in advance of the deadline dates. EPA will not consider extending these deadlines without a clear justification for their need. You must provide the following information in any request for extensions: a description of the work that has been completed and the additional work that may not be completed by the deadline dates, the unexpected events that occurred and how you attempted to foresee or overcome these obstacles, the proposed new deadline dates, and an explanation that justifies the new proposed deadline dates.

As you are aware, EPA's records indicate that you are in violation of the Order. Among other things, the Order included the following

requirements (quoted from items 8, 13, 14 and 16 of the "Order" section on pages 3 and 4 of the Order):

1. Upon the effective date of the Order, Respondent must comply with the nitrate MCL. 40 C.F.R. § 141.62(b).

The system's water exceeded the nitrate MCL on September 27, 2010 and October 25, 2010.

2. Upon the effective date of this Order, Respondent must comply with all confirmation sampling requirements found in 40 C.F.R. § 141.23(f)(2). This requires public water systems that exceed the MCL for nitrate to either 1) take a confirmation sample within 24 hours of notification of the analytical results or 2) immediately notify the consumers served by the system and take a confirmation sample within two weeks of notification. If a confirmation sample is taken, the results of the initial and confirmation sample shall be averaged to determine the System's compliance with 40 C.F.R. § 141.62(b).

Following the September 27, 2010 and October 25, 2010 nitrate MCLs, Respondent failed to either 1) collect a confirmation sample within 24 hours of notification of the analytical results or 2) immediately notify the consumers served by the system and take a confirmation sample within two weeks of notification.

3. Within 30 days of the effective date of the Order, Respondent must provide public notice of the violation(s) specified in Paragraph 5 of the Order (for failure to take a nitrate confirmation sample). 40 C.F.R. §§ 141.201, 141.202 and 141.205. Respondent shall submit a copy of the public notice to EPA and the State within ten days of completion of the public notice. 40 C.F.R. § 141.31(d).

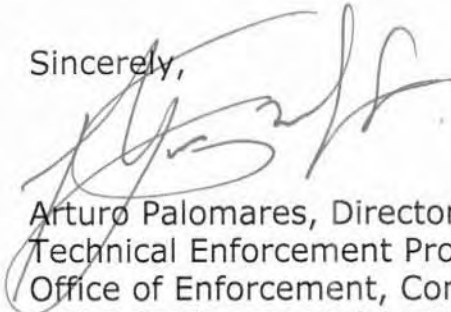
Respondent failed to submit a public notice to EPA and the State. If public notice has not been completed, please do so immediately and submit a copy to EPA and the State. If public notice has been conducted, please provide EPA and the State a copy.

4. 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).

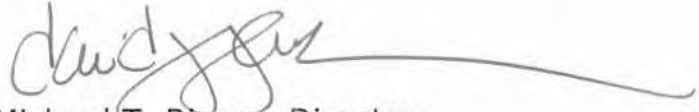
Respondent failed to report the above mentioned violations to EPA and the State within 48 hours of discovery.

Please be advised that you are required to comply with all provisions of the Order. Penalties for failing to comply are set forth in the Order. Please contact Kimberly Pardue Welch at 800-227-8917, extension 6983 or (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 800-227-8917, extension 6858, or at (303) 312-6858.

Sincerely,



Arturo Palomares, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice



Michael T. Risner, Director
David Janik, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

cc:

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