



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

1595 Wynkoop Street
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Phone 800-227-8917
<http://www.epa.gov/region08>

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Ref: 8 ENF-W

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EPA REGION VIII
HEARING CLERK

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Charles Murray, Owner
Winston Bar
P.O. Box 406-208
Winston, MT 59647-0208

Re: 2nd Violation of Administrative
Order
Docket No. SDWA-08-2008-0006
PWS ID # MT0002940

Dear Mr. Murray:

On December 13, 2007, the US Environmental Protection Agency (EPA) issued an Administrative Order, Docket No. SDWA-08-2008-0006, ordering you (Respondent) as owner of the Winston Bar 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. On June 19, 2008, EPA notified you of the violations of that Administrative Order (Order).

Our records indicate that you are again in violation of the Order. Among other things, the Order included the following requirement (quoted from items 9 and 11 of the "Order" section on page 3 of the Order):

1. Upon receipt of this Order, Respondent shall monitor monthly for total coliform bacteria. ARM 17.38.215(1)(b). Respondent shall report analytical results to EPA and the State within the first 10 days following the month in which sample results are received, as required by the drinking water regulations. 40 C.F.R. § 141.31(a). Any violation of the total coliform monitoring requirements shall be reported to EPA and the State within ten days after Respondent learns of it. 40 C.F.R. § 141.21(g)(2).

Respondent failed to submit total coliform monitoring results in May 2008, April 2009 and May 2009. Respondent failed to report noncompliance with the total coliform monitoring requirements to EPA within 10 days of learning of the violation.

2. Upon the effective date of the Order, Respondent shall comply with the public notification requirements following any future drinking water regulations violation. 40 C.F.R. § 141.201 et seq.

Respondent completed the public notice for the violations specified in the Order. However, EPA has not received the public notice for Respondent's failure to monitor for total coliform bacteria in March 2008 and May 2008 that occurred subsequent to the Order. Please complete the public notice for the 2008 and 2009 failure to monitor for total coliform bacteria violations and submit the public notice to EPA and the State.

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 \$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 Marc Weiner, Enforcement Attorney, at 1-800-227-8917, extension 6913 or (303) 312-6913 or at the following address:

Marc Weiner
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, MDEQ
Shelley Nolan, MDEQ
Tina Artemis, EPA Regional Hearing Clerk