



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

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

2008 JUL -5 PM 12:05

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Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Walt Hill, Chairman
Board of Directors for
Seeley Lake Missoula County Water District
P.O. Box 503
Rice Ridge Road
Seeley Lake, MT 59868

Vincent Chappell, General Manager
Seeley Lake Missoula County Water District
P.O. Box 503
Rice Ridge Road
Seeley Lake, MT 59868

Re: Administrative Order
Seeley Lake Missoula County Water
District Public Water System
Docket No. SDWA-08-2008-0062
PWS ID # MT0000327

Dear Mr. Hill and Mr. Chappell:

Enclosed is an Administrative Order (Order) issued by the Environmental Protection Agency (EPA) under the authority of the Safe Drinking Water Act (the Act), 42 U.S.C. section 300f et seq. Among other things, the Order describes how the Seeley Lake Missoula County Water District has violated the National Primary Drinking Water Regulations.

The Order is effective upon the date received. Please review the Order and within 10 days provide EPA with any information you believe EPA may not have. If Seeley Lake Missoula County Water District complies with the Order for at least twelve months, EPA may close the Order without further action. Failure to comply with the Order may lead to substantial civil penalties and/or a Federal court injunction ordering compliance.

To submit information or request an informal conference with EPA, contact Kimberly Pardue Welch at the above address (with the mailcode 8ENF-W) or by phone at (800) 227-8917, extension 6983 or (303) 312-6983. For legal questions, the attorney assigned to this matter is Marc Weiner, who may be reached at the above address (with the mailcode 8ENF-L) or by phone at (800) 227-8917, extension 6913 or (303) 312-6913.

We urge your prompt attention to this matter.

Sincerely,



Diane L. Sipe, Director
Water Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosures:
Order

cc:
John Arrigo, MT DEQ
Shelly Nolan, MT DEQ

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

488-08-011008

IN THE MATTER OF)
)
Seeley Lake Missoula County)
Water District)
Seeley Lake, MT) ADMINISTRATIVE ORDER
)
Respondent) Docket No. SDWA-08-2008-0062

1. This Order is issued under the authority vested in the Administrator of the United States Environmental Protection Agency (EPA) in the Public Health Service Act (as amended by and hereafter referred to as the "Safe Drinking Water Act" or the "Act"), 42 U.S.C. § 300f, as properly delegated to the undersigned officials.

2. Seeley Lake Missoula County Water District (Respondent) is a District which owns and/or operates the Seeley Lake Missoula County Water District (the system) in Missoula County, Montana which provides piped water to the public for human consumption. The system is supplied by a surface water source and serves approximately 1700 people per day through approximately 550 service connections year round. The system is a "community" water system as defined in 40 C.F.R. § 141.2. Respondent is subject to the requirements of the Act and the National Primary Drinking Water Regulations (drinking water regulations), at 40 C.F.R. part 141. The Respondent received annual notification from the State of Montana regarding the system's monitoring requirements.

3. The Montana Department of Environmental Quality (MDEQ or the State) has primary enforcement authority for the Act in the State of Montana. On May 29, 2008, EPA issued a Notice of Violation to MDEQ regarding the violations at the system. MDEQ elected not to commence an enforcement action against the system for the violations within the thirty-day time frame set forth in section 1414(a) of the Act, 42 U.S.C. § 300g-3(a). EPA has provided a copy of this Order to MDEQ and has provided the State, through MDEQ, with an opportunity to confer with EPA regarding this Order pursuant to section 1414(g)(2) of the Act, 42 U.S.C. § 300g-3(g)(2). EPA is issuing this Order requiring the system to comply with the "applicable requirements" it violated. An "applicable requirement" includes requirements of an applicable approved State program, such as Montana's "Public Water Supply Requirements" at Administrative Rules of Montana (ARM) 17.38.101 through 703. 42 U.S.C. § 300g-3(i).

VIOLATIONS

4. Respondent is required to monitor the system's water at least once per quarter to determine compliance with the maximum contaminant level (MCL) for total trihalomethane (TTHM) and haloacetic acids (HAA5). 40 C.F.R. § 141.132(b)(1). The drinking water regulations define the MCL for HAA5 to be 0.060 milligrams per liter (mg/L) which is determined by the running annual average for four consecutive quarters. 40 C.F.R. §§ 141.64 and 141.133(b). The system exceeded the MCL for HAA5 during the 3rd quarter 2004 (0.130 mg/L), 4th quarter 2004 (0.086 mg/L), 1st quarter 2005 (0.079 mg/L), 2nd quarter 2005 (0.071 mg/L), 2nd quarter 2006 (0.062 mg/L), 3rd quarter 2006 (0.069 mg/L), 4th quarter 2006 (0.071 mg/L), 1st quarter 2007 (0.071 mg/L), 2nd quarter 2007 (0.068 mg/L), 3rd quarter 2007 (0.064 mg/L), and 1st quarter 2008 (0.063 mg/L) and, therefore, violated the MCL requirement.

5. The law requires Respondent to notify the public of certain violations of the drinking water regulations, in the manner specified by the regulations. 40 C.F.R. § 141.201 *et seq.* Respondent failed to notify the public of the violations listed in paragraph 4 above (except the 2nd – 4th quarters 2006 and 1st – 3rd quarters 2007 for exceeding the HAA5 MCL) and, therefore, violated this requirement.

ORDER

Based on the above violations, Respondent is ordered to perform the following actions:

6. Within 90 days of the effective date of this Order, Respondent shall provide EPA with a compliance plan and schedule for the system to come into compliance with the HAA5 MCL. 40 C.F.R. §§ 141.64 and 141.133(b). The plan shall include proposed system modifications, estimated costs of modifications, and a schedule for completion of the project and compliance with the above-mentioned regulations. The proposed schedule shall include specific milestone dates and a final compliance date (to be within 24 months from the date of EPA's approval of the plan). The plan and schedule must be approved by EPA before construction or modifications can commence. EPA's approval of Respondent's plan and schedule does not substitute for any State of Montana approvals of plans and specifications (engineering plans) which are also required before modifications can be made to the system.

7. The plan and schedule required by paragraph 6, above, will be incorporated into this Order as enforceable requirements upon written approval by EPA.

8. Within 90 days of receiving EPA's approval of the plan and schedule required by paragraph 6, above, Respondent shall submit to EPA quarterly reports on the progress made toward bringing the system into compliance with 40 C.F.R. §§ 141.64 and 141.133(b). Each quarterly report is due by the 10th day of the month following the end of each calendar quarter.

9. Respondent must achieve and maintain compliance with 40 C.F.R. §§ 141.64 and 141.133(b) by the final date specified in the approved plan, or no later than 24 months after receiving EPA's approval of the plan and schedule required by paragraph 6, above, whichever is earliest. If implementation of the plan fails to achieve permanent compliance, EPA may order further steps and/or seek penalties for noncompliance.

10. Within 10 days of completion of the approved plans and specifications required in paragraph 6, Respondent shall notify EPA in writing of project completion.

11. Within 30 days of receipt of this Order, Respondent must provide public notice of the violations specified in Paragraph 4 of this Order (except the 2nd - 4th quarters 2006 and 1st - 3rd quarters 2007 for exceeding the HAA5 MCL). 40 C.F.R. §§141.201, 141.202 and 141.205. This notice shall be given by (1) mail or other direct delivery to each customer receiving a bill and to other service connections to which water is delivered by the System; AND (2) any other method reasonably calculated to reach other persons served by the system, if they would not normally be reached by the notice, such as publication in a local newspaper; delivery of multiple copies for distribution by customers that provide their drinking water to others; posting in public places or on the Internet; or delivery to community organizations. Upon the effective date of this 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 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).

12. Reporting requirements specified in this Order shall be provided by certified mail to:

Kimberly Pardue Welch
U. S. EPA Region 8 (8ENF-W) **AND**
1595 Wynkoop Street
Denver, CO 80202-1129

Shelly Nolan
Montana Department of
Environmental Quality- PWSS
P.O. Box 200901
Helena, MT 59620-0901

GENERAL PROVISIONS

13. This Order does not constitute a waiver, suspension, or modification of any requirement of the Act or drinking water regulations. Issuance of this Order is not an election by EPA to forgo any civil or criminal action.

14. Violation of any part of this Order, the Act, or the drinking water regulations may subject Respondent to a civil penalty of up to \$32,500 (as adjusted for inflation) per day of violation, 42 U.S.C. § 300g-3(g)(3); 40 C.F.R. part 19.

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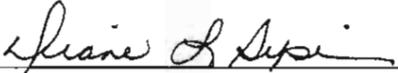
Date



David J. Janik, Director
Matthew Cohn, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

JUN 25 2008

Date



Diane L. Sipe, Director
Technical Water Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice