



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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HEARING CLERK

AUG 24 2010

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Joseph Duvall
Craig Bar
50 Main, Craig
Wolf Creek, MT 59648

Re: 2nd Addendum and 2nd Violation of
Administrative Order
Docket No. SDWA-08-2007-0053
Craig Bar
PWS ID # MT0002077

Dear Mr. Duvall:

On July 11, 2007, the US Environmental Protection Agency (EPA) issued an Administrative Order, Docket No. SDWA-08-2007-0053, ordering you (Respondent) as owner of the Craig 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.

Our records indicate that you are in violation of the Order. Among other things, the Order included the following requirements (quoted from items 1, 6 and 13 of the "Order" section on pages 7, 8 and 11 of the Order):

1. Upon the effective date of this Order, Respondent shall comply with the total coliform maximum contaminant level (MCL) as stated in 40 C.F.R § 141.63(a)(2).

The system's water exceeded the MCL for total coliform bacteria in July 2010 and August 2010.

2. Upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.21(g)(1) by reporting any total coliform MCL violation under 40 C.F.R. § 141.63 to EPA and the State no later than the end of the next business day after Respondent learns of the violation.

Respondent failed to report the systems total coliform MCL violations to EPA during July 2010 and August 2010.

3. The system will be required to monitor and record the chlorine residual each day using an accepted DPD colorimetric test kit and maintain at least 0.2 mg/L free chlorine residual at all times.

On August 2, 2010, the Montana Department of Environmental Quality (MDEQ or State) conducted an onsite visit and discovered the chlorinator was malfunctioning. The chlorine residual at the time of the visit was 0.05 mg/L.

As a result of the ongoing MCL violations and chlorinator malfunction as noted above, EPA is now requiring the Respondent to provide a plan and schedule for bringing the system into compliance with the total coliform MCL rule.

Within 30 days of the effective date of this letter, Respondent shall provide EPA with a compliance plan and schedule for the system to come into compliance with the total coliform MCL as stated in 40 C.F.R § 141.63(a)(2). The plan shall include proposed system modifications, estimated costs of modifications, and a schedule for completion of the project and compliance with the total coliform MCL. The proposed schedule shall include specific milestone dates and a final compliance date. The final compliance date shall be within 3 months from the date of EPA's approval of Respondent's plan and schedule. The proposed plan and schedule must be approved by EPA before construction or modifications may begin. 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 may be made to the system.

The plan and schedule required above will be incorporated into the Order as enforceable requirements upon written approval by EPA. Within 10 days of completing all tasks included in the plan and schedule above, Respondent shall notify EPA in writing of the projects completion.

EPA will consider additional enforcement action, including penalty, for future total coliform MCL violations and other 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 David Janik, Enforcement Attorney, at 1-800-227-8917, extension 6917 or (303) 312-6917 or at the following address:

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

We urge your prompt attention to this matter.

David Rochlin

David Rochlin, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice


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

cc:

Kristi Blazer, Missouri River Law Office P.C.
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