

From: OASIS Bar & Cafe
PO Box 256
250 Recreation Rd
Wolf Creek MT 59648
PWS ID MT 0001489
Bob & Janey LLC

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2010 APR 29 PM 4:33
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Office of Enforcement VIII
EPA REGION VIII
Compliance & Environmental Justice
HEARING CLERK

To: EPA Region 8
Mario Merida - Technical Enforcement Program
Margaret J. Livingston - Enforcement Atty.

I am writing in response to the complaint and violations outstanding against the Oasis Bar & Cafe regarding water monitoring compliance for the months of Sept. 2007, Sept 2008 and April 2009.

A water sample was submitted and received satisfactory results on Sept. 26 2007. Enclosed please find a copy of the results from the MT DPHHS lab. I requested that MT DPHHS fax a copy of these results to the EPA back when David Nguyen was in charge of this case - and was assured that they would. I faxed Mr. Nguyen that he should expect the results, and assumed that he did. I did not post public notice - having submitted the sample, none was required by the state. I have enclosed the required copy again.

The samples for Sept 2008 and April 2009 were missed. I did resume submitting samples as directed, posted public notice and provided copies to MDEQ, but apparently not to EPA. I'm sorry for my confusion and neglect in providing the EPA with copies. Please find them enclosed as well.

I would like to address our late compliance: My wife and I purchased the bar & cafe in the late summer of 2005. We were severely undercapitalized but were confident that with stamina

and endless hard work we could make a go of it. We employ five people for four months during the summer season - June through Sept. During the rest of the year we have two employees - one for 8 hrs a week and one for 12 hrs a week. We cook, tender, wash dishes and do all the janitorial duties. To accomplish this we both work 60-80 hrs. per week over six or seven days. We are also raising two daughters. Our 2009 income after all expenses was \$22,836⁰⁰. Our 2008 income was under \$12,000. My point is we work hard, are very frugal and have no perks, vacations or benefits. Our margin for success is very narrow. Admittedly our water-related obligations have gotten postponed beyond a reasonable time and fallen through the cracks.

In 2006-7 when we got unsatisfactory lab results from our water tests, MDEQ got together with us, and with their guidance we installed a chlorinator for the system. We have had no unsatisfactory results since the chlorinator was installed. We have complied with and are on good terms with MDEQ. We are more organized now than we were in our first couple of years in business. We have no intention of missing another test. The major problem of delivering healthy water in our establishment has been solved for now. A community water system is currently in the planning stages for Wolf Creek. However in the mean time we will most certainly make every effort to remain in compliance.

I hope this gives you the information you need to conclude these matters in a way that is satisfactory to the EPA and that we can afford. Thank you - Robert D. Montanye
Bob & Janey LLC

Sept 2007 IAW results

Department of Public Health and Human Services
Environmental Laboratory

Cogswell Building, Rm B219, 1400 Broadway, PO BOX 4369, Helena MT 59604

- RESULTS OF BACTERIOLOGICAL ANALYSIS -

BOB & JANEY LLC
OASIS BAR & CAFE
PO BOX 256
WOLF CREEK MT 59648

Acct #: 01489001
PWSID #: 01489
Report Date: 11/18/2008

Collect Date: 9/26/2007
Collect Time: 11:00
Collected By: R MONTANYE
Chlorine Residual:
Coliform Sample Type: R

Lab#: W0709-4057

Sample ID: KITCHEN / OASIS BAR & CAFE

Test	Test	Result	Units
Total Coliform by Presence/Absence		Absent	

Questions about results, bills? Call Environmental Laboratory, "Water Micro" @ (406) 444-2642 or fax us at (406) 444-2617. For other questions, or for technical support please call your county sanitarian, or MT Department of Environmental Quality, Community Services Bureau, Drinking Water Program @ (406) 444-4400



PUBLIC NOTICE OF VIOLATION

FOR

Failure to Submit Bacteriological Samples

OASIS BAR & CAFE

Name of Public Water Supply

MT0001489

Public Water Supply ID Number

250 Recreation Rd Wolf Creek MT 59648

Location

The OASIS BAR & CAFE water system is required by state and federal regulations to have water samples tested for coliform bacteria. Sufficient bacteriological sample(s) were not submitted for the monitoring period of April 1-30 2009.

Sampling for bacteriological analysis is necessary to assess the microbiological quality of drinking water. Failure to submit a sample does not mean the water is contaminated. However, this notice is being issued on May 22, 2009 to inform people who are concerned about the quality of their drinking water. If you have any questions or comments regarding this matter, please contact Bob Montanye at 406 235-9992 or the Department of Environmental Quality, Public Water Supply Program, at (406) 444-4400.

State of Montana
Department of Public Health and Human Services Environmental
Laboratory

Cogswell Building, Rm B219, 1400 Broadway, Helena MT 59620

RESULTS OF BACTERIOLOGICAL ANALYSIS

BOB & JANEY LLC
OASIS BAR & CAFE
PO BOX 256
WOLF CREEK MT 59648

Acct #: 01489001
PWSID #: 01489
Date Printed: 10/1/2007

Collect Date: 9/26/2007 Collected By: R MONTANYE
Collect Time: 11:00 Chlorine Residual:
Received Date: 9/26/2007 Sample Type: R
Analysis Date: 9/26/2007

Lab#: W0709-4057
Sample ID: KITCHEN / OASIS BAR & CAFE

Test ID	Result	Units
Total Coliform by Presence/Absence	Absent	

Lab Comment:

Reviewed by: *OB*

Questions about results or billing? Call Environmental Laboratory, "Water Micro" @ (406) 444-2642 or fax us at (406) 444-2617. For other questions, or for technical support please call your county sanitarian, or MT Department of Environmental Quality, Community Services Bureau, Drinking Water Program @ (406) 444-4400

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Monitoring Requirements Not Met for Oasis Bar And Cafe

Our water system violated drinking water standards. Even though these were not emergencies, as our customers, you have a right to know what happened and what we did to correct these situations

We are required to monitor your drinking water for total coliform bacteria on a regular basis. Results of regular monitoring are an indicator of whether or not our drinking water meets health standards. During September 2008 we did not monitor for total coliform bacteria and therefore cannot be sure of the quality of our drinking water during that time.

What should I do?

There is nothing you need to do at this time.

The table below lists the contaminant(s) we did not properly test for, how often we are supposed to sample for total coliform bacteria and how many samples we are supposed to take, how many samples we took, when samples should have been taken, and the date on which follow-up samples were (or will be) taken.

Contaminant	Required sampling frequency	Number of samples taken	When samples should have been taken	When samples will be taken
Total Coliform Bacteria ¹	one (1)	zero (0)	September 2008	10/30/08

What is being done?

October ~~November~~ sample submitted

[Describe corrective action.]

For more information, please contact BOB MONTANYE at 235-7992 [PHONE NUMBER] or PO BOX 256, WOLF CREEK, MT 59648.

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.

This notice is being sent to you by Oasis Bar And Cafe.

State Water System ID#: MT0001489

Date distributed: 10/30/08

¹ Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially-harmful, bacteria may be present.