



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8, MONTANA OFFICE
FEDERAL BUILDING, 10 W. 15th STREET, SUITE 3200
HELENA, MONTANA 59626

2014 FEB 10 AM 11:25

FEB 10 2014

Ref: 8MO

FILED
EPA REGION VIII
HEARING CLERK

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ms. Debra L. Scott
Beaverhead County Clerk and Recorder
2 South Pacific Street, Ste. #3
Dillon, MT 59725

Re: Response to Request for Extension / 5th Administrative Order Violation
Beaverhead County Jackson Water and Sewer District
Public Water Supply / PWS ID #MT0002590 / Docket No. SDWA-08-2010-0004

Dear Ms. Scott:

This letter responds to the December 20, 2013, email from Tom Dawson, President of Beaverhead County Jackson Water and Sewer District (District), transmitting a request for the U.S. Environmental Protection Agency (EPA) to extend the deadlines for completing a revised Preliminary Engineering Report (PER) and submitting the PER to the United States Department of Agriculture Rural Development, Montana Department of Environmental Quality and the EPA. The deadlines, as approved most recently in the EPA's August 26, 2013, 4th Administrative Order Addendum (Addendum), required the PER to be completed by December 15, 2013, and submitted to the above agencies for review by January 1, 2014.

The EPA does not approve this request. The Addendum clearly states that if unexpected events occur that are beyond the District's control and that will require the District to request an extension of the deadlines, the District is responsible for notifying the EPA well in advance of the deadline dates. The Addendum also requires the District to provide a clear justification for the need, including a description of the work that has been completed and the additional work that will not be completed by the deadline dates, the unexpected events that occurred, how the District attempted to foresee or overcome these obstacles and an explanation that justifies the new proposed deadline dates.

EPA's understanding is that the District has been aware of the need for the District's Board to review treatment options with the engineer, hold a public meeting, and select the preferred alternative, but that nonetheless the District failed to complete these tasks in time to meet the December 15, 2013 and January 1, 2014, deadlines.

Please note that the Addendum's deadlines remain in effect. It is incumbent upon the District to meet all subsequent deadlines for review and approval of the revised PER, applications for funding of the final designs, preparation of plans and specifications, construction, and submittal of the final design for treatment.

Please submit the revised PER immediately. The District remains in ongoing noncompliance with the Addendum.



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The April 17, 2013, Administrative Order Amendment requires the District to comply with the applicable public notice provisions of 40 C.F.R. part 141, subpart Q, and within 10 days of providing public notice, submit a copy to the EPA.

The EPA has not received a copy of any public notice for the District's arsenic Maximum Contaminant Level (MCL) violations for all of 2012 and 2013 or the District's combined radium MCL violations for the fourth quarter of 2011 and all of 2012 and 2013. If public notice has not been completed, please do so immediately and submit a copy to the EPA. If public notice has been completed, please provide EPA with a copy.

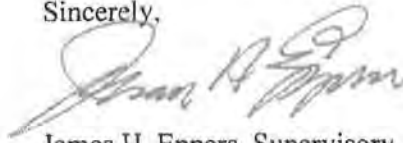
The EPA is considering additional enforcement action as a result of the District's noncompliance with the Order. Violating an administrative order may lead to (1) a penalty of up to \$37,500 per day per violation of the order, and/or (2) a court injunction ordering compliance.

If the EPA's information appears incorrect and/or you have any questions, please contact Sienna Meredith of the EPA's Montana office at 1-800-457-2690 or (406) 457-5026. If the District is represented by an attorney who has questions, please ask the attorney to contact Peggy Livingston, Enforcement Attorney, at 1-800-227-8917, extension 6858, or (303) 312-6858, or at the following address:

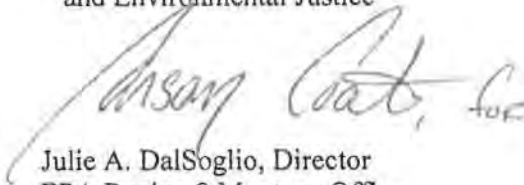
Peggy Livingston, Enforcement Attorney
U.S. EPA, Region 8 (8ENF-L)
1595 Wynkoop Street
Denver, Colorado 80202-1129

We urge your prompt attention to this matter.

Sincerely,



James H. Eppers, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice



Julie A. DalSoglio, Director
EPA Region 8 Montana Office

cc: Chad Anderson, MDEQ (by email)
John Arrigo, MDEQ (by email)
Jon Dilliard, MDEQ (by email)
Tom Dawson, President, Beaverhead Jackson
Water and Sewer District
Laverne Jackson, Beaverhead Jackson Water and Sewer
District (via certified mail/return receipt requested)
Joan Hullett, Operator, Beaverhead Jackson Water and Sewer
District (via certified mail/return receipt requested)
Jeanette Robertson, Beaverhead Jackson Water and Sewer
District (via certified mail/return receipt requested)
Tom Wagenknecht, Beaverhead county sanitarian (by email)
Callie McIntosh, RCAC, Rural Development Specialist (by email)
Tina Artemis, EPA Regional Hearing Clerk (by email)
Steve Wonacott, Engineer with Morrison Maierle, Inc.