



**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 -8 P.1 3:20

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Ref: ENF-W

JUL - 8 2008

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mayor Matteson
City of Forsyth
P.O. Box 226
Forsyth, MT 59327

Re: Notice of Violation
Docket No. **SDWA-08-2008-0072**
City of Forsyth
PWS ID # MT0000215

Dear Honorable Mayor Matteson:

The United States Environmental Protection Agency (EPA) is issuing a Notice of Violation to the Montana Department of Environmental Quality (the State) regarding the violations of the Safe Drinking Water Act (the Act) and the National Primary Drinking Water Regulations (drinking water regulations) for the City of Forsyth's public water system. EPA would like to provide the City of Forsyth with an opportunity to address any discrepancies with EPA's determination of the violations. If you have monitoring records for any of the violations listed in the Notice of Violation letter, please submit them to EPA within 20 days of the date of this letter. The monitoring reports or any additional information may be provided by certified mail to Kimberly Pardue Welch at the address on the letterhead. Please include the mailcode 8ENF-W. If you have questions or need additional information, please contact

Kimberly Pardue Welch at (800) 227-8917, extension 6983, or (303) 312-6983. If you are represented by an Attorney, please ask your attorney to call Jean Belille at the above 800 number, extension 6556, or at (303) 312-6556.

Sincerely,



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

Enclosures

Notice of Violation
SBREFA fact sheet

cc:

Deanne Jonas, Operator



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Richard Opper, Director
Montana Department of
Environmental Quality
1520 E. Sixth Avenue
P.O. Box 200901
Helena, MT 59620-0901

NOTICE OF VIOLATION

Docket No. **SDWA-08-2008-0072**
City of Forsyth Public Water System
P.O. Box 226
Forsyth, MT 59327
PWS ID# MT0000215

Dear Mr. Opper:

The above referenced public drinking water system has violated certain provisions of the Safe Drinking Water Act (the Act), 42 U.S.C. § 300f, et seq. and the National Primary Drinking Water Regulations at 40 C.F.R. part 141. The violations consist of failure to monitor for bacteriological quality, failure to monitor for disinfection byproducts, failure to monitor turbidity, failure to monitor for residual disinfection concentration, failure to monitor for synthetic organic chemicals, failure to monitor for inorganic chemicals, failure to monitor for disinfection byproduct precursors (alkalinity and total organic carbon), failure to provide a consumer confidence report to water users, failure to provide public notice, and failure to notify the State of the violations. Our records, obtained from the Montana Department of Environmental Quality's Public Water Supply Online Query Reports, indicate the violations noted below. Please have your staff notify Kimberly Pardue Welch at (303) 312-6983 within 20 days if your records show any discrepancies with these determinations of violation.

<u>Date of Violation</u>	<u>Violation</u>
October 2003	Failure to monitor for bacteriological quality. [40 C.F.R. § 141.21(a) and ARM Chapter 38, Sub-Chapter 2, Section 17.38.215(1)(b)]
1 st quarter 2004, 2 nd quarter 2004, 3 rd quarter 2004, 4 th quarter 2004, 1 st quarter 2005, 2 nd quarter 2005, 3 rd quarter 2006, 3 rd quarter 2007, and 1 st quarter 2008	Failure to monitor for disinfection byproducts [40 C.F.R. § 141.132(b)]
September 2006, April 2007, June 2007, September 2007, December 2007	Failure to monitor for turbidity. [40 C.F.R. § 141.74 (c)(1)]
April 2007, June 2007, September 2007, December 2007, January 2008	Failure to monitor for residual disinfection concentration. [40 C.F.R. § 141.74 (c)(2)]
2002 – 2004	Failure to monitor for synthetic organic contaminants. [40 C.F.R. § 141.24(h)]
2004	Failure to monitor for inorganic contaminants. [40 C.F.R. § 141.23(c)(1)]
July 2004, August 2004, September 2004	Failure to monitor for disinfection byproduct precursors (alkalinity and total organic carbon). [40 C.F.R. § 141.132(d)]
2005	Failure to provide Consumer Confidence Report. [40 C.F.R. § 141.152- 155]
2004 - 2008	Failure to notify public of various violations listed above. [40 C.F.R. § 141.201]
2003 - 2008	Failure to report the above-referenced violations to the State [40 C.F.R. §§ 141.21(g)(2) and 141.31(b)]

This Notice of Violation is issued pursuant to section 1414(a) of the Act, 42 U.S.C. § 300g-3(a). If the State does not commence appropriate enforcement action within 30 days from the receipt of this notification, EPA is authorized either to issue an administrative order under section 1414(g) of the Act, 42 U.S.C. § 300g-3(g) requiring the public water system to comply with the regulations or requirements, or to commence civil action under section 1414(b) of the Act, 42 U.S.C. § 300g-3(b).

Please inform EPA of any change in the compliance status of this system. You may wish to have your staff confer with Ms. Pardue Welch to determine the Agency's position concerning this system and to exchange appropriate information. If the State does not commence appropriate enforcement action within 30 days from the receipt of the notification, EPA will proceed with issuance of an administrative order.

A copy of this Notice of Violation has been concurrently sent to the system identified above. Also enclosed for the benefit of the system is a copy of EPA's Small Business Regulatory Enforcement and Fairness Act (SBREFA) fact sheet containing information on compliance assistance resources and tools available to small businesses and small governments, in case these resources apply to this situation. A compliance assistance center for small governments, the Local Government Environmental Assistance Network (LGEAN), can be reached at www.lgean.org or by calling (877) 865-4326.

EPA has agreed to notify small businesses of their right to comment on regulatory enforcement activities at the same time of an Agency enforcement action. SBREFA does not eliminate the responsibility to comply with the Act.

Sincerely,



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



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

Enclosure:

SBREFA fact sheet

cc: Mayor Brad Matteson (via certified mail w/ return receipt)
Deanne Jonas, Operator (via certified mail w/ return receipt)
John Arrigo, MT DEQ (w/o enclosures)
Shelly Nolan, MT DEQ (w/o enclosures)



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