



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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EPA REGION VIII  
HEARING CLERK

OCT 18 2007

Ref: 8ENF-W

CERTIFIED MAIL #7003 2260 0002 0331 7066  
RETURN RECEIPT REQUESTED

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-08-2008-0003**

River Bend  
13068 N. Hwy 37  
Libby, MT 59923  
PWS ID# MT0003526

Dear Mr. Opper:

The above referenced public drinking water system has violated certain provisions of the Safe Drinking Water Act (SDWA), 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 nitrate, 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 notify Kimberly Pardue-Welch of my staff 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>
3 <sup>rd</sup> quarter 2002, 2 <sup>nd</sup> quarter 2003, 2 <sup>nd</sup> quarter 2004, 4 <sup>th</sup> quarter 2004, 2 <sup>nd</sup> quarter 2005, 4 <sup>th</sup> quarter 2005, 4 <sup>th</sup> quarter 2006, May 2007, June 2007, and July 2007.	Failure to monitor for bacteriological quality. [40 C.F.R. § 141.21 and ARM Chapter 38, Sub-Chapter 2, Section 17.38.215(1)(b)]
2002, 2004, and 2005	Failure to monitor for nitrate (System failed to monitor at both sampling points). [40 C.F.R. § 141.23(d)]
200 – 2007	Failure to notify public of violations. [40 C.F.R. § 141.201]
2002 – 2007	Failure to report the above-referenced violations to the State. [40 C.F.R. §§ 141.21(g)(1), 141.21(g)(2) and 141.31(b)]

This NOTICE OF VIOLATION is issued pursuant to section 1414(a) of the SDWA, 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, the EPA is authorized either to issue an Administrative Order under section 1414(g) of the SDWA, 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 SDWA, 42 U.S.C. § 300g-3(b).

Please inform EPA of any change in the compliance status of this system. You may wish to confer with my staff 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. Our technical contact is Kimberly Pardue-Welch at (303) 312-6983.

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

Sincerely,



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



Michael T. Risner, Director  
David J. Janik, Supervisory Attorney  
Legal Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

Enclosure:  
SBREFA Fact Sheet

cc: Tammy and Dave Blackburn, River Bend (via Certified Mail with return receipt)  
Jenny Chambers, MT DEQ (w/o Enclosure)  
Kate Miller, MT DEQ (w/o Enclosure)