



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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2008 JAN -7 AM 8:24

LIAB REGION 8
HEADQUARTERS

Ref: 8 ENF-W

JAN - 7 2008

CERTIFIED MAIL LETTER
RETURN RECEIPT REQUESTED

Paul and Cathy Schulte, Owners
Oasis Bar and Café
220 Recreation Road
Wolf Creek, MT 59648

CERTIFIED MAIL LETTER
RETURN RECEIPT REQUESTED

Robert D. Montanye, Registered Agent
Bob & Janey, LLC
250 Recreation Road
Wolf Creek, MT 59648

Re: Violation of Administrative Order
Docket No. SDWA-08-2007-0018
Oasis Bar and Café
PWS ID # MT0001489

Dear Mr. and Ms. Schulte and Mr. Montanye:

On March 22, 2007, the US Environmental Protection Agency (EPA) issued an Administrative Order, Docket No. SDWA-08-2007-0018, ordering you (Respondents), as owners and/or operators of the Oasis Bar and Café, 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 the Oasis Bar and Café (the System) is in violation of the Administrative Order (the Order). Among other things, the Order included the following requirements (quoted from items 4, 9 and 11 of the Order section on pages 8, 9 and 10 of the Order):

1. Upon the effective date of this Order, Respondents shall monitor the System's water for total coliform monthly as required by ARM 17.38.215(1)(b) to determine compliance with the total coliform MCL appearing at ARM 17.38.207(l) and 40 C.F.R. § 141.63(a)(2). Respondents

shall report results to EPA and the State within ten days following the end of each monitoring period, as required by 40 C.F.R. § 141.31 (a).

Respondents have not submitted total coliform monitoring results for September 2007.

2. Upon the effective date of this Order, Respondents shall comply with 40 C.F.R. § 141.21(g)(2) by reporting any failure to comply with coliform monitoring requirements under 40 C.F.R. § 141.21 to the State and EPA within ten days after the Respondents discover the violation.

Respondents failed to report to EPA the noncompliance detailed in part 1 above, failure to monitor for total coliform bacteria.

3. Within 30 days of the effective date of this Order, Respondents must provide public notice of the violation(s) specified under the Findings of Violation Sections I through VI in this Order, to return to compliance with 40 C.F.R. §§ 141.201, 141.204 and 141.205. Respondents shall submit a copy of the public notice to the State and EPA within ten days of completion of the public notice, as required by 40 C.F.R. § 141.31(d).

Respondents failed to submit any public notice for violations listed in the Order within 30 days from the effective date of the Order (by April 22, 2007).

EPA is considering additional enforcement action as a result of the System's non-compliance with the Order. Violating an Administrative Order may lead to (1) a penalty of up to \$32,500 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 or have legal questions, please contact Peggy Livingston, Enforcement Attorney at (303) 312-6858 or at the following address:

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

We urge your prompt attention to this matter.



Lisa Kahn, Team Leader
Drinking Water Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

cc:

John Arrigo, MT DEQ
Kate Miller, MTDEQ

