



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

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EPA REGION VIII
HEARING CLERK

Ref: 8MO

JUN 23 2010

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ms. Lauri Ingebrigtsen
Principal
Ulm School District 85
P.O. Box 189
Ulm, MT 59485

Re: Violation of Administrative Order
Ulm School District 85 Public Water System
Docket No. SDWA-08-2007-0026
PWS ID # MT0000765

Dear Ms. Ingebrigtsen:

On February 09, 2007, the US Environmental Protection Agency (EPA) issued an Administrative Order, Docket No. SDWA-08-2007-0026, ordering Ulm School District 85 (Respondent) to comply with various regulations issued by EPA under the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300f et seq. Our records indicate that the Ulm School District is in violation of the Administrative Order (the Order). Among other things, the Order included the following requirements (quoted from items 1 and 4 of the Order section on pages 5 and 7 of the Order, respectively):

1. During the warmest month of 2007 (generally during July or August), and during the warmest month of each year thereafter, Respondent shall comply with the disinfection byproducts (DBP) monitoring requirements as stated in 40 C.F.R. § 141.132(b). Respondent shall collect one sample per year per treatment plant at a location that represents maximum residence time to be analyzed for total trihalomethane (TTHM) and haloacetic acids (five)(HAA5) to determine compliance with the disinfection byproduct MCL appearing at 40 C.F.R. § 141.64(a). Respondent shall report analytical results to EPA and MDEQ within the first 10 days following the month in which sample results are received, as required by 40 C.F.R. § 141.134(a) and (b).

Respondent failed to monitor for disinfection byproducts during 2009.

2. No later than 30 days from the effective date of this Order, Respondent shall return to compliance with 40 C.F.R. §§ 141.201, 141.204 and 141.205 by providing public notice of the violations specified under the Findings of Violation in this Order. Upon the effective date of this Order, Respondent shall comply with the public notification requirements at 40 C.F.R. § 141.201, et seq., following any future NPDWR violation.

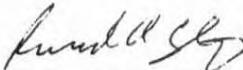
EPA has not received the public notice required by the Order. Please complete the public notice, including information on the failure to monitor disinfection by-products violation during 2009, and submit a copy to EPA and the State immediately.

EPA is considering additional enforcement action, including assessment of penalties, as a result of the ongoing noncompliance with the Order detailed above. 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 order compliance.

If you have any questions or wish to have an informal conference with EPA, you may contact Sienna Paquin at (406)457-5026 (toll free: 1-866-457-5026, ext. 5026) or Amy Swanson at (800) 227-8917, extension 6906, or at (303) 312-6906, or at the following address:

Amy Swanson
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.


FER Julie DalSoglio, Director
EPA Montana Office

cc: John Arrigo, MT DEQ
Shelley Nolan, MT DEQ
Tina Artemis, EPA Regional Hearing Clerk