

Trust of the Coffee Creek Water Company
P.O. Box 37
Coffee Creek, MT 59424

2011 NOV -4 PM 2:17

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Tina Artemis
Region 8 Hearing Clerk (8RC)
U.S. Environmental Protection Agency
1595 Winkoop Street
Denver, CO 80202

We, the Coffee Creek Water Company, fundamentally disagree with the whole process of proceeding with the penalty phase rather than doing what you agreed to do, which was to contact us for a meeting in January of 2011. Ten months later, we are still waiting to hear from the EPA to set a meeting date in order to settle the plan compliance issue.

In our letter dated November 22, 2010, we asked for a meeting to discuss solutions to our plan compliance schedule. We needed someone with the authority to approve or disapprove a nitrate filter solution that we have been testing. Unfortunately, the EPA representative with whom we were speaking, Sienna Meredith, did not have the authority to give us a solid answer regarding the nitrate filter. We requested the meeting in order to speak with someone who does have the authority to give us the go ahead with the nitrate filter. The meeting never took place, which is why we were so blindsided by the complaint and penalty letters the EPA sent us.

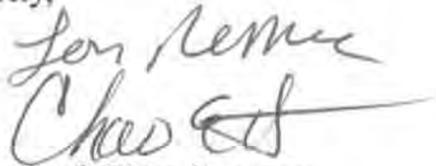
We are also disappointed by the EPA's position because we think the trees we planted will work as they have started to show results: our latest tests show 12 parts per million nitrate. Even though the trees are showing progress, the CCWC remains open to other affordable methods to solve our water problems. Again, because of your failure to contact us months ago to solve these issues, we believe that no penalty should be enforced, and we disapprove of your actions and the accusations you have put forth.

Another solution we have tried is to draft a bill in the legislature during the 2010 session. This bill, HB 352, asked the legislature to provide bottled water as a remedy to our water problem. HB 352 was signed in to law this spring—Spring 2011—with negotiated amendments and with DEQ and EPA approval. We thought we had not heard from the EPA because HB 352 passed, thereby solving our water problem here in Coffee Creek, and because the EPA was busy working on rules for distribution and would contact us at the appropriate time.

Upon receipt of the complaint and penalty letter, we, the CCWC, felt blindsided, and we question the motive behind your lack of contact for so long followed by the unexpected complaint. We would like to continue with informal settlement negotiations with the EPA, and we would like to meet in informal conference on November 10, 2011, at 1:00 p.m. at Nemec's Repair Shop in Coffee Creek.

As always, thank you for your continued help and cooperation with us, and we look forward to hearing from you again soon.

Sincerely,



Chris Nemec
Coffee Creek Water Company



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8
REGION 8, MONTANA OFFICE
FEDERAL BUILDING, 10 W. 15th STREET, SUITE 3200
HELENA, MONTANA 59626
<http://www.epa.gov/region08>

Ref: 8-MO

DEC 16 2010

Paul Tesarek, Operator
Coffee Creek Water Company
P.O. Box 37
Coffee Creek, MT 59424

Re: Response to Coffee Creek's request for meeting
Docket No. SDWA-08-2006-0006
PWS ID # MT0000179

Dear Mr. Tesarek:

The U.S. Environmental Protection Agency (EPA) has received the November 22, 2010, letter from the Trustees of the Coffee Creek Water Company (CCWC), requesting a meeting with EPA to discuss a compliance plan and schedule to address nitrate violations.

EPA acknowledges this request and will contact CCWC soon to arrange such a meeting with CCWC. Given the upcoming holidays, we look forward to setting the meeting in early January.

In the meantime, we urge you to submit an alternative compliance plan, as required by EPA's May 17 and September 28, 2010 Administrative Order Addendum letters. We also encourage you to use the assistance that Montana Rural Water Systems has offered and to consider forming a water district in order to take advantage of the potential funding sources that EPA has mentioned in previous correspondence (e.g., EPA's letter dated December 5, 2005).

Thank you for your attention to this matter, and we will be in communication with you soon.

Sincerely,

FOR

Julie A. DalSoglio, Director
EPA Region 8 Montana Office

November 22, 2010

From: Trust of the Coffee Creek Water Company
PO Box 37
Coffee Creek, MT 59424

Subject: Meeting Request

To: Environmental Protection Agency
10 W. 15th Street, Suite 3200
Helena, MT 59624

After the phone conversation with Sienna and your correspondence to our recent plan and schedule we request a meeting with an EPA representative who has the authority to discuss solutions to our compliance plan and schedule.

Sincerely,

Coffee Creek Water Company Trust