



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

AUG 09 2010

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

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

AMENDED NOTICE OF VIOLATION
Docket No. SDWA-08-2010-0052
Armstead Campground
PWS ID# MT0002942

Dear Mr. Opper:

The public water supply system referenced above (the system) has violated certain provisions of the National Primary Drinking Water Regulations at 40 C.F.R. part 141 (the drinking water regulations), according to records that the United States Environmental Protection Agency (EPA) has obtained from the Montana Department of Environmental Quality and its Public Water Supply Online Query Reports and water system files.

EPA promulgated the drinking water regulations under the authority of the Safe Drinking Water Act (the Act), 42 U.S.C. § 300f *et seq.* EPA is issuing this notice of violation pursuant to section 1414(a) of the Act, 42 U.S.C. § 300g-3(a), which authorizes EPA to issue an administrative compliance order or file a lawsuit concerning the system if the State of Montana (the State) does not commence an appropriate enforcement action within thirty days of receiving this notice.

According to the State's records, this public water system uses a surface water source treated by alternative (cartridge) filtration. Therefore, it is subject to the Surface Water Treatment Rule (SWTR) regulations for filtered systems, at 40 C.F.R. Subparts H, T, and W, as well as other drinking water regulations. EPA issued a Notice of Violation letter to the State on July 22, 2010. EPA is issuing this Amended Notice of Violation (NOV) to incorporate violations for failure to provide at least 99 percent removal of *Cryptosporidium*. All other violations remain the same.

The violations since calendar year 2005 are listed in the table below.

<u>Date of Violation</u>	<u>Violation</u>
June-September 2005, June-September 2006, June-September 2007, June-September 2008, and June-September 2009	Failure to monitor and record filtered water turbidity. [40 C.F.R. § 141.74(c)(1)]
June-September 2005, June-September 2006, June-September 2007, June-September 2008, and June-September 2009	Failure to treat the system's water to remove and/or inactivate at least 99.9%, or 3-log, of <i>Giardia lamblia</i> cysts, and to remove and/or inactivate at least 99.99%, or 4-log, of viruses. [40 C.F.R. § 141.70(a) and (b)]
June-September 2005, June-September 2006, June-September 2007, June-September 2008, and June-September 2009	Failure to provide at least 99 percent(2 Log) removal of <i>Cryptosporidium</i> between a point where the raw water is not subject to contamination by surface water run-off and a point downstream before or after the first customer for filtered systems. [40 C.F.R. §§ 141.70(e) and 141.500(a)]
June-September 2005, June-September 2006, June-September 2007, June-September 2008, and June-September 2009	Failure to monitor residual disinfectant concentration. [40 C.F.R. § 141.74 (c)(2)]
June-September 2005, June-September 2006, June-September 2007, June-September 2008, and June-September 2009	Failure to report required turbidity, disinfectant and contact time information monthly to the State. [40 C.F.R. § 141.75(b)]

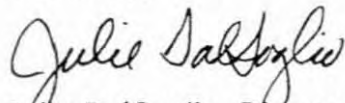
September 2005, September 2008 and September 2009	Failure to monitor total coliform monthly. [40 C.F.R. § 141.21(a)(2)]
2005 - 2009	Failure to report the above-referenced violations to the State. [40 C.F.R. §§ 141.21(g)(2) and 141.31(b)]
2006 - 2010	Failure to notify the public of above-referenced violations. [40 C.F.R. §§ 141.201, 141.204]

EPA is also sending a copy of this notice of violation to the system. 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. SBREFA does not eliminate the responsibility to comply with the drinking water regulations. By providing this information sheet, EPA has not necessarily determined that the system is in fact a "small entity" as that term is defined in SBREFA.

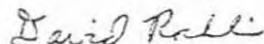
If the State does not commence an appropriate enforcement action concerning this system within 30 days from your receipt of the notification, EPA will likely issue an administrative order to the owner and/or operator of the system.

Please have your staff notify Sienna Paquin at 406-457-5026 within 20 days if your records show any discrepancies with the violations cited above, if your staff learns of any change in the system's compliance status, or if there are any questions or comments. Thank you for your assistance.

Sincerely,



Julie DalSoglio, Director
EPA Montana Office



David Rochlin, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice