



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

Ref: 8MO

CERTIFIED MAIL 7001 2510 0000 9829 9403
RETURN RECEIPT REQUESTED

Corporation Service Company
26 W. 6th Avenue
P.O. Box 1691
Helena, MT 59624-1691

Re: Spring Creek Coal Domestic Public Water System
Administrative Order
Docket No. SDWA-08-2008-0110
PWS ID # MT0003952

Dear Corporation Service Company:

Enclosed is an Administrative Order issued by the Environmental Protection Agency (EPA) under the authority of the Safe Drinking Water Act (SDWA), 42 U.S.C. section 300g-3(g). Among other things, the Order describes how the Spring Creek Coal Domestic Public Water System has violated the National Primary Drinking Water Regulations.

The Order is effective upon the date received. Please review the Order and within 10 days provide EPA with any information you believe EPA may not have. If you comply with the Order for twelve months, EPA may close the Order without further action. Failure to comply with the Order may lead to substantial civil penalties and/or a Federal court injunction ordering compliance.

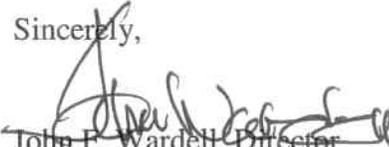
Also enclosed is a small business resources information sheet that describes compliance assistance resources and tools available to small businesses and small governments in case these resources apply to your situation.

You may submit information or request an informal conference with EPA by contacting Eric Finke at the above address or by phone at toll free (866) 457-2690 extension 5026, or (406) 457-5026. For legal questions, the attorney assigned to this matter is Marc Weiner, who can be reached at EPA Region 8, 1595 Wynkoop Street, Denver, CO 80202-1129 (with the mailcode 8ENF-L) or by phone at toll free (800) 227-8917 extension 6913, or (303) 312-6913.



I urge your prompt attention to this matter.

Sincerely,


John F. Wardell, Director
EPA Montana Office

Enclosures

Order
Information sheet
Public notice samples/templates

cc: Gabriel L. Johnson, Administrative Contact and Operator
Spring Creek Coal Domestic Public Water System



bcc: ✓ Tina Artemis, 8RC
Brenda Cazier, 8ENF-PT
Marc Weiner, 8ENF-L
Jack Rychecky, 8P-W-MS
Lisa Kahn, 8ENF-W
John Arrigo/Frank Gessaman/Nicole Olmstead, MDEQ Enforcement Division
Jon Dilliard/Shelley Nolan/John Brown, MDEQ Public Water and Subdivisions Bureau



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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

FILED
EPA REGION VIII
HEARING CLERK

IN THE MATTER OF)
)
Spring Creek Coal)
Decker, Montana)
PWS ID# MT0003952)
)
Respondent)
)
Proceedings under section 1414(g))
of the Safe Drinking Water Act,)
42 U.S.C. § 300g-3(g))

ADMINISTRATIVE ORDER

Docket No. SDWA-08-2008-0110

1. This Order is issued under the authority vested in the Administrator of the United States Environmental Protection Agency (EPA) by section 1414(g) of the Safe Drinking Water Act (the Act), 42 U.S.C. § 300g-3(g), as properly delegated to the undersigned officials.
2. Spring Creek Coal (Respondent) is a company that owns and/or operates the Spring Creek Coal Domestic Public Water System (the System) in Big Horn County, Montana, which provides piped water to the public for human consumption. The System is supplied by a groundwater source consisting of one well treated by chlorination and by bulk water purchased from the City of Sheridan, WY. The System serves approximately 200 people daily through nine service connections year round. The System is a “non-transient, non-community” water system as defined in 40 C.F.R. § 141.2.
3. Respondent is subject to the requirements of the Act, the National Primary Drinking Water Regulations (drinking water regulations) at 40 C.F.R. part 141, and “applicable requirements” which includes requirements of an applicable approved State program,

such as Montana's "Public Water Supply Requirements," at Administrative Rules of Montana (ARM) 17.38.101 through 703. See 42 U.S.C. § 300g-3(I).

4. MDEQ has primary enforcement authority for the Act in the State of Montana. On March 11, 2008, EPA issued a Notice of Violation pursuant to section 1414(a) of the Act, 42 U.S.C. § 300g-3(a) to the MDEQ regarding the violations at the System. The MDEQ elected not to commence an appropriate enforcement action against the System for the violations within the thirty day time frame set forth in section 1414(a) of the Act, 42 U.S.C. § 300g-3(a).
5. EPA has provided the State, through MDEQ, with an opportunity to confer with EPA regarding this Order pursuant to section 1414(g)(2) of the Act, 42 U.S.C. § 300g-3(g)(2).
6. EPA has provided a copy of this Order to MDEQ pursuant to section 1414(g)(2) of the Act, 42 U.S.C. § 300g-3(g)(2).
7. EPA is issuing this Order requiring the System to comply with the "applicable requirements" it violated pursuant to section 1414(g) of the Act, 42 U.S.C. § 300g-3(g).

VIOLATIONS

4. Failure to sample for Total Coliform Bacteria
 - A. Administrative Rules of Montana (ARM) 17.38.215(1)(a) requires non-transient, non-community public water systems to sample for total coliform monthly.
 - B. Respondent failed to sample for total coliform bacteria in November 2006, June 2007, and August 2007 and, therefore, violated this requirement.

5. Exceeded the monthly MCL for Total Coliform Bacteria

- A. Respondent is required to monitor the system's water to determine compliance with the maximum contaminant level (MCL) for total coliform bacteria. 40 C.F.R. § 141.21. If more than one sample collected during a month tests positive for such bacteria, it is a violation of the MCL. 40 C.F.R. § 141.63.
- B. Respondent's sampling results in August 2005 and September 2006 exceeded the MCL for total coliform bacteria and, therefore, violated this requirement.

6. Failure to sample for Disinfection Byproducts

- A. Respondent must collect one disinfection byproduct sample per year per treatment plant at a location representing the maximum residence time during the month of warmest temperature to determine compliance with the disinfection byproduct MCLs. 40 C.F.R. § 141.132(b) and 141.64(a).
- B. Respondent failed to sample for disinfection byproducts during calendar years 2004, 2005, and 2006 and, therefore, violated this requirement.

7. Failure to sample for Volatile Organic Contaminants

- A. Prior to January 1, 2008, when Respondent met the requirements to sample every three years, Respondent was required to monitor the system's water once every year to determine compliance with the MCL for volatile organic contaminants. 40 C.F.R. § 141.24(f).
- B. Respondent failed to sample for calendar years 2003 and 2006 and, therefore, violated this requirement.

8. Failure to sample for Synthetic Organic Contaminants
 - A. Respondent is required to monitor the system's water once every three years to determine compliance with the MCL for synthetic organic contaminants, after initial and annual monitoring was completed. 40 C.F.R. § 141.24(h).
 - B. Respondent failed to sample during the 2005-2007 compliance period and, therefore, violated this requirement.
9. Failure to provide public notice of a violation
 - A. Respondent is required to notify the public of certain violations of the drinking water regulations, in the manner specified by the regulations. 40 C.F.R. § 141.201 et seq. Respondent failed to notify the public of the violations listed in paragraphs 4 through 7 above within the time required by the regulations and, therefore, violated the requirement.
10. Failure to report a total coliform monitoring violation to the State
 - A. Respondent is required to report any failure to comply with a total coliform monitoring requirement to the State within 10 days. 40 C.F.R. § 141.21(g)(2).
 - B. Respondent failed to report the violations listed above in paragraph 4 to the State and, therefore, violated this requirement.
11. Failure to report total coliform MCL violations to the State
 - A. Respondent is required to report any failure to comply with a total coliform MCL to the State by the end of the next business day. 40 C.F.R. § 141.21(g)(1).
 - B. Respondent failed to report the violations listed above in paragraph 5 to the State and, therefore, violated this requirement.

12. Failure to report a violation of any other drinking water regulation to the State.
 - A. Respondent is required to report any failure to comply with any other drinking water regulation within 48 hours. 40 C.F.R. § 141.31(b).
 - B. Respondent failed to report the violations listed above in paragraphs 6 through 9 to the State and, therefore, violated this requirement

ORDER

Based on the above violations, Respondent is ordered to perform the following actions:

13. Upon receipt of this Order, Respondent shall monitor monthly for total coliform bacteria. ARM 17.38.215(1)(a).
14. Upon receipt of this Order, Respondent shall comply with the total coliform MCL as stated in 40 C.F.R. § 141.63.
15. Not later than 30 days from the effective date of this Order, Respondent shall comply with the requirements of 40 C.F.R. § 141.132(b) for the 2008-2010 compliance period by collecting one disinfection by-product sample per treatment plant as required by 40 C.F.R. § 141.132(b). Thereafter, Respondent shall sample for disinfection by-products according to the regulations.
16. Within 90 days of receipt of this Order, Respondent shall sample for volatile organic contaminants for the 2008-2010 compliance period. 40 C.F.R. § 141.24(f). Thereafter, Respondent shall sample for volatile organic contaminants according to the regulations.
17. Within 90 days of receipt of this Order, Respondent shall sample for synthetic organic contaminants for the 2008-2010 compliance period. 40 C.F.R. § 141.24(h). Thereafter, Respondent shall sample for synthetic organic contaminants according to the regulations.

18. Within 30 days of the effective date of this Order, Respondent shall provide notice to the public of the violations listed in paragraphs 4 through 8 above by (1) posting the notice for as long as the violated persist, but no less than seven days in public locations where it can be seen by people served in the system OR (2) mailing or delivering the notice to each customer and connection, AND (3) any other effective method if people would not be notified by either of the first two notice options. 40 C.F.R. § 141.201 et seq.
Respondent shall send a copy of the notice to EPA and the State within 10 days after providing the notice. Respondent shall notify the public of any future violations.
19. Upon receipt of this Order, Respondent shall report any failure to comply with a coliform monitoring requirement to EPA and MDEQ within 10 days. 40 C.F.R. § 141.21(g)(2).
20. Upon receipt of this Order, Respondent shall report any failure to comply with a coliform MCL to EPA and MDEQ by the end of the next business day. 40 C.F.R. § 141.21(g)(1).
21. Upon receipt of this Order, Respondent shall report any violation of any other drinking water requirement to EPA and MDEQ within 48 hours. 40 C.F.R. § 141.31(b).
22. Documents, certifications, analytical results, and public notices required by this Order shall be sent by certified mail to:

Eric Finke
EPA Montana Office
10 West 15th Street, Suite 3200
Helena, MT 59626

and

Shelley Nolan, Chief
PWS Compliance Section
Public Water and Subdivisions Bureau
MT Dept. of Environmental Quality
P.O. Box 200901
Helena, MT 59620

GENERAL PROVISIONS

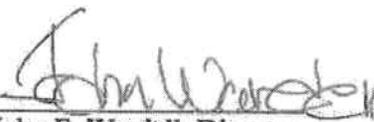
23. This Order does not constitute a waiver, suspension, or modification of any requirement of the Act or drinking water regulations. Issuance of this Order is not an election by EPA to forgo any civil or criminal action.
24. Violation of any part of this Order, the Act, or the drinking water regulations may subject Respondent to a civil penalty of up to \$32,500 (as adjusted for inflation) per day of violation. 42 U.S.C. § 300g-3(g)(3); 40 C.F.R. part 19.

SEP 19 2008

Date


David J. Jank, Director
Matthew Conn, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

9, 19, 2008
Date


John F. Wardell, Director
EPA Montana Office

