



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8**

1595 Wynkoop Street  
DENVER, CO 80202-1129  
Phone 800-227-8917  
<http://www.epa.gov/region08>

2009 MAY 29 AM 0:44

MAY 26 2009

Ref: 8ENF-W

CERTIFIED MAIL LETTER  
RETURN RECEIPT REQUESTED

Bret Heidkamp, Registered Agent  
Valley Grove Homeowners Association, Inc.  
180 Frontier Drive  
Bozeman, MT 59718

Re: Amended Administrative Order  
Valley Grove Subdivision  
Public Water System  
Docket No. SDWA-08-2009-0025  
PWS ID # MT0003780

Dear Mr. Heidkamp:

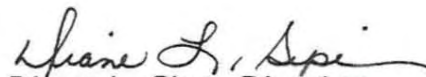
Enclosed is an Amended Administrative Order (Order) issued by the Environmental Protection Agency (EPA) under the authority of the Safe Drinking Water Act (the Act), 42 U.S.C. section 300f *et seq.* This Order amends the March 3, 2009 Administrative Order issued by EPA. On March 24, 2009, Bret Heidkamp provided EPA with the December 2004 total coliform monitoring results and therefore EPA has removed the failure to monitor total coliform violation from the Administrative Order. Additionally, the March 3, 2009 Order erroneously stated, in paragraph 13 on page 3, that the Respondent's next lead and copper sampling is due between June 1 and September 30, 2012. This Amended Administrative Order corrects the next lead and copper monitoring period to be between June 1 and September 30, 2011. All other requirements of the Order remain the same.

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 Valley Grove Subdivision complies with the Order for at least 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.

To submit information or request an informal conference with EPA, contact Kimberly Pardue Welch at the above address (with the mailcode 8ENF-W) or by phone at (800) 227-8917, extension 6983 or (303) 312-6983. For legal questions, the attorney assigned to this matter is Peggy Livingston, who may be reached at the above address (with the mailcode 8ENF-L) or by phone at (800) 227-8917, extension 6858 or (303) 312-6858.

We urge your prompt attention to this matter.

Sincerely,



Diane L. Sipe, Director  
Water Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

Enclosures  
Order

cc:

John Arrigo, MT DEQ  
Shelley Nolan, MT DEQ  
Tina Artemis, EPA Regional Hearing Clerk (via e-mail)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

2009 MAY 26 AM 11:55

\_\_\_\_\_  
IN THE MATTER OF )  
 )  
Valley Grove Homeowners )  
Association, Inc., Owner )  
Valley Grove Subdivision )  
Bozeman, MT )  
 )  
Respondent )  
\_\_\_\_\_

ADMINISTRATIVE ORDER

Docket No. SDWA-08-2009-0025

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. Valley Grove Homeowners Association, Inc. (Respondent) is a corporation that owns and/or operates the Valley Grove Subdivision Water System (the system) in Gallatin County, Montana, which provides piped water to the public for human consumption. The system is supplied by a groundwater source consisting of four wells and serves approximately 750 people per day through 353 service connections year round. The system is a "community" water system as defined in 40 C.F.R. § 141.2. Respondent is subject to the requirements of the Act and the National Primary Drinking Water Regulations (drinking water regulations), at 40 C.F.R. part 141. The Respondent has received annual notifications from the Montana Department of Environmental Quality (MDEQ or the State) regarding the system's monitoring requirements.

3. The MDEQ has primary enforcement authority for the public water supply protection provisions of the Act in the State of Montana. On January 27, 2009, EPA issued a Notice of Violation to MDEQ regarding the violations at the system. MDEQ elected not to commence an 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). EPA has provided a copy of this Order to MDEQ and 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).

**VIOLATIONS**

4. Respondent is required by MDEQ to monitor the system's water at least once per month 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. Respondent's sampling results in December 2007 exceeded the MCL for total coliform bacteria and, therefore, violated this requirement.

5. Respondent is required to monitor the system's water every three years to determine compliance with the action levels for lead and copper. 40 C.F.R. § 141.86(d). Based on the population served by Respondent's system, Respondent is required to collect at least 10 samples during each monitoring period. 40 C.F.R. § 141.86(c). Respondent most recently monitored for lead and copper correctly on September 25, 2008. However, Respondent failed to collect the required number of samples during the 2002 - 2004 and the 2005 - 2007 monitoring periods and, therefore, violated this requirement. Respondent collected 5 instead of 10 samples during each of those monitoring periods.

6. The law requires Respondent 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 paragraph 5 above and, therefore, violated this requirement.

7. Respondent is required to report any sampling results that exceed the MCL for total coliform to the State by the end of the next business day after the system learns of the violation. 40 C.F.R. § 141.21(g)(1). Respondent failed to report to the State the MCL violation listed in paragraph 4 above and, therefore, violated this requirement.

8. Respondent is required to report any failure to comply with any of the drinking water regulations (except where a different reporting period is specified in the drinking water regulations) to the State within 48 hours. 40 C.F.R. § 141.31(b). Respondent failed to report the violations listed in paragraphs 5 and 6 above to the State and, therefore, violated this requirement.

### **ORDER**

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

9. Upon receipt of this Amended Order, Respondent shall comply with the total coliform MCL as stated in 40 C.F.R. § 141.63. Any violation of

the total coliform MCL shall be reported to EPA and the State no later than the end of the next business day after Respondent learns of it. 40 C.F.R. § 141.21(g)(1).

10. Upon receipt of this Amended Order, Respondent shall monitor triennially, or as directed by the State, for lead and copper. Respondent shall collect 10 samples during each sampling event, unless directed otherwise by the State. 40 C.F.R. §§ 141.86(c) and 141.86(d). Respondent's next lead and copper sampling is due between June 1 and September 30, 2011. Respondent shall report analytical results to EPA and the State within the first 10 days following the end of the monitoring period, as required by the drinking water regulations. 40 C.F.R. § 141.90.

11. Within 30 days of receipt of this Amended Order, Respondent must provide public notice of the violations specified in paragraph 5 of this Order. 40 C.F.R. §§ 141.201, 141.202 and 141.205. This notice shall be given by (1) mail or other direct delivery to each customer receiving a bill and to other service connections to which water is delivered by the system; AND (2) any other method reasonably calculated to reach other persons served by the system, if they would not normally be reached by the notice, such as publication in a local newspaper; delivery of multiple copies for distribution by customers that provide their drinking water to others; posting in public places or on the Internet; or delivery to community organizations. Upon the effective date of this Order, Respondent shall comply with the public notification requirements following any future drinking water regulations violation. 40 C.F.R. § 141.201 et seq. Respondent shall submit a copy of the public notice to EPA and the State within ten days of completion of the public notice. 40 C.F.R. § 141.31(d).

12. Respondent shall report all analytical results to EPA and the State within the first 10 days following the month in which samples results are received, or within the first 10 days following the end of the monitoring period, whichever is shortest. 40 C.F.R. § 141.31(a).

13. Respondent shall report any other violation of the drinking water regulations to EPA and the State within 48 hours of discovery. 40 C.F.R. § 141.31(b).



14. Reporting requirements specified in this Order shall be provided by certified mail to:

Kimberly Pardue Welch  
U. S. EPA Region 8 (8ENF-W)  
1595 Wynkoop Street  
Denver, CO 80202-1129

**AND**

Shelley Nolan  
Montana Department of  
Environmental Quality- PWSS  
P.O. Box 200901  
Helena, MT 59620-0901

### **GENERAL PROVISIONS**

15. 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.

16. Violation of any part of this Order, the Act, or the drinking water regulations may subject Respondent to a civil penalty of up to \$37,500 (as adjusted for inflation) per day of violation, 42 U.S.C. § 300g-3(g)(3); 40 C.F.R. part 19.

Issued this 26<sup>th</sup> day of May, 2009.

David Rochlin

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

Diane L. Sipe

Diane L. Sipe, Director  
Technical Water Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice