



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

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

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EPA REGION VIII
HEARING CLERK

Ref: 8ENF-W

CERTIFIED MAIL LETTER
RETURN RECEIPT REQUESTED

The Honorable Michael McCord
Mayor, Town of Neihart
P.O. Box 36
Neihart, MT 59465

Re: Fourth Administrative Order Addendum
Docket No. SDWA-08-2008-0008
Town of Neihart Public Water System
PWS ID # MT0000298

Dear Mayor McCord:

Pursuant to paragraph 3 of the Order section in the Administrative Order (Order) issued January 22, 2008, to the Town of Neihart (the Town) by the U.S. Environmental Protection Agency (EPA), this Addendum to the Order incorporates the schedule for completing system modifications as outlined in the May 6, 2013, email to EPA from you on behalf of the Town. This letter constitutes the written approval by EPA of the Town's schedule as indicated in the chart below.

The Town has requested an extension until December 31, 2016 in order to include the permanent intake modification project in a larger water system improvement project, allowing the Town to access potential funding opportunities available through the State of Montana. The EPA recognizes that key plan milestones related to funding, permitting, and other matters are dependent upon decisions outside of the Town government's direct control. If the authorities in question do not approve key project-related applications, etc., the Town must notify the EPA immediately and submit an alternate plan to the EPA within 30 days of the authorities' denial. However, the Town should understand that the EPA may not consider a revised plan and schedule which extends the expected project completion beyond the currently proposed end-date.

Table with 3 columns: Action, Completion Date, Status/Comment. Row 1: List project on DEQ/DWSRF Priority List, April 2013, Completed. Row 2: DEQ site visit to inspect upgrades to temporary intake structure, May-July 2013, (Timing depending on snow cover at site)

3	Town applies for Treasure State Endowment Program (TSEP) Planning Grant.	May 15, 2013	Submitted on May 13, 2013.
4	Apply for a Renewable Resource Grant & Loan Program (RRGL) planning grant [if TSEP planning grant is not awarded]	Within 30 days of being notified of TSEP denial.	
5	If RRGL grant is not approved, contact the EPA to discuss project plan revisions.	Within 10 days of being notified of RRGL denial.	As previously noted, the Town will be required to provide alternate plans to EPA within 30 days of being notified of funding denial.
6	Town advertises for Engineer	July 1, 2013- August 31, 2013	Town to advertise in local paper.
7	Interview Engineering firms at August and September Town Council meeting; utilize special meetings if needed to complete the interview process	September 15, 2013	
8	Complete engineer contract and initiate PER	October 31, 2013	Contract approval at October 2013 Town Council meeting
9	Finalize PER and submit plan for MT DEQ approval	January 31, 2014	
10	Project Funding Application to TSEP or RRGL and SRF	May 31, 2014	
11	Project Funding Award	May 31, 2015	(Requires approval by MT legislature of project grant portion of award.)
12	If overall project funding is not approved, contact the EPA to discuss possible plan revisions.	Within 10 days of being notified of project funding denial.	As previously noted, the Town will be required to provide alternate plans to EPA within 30 days of being notified of funding denial.
13	Initiate Project Design	August 31, 2015	
14	Submit request for environmental assessment from MT DEQ	November 30, 2015	Note: approval of permits (Nos. 14 – 18) must occur prior to initiating project construction.
15	Submit application for stream bank permit to MT Fish, Wildlife and Parks	November 30, 2015	
16	Submit application for 404 permit to Army Corps of Engineers	November 30, 2015	

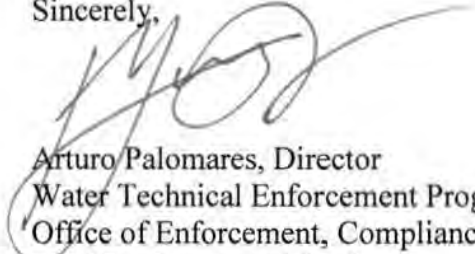
17	Submit application for dewatering permit to MT DEQ	November 30, 2015	
18	Submit application for storm water discharge permit to MT DEQ	November 30, 2015	
19	Finalize project design	January 15, 2016	
20	Public notice of bond election	February 15, 2016	(45 day public notice process)
21	Bond election (for approval of SRF financing)	April 15, 2016	
22	If Town voters do not approve Bond, contact the EPA to discuss possible plan revisions	May 1, 2016 (expected date). Notify EPA within 10 days of bond disapproval.	As previously noted, the Town will be required to provide alternate plans to EPA within 30 days of being notified of bond denial.
23	Advertise for construction contract	May 1, 2016	
24	Award construction contract	June 15, 2016	
25	Initiate project construction	July 15, 2016	
26	Finalize construction/treatment start-up/close-out project	December 31, 2016	

Consistent with paragraph 4 of the Order section of the Administrative Order, the “Completion Date” deadlines above are now enforceable requirements of the Order.

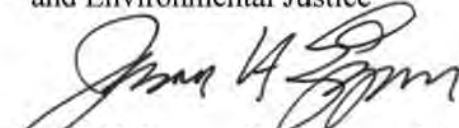
Please note that EPA expects this approved schedule to be met. While not creating any right to an extension, EPA may in its discretion consider granting an extension to any deadline in the schedule under limited circumstances. If unexpected events occur that are beyond the Town’s control and that may prompt the Town to request an extension of these deadlines, the Town will be responsible for notifying EPA well in advance of the deadline dates. EPA will not consider extending these deadlines without a clear justification for their need. The Town must provide the following information in any request for extensions: a description of the work that has been completed and the additional work that may not be completed by the deadline dates, the unexpected events that occurred and how the Town attempted to foresee or overcome these obstacles, the proposed new deadline dates, and an explanation that justifies the new proposed deadline dates.

Please be advised that the Town is required to comply with all provisions of the Order. Penalties for failing to comply are set forth in the Administrative Order. Please contact Mario Mérida at (303) 312-6297 if you have any questions concerning this Addendum. If the Town is represented by an attorney, your attorney may call Thomas Sitz, Legal Enforcement Attorney, at 1-800-227-8917, extension 6918, or at (303) 312-6918.

Sincerely,



Arturo Palomares, Director  
Water Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice



James H. Eppers, Supervisory Attorney  
Legal Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

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