



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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

2009 DEC -9 AM 8:48

FILED
EPA REGION VIII
HEARING CLERK

Ref: 8-MO

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Thomas Alsop, Administrator
Town of Pinesdale
P.O. Box 410228
Pinesdale, MT 59841

Re: Administrative Order
Addendum and Violation
Docket No. SDWA-08-2008-0106
Town of Pinesdale Public Water System
PWS ID #MT0002926

Dear Mr. Alsop:

On September 18, 2008, the US Environmental Protection Agency (EPA) issued an Administrative Order (Order), Docket No. SDWA-08-2008-0106, ordering the Town of Pinesdale (Respondent or the Town), to comply with various regulations issued by EPA under the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300f *et seq.*

In a July 15, 2009 letter, EPA notified the Town of violations of the Order that occurred in March and April 2009, which included failure to ensure that the turbidity of representative samples of the system's combined filter effluent at no time exceeds 1 Nephelometric Turbidity Unit (NTU) in at least 95% of the monthly samples, as required by 40 C.F.R §§ 141.73(d), 141.550 and 141.551. It has since come to EPA's attention that the Town also exceeded the maximum allowable turbidity level during those months, thus constituting additional turbidity treatment technique violations in violation of 40 C.F.R § 141.551(b). Based on these violations, EPA is now requiring the Town to take additional actions to prevent future turbidity exceedances.

This Addendum to the Order requires the Town of Pinesdale, within 90 days of receipt of this Addendum, to submit a plan and schedule for bringing the public water system into compliance with the turbidity treatment technique requirements, as stated in 40 C.F.R §§ 141.73(d), 141.550 and 141.551.

The plan shall include proposed system modifications, estimated costs of modifications, and a schedule for completion of the project and compliance with the maximum turbidity levels. The proposed schedule shall include specific milestone dates and a final compliance date. The final compliance date shall be within 36 months from the date of EPA's approval of the plan and schedule. The plan and schedule must also include interim steps that will be taken within the first 12 months after EPA approves the plan which will prevent turbidity violations prior to implementation of the complete plan. The proposed plan and schedule must be approved by EPA before construction or modifications may begin. EPA's approval of Respondent's plan and schedule does not substitute for any State of Montana approvals of plans and specifications (engineering plans) that may also be required before modifications may be made to the system.

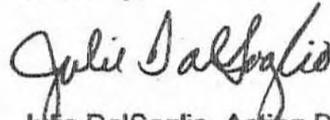
The approved plan and schedule will be incorporated into the Order as enforceable requirements upon written approval by EPA. Each deadline in the schedule will be enforceable as if it were part of the Order itself. The Town is responsible for notifying EPA of any delays with regard to submitting or implementing the plan and schedule, and shall notify EPA within 10 days after all aspects of the plan are complete.

Respondent completed the public notice for the violations specified in the Order and for the March 2009 turbidity treatment technique violation. However, EPA has not received the public notice for the April 2009 turbidity treatment technique violation. This is a violation of the Order and of 40 C.F.R. §§ 141.201 and 141.203. Public notice for turbidity treatment technique violations should be issued as soon as practical but must be issued within 30 days after Respondent learns of the violation. If the Town has not already done so, please complete the public notice for the April 2009 turbidity treatment technique violation immediately and submit the public notice to EPA and the State.

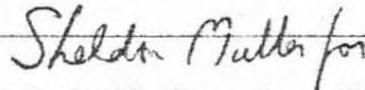
Please be advised that the Town of Pinesdale is required to comply with all provisions of the Order. Penalties for failing to comply are set forth in the Order. Please contact Sienna Paquin, at (406) 457-5026 if you have any questions concerning this Addendum. Any questions from your attorney should be directed to Marc Weiner, Enforcement Attorney, at the above 800 number, extension 6913, or at (303) 312-6913.

We urge your prompt attention to this matter.

Sincerely,



Julie DalSoglio, Acting Director
EPA Region 8 Montana Office



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

cc:

John Arrigo, MDEQ
Shelley Nolan, MDEQ
Travis Jones, KLG Engineering
Tina Artemis, EPA Regional Hearing Clerk