



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8, MONTANA OFFICE
FEDERAL BUILDING, 10 W. 15th STREET, SUITE 3200
HELENA, MONTANA 59626

2009 SEP 29 AM 8:55

SEP 29 2009

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Ref: 8MO

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Richard Opper, Director
Montana Department of Environmental Quality
Metcalf Building
1520 West Sixth Avenue
Helena, MT 59620

NOTICE OF VIOLATION

Docket No. **SDWA-08-2009-0091**

Opheim Border Station Public Water System
Opheim, MT
PWS ID# MT0002765

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 (DEQ).

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 30 days of receiving this notice.

The violations are listed below.

Date of Violation	Violation
Jun 2006 May, Jun 2008 Jan, May 2009	Failure to monitor for routine total coliform bacteria. [40 C.F.R. § 141.21(a) and ARM Chapter 38, Sub-Chapter 2, Section 17.38.215(1)(b)]

October 2005	Failure to take five routine samples following a total coliform positive sample the preceding month. [40 C.F.R. § 141.21(b)(5)]
Jan 2008 Jan – May 2009	Failure to monitor the daily residual disinfectant concentration (one sample at the entry point and one sample in the distribution system). [ARM Chapter 38, Sub-Chapter 2, Section 17.38.225]
September 2005	Maximum contaminant level exceedance for total coliform bacteria. [40 C.F.R. § 141.63]
2005 –2009	Failure to provide public notice of the above-referenced violations. [40 C.F.R. §§ 141.201 <u>et seq.</u>]
2005 – 2009	Failure to report the above-referenced violations to the State. [40 C.F.R. §§ 141.21(g)(2) and 141.31(b)]

EPA is also sending a copy of this notice of violation to the system.

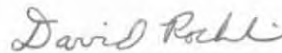
If the State does not commence an appropriate enforcement action concerning this system within 30 days from your receipt of the notification, EPA will likely issue an administrative order to the owner and/or operator of the system.

Please have your staff notify Kimberly Pardue-Welch at (303) 312-6983 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,



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



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

cc: Tina Artemis, EPA Regional Hearing Clerk, 8RC
John Dilliard/Shelley Nolan, MDEQ PWSB
Frank Gessaman/Nicole Olmstead, MDEQ ENFD
Peter Pochus GSA-Community Business Center, Helena (Certified Mail, Return Receipt Requested)
Dennis Clark, Director, Port of Opheim (Certified Mail, Return Receipt Requested)
Alison R. Emery, DHS Indianapolis (Certified Mail, Return Receipt Requested)

