



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

2010 SEP 16 AM 8:48

FILED
EPA REGION VIII
HEARING CLERK

SEP 16 2010

Ref: 8MO

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ryan Ayres
CLA Enterprises, LLC
37090 Gallatin Gateway Rd
Gallatin Gateway, MT 59730

Re: Addendum and 1st Violation of
Administrative Order
CLA Enterprises, LLC
Public Water Supply
Docket No. SDWA-08-2010-0058
PWS ID # MT0001546

Dear Mr. Ayres:

On June 28, 2010, the US Environmental Protection Agency (EPA) issued an Administrative Order, Docket No. SDWA-08-2010-0058, ordering you (Respondent) as owner of the CLA Enterprises LLC public water system, to comply with various regulations issued by EPA under the Safe Drinking Water Act (SDWA), 42 U.S.C. section 300f et seq.

Our records indicate that you are in violation of the Order. Among other things, the Order included the following requirements (quoted from items 10 of the "Order" section on pages 2 of the Order):

1. Within 48 hours of receipt of this Order, Respondent shall collect at least one water sample from its groundwater source for analysis of fecal indicators, as required by 40 C.F.R. §§ 141.402 (a) and (c). If the system's source is inaccessible, the required sample may be collected from a source sampling point located prior to the water softening unit.

Respondent did not take the required sample within 48 hours of receipt of this order because the sampling tap was inaccessible due to inclement weather.



As a result of ongoing noncompliance, EPA is now requiring the Respondent to provide a plan and schedule for bringing the system into compliance with the ground water rule, including installing a sampling tap that may be accessed year round.

Within 60 days of the effective date of this addendum letter, Respondent shall provide EPA with a compliance plan and schedule for the system to come into compliance with the ground water rule as stated in 40 C.F.R. § 141.402. The plan shall include proposed system modifications, estimated costs of modifications, and a schedule for completion of the project and compliance with the total coliform MCL. The proposed schedule shall include specific milestone dates and a final compliance date. The final compliance date shall be within 7 months from the date of EPA's approval of Respondent's plan and schedule. 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) which are also required before modifications may be made to the system.

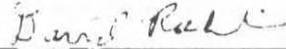
The plan and schedule required above will be incorporated into the Order as enforceable requirements upon written approval by EPA. Within 10 days of completing all tasks included in the plan and schedule above, Respondent shall notify EPA in writing of the projects completion.

EPA will consider additional enforcement action, including penalty, for future total coliform MCL violations and other non-compliance with the Order. Violating an Administrative Order may lead to (1) a penalty of up to \$37,500 per day per violation of the Order, and/or (2) a court injunction ordering compliance.

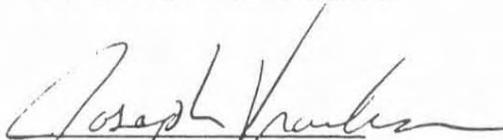
If you have any questions or wish to have an informal conference with EPA, you may contact Sienna Paquin at 1-800-227-8917, extension 5026 or (406)457-5026. If you are represented by an attorney who has questions, please ask your attorney to contact David Janik, Enforcement Attorney, at 1-800-227-8917, extension 6917 or (303) 312-6917 or at the following address:

David Janik
Enforcement Attorney
U.S. EPA, Region 8 (8ENF-L)
1595 Wynkoop Street
Denver, Colorado 80202-1129

We urge your prompt attention to this matter.



Michael T. Risner, Director
David Rochlin, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice



for Julie DalSoglio, Director
EPA Region 8 Montana Office

cc:

Morgen Joan Ayres, Registered Agent
John Arrigo, MT DEQ
Shelley Nolan, MT DEQ
Tina Artemis, EPA Regional Hearing Clerk