



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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

Ref: 8ENF-W

MAR 17 2009

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Shady Nook Trailer Court  
Michael Johnson, Owner  
1300 Hwy. 91 N  
Dillon, MT 59725

Re: Administrative Order  
Docket No. SDWA 08-2009-0028  
PWS ID # MT0002484

Dear Mr. Johnson:


Enclosed is an Administrative Order issued by the Environmental Protection Agency (EPA) under the authority of the Safe Drinking Water Act (SDWA), 42 U.S.C. section 300f et seq. Among other things, the Order describes how you, as owner of the Shady Nook Trailer Court, have violated the National Primary Drinking Water Regulations.

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 you comply with the Order for 12 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 David D. Nguyen at the above address (with the mail code 8ENF-W) or by phone at (800) 227-8917, extension 6954 or (303) 312-6954. For legal questions, the attorney assigned to this matter is Peggy Livingston, who can be reached at the above address (with the mail code 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: Tina Artemis, EPA Regional Hearing Clerk  
John Arrigo, MT DEQ  
Shelley Nolan, MT DEQ

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

2009 MAR 17 10:10:26

EPA REGION VIII  
READING ROOM

\_\_\_\_\_  
IN THE MATTER OF )  
 )  
Michael Johnson, Owner )  
Shady Nook Trailer Court )  
Dillon, Montana )  
 )  
Respondent )  
\_\_\_\_\_ )

ADMINISTRATIVE ORDER

Docket No. SDWA 08-2009-0028

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. § 300(g)-3(g), as properly delegated to the undersigned officials.

2. Michael Johnson (Respondent) is an individual who owns and/or operates the Shady Nook Trailer Court public water system (the system) in Beaverhead County, Montana, which provides piped water to the public for human consumption. The system is supplied by a ground water source and serves approximately 34 people per day through 22 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 Act in the State of Montana. On February 6, 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). EPA is issuing this Order requiring Respondent to comply with the "applicable requirements" he violated.

### VIOLATIONS

4. Respondent is required to prepare and deliver an annual Consumer Confidence Report (CCR) to the system's customers by July 1 of each year and to certify to the State that it has done so. The CCR is to include information about the quality of the system's water for the previous calendar year. 40 C.F.R. §§ 141.152-155. Respondent failed to prepare a complete CCR for calendar years 2004, 2005, and 2006. Specifically, the CCRs for those years did not include a table of detected contaminants and a list of violations, in violation of 40 C.F.R. § 141.153. Respondent failed to deliver a CCR for calendar year 2007 to the system's customers and to the State, and failed to provide a certification to the State of having delivered any CCR covering 2007 and, therefore, violated this requirement.

5. Respondent is required to monitor the system's water for total coliform at least once per month. 40 C.F.R. § 141.21(a)(2). Respondent failed to monitor for total coliform in February, June, and November 2004; January, May, July, and October 2005; February and April 2006; September 2007; May, July and October 2008; and January 2009 and, therefore, violated this requirement.

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 that occurred from 2004 through 2007 listed in paragraph 5 above and, therefore, violated this requirement. Public notice for the 2008 violations is not yet overdue.

7. Respondent is required to report any failure to comply with a coliform monitoring requirement to the State within 10 days after the system learns of the violation. 40 C.F.R. § 141.21(g)(2). Respondent failed to report to the State the failure to monitor total coliform violations listed in paragraph 5 above, and, therefore, violated this requirement.

8. Respondent is required to report any other failure to comply with any of 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 4 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 upon receipt of this Order by Respondent:

9. Within 30 days of this Order, Respondent shall prepare annual CCRs for the system for the years 2004, 2005, 2006 and 2007 and distribute them to the system's customers, EPA and the State. Respondent shall include all required information in the CCRs, in accordance with 40 C.F.R. §§ 141.153 and 141.154. Within 40 days of receipt

of this Order, Respondent shall certify to EPA and the State that the CCRs have been distributed to the system's customers and that the information is correct and consistent with monitoring data previously provided to the State. Thereafter, Respondent shall prepare and distribute annual CCRs and provide certifications as required by 40 C.F.R. §§ 141.152-155.

10. Respondent shall monitor the system's water for total coliform bacteria once per month and report the results to EPA and the State within the first 10 days following the end of each month. 40 C.F.R. § 141.21(a). Respondent shall report any violation of total coliform monitoring requirements to EPA and the State within 10 days after the Respondent learns of it. 40 C.F.R. § 141.21(g)(2).

11. Within 30 days of receipt of this 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 any applicable 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 10 days of completion of the public notice. 40 C.F.R. § 141.31(d).

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

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

David D. Nguyen  
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**

14. 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.

15. 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.

Dated: March 17, 2009

Michael T. Risner  
Michael T. Risner, Director  
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