



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

2009 JUL 15 PM 1:29

JUL 15 2009

Ref: 8MO

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

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

Re: Violation of Administrative Order
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's compliance with the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300f *et seq.*, and its implementing regulations, the National Primary Drinking Water Regulations (NPDWRs) 40 C.F.R. part 141. Our records indicate the Town is in violation of the provision of the Order. Specifically:

ORDER Paragraph 11 required:

Upon receipt of this Order, Respondent shall ensure that the turbidity of representative samples of the System's combined filter effluent at no time exceeds 1 NTU in at least 95% of the monthly samples. 40 C.F.R. §§ 141.73(d), 141.550 and 141.551.

Respondent failed to comply with Paragraph 11 of the Order when the turbidity of Respondent's produced water exceeded 1 Nephelometric Turbidity Unit (NTU) 22.58% of the time in March 2009 and 75% of the time in April 2009.

If you believe that this determination is incorrect, please provide a copy of any information that you believe may address this situation within 10 working days by certified mail to:



Eric Finke
EPA Montana Office
10 West 15th Street
Suite 3200
Helena, MT 59626

and

Shelley Nolan
MT Dept. of Environmental Quality
Public Water Supply
P.O. Box 200901
Helena, MT 59620

You must take immediate action to comply with the NPDWRs, 40 C.F.R. part 141, and the Order. EPA is considering additional enforcement action as a result of your noncompliance with the Order. Violating an Administrative Order may lead to (1) a penalty of up to \$37,500 per day per violation, and/or (2) a court injunction ordering you to comply.

If you have any questions or wish to have an informal conference with EPA, you may contact Marc Weiner at (303) 312-6913 or at the following address:

Marc Weiner
Enforcement Attorney
U.S. EPA, Region 8 (8ENF-L)
1595 Wynkoop St.
Denver, Colorado 80202-1129

I urge your prompt attention to this matter.

Sincerely,

John F. Wardell
John F. Wardell, Director
Montana Office

Sheldon H. Muller Jr
David Rochlin, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

cc: Tina Artemis, EPA Regional Hearing Clerk
MDEQ