



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8**

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

2008 APR 14 PM 3:02

**APR 14 2008**

Ref: 8ENF-W

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Richard Opper, Director  
Montana Department of  
Environmental Quality  
1520 E. Sixth Avenue  
P.O. Box 200901  
Helena, MT 59620-0901

NOTICE OF VIOLATION

Docket No. **SDWA-08-2008-0039**  
Kozy Korner Steakhouse and Bar  
6070 Woodworth Road  
Greenough, MT 59823  
PWS ID# MT0000866

Dear Mr. Opper:

The above referenced public drinking water system has violated certain provisions of the Safe Drinking Water Act (the Act), 42 U.S.C. § 300f, et seq. and the National Primary Drinking Water Regulations at 40 C.F.R. part 141. The violations consist of exceeding the maximum contaminant levels (MCL) for total coliform, exceeding the acute MCL for total coliform, failure to monitor for bacteriological quality, failure to take four repeat samples following a positive total coliform result, failure to monitor for nitrate, failure to provide public notice, and failure to notify the State of the violations. Our records, obtained from the Montana Department of Environmental Quality's Public Water Supply Online Query Reports, indicate the violations noted below. Please have your staff notify Kimberly Pardue Welch of my staff at (303) 312-6983 within 20 days if your records show any discrepancies with these determinations of violation.

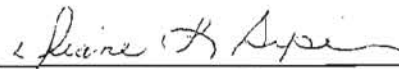
<u>Date of Violation</u>	<u>Violation</u>
April 2007	Exceeded the MCL for total coliform bacteria. [40 C.F.R. § 141.63(a)(2)]
April 2007, May 2007, and February 2008	Exceeded the acute MCL for total coliform bacteria. [40 C.F.R. § 141.63(b)]
November 2006, December 2006, and November 2007	Failure to monitor for bacteriological quality. [40 C.F.R. § 141.21(a) and ARM Chapter 38, Sub-Chapter 2, Section 17.38.215(1)(b)]
May 2007	Failure to take 4 repeat samples following a total coliform positive result. [40 C.F.R. § 141.21(b)]
2006	Failure to monitor for nitrate. [40 C.F.R. § 141.23(d)]
2007	Failure to notify public of above referenced violations. [40 C.F.R. § 141.201]
2004 - 2007	Failure to report the above-referenced violations to the State [40 C.F.R. §§ 141.21(g)(1), 141.21(g)(2) and 141.31(b)]

This NOTICE OF VIOLATION is issued pursuant to section 1414(a) of the Act, 42 U.S.C. § 300g-3(a). If the State does not commence appropriate enforcement action within 30 days from the receipt of this notification, EPA is authorized either to issue an Administrative Order under section 1414(g) of the Act, 42 U.S.C. § 300g-3(g) requiring the public water system to comply with the regulations or requirements, or to commence civil action under section 1414(b) of the Act, 42 U.S.C. § 300g-3(b).

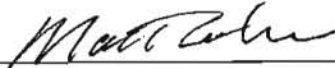
Please inform EPA of any change in the compliance status of this system. You may wish to have your staff confer with my staff to determine the Agency's position concerning this system and to exchange appropriate information. If the State does not commence appropriate enforcement action within 30 days from the receipt of the notification, EPA will proceed with issuance of an administrative order. Our technical contact is Kimberly Pardue Welch at (303) 312-6983.

A copy of this NOTICE OF VIOLATION has been concurrently sent to the system identified above. Also enclosed for the benefit of the System is a copy of EPA's Small Business Regulatory Enforcement and Fairness Act (SBREFA) fact sheet containing information on compliance assistance resources and tools available to small businesses. EPA has agreed to notify small businesses of their right to comment on regulatory enforcement activities at the same time of an Agency enforcement action. SBREFA does not eliminate the responsibility to comply with the Act.

Sincerely,



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



David J. Janik, Acting Director  
Matthew Cohn, Acting Supervisory Attorney  
Legal Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

Enclosure:

SBREFA fact sheet

cc: Randy Gordon, Owner (via Certified Mail w/ return receipt)  
John Arrigo, MT DEQ (w/o enclosures)  
Shelly Nolan, MT DEQ (w/o enclosures)



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