



REGION 8
DENVER, CO 80202

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U.S. EPA REGION 8
HEARING CLERK

June 20, 2025

Ref: 8ECA-WE

SENT VIA EMAIL
DIGITAL DELIVERY RECEIPT REQUESTED

The Honorable Douglas Kaercher, Mayor
City of Havre, Montana
dkaercher@ci.havre.mt.us

Re: Notice of Violation for the City of Havre Public Water System PWSID #MT0000524
Docket No. SDWA-08-2025-0024

Dear Mayor Kaercher:

The purpose of this letter is to notify you that the City of Havre Public Water System (System) has violated certain provisions of the Safe Drinking Water Act (Act), 42 U.S.C. § 300f *et seq.*, and the federal and state drinking water regulations, 40 C.F.R. part 141 and title 17, chapter 38 of the Administrative Rules of Montana (collectively, Drinking Water Regulations).

The Montana Department of Environmental Quality (MDEQ) has requested that the U.S. Environmental Protection Agency take action to require compliance with the Act and the Drinking Water Regulations. The EPA completed an inspection of the System's water treatment plant on April 26, 2024, and subsequently reviewed documents provided by the System and MDEQ. Based on this review, the EPA has identified the following violations:

<u>Date of Violation</u>	<u>Violation</u>
Jan-Apr 2024	Failure to accurately record individual filter turbidity results [40 C.F.R. § 141.560(c) and A.R.M. 17.38.225] <ul style="list-style-type: none">• The System must record monitoring results of individual filter turbidity at least every 15 minutes.• The System “froze” monitoring results for turbidity in individual filter effluent (IFE) on its supervisory control and data acquisition (SCADA) system—and thereby recorded false and inaccurate monitoring results—in the following circumstances:

- At plant startup on a daily basis between January and April 2024; and
- During periods of treatment upset on an intermittent basis between February 27 and March 1, 2024.
- The System programmed its SCADA with a maximum value of 1.0 nephelometric turbidity unit (NTU) for IFE turbidity, causing inaccurate recordkeeping of IFE turbidity for filters 2 and 3 during a treatment upset on February 29, 2024.

Jan-Apr 2024

Failure to accurately report turbidity measurements [40 C.F.R. § 141.75(b)(1) and A.R.M. 17.38.234]

- The System must report turbidity measurements for representative samples of the system’s filtered water (also called combined filter effluent, or CFE) every four hours or more frequently.
- The System “froze” CFE turbidity readings on its SCADA system—and thereby reported false and inaccurate monitoring results—in the following circumstances:
 - At plant startup on a daily basis between January and April 2024; and
 - During periods of treatment upset on an intermittent basis between February 27 and March 1, 2024.
- The System programmed its SCADA with a maximum value of 1.0 NTU for CFE turbidity, causing inaccurate reporting of CFE turbidity at multiple instances during a treatment upset that occurred between February 27 and March 1, 2024.

April 25, 2024

Failure to conduct or maintain record of a risk and resilience assessment [42 U.S.C. § 300i-2]

- The System must conduct a risk and resilience assessment (“RRA”) to evaluate the System’s vulnerabilities, threats, and consequences from potential hazards and must maintain a copy of the RRA for five years.
- The System certified completion of a RRA on June 23, 2021.
- During an EPA inspection on April 25, 2024, the System was unable to produce a copy of the RRA.

The EPA works cooperatively with states to ensure compliance with the Drinking Water Regulations and is providing a copy of this notice to MDEQ. The violations described herein are separate from those addressed in the Notice of Violation and Consent Order issued by MDEQ on August 28, 2024. The EPA and MDEQ agree that additional enforcement action is likely necessary to address the violative conduct described above and to ensure the System’s compliance in the future.

Section 1414 of the Act authorizes the EPA to require compliance with the Drinking Water Regulations by issuing an administrative compliance order or filing a lawsuit in federal district court. 42 U.S.C. § 300g-3. If you have any information related to the violations that the EPA should consider before instituting formal enforcement, please provide it to the contacts listed below within **14 days** of receiving this letter.

If you have any questions or would like to confer with the EPA, please contact Rachel Brookins via email at brookins.rachel@epa.gov or phone at (303) 312-6509. Any questions from the System's attorney should be directed to Noah Stanton, Assistant Regional Counsel, via email at stanton.noah@epa.gov or phone at (303) 312-6163.

Sincerely,

Colleen Rathbone, Manager
Water Enforcement Branch
Enforcement and Compliance Assurance
Division

cc:

Trevor Mork, Public Works Director, City of Havre (tmork@ci.havre.mt.us)
Amanda Vaughn, Water Treatment Plant Superintendent, City of Havre
(havrewtp@mtintouch.net)
Greg Olsen, MDEQ Public Water Supply Bureau Chief (GregOlsen@mt.gov)
Lisa Kaufman, MDEQ Field Services Section Supervisor (LKaufman@mt.gov)
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