



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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EPA REGION VIII
HEARING CLERK

Ref: ENF-W

DEC 01 2010

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

JoAnne L. Johnson
Chouteau County Clerk and Recorder, Registered Agent
Carter Chouteau County Water and Sewer District
1308 Franklin St.
Fort Benton, MT 59442

Re: Administrative Order Addendum
Docket No. SDWA-08-2009-0019
PWS ID #MT0003798

Dear Ms. Johnson:

This addendum to the Administrative Order issued July 2, 2009, to the Carter Chouteau County Water and Sewer District (Respondent or the District), owner and operator of the Carter-Chouteau County public water system (Carter Chouteau), incorporates the schedule for treatment outlined in the November 18, 2010 report drafted by Craig Pozega, PE of Great West Engineering, Inc., on behalf of the District and submitted to EPA by Keith Lippert, Chairman of the District.

On July 28, 2009 EPA received a letter from Mr. Lippert outlining a schedule for installing conventional treatment at Carter Chouteau. The July 28, 2009 schedule outlined dates for submitting funding applications, finalizing funding options, and submitting the engineering plans and specifications. The District submitted funding applications in accordance with the schedule (by May 31, 2010) and is currently waiting to hear if the funds will be awarded. Additionally, on May 4, 2010, the District provided EPA with an updated Preliminary Engineering Report (PER) by Great West Engineering which outlined the conventional filtration treatment proposal.

On June 30, 2010 and August 6, 2010, EPA received letters from Mr. Lippert on behalf of the District requesting that EPA reconsider the July 2, 2009 Administrative Order (Order) requiring installation of treatment and allow the system to pursue other options. Over the next few months, EPA and MDEQ worked closely with the District to explain why the other options

were not applicable to the Carter Chouteau water system and to provide information on alternative filtration options, namely cartridge filtration. The result of collaboration between the District, MDEQ and EPA is the new proposed plan and schedule submitted to EPA on November 18, 2010, which is being incorporated into the Administrative Order.

This letter constitutes the written approval by EPA of the schedule set forth in this letter. The effect of today's approval is to incorporate the following schedule into the Administrative Order. Each deadline in the schedule will be enforceable as if it were part of the Administrative Order itself. The system is responsible for notifying EPA of any delays with regard to this schedule. Please note that EPA expects this approved schedule to be met. If unexpected events occur that are beyond Respondent's control and that will require Respondent to request an extension of these deadlines, Respondent is responsible for notifying EPA well in advance of the deadline dates. EPA will not consider extending these deadlines without a clear justification for their need. Respondent must provide the following information in any request for extensions: a description of the work that has been completed and the additional work that will not be completed by the deadline dates, the unexpected events that occurred and how Respondent attempted to foresee or overcome these obstacles and an explanation that justifies the new proposed deadline dates.

The following schedule lists the actions to be taken and deadline dates.

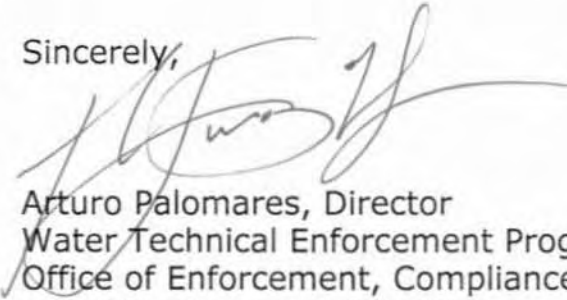
<u>Action</u>	<u>Deadline</u>	<u>Completion (if applicable)</u>
Submit funding applications:		
◦ Treasure State Endowment Program	Completed	Notified of completion for both applications on May 4, 2010
◦ Water Resources Development Act	Completed	
Conduct pilot study & quarterly water testing.	1 st quarter 2011 2 nd quarter 2011 3 rd quarter 2011	
Begin Preliminary Design	By July 31, 2011	

Updated design basis report/ cost estimates to District, MDEQ and EPA	October 31, 2011
District, MDEQ and EPA review & approval of design report.	November 30, 2011
Submit design plans and specification to District, MDEQ and EPA	January 31, 2012
District, MDEQ & EPA Review and MDEQ Approval	March 31, 2012
Finalize construction finances	March 31, 2012
Advertise for bids	April 30, 2012
Begin construction	June 30, 2012
Construction completed	November 30, 2012
Within 90 days of receiving this approval and until treatment installation is completed; provide EPA with quarterly reports on the progress made towards meeting the requirements of the Plan and Schedule and bringing the system into compliance with 40 C.F.R. part 141, subparts H, T, and W.	First report due by January 10, 2011 with subsequent reports due the 10 th day of the month following the end of each quarter.
Notify EPA and the State in writing of completing treatment installation.	Within 10 days of completing treatment installation.

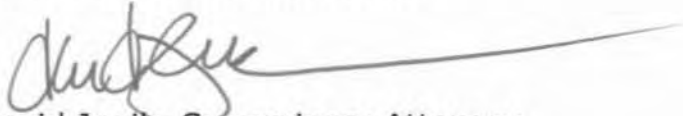
Please be advised that Carter Chouteau County Water and Sewer District is required to comply with all provisions of the Administrative Order. Penalties for failing to comply are set forth in the Order. Please contact Kimberly Pardue Welch, at (303) 312-6983 if you have any questions

concerning this Addendum. If you are represented by an attorney, please ask your attorney to call Marc Weiner at the above 800 number, extension 6913, or at (303) 312-6913.

Sincerely,



Arturo Palomares, Director
Water Technical Enforcement Program
Office of Enforcement, Compliance,
and Environmental Justice



David Janik, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

cc:

John Arrigo, MDEQ
Shelley Nolan, MDEQ
Keith Lippert, Chairman, Carter-Chouteau County Water
and Sewer District
Tina Artemis, EPA Regional Hearing Clerk