



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8**

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EPA REGION VIII  
HEARING CLERK

Ref: 8 ENF-W

MAR 15 2010

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Beverly Breitbach, Owner  
Brockway Supper Club  
1176 MT Hwy 200 W  
Circle, MT 59215

Re: 2<sup>nd</sup> Violation of  
Administrative Order  
Docket No. SDWA-08-2008-0019  
PWS ID # MT0002990

Dear Ms. Breitbach:

On March 18, 2008, the US Environmental Protection Agency (EPA) issued an Administrative Order, Docket No. SDWA-08-2008-0019, ordering you, as owner of the Brockway Supper Club, to comply with various regulations issued by EPA under the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300f et seq.

Our records indicate that you (Respondent) are in violation of the Administrative Order (the Order). Among other things, the Order included the following requirements (quoted from paragraph 10 on page 3 of the Order):

1. Upon receipt of the Order, Respondent shall comply with the total coliform MCL (maximum contaminant level) as stated in 40 C.F.R. § 141.63. Any violation of the total coliform MCL shall be reported to EPA and the State no later than the end of the next business day after Respondent learns of it. 40 C.F.R. § 21(g)(1).

Respondent exceeded the MCL for total coliform bacteria in October 2009 following multiple total coliform-positive results from samples taken on October 5 and October 19, 2009.

2. If additional total coliform MCL violations occur while this Order is in effect, Respondent shall within 30 days of the next violation submit to EPA and the State detailed plans for bringing the Respondent's public water system into compliance with the MCL for coliform bacteria. The plans shall include proposed system modifications, estimated cost of modifications, and a schedule for construction of the project and compliance with the total coliform MCL. The proposed schedule shall be submitted to EPA and the State for approval. The plans must be approved by EPA and the State before construction may commence.

Respondent did provide some elements of a plan on November 23, 2009 and again on January 28, 2009, but these focused on flushing and disinfection of the system immediately following the October 2009 MCL violation, as well as on some changes to test taking procedures. However, the plan elements did not include proposed system modifications as required by the Order.

EPA encourages you to take other steps to comply with the requirements outlined in paragraph 10 of the Order prior to EPA initiating any further action. EPA recommends that you obtain the services of a professional engineer to evaluate your water system and explore possible modifications and other approaches for ensuring compliance with the total coliform MCL. Please submit a new detailed plan to EPA within 30 days.

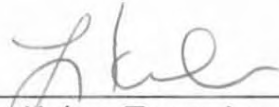
EPA is considering additional enforcement action, including assessment of penalties, as a result of the non-compliance with the Order detailed above. Violating an Administrative Order may lead to (1) a penalty of up to \$37,500 per day per violation of the Order, and/or (2) a court injunction ordering compliance.

If you have any questions or wish to have an informal conference with EPA, you may contact Mario Mérida at 1-800-227-8917, extension 6297 or (303) 312-6297. If you are represented by an attorney who has questions, please ask your attorney to contact Marc Weiner, Enforcement

Attorney, at 1-800-227-8917, extension 6913 or (303) 312-6913 or at the following address:

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

We urge your prompt attention to this matter.



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Lisa Kahn, Team Leader  
Drinking Water Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

cc: John Arrigo, MT DEQ  
Shelley Nolan, MT DEQ  
Tina Artemis, EPA Regional Hearing Clerk