



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

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

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EPA REGION VIII  
HEARING CLERK

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-08-2007-0086**  
Church of Christ  
14 N. 48<sup>th</sup> Street West  
Billings, MT 59106  
PWS ID# MT0004265

Dear Mr. Opper:

The above referenced public drinking water system has violated certain provisions of the Safe Drinking Water Act (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 exceedance of maximum contaminant levels (MCL) for total coliform, failure to monitor for bacteriological quality, failure to take four repeat samples following a positive total coliform result, failure to take five routine samples following a positive total coliform sample in the preceding month, 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 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>
October 2005	Exceeded the MCL for total coliform bacteria. [40 C.F.R. § 141.63(a)(2)]
Nov – Dec 2002, Jan – Feb 2003 May – Nov 2003, Jan – Feb 2004, April – May 2004, July – Aug 2004, Oct – Dec 2004, Jan – Feb 2005, April – May 2005, July – Aug 2005, Nov – Dec 2005, March 2006, May – June 2006, Aug – Sept 2006, Nov – Dec 2006, Feb 2007, April 2007, May 2007, and June 2007	Failure to monitor monthly for bacteriological quality. [40 C.F.R. § 141.21 and ARM Chapter 38, Sub-Chapter 2, Section 17.38.215(1)(b)]
March 2003 and Sept 2005	Failure to take 4 repeat samples following a total coliform positive result. [40 C.F.R. § 141.21(b)]
April 2003	Failure to take five routine samples following a total coliform positive sample the preceding month. [40 C.F.R. § 141.21(b)(5)]
2002 - 2006	Failure to notify public of above referenced violations. [40 C.F.R. § 141.201]
2002 - 2006	Failure to report the above-referenced violations to the State. [40 C.F.R. §§ 141.31(b), 141.21(g)(1), and 141.21(g)(2)]

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 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.

Sincerely,



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



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

cc: Franklin A. Weller, President (via Certified Mail with return receipt)  
Jenny Chambers, MT DEQ  
Kate Miller, MT DEQ



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