



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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

2011 SEP 13 AM 8:55

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EPA REGION VIII
HEADING CLERK

Ref: 8 ENF-W

SEP 13 2011

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Niki Smoker, Owner
Horseshoe Bar
P.O. Box 432
Frazer, MT 59225

Re: Violation of Administrative Order
Docket No. SDWA-08-2011-0043
Horseshoe Bar
PWS ID #083090056

Dear Mrs. Smoker:

On May 16, 2011, the US Environmental Protection Agency (EPA) issued an Administrative Order (Order), Docket No. SDWA-08-2011-0043, ordering you (Respondent) to comply with various regulations issued by EPA under the Safe Drinking Water Act (SDWA), 42 U.S.C. section 300f et seq.

Our records indicate that you are in violation of the Order. Among other things, the Order included the following requirements (quoted from items 19 and 21 of the "Order" section on page 3 of the Order):

1. Within 30 days of receipt of this Order, and annually thereafter, Respondent shall monitor the system's water for nitrate. 40 C.F.R. § 141.23.

Respondent failed to monitor the system's water for nitrate within 30 days of receiving the Order (by June 20, 2011).

2. Within 30 days of receiving this Order, Respondent shall notify the public of the violations cited in paragraphs 7 through 10, above, as required by 40 C.F.R. part 141, subpart Q. Thereafter, following any future violation of the drinking water regulations, Respondent shall comply with the applicable public notice provisions of 40 C.F.R. part 141, subpart Q. Within 10 days of providing public notice, Respondent shall submit a copy of the notice to EPA.

Respondent failed to provide public notice for violations included in the Order within 30 days of receiving the Order (by June 20, 2011).

EPA is considering additional enforcement action as a result of the non-compliance with the Order. 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 Kimberly Pardue Welch at 1-800-227-8917, extension 6983 or (303) 312-6983. If you are represented by an attorney who has questions, please ask your attorney to contact Jean Belille, Enforcement Attorney, at 1-800-227-8917, extension 6556 or (303) 312-6556 or at the following address:

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

We urge your prompt attention to this matter.



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

cc:

Tina Artemis, EPA Regional Hearing Clerk
Chairman Stafne, Assiniboine & Sioux Tribes
Deb Madison, Environmental Director, Fort Peck Tribes

