



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

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

2010 APR 20 PM 3:34

FILED
EPA REGION VIII
HEARING CLERK

APR 20 2010

Ref: ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

The Honorable Rick Scheele
Mayor of Darby
P.O. Box 37
Darby, MT 59829

Re: Administrative Order
4th Addendum
Docket No. SDWA-08-2007-0021
PWS ID #MT0000195

Dear Mayor Scheele:

This 4th addendum to the Administrative Order issued March 7, 2007 to the Town of Darby (Respondent) is in response to a January 25, 2010 e-mail and March 22, 2010 supplemental information from Brad Koon, representative for Kadrmas, Lee & Jackson, Inc., on behalf of the Town of Darby, requesting an extension for the final deadline for installation and operation of optimal corrosion control treatment (OCCT) for the Town of Darby's drinking water system. Mr. Koon has informed EPA that the corrosion control treatment is part of a larger treatment project which has experienced delays. A large portion of the overall project has been completed including the construction of a new concrete storage tank, a new production well, a new treatment building and the installation of a new pumping infrastructure for two wells, approximately 10,500 lineal feet of new water main, and the electrical/telemetry system.

Mr. Koon stated that the remaining items to be completed include the installation of a meter in the treatment building to regulate the injection of chlorine and orthophosphate. The meter was installed however the meter head was not designed to allow for communication between the meter and the injection pumps. This problem was discovered prior to the January 31, 2010 deadline; however the necessary materials to rectify the problem were difficult to acquire. The project also required the installation of a communication line which crossed school property. The Town of Darby obtained an easement from the school board prior to project construction;

however Qwest, who was contracted to complete the installation, found the easement documents unacceptable. Kadrmas, Lee & Jackson, Inc. coordinated between Qwest, the Town of Darby and the school board to obtain an acceptable easement. The communication line was completed on February 18, 2010. Additionally, a pressure transducer was designed to be installed at the new tank. When attempting to put the system in operation during the week of March 15, 2010, it was determined that the incorrect transducer had been installed. The contractor immediately ordered the correct transducer and expected it to arrive during the week of March 22, 2010. For the reasons described above, the Town of Darby is requesting an extension for completing construction and bringing the system on-line (including start-up monitoring) until April 30, 2010.

This letter constitutes the written approval by EPA for extending the OCCT final completion deadline from January 27, 2010 to April 30, 2010. In addition to serving as approval for extending the final completion deadline, this letter serves to incorporate the following revised schedule into the Administrative Order, meaning each deadline in the schedule will be an enforceable part of the Administrative Order.

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 future 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, how Respondent attempted to foresee or overcome these obstacles and an explanation that justifies the new proposed deadline dates.

The following schedule lists the action to be taken, deadline date, and completion date if applicable.

<u>Action</u>	<u>Deadline</u>	<u>Completion (if applicable)</u>
Submit OCCT plan to EPA and MDEQ for review and approval.	July 7, 2007.	July 5, 2007 (OCCT Plan) July 26, 2007 (OCCT Plan, addendum No. 1).

<u>Action</u>	<u>Deadline</u>	<u>Completion (if applicable)</u>
Submit to EPA and MDEQ for approval design reports, plans and specifications from a professional engineer for the OCCT pilot study.	September 1, 2007.	September 28, 2007.
Obtain chemical feed equipment (pumps) and storage tank for feeding orthophosphate and sodium hypochlorite at well No. 1 as well as required testing equipment.	January 15, 2008.	January 18, 2008.
Install and secure all pilot equipment within existing well No. 1 pump house. Begin chemical feeding operations.	January 15, 2008.	January 18, 2008.
Conduct full scale testing for lead, copper, pH, alkalinity, calcium, conductivity, temperature, and orthophosphate residual at well No. 1 and two residential test sites. Report results to EPA within 10 days of receiving results.	By February 1, 2008 and every two weeks thereafter until either copper results are below the action level of 1.30 mg/L at each test site or for a test period of two months.	EPA granted a request to reduce monitoring for pH, alkalinity, calcium, conductivity, and temperature. Darby monitored for lead and copper and orthophosphate on February 6, 2008, February 19, 2008, March 5, 2008, and March 20, 2008.

<u>Action</u>	<u>Deadline</u>	<u>Completion (if applicable)</u>
<p>If the orthophosphate treatment is ineffective or the cost exceeds the benchmark cost of \$0.20/1,000 gallons, the PWS will order and set up treatment using another form of orthophosphate or sodium hydroxide (aka caustic soda).</p>	<p>Immediately upon determining that orthophosphate is ineffective or the cost is determined to exceed the benchmark cost of \$0.20/1,000 gallons of water.</p>	<p>N/A</p>
<p>Conduct full scale testing for lead, copper, pH, alkalinity, calcium, conductivity, temperature, and caustic soda residual (or alternate form of orthophosphate) at well No. 1 and two residential test sites. Report results to EPA within 10 days of receiving results.</p>	<p>Within 15 days after caustic soda chemical feed begins and every two weeks thereafter until either copper results are below the action level of 1.30 mg/L at each test site or for a test period of two months. If within two months the copper levels in the treated water are not below the action level of 1.30 mg/L or the cost of treatment exceeds that of the orthophosphate treatment, the System will revert back to the original orthophosphate treatment (provided it was successful in controlling the copper levels).</p>	<p>N/A</p>

<u>Action</u>	<u>Deadline</u>	<u>Completion (if applicable)</u>
Once the copper results are below the action level of 1.30 mg/L at the designated test sites, test all other sampling sites (total of 20). Report results to EPA and MDEQ within 10 days of receiving results.	Within two weeks of determining the treatment has achieved copper results below the action level for each test site.	June 4, 2008 (PWS had to abruptly halt pilot study on May 9, 2008 and therefore conducted this sampling following consultation with EPA and MDEQ).
Complete OCCT pilot study.	October 31, 2008.	May 9, 2008.
New permanent treatment facility is completely installed and correctly operating with corrosion control treatment.	April 30, 2010	
Monitor the water for lead and copper as required by the drinking water regulations. Report results to EPA and MDEQ within 10 days following the end of the monitoring period.	Before June 30, 2010 and again between July - December 2010 and according to the regulations thereafter.	
Monitor the water for water quality parameters (WQPs) as required by the drinking water regulations. Report results to EPA and MDEQ within 10 days following the end of the monitoring period.	Before June 30, 2010 and again between July - December 2010 and according to the regulations thereafter.	

Action

Deadline

**Completion
(if applicable)**

Notify EPA and MDEQ in writing of completion of new treatment plant and permanent optimal corrosion control treatment installation.

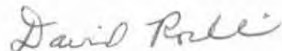
Within one week of project completion.

Please be advised that the Town of Darby 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 Peggy Livingston at the above 800 number, extension 6858, or at (303) 312-6858.

Sincerely,



Darcy O'Connor, Acting Director
Technical Enforcement Program
Office of Compliance, Enforcement,
and Environmental Justice



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

cc: Brad Koon, Kadrmas, Lee & Jackson (via certified mail w/ return receipt)
Nate Robbins, Town of Darby
John Arrigo, MDEQ
Shelley Nolan, MDEQ
Tina Artemis, Regional Hearing Clerk

