



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

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AUG 23 2011

CERTIFIED MAIL
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CT Corporation System, Registered Agent
Tamarack II, LLC
P.O. Box 7054
STE 1650
Billings, MT 59103-7054

Re: 2nd Violation of Administrative
Order
Fazooli's Family Italian
Docket No. SDWA-08-2010-0072
PWS ID # MT0000889

To whom it may concern:

On September 7, 2010, the US Environmental Protection Agency (EPA) issued an Administrative Order, Docket No. SDWA-08-2010-0072, ordering Tamarack II, LLC (Respondent) as owner of the Fazooli's Family Italian public water system, 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 Tamarack II, LLC is in violation of the Order. Among other things, the Order included the following requirements (excerpted from item 21 of the "Order" section on page 4 of the Order):

1. Respondent shall monitor the system's water monthly for total coliform bacteria, as required by ARM 17.38.215(1)(b). Respondent shall report analytical results to EPA and the State within the first 10 days following the month in which sample results were received, as required by 40 C.F.R. § 141.31(a). Respondent shall report any violation of the total coliform monitoring requirements to EPA and the State within 10 days of discovery, as required by 40 C.F.R. § 141.21(g)(2).

Respondent failed to monitor the system's water for total coliform bacteria during May 2011. Respondent failed to report the violation to EPA and the State within 10 days of discovery.

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 Peggy Livingston, Enforcement Attorney, at 1-800-227-8917, extension 6858 or (303) 312-6858 or at the following address:

Peggy Livingston
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.



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

cc:

John Arrigo, MDEQ
Shelley Nolan, MDEQ
Josh Townsley, Operator (via certified mail w/ return receipt)
Tina Artemis, EPA Regional Hearing Clerk