



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8**

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

2009 MAY 29 11:05

Ref: 8 ENF-W

**MAY 29 2009**

CERTIFIED MAIL #  
RETURN RECEIPT REQUESTED

Beverly Kudrna, Registered Agent  
Pryor Creek Bar, LLC  
5948 Haynes Road  
Shepherd, MT 59079

Re: Violation of Administrative Order  
Docket No. SDWA-08-2009-0002  
PWS ID # MT0002045

Dear Ms. Kudrna:

On November 12, 2008, the US Environmental Protection Agency (EPA) issued an Administrative Order, Docket No. SDWA-08-2009-0002, ordering Pryor Creek Bar, LLC (Respondent), as owner of the Pryor Creek Bar 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 Pryor Creek Bar, LLC is in violation of the Administrative Order (the Order). Among other things, the Order included the following requirements (quoted from items 8 and 9 of the Order section on pages 2 and 3 of the Order):

1. Upon receipt of this Order, Respondent shall monitor monthly for total coliform bacteria. 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 are received, as required by the drinking water regulations. 40 C.F.R. § 141.31(a). Any violation of the total coliform monitoring requirements shall be reported to EPA and the State within ten days after Respondent learns of it. 40 C.F.R. § 141.21(g)(2).

Respondent failed to monitor for total coliform bacteria during December 2008 and failed to report the noncompliance to EPA within ten days of learning of it.

2. Within 30 days of the effective date of this Order, Respondent must provide public notice of the violation(s) specified in Paragraph 4 in this Order. 40 C.F.R. §§ 141.201, 141.202 and 141.205. Respondent shall submit a copy of the public notice to EPA and the State within ten days of completion of the public notice. 40 C.F.R. § 141.31(d).

Respondent issued public notice for the 2006 and 2007 failure to monitor for total coliform violations, however failed to provide public notice for the 2008 failure to monitor total coliform violations. Please complete the public notice for the 2008 violations listed in the Order, as well as those that occurred after the Order, and submit the public notice to EPA and the State.

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 Marc Weiner, Enforcement Attorney, at 1-800-312-6913 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



Enclosures

Public notice samples/templates

cc: John Arrigo, MDEQ  
Shelly Nolan, MDEQ  
Keith Wolff, Pryor Creek Bar  
Tina Artemis, EPA Regional Hearing Clerk

