



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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

JUL 2 2007

Ref: 8ENF-W

CERTIFIED MAIL LETTER  
RETURN RECEIPT REQUESTED

Jim Hudson  
Hudson Trusts, LLP  
808-106 Avenue NE #104  
Bellevue, WA 98004

Re: Administrative Order  
Docket No. SDWA-08-2007-0045  
River Grove Estates Trailer Park  
Public Water System  
PWS ID #MT0000123

Dear Mr. Hudson:

Enclosed you will find an Administrative Order (the Order), which the Environmental Protection Agency (EPA) has issued under the authority of the Safe Drinking Water Act (the Act), 42 U.S.C. Section 300f, *et seq.*, and its implementing regulations. Among other things, the Order finds that Hudson Trusts, LLP, is the owner and/or operator of the River Grove Estates Trailer Park Water System (River Grove Estates) and is a supplier of water as defined by the Act and that it has violated the National Primary Drinking Water Regulations (NPDWRs) at 40 Code of Federal Regulations (C.F.R.) §§ 141.62(b), 141.23(f)(2), 141.23(d)(2), 141.86(d)(1)(ii), 141.132(b), 141.21(a), 141.21(b)(1), 141.201, 141.31(b), and 141.21(g)(2) for: exceeding the maximum contaminant level (MCL) for nitrate, failure to collect and analyze confirmation samples after an exceedance of the nitrate MCL, failure to monitor for nitrate, failure to monitor for lead and copper, failure to monitor for disinfection byproducts, failure to monitor for bacteriological quality, failure to take four repeat samples following a total coliform positive sample, failure to provide public notice, and failure to notify the State of the violations.

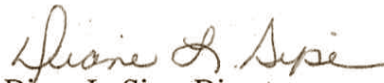
If River Grove Estates complies with the enclosed Order for a period of at least twelve months, EPA may choose to close the Order. Violating the enclosed Order may lead to (1) a penalty of up to \$32,500 per day of violation of the Order, (2) a separate such penalty for violating the regulations themselves, and/or (3) a court injunction ordering compliance.

Among other things, the Order requires River Grove Estates to provide a public notification of violations of the Act. For your convenience, we have enclosed some template forms to assist in providing the required public notice. If you have any questions or comments concerning the form of public notice, please do not hesitate to contact Kimberly Pardue Welch of EPA, whose telephone number is provided below.

Please note that the effective date of the enclosed Order is the date of issuance. Within the next 10 days, please provide EPA with any new information that you believe the Agency is not aware of relating to the alleged violations in the Order. The information may be sent to Kimberly Pardue Welch at the address on the letterhead, include the mailcode 8ENF-W, or you may call Ms. Pardue Welch at (800) 227-8917, extension 6983, or (303) 312-6983. If you wish to have an informal conference with EPA, you may also call or write Ms. Pardue Welch. If you are represented by an attorney, please ask your attorney to call Amy Swanson at the above 800 number, extension 6906, or at (303) 312-6906.

We urge your prompt attention to this matter.

Sincerely,



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

Enclosures  
Order  
Public Notice template

cc: Lee Michalsky, Operator  
Jenny Chambers, MT DEQ  
Kate Miller, MT DEQ



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

2007 JUL -2 PM 2:15

FILED  
EPA REGION VIII  
HEARING CLERK

IN THE MATTER OF )  
)  
Hudson Trusts, LLP )  
River Grove Estates Trailer Park )  
Billings, MT )  
)  
Respondent )  
)  
Proceedings under Section 1414(g) )  
of the Safe Drinking Water Act, )  
42 U.S.C. § 300g-3(g) )  
\_\_\_\_\_ )

ADMINISTRATIVE ORDER

Docket No. SDWA-08-2007-0045

The following Findings are made and Order issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency (EPA) by section 1414(g) of the Safe Drinking Water Act (the Act), 42 U.S.C. § 300g-3(g), and its implementing regulations, as properly delegated to the Supervisors of the Technical and Legal Enforcement Programs of the Office of Enforcement, Compliance and Environmental Justice, EPA Region 8.

FINDINGS

1. Hudson Trusts, LLP (Respondent) is a limited liability partnership under the laws of Montana, and is therefore a "person" within the meaning of section 1401(12) of the Act, 42 U.S.C. § 300f(12), and 40 C.F.R. § 141.2.
2. Respondent owns and/or operates a system, the River Grove Estates Trailer Park Water System (the System), located in Yellowstone County, Montana, for the provision to the public of piped water for human consumption.
3. The System has at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents and is therefore a "public water



system" within the meaning of section 1401(4) of the Act, 42 U.S.C. § 300f (4), and a "community" water system within the meaning of 40 C.F.R. § 141.2.

4. Respondent owns and/or operates a public water system and is therefore a "supplier of water" within the meaning of section 1401(5) of the Act, 42 U.S.C. § 300f(5) and 40 C.F.R. § 141.2. Respondent is therefore subject to the requirements of Part B of the Act, 42 U.S.C. § 300g, and its implementing regulations, 40 C.F.R. Part 141, also known as the National Primary Drinking Water Regulations (NPDWRs).
5. According to a July 31, 2006 sanitary survey conducted by the Montana Department of Environmental Quality (the State or MDEQ), Respondent operates a system that is supplied solely by a ground water source consisting of two wells located on site. The System includes 53 service connections and provides water to approximately 100 persons per day year-round.
6. MDEQ has primary enforcement authority for the Act in the State of Montana. On April 9, 2007, EPA issued a Notice of Violation pursuant to section 1414(a) of the Act, 42 U.S.C. § 300g- 3(a), to MDEQ regarding the violations at the System. MDEQ elected not to commence an appropriate enforcement action against the System for the violations within the thirty-day time frame set forth in section 1414(a) of the Act, 42 U.S.C. § 300g- 3(a).
7. EPA has provided the State, through MDEQ, with an opportunity to confer with EPA regarding this Order pursuant to section 1414(g)(2) of the Act, 42 U.S.C. § 300g-3(g)(2).

8. EPA has provided a copy of this Order to MDEQ pursuant to section 1414(g)(2) of the Act, 42 U.S.C. § 300g-3(g)(2).

### FINDINGS OF VIOLATION

#### I

1. 40 C.F.R. § 141.23 requires a community water system to conduct monitoring to determine compliance with the maximum contaminant levels (MCLs) of inorganic chemicals specified in 40 C.F.R. § 141.62.
2. 40 C.F.R. § 141.62(b) imposes and defines the MCL for nitrate as 10 milligrams per liter (mg/L).
3. Monitoring results submitted by Respondent for the System exceeded the MCL for nitrate on December 12, 2002 (12.3 mg/L), August 11, 2004 and August 18, 2004 (quarterly average of 10.84 mg/L), December 30, 2005 (10.5 mg/L), August 11, 2006 (10.7mg/L), September 11, 2006 (10.7 mg/L), and October 11, 2006 (10.7 mg/L), in violation of 40 C.F.R. § 141.62(b).

#### II

1. 40 C.F.R. § 141.23(f)(2) requires a public water system that exceeds the MCL for nitrate to either 1) take a confirmation sample within 24-hours of notification of the analytical results or 2) if unable to comply with the requirement to take a confirmation sample within 24 hours, immediately notify the consumers served by the system and take a confirmation sample within two weeks of notification.
2. Respondent failed to take a confirmation sample or to immediately notify persons served by the public water system after the nitrate MCL

V

1. 40 C.F.R. § 141.132(b) requires the owner and/or operator of a public water system served by groundwater providing water to less than 10,000 persons and using chemical disinfectant to collect one water sample per year per treatment plant during the months of warmest water temperature to determine compliance with the MCL for disinfection byproducts, as stated in 40 C.F.R. § 141.64.
2. Respondent failed to monitor the water for disinfection byproducts during 2004, 2005, and 2006, in violation of 40 C.F.R. § 141.132(b).

VI

1. 40 C.F.R. § 141.21(a)(2) requires community water systems serving 1,000 persons or fewer to collect a minimum of one sample per month to monitor for total coliform to determine compliance with the MCL for total coliform bacteria as stated in 40 C.F.R. § 141.63.
2. Respondent failed to monitor the water for bacteriological quality in October 2004, in violation of 40 C.F.R. § 141.21(a)(2).

VII

1. 40 C.F.R. § 141.21(b)(1) requires a public water system which collects one routine total coliform bacteria sample per month or fewer to collect a set of repeat samples within 24 hours of being notified of a total coliform positive result.
2. Respondent failed to collect repeat samples following the total coliform positive sample in April 2004, in violation of 40 C.F.R. § 141.21(b)(1).



VIII

1. 40 C.F.R. § 141.201 requires owners and/or operators of public water systems to notify the public of any violations of the NPDWRs, including violations of the MCL, maximum residual disinfection level (MRDL), treatment technique (TT), monitoring requirements, and testing procedures in 40 C.F.R. Part 141.
2. Respondent has not provided public notice of the violations outlined in Sections I through VII (except exceedance of nitrate MCL on August 11<sup>th</sup>, 2004, August 18, 2004, December 30, 2005, August 11, 2006, and September 11, 2006 and failure to monitor nitrate in the 4<sup>th</sup> quarter of 2004), in violation of 40 C.F.R. § 141.201.

IX

1. 40 C.F.R. § 141.21(g)(2) requires public water systems that have failed to comply with a coliform monitoring requirement under 40 C.F.R. § 141.21(a) to report the violation to the State within ten days after the system discovers the violation.
2. Respondent failed to report to EPA the noncompliance detailed in Sections VI and VII, in violation of 40 C.F.R. § 141.21(g)(2).

X

1. 40 C.F.R. § 141.31(b) requires owners and/or operators of public water systems to report any failure to comply with any NPDWR to the State within 48 hours.
2. Respondent failed to report to the State the noncompliance detailed in Sections I through V and VIII, in violation of 40 C.F.R. § 141.31(b).

ORDER

Based on the foregoing Findings, and pursuant to section 1414(g) of the Act,

IT IS ORDERED:

1. Upon the effective date of the Order, Respondent must comply with the nitrate MCL identified in 40 C.F.R. § 141.62(b).
2. Within 60 days of the effective date of this Order, Respondent must submit a **compliance plan** to address the nitrate MCL exceedances. The plan shall include 1) proposed system modifications to address the nitrate MCL exceedances, 2) estimated costs of modifications, 3) and a schedule for construction of the project to bring the System into compliance with the nitrate MCL. The **schedule** shall include 1) specific milestone dates, 2) a final completion date which shall be no later than six months from the effective date of this Order, and 3) shall be submitted to EPA and the State for approval. The plan must be approved by EPA and the State before implementation.
3. Upon the effective date of this Order, Respondent must comply with all confirmation sampling requirements found in 40 C.F.R. § 141.23(f)(2). This requires public water systems that exceed the MCL for nitrate to either 1) take a confirmation sample within 24 hours of notification of the analytical results or 2) immediately notify the consumers served by the system and take a confirmation sample within two weeks of notification. If a confirmation sample is taken, the results of the initial and confirmation sample shall be averaged to determine the System's compliance with 40 C.F.R. § 141.62(b). Respondent shall report



analytical results to EPA and the State within the first ten days following the month in which sample results are received, as required by 40 C.F.R. § 141.31(a).

4. Within 30 days of the effective date of this Order, and per the regulations thereafter, Respondent shall comply with the nitrate monitoring requirements as stated in 40 C.F.R. § 141.23(d) to determine compliance with the nitrate MCL appearing at 40 C.F.R. § 141.62(b). Respondent shall report analytical results to EPA and the State within the first ten days following the month in which sample results are received, as required by 40 C.F.R. § 141.31(a).
5. Between July 1, 2007 and December 31, 2007, and again between January 1, 2008 and June 30, 2008 and per the regulations thereafter, Respondent shall comply with the requirements as specified in the Act and 40 C.F.R. Part 141, Subpart I (Control of Lead and Copper). Respondent shall:
  - a) Conduct a materials analysis and select sampling sites in accordance with 40 C.F.R. § 141.86(a);
  - b) Collect samples that are first-draw, one-liter in volume, and have stood motionless in the plumbing system for at least 6 hours in accordance with 40 C.F.R. § 141.86(b);
  - c) Collect five samples in accordance with 40 C.F.R. § 141.86(c);
  - d) Have samples analyzed by a State-certified laboratory, in accordance with 40 C.F.R. § 141.89; and
  - e) Report the results of the tap water monitoring for lead and copper in accordance with 40 C.F.R. § 141.90(a), including:

- i. the location of each site and criteria under which the site was selected for the system's sampling pool;
  - ii. certification that each first draw sample collected is one-liter in volume, and to the best of one's knowledge, has stood motionless in the service line, or in the interior plumbing of a sampling site, for at least 6 hours;
  - iii. where residents collected the samples, a certification that each tap sample collected by the residents was taken after the water system informed them of proper sampling procedures specified in 40 C.F.R. § 141.86(b)(2); and
  - iv. the 90th percentile lead and copper concentrations measured from among all lead and copper tap water samples collected during each monitoring period calculated in accordance with 40 C.F.R. § 141.80(c)(3).
6. If the results of the 90th percentile lead level exceed .015 mg/L or the 90th percentile copper level exceeds 1.3 mg/L, based on any future lead and copper samples collected, the Respondent shall comply with all the requirements for optimal corrosion control treatment as specified in 40 C.F.R. § 141.81(e).
7. If the results of the 90th percentile lead level exceed .015 mg/L or the 90th percentile copper level exceeds 1.3 mg/L, based on any future lead and copper samples collected, the Respondent shall comply with all the requirements for water quality parameter (WQP) monitoring and reporting as specified in

- 40 C.F.R. §§ 141.87, 141.89, and 141.90 and for all the requirements for source water monitoring and reporting as specified in §§ 141.88, 141.89, and 141.90.
8. Respondent shall report the results of WQP monitoring in accordance with 40 C.F.R. §§ 141.90(a)(1)(vi) and (vii) and source water monitoring in accordance with 40 C.F.R. § 141.90(b).
  9. Between July 1, 2007 and August 1, 2007, and per the regulations thereafter, Respondent shall comply with monitoring requirements for disinfection byproducts, as stated in 40 C.F.R. § 141.132(b). Respondent shall collect one sample per year per treatment plant at a location that represents maximum residence time to be analyzed for total trihalomethane (TTHM) and five haloacetic acids (HAA5) to determine compliance with the disinfection byproduct MCL as stated in 40 C.F.R. § 141.64(a). Respondent shall report analytical results to EPA and the State within the first ten days following the month in which sample results are received, as required by 40 C.F.R. §§ 141.134(a) and (b).
  10. Upon the effective date of this Order, Respondent shall monitor the water for total coliform as required by 40 C.F.R. § 141.21(a) to determine compliance with the total coliform MCL appearing at 40 C.F.R. § 141.63. Respondent shall report results to EPA and the State within 10 days following the end of each monitoring period, as required by 40 C.F.R. § 141.31(a).
  11. Upon the effective date of this Order, Respondent shall comply with all repeat sampling requirements specified in 40 C.F.R. § 141.21(b). This requires that Respondent take no fewer than 4 repeat samples within



24 hours of being notified of a total coliform positive routine sample. Each repeat sample is to be analyzed for total coliform bacteria. Respondent shall report analytical results to EPA and the State within the first ten days following the end of the monitoring period, as required by 40 C.F.R. § 141.31(a).

12. Within 30 days of the effective date of this Order, Respondent must provide public notice of the violation(s) specified under the Findings of Violation Sections I through VII in this Order (except exceedance of the nitrate MCL on August 11<sup>th</sup>, 2004, August 18, 2004, December 30, 2005, August 11, 2006, and September 11, 2006 and failure to monitor nitrate in the 4<sup>th</sup> quarter of 2004), to return to compliance with 40 C.F.R. §§ 141.201, 141.204 and 141.205. Upon the effective date of this Order, Respondent shall comply with the public notification requirements at 40 C.F.R. § 141.201 et seq. following any future NPDWR violation. Respondent shall submit a copy of the public notice to EPA and the State within ten days of completion of the public notice, as required by 40 C.F.R. § 141.31(d). This notice shall be given by (1) mail or other direct delivery to each customer receiving a bill and to other service connections to which water is delivered by the public water system; AND (2) any other method reasonably calculated to reach other persons regularly served by the system, if they would not normally be reached by the notice described above, such as publication in a local newspaper, delivery of multiple copies for distribution by customers that provide their drinking water to others, posting in public places served by the system or on the Internet, or delivery to community organizations. If the public notice is posted, the notice must remain in place for as long as the

violation or situation persists, but for no less than seven days. The public water system must repeat the notice every three months as long as the violation or situation persists.

13. Upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.21(g)(2) by reporting any failure to comply with coliform monitoring requirements under 40 C.F.R. § 141.21 to EPA and the State within ten days after the Respondent discovers the violation.
14. Except where a different reporting period is specified above, upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.31(b) by reporting any failure to comply with any NPDWR (40 C.F.R. part 141) to EPA and the State within 48 hours.
15. Reporting requirements specified in this Order shall be provided by certified mail to the following addresses:

U. S. EPA Region 8 (8ENF-W)  
1595 Wynkoop Street  
Denver, Colorado 80202  
Attn: Kimberly Pardue Welch

Montana Department of  
Environmental Quality – PWSS  
P.O. Box 200901  
Helena, MT 59620-0901  
Attn: Kate Miller

#### GENERAL PROVISIONS

1. This Order does not constitute a waiver, suspension, or modification of the requirements of 40 C.F.R. § 141.1 et seq., or the Act, which remain in full force and effect. Issuance of this Order is not an election by EPA to forgo any civil or criminal action otherwise authorized under the Act.
2. Violation of any term of this Order may subject the Respondent to an administrative civil penalty of up to \$27,500, under section 1414(g)(3)(B) of the Act,

42 U.S.C. § 300g-3(g)(3)(B), or a civil penalty of not more than \$32,500 per day of violation, assessed by an appropriate U.S. district court under section 1414(g)(3)(C) of the Act, 42 U.S.C. § 300g-3(g)(3)(C).

3. Violation of any requirement of the Act or its implementing regulations may subject Respondent to a civil penalty of not more than \$32,500 per day of violation, assessed by an appropriate U.S. district court under section 1414(b) of the Act, 42 U.S.C. § 300g-3(b).
4. The effective date of this Order shall be the date of issuance of this Order.

Issued this 2<sup>nd</sup> day of July, 2007.

David Palle for

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

Diane L. Sipe

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