



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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

2007 DEC 10 AM 11:11

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EPA REGION VIII
HEARING CLERK

Ref: ENF-W

DEC 10 2007

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mayor Lewis
Town of Neihart
P.O. Box 36
Neihart, MT 59465

Re: Notice of Violation
Docket No. SDWA-08-2008-0008
Town of Neihart
PWS ID # MT0000298

Dear Mayor Lewis:

The United States Environmental Protection Agency (EPA) is issuing a Notice of Violation to the Montana Department of Environmental Quality (the State) regarding the violations of the Safe Drinking Water Act (the Act) and the National Primary Drinking Water Regulations (NPDWRs) at the Town of Neihart's public water system. EPA would like to provide the Town of Neihart with an opportunity to address any discrepancies with EPA's determination of the violations. If you have monitoring records for any of the violations listed in the Notice of Violation letter, please submit them to EPA within 20 days of the date of this letter. The monitoring reports or any additional information may be provided by certified mail to Kimberly Pardue Welch at the address on the letterhead, include the mailcode 8ENF-W. If you have questions or need additional information, please contact Kimberly Pardue Welch at (800) 227-8917, extension 6983, or (303) 312-6983. If you are represented by an Attorney, please ask your attorney to call Thomas Sitz at the above 800 number, extension 6918, or at (303) 312-6918.

Sincerely,

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

Enclosures

Notice of Violation
SBREFA fact sheet

cc:

Bob Reynolds, Operator

cc addresses:

Bob Reynolds, Operator
Town of Neihart
P.O. Box 73
Neihart, MT 59465





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Richard Opper, Director
Montana Department of
Environmental Quality
1520 E. Sixth Avenue
P.O. Box 200901
Helena, MT 59620-0901

NOTICE OF VIOLATION

Docket No. SDWA-08-2008-0008

Town of Neihart
P.O. Box 36
Neihart, MT 59465
PWS ID# MT0000298

Dear Mr. Opper:

The above referenced public drinking water system has violated certain provisions of the Safe Drinking Water Act (the Act), 42 U.S.C. § 300f, *et seq.* and the National Primary Drinking Water Regulations at 40 C.F.R. part 141. The violations consist of exceeding a combined filter effluent turbidity maximum limit of 1 Nephelometric Turbidity Unit (NTU), failure to achieve a combined filter effluent turbidity limit of ≤ 0.3 NTU for 95% of samples per monitoring period, failure to monitor for bacteriological quality, failure to monitor for lead and copper, failure to monitor for turbidity, failure to monitor for residual disinfection concentration, failure to report non-compliance with monitoring and reporting for filter turbidity to the State, failure to provide a Consumer Confidence Report, failure to provide public notice, and failure to notify the State of the violations. Our records, obtained from the Montana Department of Environmental Quality's Public Water Supply Online Query Reports, indicate the violations noted below. Please notify Kimberly Pardue Welch of my staff at (303) 312-6983 within 20 days if your records show any discrepancies with these determinations of violation.

<u>Date of Violation</u>	<u>Violation</u>
April 2006, May 2006, June 2006, July 2006, Aug 2006, Sept 2006, and Oct 2006	Exceeded a combined filter effluent turbidity maximum limit of 1 NTU. [40 C.F.R. § 141.551(b)]
Jan 2006, Feb 2006, March 2006, April 2006, May 2006, June 2006, July 2006, Aug 2006, Sept 2006, and Oct 2006	Failure to achieve a combined filter effluent turbidity level of ≤ 0.3 NTU for 95% of samples per monitoring period. [40 C.F.R. § 141.551(a)]
July 2003	Failure to monitor for bacteriological quality. [40 C.F.R. § 141.21(a)]
July – Dec 2002, Jan – June 2003, July – Dec 2003, Jan – June 2004, 2005 annual, and 2006 annual	Failure to monitor for lead and copper. (System sampled outside of the required June – September period in 2006). [40 C.F.R. § 141.86 (d)(1)(ii) and 141.86(d)(4)(ii)]
April 2004, May 2004, June 2004, July 2004, Aug 2004, Sept 2004, Oct 2004, and Nov 2004	Failure to monitor for turbidity. [40 C.F.R. § 141.74 (c)(1)]
Nov 2004, Jan 2006, April 2006, May 2006, June 2006, and Sept 2006	Failure to monitor for residual disinfection concentration. [40 C.F.R. § 141.74 (c)(2)]
April 2006	Failure to report to State non-compliance with monitoring and reporting for filter turbidity. [40 C.F.R. § 141.75(b)(3)(ii)]
2004 and 2005	Failure to provide Consumer Confidence Report. [40 C.F.R. § 141.152-155]

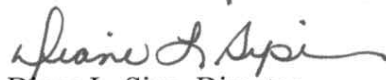
- 2002 – 2006 Failure to notify public of various violations listed above. [40 C.F.R. § 141.201]
- 2002 - 2006 Failure to report the above-referenced violations to the State [40 C.F.R. §§ 141.21(g)(2) and 141.31(b)]

This NOTICE OF VIOLATION is issued pursuant to section 1414(a) of the Act, 42 U.S.C. § 300g-3(a). If the State does not commence appropriate enforcement action within 30 days from the receipt of this notification, EPA is authorized either to issue an Administrative Order under section 1414(g) of the Act, 42 U.S.C. § 300g-3(g) requiring the public water system to comply with the regulations or requirements, or to commence civil action under section 1414(b) of the Act, 42 U.S.C. § 300g-3(b).

Please inform EPA of any change in the compliance status of this system. You may wish to confer with my staff to determine the Agency's position concerning this system and to exchange appropriate information. If the State does not commence appropriate enforcement action within 30 days from the receipt of the notification, EPA will proceed with issuance of an administrative order. Our technical contact is Kimberly Pardue Welch at (303) 312-6983.

A copy of this NOTICE OF VIOLATION has been concurrently sent to the system identified above. Also enclosed for the benefit of the System is a copy of EPA's Small Business Regulatory Enforcement and Fairness Act (SBREFA) fact sheet containing information on compliance assistance resources and tools available to small businesses. EPA has agreed to notify small businesses of their right to comment on regulatory enforcement activities at the same time of an Agency enforcement action. SBREFA does not eliminate the responsibility to comply with the Act.

Sincerely,



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



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

cc:

John Arrigo, MT DEQ
Kate Miller, MT DEQ



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