



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8, MONTANA OFFICE  
FEDERAL BUILDING, 10 W. 15<sup>th</sup> STREET, SUITE 3200  
HELENA, MONTANA 59626

2013 FEB 19 PM 1:18

Ref: 8MO

FEB 19 2013

FILED  
EPA REGION VIII  
HEARING CLERK

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
NO.

Ms. Debra L. Scott  
Beaverhead County Clerk and Recorder  
2 South Pacific Street, Ste. #3  
Dillon, MT 59725

Re: 3<sup>rd</sup> Violation of Administrative Order  
Docket No. SDWA-08-2010-0004  
Beaverhead County Jackson Water and  
Sewer District Public Water Supply  
PWS ID #MT0002590

Dear Ms. Scott:

On December 14, 2009, the United States Environmental Protection Agency (EPA) issued an Administrative Order (Order), Docket No. SDWA-08-2010-0004, ordering the Beaverhead County Jackson Water and Sewer District (District) to comply with various regulations issued by the EPA under the Safe Drinking Water Act (SDWA), 42 U.S.C. §§ 300f - j26. Our records indicate that the District is in violation of the Order.

The following requirement is quoted from item 13 of the "Order" section on page 3 of the Order.

1. During each calendar quarter until a different monitoring frequency is determined by the State [of Montana], [the District] shall monitor the [Beaverhead Jackson public water system's] water for arsenic. 40 C.F.R. § 141.23. . . . [The District] shall report any violation of the arsenic monitoring requirements to EPA and the State within 48 hours. 40 C.F.R. § 141.31(b).

The District failed to monitor for arsenic during the fourth quarter of 2012. The District failed to report this violation of the arsenic monitoring requirements to the EPA and the State of Montana within 48 hours.

The following requirement is quoted from page two of a January 17, 2012, letter from the EPA that modified the Order. This requirement was also referenced in an EPA letter dated November 13, 2012.

2. The District must now also continue to sample quarterly for combined radium and submit the results to EPA and the Montana Department of Environmental Quality (DEQ) until notified otherwise by the DEQ.

The District failed to monitor for combined radium during the 2<sup>nd</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> quarters of 2012.



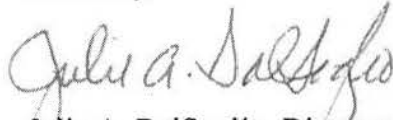
**The EPA is considering additional enforcement action as a result of the non-compliance with the Order.** Violating an administrative order may lead to (1) a penalty of up to \$37,500 per day per violation of the order, and/or (2) a court injunction ordering compliance.

If you have any questions or wish to have an informal conference with EPA, you may contact Sienna Meredith at 1-800-457-2690 or (406) 457-5026. If the District is represented by an attorney who has questions, please ask the 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 (8ENF-L)  
1595 Wynkoop Street  
Denver, CO 80202-1129

We urge your prompt attention to this matter.

Sincerely,



Julie A. DalSoglio, Director  
EPA Region 8 Montana Office

cc:

John Arrigo, MDEQ  
Rich Jost, MDEQ  
Shelley Nolan, MDEQ  
Tom Dawson, President, Beaverhead Jackson  
Water and Sewer District  
Jeanette Robertson, Beaverhead Jackson  
Water and Sewer District  
Tom Wagenknecht, Beaverhead County Sanitarian (by email)  
Steve Wonacott, Morrison Maierle, Inc  
Tina Artemis, EPA Regional Hearing Clerk