



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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

Ref: 8ENF-W

OCT - 3 2007

CERTIFIED MAIL LETTER
RETURN RECEIPT REQUESTED

Aldonna Blain, Registered Agent
Blain's Mobile Home Court, Inc.
111 Jack Street
Billings, MT 59101

Re: Administrative Order
Docket No. SDWA-08-2007-0033
Blain's Mobile Home Court
Public Water System
PWS ID #MT0000464

Dear Ms. Blain:

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 Blain's Mobile Home Court, Inc., is the owner and/or operator of the Blain's Mobile Home Court Water System (the System) 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.) §§ 141.70(a), 141.71, 141.73, 141.21, 141.132(b), 141.201, 141.31(b), and 141.21(g)(2) for: failure to meet the minimum treatment requirements for ground water systems under the influence of surface water, failure to monitor for bacteriological quality, failure to monitor for disinfection byproducts, failure to provide public notice of the above mentioned violations, and failure to notify the State of the violations.

If Blain's Mobile Home Court 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 that an engineering assessment be conducted of the Blain's Mobile Home Court water system, and recommendations of that study be implemented. This will require approvals from EPA and the Montana Department of Environmental Quality. Blain's Mobile Home Court water system must remain on a boil water requirement until minimum treatment requirements for a ground water system under the direct

influence of surface water are met. In addition, Blain's Mobile Home Court is required 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: Dan Holbrook, Operator (via Certified Mail w/ return receipt)
Jenny Chambers, MT DEQ
Kate Miller, MT DEQ



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2007 OCT -3 PM 2:01

IN THE MATTER OF)
)
Blain's Mobile Home Court, Inc.)
Billings, MT)
)
Respondent)
)
Proceedings under Section 1414(g))
of the Safe Drinking Water Act,)
42 U.S.C. § 300g-3(g))
_____)

EPA REGION 8
HEARING CLERK

ADMINISTRATIVE ORDER

Docket No. SDWA-08-2007-0033

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. Blain's Mobile Home Court, Inc., (Respondent) is a corporation under the laws of the State of Montana since July 1980 and therefore is 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 Blain's Mobile Home Court 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 an August 31, 2005 sanitary survey and a July 21, 2006 technical assistance visit conducted by the Montana Department of Environmental Quality (MDEQ or the State), Respondent operates a system that is supplied by ground water under the direct influence of surface water from six wells located on site. The System includes 215 service connections and provides water to approximately 800 persons year round.
 6. MDEQ has primary enforcement authority for the Act in the State of Montana. On March 13, 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 violation at the public water system. MDEQ elected not to commence an 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).

FINDINGS OF VIOLATION

I

1. 40 C.F.R. § 141.70(a) requires public water systems using a surface water source, or ground water under the direct influence of surface water, to provide treatment to achieve at least 99.9 percent (3-log) removal/ inactivation of *Giardia lamblia* cysts and 99.99 percent (4-log) removal/inactivation of viruses.
2. 40 C.F.R. § 141.70(b) outlines that compliance can be achieved by meeting the requirements for avoiding filtration in 40 C.F.R. § 141.71 and the disinfection requirements in 40 C.F.R. § 141.72(a); or by meeting the filtration requirements in 40 C.F.R. § 141.73 and the disinfection requirement in 40 C.F.R. § 141.72(b).
3. 40 C.F.R. § 141.71 requires public water systems using a ground water under the direct influence of surface water source to meet the criteria for avoiding filtration beginning 18 months after the State determines that it is under the direct influence of surface water, or December 30, 1991, which ever is later, unless the State has determined in writing that filtration is required.
4. On June 25, 2003, MDEQ provided written notice to Respondent that the State had determined that the System was supplied by ground water under the direct influence of surface water. The letter required Respondent to comply with one of the following three options by January 1, 2005: 1) the filtration requirements found in 40 C.F.R. § 141.70, 2) the criteria for avoiding filtration found in 40 C.F.R. § 141.71, or 3) permanently disconnect the wells and seek a new source.
5. Respondent continues to provide water from the ground water wells under direct

influence of surface water without meeting the filtration requirements or the criteria for avoiding filtration, in violation of 40 C.F.R. §§ 141.70(a), 141.71, and 141.73.

II

1. 40 C.F.R. § 141.132(b) requires the owner and/or operator of a public water system served by ground water under the direct influence of surface water providing water to 500 to 9,999 persons and using chemical disinfectant to collect one water sample per treatment plant per year during the month of warmest water temperature to determine compliance with the maximum contaminant level (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, in violation of 40 C.F.R. § 141.132(b).

III

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 total coliform bacteria in August 2004, in violation of 40 C.F.R. § 141.21(a)(2).

IV

1. 40 C.F.R. § 141.21(g)(2) requires public water systems to report any failure to comply with a coliform bacteria monitoring requirement to the State within ten business days after the system discovers the violation.

2. Respondent failed to report to the State instances of noncompliance detailed in Section III, in violation of 40 C.F.R. § 141.21(g)(2).

V

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 III, in violation of 40 C.F.R. § 141.201.

VI

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 NPDWRs to the State within 48 hours.
2. Respondent failed to report to the State the noncompliance detailed in Sections I, II, and V, 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. Within 30 days of the effective date of this Order Respondent shall **submit a plan** to either:
 - a) install filtration and disinfection that includes proposed system modifications, including, but not limited to, filter specifications, filter efficiency, estimated costs of modification, and a schedule for construction of the project. The **schedule**

shall include specific milestone dates, a final completion date of no later than nine months from the effective date of this Order, and shall be submitted to EPA and the State for approval. If construction is necessary, the plans must be approved by EPA and the State before construction may commence. An EPA approval does not substitute for any required local approval. Respondent shall comply with the requirements of 40 CFR §141.72(b) and §141.73.

OR

- b) permanently disconnect the six wells under direct influence of surface water from the distribution system and connect the four State approved wells (well numbers 7, 8, 9, and 10).
 - i) Within 60 days of notifying EPA and the State of Respondent's decision to connect to the new water source wells, Respondent shall submit system plans and specifications from a professional engineer who is licensed in the State of Montana.
 - ii) Within 90 days of receiving approval from the State and EPA for the engineering plans and specifications, Respondent must completely disconnect the six wells under the direct influence of surface water and have the four State approved wells connected, with disinfection and any additional treatments as determined by MDEQ and EPA installed, and all required sampling completed.
 - iii) Respondent shall take the following new source samples prior to system operation and the supply of water to the public, as required by C.F.R. 40 § 141.23(c)(9), ARM 17.38.215(e)(6) and 17.38.216(5), and follow sampling

requirements per regulations thereafter:

- (1) All wells, pipes, tanks, and equipment that convey or store potable water must be disinfected and tested for microbiological contaminants according to the MDEQ Circular DEQ-1, Standards for Water Works, February 24, 2006 edition.
- (2) Respondent shall collect one nitrate and nitrite sample at every entry point to the distribution system which is representative of each well after treatment, to determine compliance with the nitrate and nitrite MCLs, as required by 40 C.F.R. § 141.23 and ARM 17.38.216 (5).
- (3) Respondent shall collect one inorganic chemicals sample at every entry point to the distribution system which is representative of each well after treatment, as required by 40 C.F.R. § 141.23 and ARM 17.38.216 (5).
- (4) In addition to the inorganic chemicals listed above, Respondent shall collect water samples from each entry point to the distribution system for the following:
 - a. Total alkalinity
 - b. Calcium
 - c. pH value
 - d. sodium
 - e. iron
 - f. manganese
 - g. hardness
 - h. specific conductance

- i. sulphate
- j. chloride
- k. magnesium

iv) Respondent shall provide evidence to EPA and the State which must include photographs and the following written certification by a person of authority:

I certify under the penalty of perjury that wells 1, 2, 3, 4, 5 and 6 have been disconnected from Blain's Mobile Home Court distribution system on [this date and year]. Blain's Mobile Home Court shall notify the Montana Department of Environmental Quality and EPA 30 days prior to any future use of the wells. If Blain's Mobile Home Court chooses to use the wells as a source of potable water in the future, Blain's Mobile Home Court shall have adequate filtration and disinfection installed and operational before the wells are used and comply with the Surface Water Treatment Rule (40 CFR Part 141 Subpart H).

OR

c) permanently disconnect the six wells under direct influence of surface water from the distribution system and hook up to the City of Billings water supply as a consecutive water system. If this option is selected, within 60 days of the date of this Order, Respondent shall submit to EPA and the State a response letter from the City of Billings indicating the City's intention to provide drinking water service to the System and a reasonable estimate of time in which service will be provided. If the City of Billings is unable to provide drinking water service to the System within two years of the date of this Order, EPA and the State may disapprove this option.

2. State and EPA approval will be granted with the following conditions for option a) and b) above:
 - (1) Any deviation from the approved plans and specifications must be submitted to the Montana Department of Environmental Quality for reappraisal and approval.
 - (2) No portion of the project may be placed into operation until the project engineer certifies by letter to MDEQ that the activated portion of the project was inspected and found to be constructed in accordance with the approved plans and specifications.
 - (3) Within 90 days after construction completion, the project engineer must submit a complete set of certified as-built drawing for the project to EPA and the State.
3. Respondent shall, beginning three months after EPA and the State approve the selected plan from paragraph 1 above, submit quarterly reports to EPA and the State on the progress made toward bringing the System into compliance with the requirements in 40 C.F.R. §§ 141.70(a), 141.71, and 141.73. The reports shall be due within ten days of the end of each calendar quarter.
4. The schedule for implementing and completing improvements will be incorporated into this Order upon written approval by EPA.
5. Within 30 days of the effective date of this Order, Respondent shall comply with the interim monitoring requirements of 40 C.F.R. §§ 141.72(a) and 141.74(b) noted below until an option in paragraph 1 above is completed. Respondent shall report all results to EPA and the State within the first ten days following the end of each month.

as required by 40 C.F.R. §141.75. Respondent shall:

a) Conduct the following monitoring and submit the monitoring results (on the appropriate MDEQ form) to EPA and the State, as required by 40 C.F.R. § 141.72 and ARM 17.38.208.

(1) raw water turbidity, which shall be monitored once per day during hours of peak demand.

(2) chlorine residual, once a day at peak hourly flow at the point of application and entry to the distribution system.

(3) If turbidity exceeds 5 NTU, Respondent shall report to EPA and the State within 24 hours and notify the public as prescribed in 40 C.F.R. §§141.202 and 141.31. If turbidity exceeds 1 NTU, Respondent shall monitor for fecal coliform at the source and notify EPA and the State of the results.

b) Provide continuous disinfection and maintain a minimum of 0.5 mg/l (but less than 4 mg/l) disinfectant residual at the entry point of the distribution system and detectable throughout the distribution system. Monitor for residual disinfection concentration of the water at least once daily in the distribution system.

Additionally, monitor for residual disinfection concentration at the same point in the distribution system and at the same time as total coliforms are sampled.

6. According to MDEQ, Respondent is unable to meet 3-log inactivation of Giardia due to the inability to calculate disinfection contact time in the System. Therefore, until Respondent complies with and completes installation for one of the options listed in paragraph 1, Respondent **must maintain the boil water notice for users of the System**. Respondent shall reissue the boil water order every three months and submit

- a copy of the notice to EPA and the State within ten days of issuance.
7. Between July 1 and September 30, 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 haloacetic acids (five) (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).
 8. 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)(2) 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 ten days following the end of each monitoring period, as required by 40 C.F.R. § 141.31(a).
 9. 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.
 10. 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.

11. Within 30 days from the effective date of this Order, Respondent must provide public notice of the violation(s) specified under the Findings of Violation Sections I through III in this Order, 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.**

12. 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

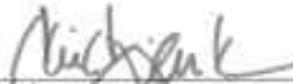
Montana Department of
Environmental Quality – PWSS
P.O. Box 200901
Helena, MT 59620-0901
Attn: Kate Miller

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 3rd day of October, 2007.



Michael T. Risner, Director
David J. Janik, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice



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