



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8, MONTANA OFFICE
FEDERAL BUILDING, 10 W. 15th STREET, SUITE 3200
HELENA, MONTANA 59626

SEP 20 2010

Ref: 8MO

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Brent Shaw, Owner
Armstead Campground
6590A High Bridge Road
Dillon MT 59725

Re: Administrative Order
Armstead Campground
Public Water System
Docket No. SDWA-08-2010-0078
PWS ID MT0002942

Dear Mr. Shaw:

Enclosed is an Administrative Order (Order) issued by the Environmental Protection Agency (EPA) under the authority of the Safe Drinking Water Act, 42 U.S.C. §§ 300f et seq. Among other things, the Order alleges that you have violated the National Primary Drinking Water Regulations (drinking water regulations).

The Order is effective upon the date received. Please review the Order and within 10 days provide EPA with any information you believe EPA may not have. If you comply with the Order, EPA may close the Order without further action. Failure to comply with the Order may lead to substantial civil penalties and/or a Federal court injunction ordering compliance.

The Order requires you to notify the public of having violated the drinking water regulations. Upon request, EPA will mail you paper copies of forms and instructions for providing public notice. The requirement to complete future public notices can easily be accomplished with the assistance of the automated system available at the www.pniwriter.org website.

To submit information or request an informal conference with EPA, please contact Sienna Paquin at the above address or by phone at (800) 227-8917, extension 5026 or (406) 457-5026. Any questions from your attorney should be directed to Peggy Livingston, Enforcement Attorney, who



may be reached at the above address with the mailcode 8ENF-L or by phone at (800) 227-8917, extension 6858 or (303) 312-6858.

We urge your prompt attention to this matter.

Sincerely,



Julie DalSoglio, Director
Montana Office

FOR

Enclosures:
Order

cc:
MT DEQ
Tina Artemis, EPA Regional Hearing Clerk

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2010 SEP 20 AM 10:18

FILED
EPA REGION VIII
HEARING CLERK

IN THE MATTER OF)
)
Brent Shaw)
(Owner, Armstead Campground),)
)
Respondent.)

ADMINISTRATIVE ORDER

Docket No. SDWA-08-2010-0078

1. This Order is issued under the authority vested in the Administrator of the United States Environmental Protection Agency (EPA) by the Safe Drinking Water Act, 42 U.S.C. §§ 300f *et seq.* (the Act), as properly delegated to the undersigned officials.

2. Brent Shaw (Respondent) is an individual who owns and/or operates the Armstead Campground Water System (the system), which provides piped water to the public in Beaverhead County, Montana, for human consumption.

3. The system is supplied by a surface water source consisting of an intake off Beaverhead River below the Clark Canyon Reservoir. The water is treated by alternative (cartridge) filtration and disinfected.

4. The system has approximately 41 service connections and/or regularly serves an average of approximately 53 individuals daily at least 60 days out of the year. Therefore, the system is a "public water system" as defined in § 1401(4) of the Act, 42 U.S.C. § 300f (4), and 40 C.F.R. § 141.2. The system is also a "transient, non-community water system" as defined in 40 C.F.R. § 141.2.

5. Respondent is subject to the Act and the National Primary Drinking Water Regulations (drinking water regulations) at 40 C.F.R. part 141. The drinking water regulations are "applicable requirements" as defined in § 1414(i) of the Act, 42 U.S.C. § 300g-3(i).

6. The drinking water regulations include monitoring requirements. The Respondent received annual notifications from the Montana Department of Environmental Quality (MDEQ or the State) regarding the system's monitoring requirements.

7. The MDEQ has primary enforcement authority for the public water system supervision provisions of the Act in the State of Montana. EPA issued a notice of the system's violations to the State on June 4, 2010. The

State elected not to commence an enforcement action against the Respondent for the violations listed in the notice of violation within the thirty-day time frame set forth in § 1414(a) of the Act, 42 U.S.C. § 300g-3(a). EPA has provided a copy of this Order to the State and has provided the State the opportunity to confer with EPA regarding this Order.

VIOLATIONS

8. Respondent is required to monitor the system's filtered water for turbidity by monitoring representative samples of the filtered water at least every 4 hours that the system serves water to the public. 40 C.F.R. § 141.74(c)(1). Respondent failed to monitor the system's water for turbidity every 4 hours every day from June – September for the years 2005, 2006, 2007, 2008, and 2009 and, therefore, violated this requirement.

9. Respondent must treat the system's water to remove and/or inactivate at least 99.9 percent, or 3-log, of *Giardia lamblia* cysts, and to remove and/or inactivate at least 99.99 percent, or 4-log, of viruses. 40 C.F.R. § 141.70(a) and (b). Based on the June 29, 2006, Sanitary Survey, conducted by Cadmus Group, Inc., on behalf of the State, the system's current treatment system does not provide enough contact time to inactivate organisms such as *Giardia lamblia* cysts. Respondent failed to treat the system's water to remove and/or inactivate at least 99.9 percent, or 3-log, of *Giardia lamblia* cysts, and to remove and/or inactivate at least 99.99 percent, or 4-log, of viruses from June – September for the years 2005, 2006, 2007, 2008, and 2009 and, therefore, violated this requirement.

10. Respondent must provide at least 99 percent (2-log) removal of *Cryptosporidium* between a point where the raw water is not subject to contamination by surface water run-off and a point downstream before or at the first customer. 40 C.F.R. §§ 141.70(e) and 141.500(a). Based on the June 29, 2006, Sanitary Survey, conducted by Cadmus Group, Inc., on behalf of the State, the system's current filters are not adequate for removal of *Cryptosporidium* cysts. Respondent failed to treat the system's water to remove at least 99 percent, or 2-log, of *Cryptosporidium* cysts from June – September for the years 2005, 2006, 2007, 2008, and 2009 and, therefore, violated this requirement.

11. Respondent is required to monitor the residual disinfectant concentration in the water entering the system's distribution system and to record the lowest value each day. Monitoring must be continuous or by grab

Brent Shaw
(Owner, Armstead Campground)
Page 3 of 6

samples consisting of at least one grab sample per day. Respondent failed to monitor the system's residual disinfectant level from June – September for the years 2005, 2006, 2007, 2008, and 2009 and, therefore, violated this requirement.

12. Respondent is required to report the turbidity measurements, disinfection information, and contact time information on a monthly basis to the State, as required by 40 C.F.R. § 141.75. Respondent failed to report turbidity measurements, disinfection information, and contact time information to the State from June – September for the years 2005, 2006, 2007, 2008, and 2009 and, therefore, violated this requirement.

13. Respondent is required to monitor the system's water monthly for total coliform bacteria. ARM § 17.38.215(1)(b). This regulation is an "applicable requirement" as defined in § 1414(i) of the Act, 42 U.S.C. § 300g-3(i). Respondent failed to monitor the system's water for total coliform bacteria during the months of September 2005, September 2008 and September 2009 and, therefore, violated this requirement.

14. Respondent is required to notify the public of certain violations of the drinking water regulations. 40 C.F.R. §§ 141.201 *et seq.* Respondent did not notify the public of the violations cited in paragraphs 8 through 13 and, therefore, violated this requirement. Public notice for September 2009 violations is not yet overdue.

15. Respondent is required to report any failure to meet a coliform monitoring requirement to the State no later than 10 days after learning of this violation. 40 C.F.R. § 141.21(g)(2). Respondent did not notify the State of the violations cited in paragraph 13, above, and, therefore, violated this requirement.

16. Respondent is required to report any failure to comply with any of the drinking water regulations to the State within 48 hours (except where the drinking water regulations specify a different reporting period). 40 C.F.R. § 141.31(b). Respondent failed to report the violations listed in paragraphs 8 through 12, above, to the State and, therefore, violated this requirement.

ORDER

Based on the above violations, Respondent is ordered to perform the following actions:

17. At least once every 4 hours that the system provides water to the public, Respondent shall monitor the system's filtered water for turbidity as required by 40 C.F.R. § 141.74(c)(1). Respondent shall report results to the EPA and the State within 10 days following the end of the monitoring period as required by 40 C.F.R. § 141.75.

18. Within 90 days of receiving this Order, Respondent shall provide EPA and the State with a schedule for Respondent to come into compliance with 40 C.F.R. part 141, subparts H and T, by meeting the filtration and disinfection requirements that apply to each source that is surface water. This includes meeting the requirements to treat the system's water to remove and/or inactivate at least 99.9 percent, or 3-log, of *Giardia lamblia* cysts, and to remove and/or inactivate at least 99.99 percent, or 4-log, of viruses as required by 40 C.F.R. § 141.70(a) and (b), and to provide at least 99 percent (2-log) removal of *Cryptosporidium* cysts prior to the first customer as required by 40 C.F.R. § 141.500(a). The plan shall include proposed system modifications, estimated costs of modifications, and a schedule for completion of the project and compliance with the drinking water regulations. The proposed schedule shall include specific milestone dates and a final compliance date to be within 8 months from the date of EPA's approval of the plan and schedule. The plan and schedule must be approved by EPA before construction or modifications can begin. EPA's approval of Respondent's plan and schedule does not substitute for any State approval of plans and specifications that may also be required before modifications may be made to the system.

19. The plan and schedule required by paragraph 18, above, will be incorporated into this Order as enforceable requirements upon written approval by EPA.

20. Within 30 days of receiving EPA's approval of the plan and schedule required by paragraph 18, above, Respondent shall provide EPA and the State with quarterly reports on the progress made toward bringing the system into compliance with 40 C.F.R. part 141, subparts H and T. Each quarterly report is due by the 10th day of the month following the end of the relevant quarter.

21. Respondent must achieve and maintain compliance with 40 C.F.R. part 141, subparts H and T, by the final date specified in the approved plan, or no later than 8 months after receiving EPA's approval of the plan and schedule required by paragraph 18, above, whichever is earliest.

Brent Shaw
(Owner, Armstead Campground)
Page 5 of 6

Respondent must meet that deadline even if the plan as approved does not achieve compliance. If implementation of the plan fails to achieve permanent compliance, EPA may order further steps and/or seek penalties for noncompliance.

22. Respondent shall monitor the residual disinfectant concentration of the water entering the distribution system. Monitoring shall be either continuous or based on grab samples consisting of at least one grab sample per day. If at any time the Respondent is using grab sampling, and the residual disinfectant falls below 0.2 mg/l, Respondent must take a grab sample every 4 hours until the residual disinfectant concentration reaches at least 0.2 mg/l. 40 C.F.R. § 141.74(c)(2). Within 10 days of the end of each month Respondent shall report results to EPA and the State as required by 40 C.F.R. § 141.75(b)(2).

23. Respondent shall report monitoring results as required by 40 C.F.R. § 141.75(b), including turbidity, disinfectant concentrations and contact time information, to EPA and the State within 10 days after the end of each month the system serves water to the public. 40 C.F.R. § 141.75(b).

24. Respondent shall monitor the system's water monthly for total coliform bacteria, as required by 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 were received, as required by 40 C.F.R. § 141.31(a). Respondent shall report any violation of the total coliform monitoring requirements to EPA and the State within 10 days of discovery, as required by 40 C.F.R. § 141.21(g)(2).

25. Within 30 days of receiving this Order, Respondent shall notify the public of the violations cited in paragraphs 8 through 13 above, as required by 40 C.F.R. part 141, subpart Q. Thereafter, following any future violation of the drinking water regulations, Respondent shall comply with the applicable public notice provisions of 40 C.F.R. part 141, subpart Q. Within 10 days of providing public notice, Respondent shall submit a copy of the notice to EPA and the State.

26. Respondent shall report any violation of the total coliform monitoring requirements to EPA and the State within ten days after Respondent learns of it. 40 C.F.R. § 141.21(g)(2).

Brent Shaw
(Owner, Armstead Campground)
Page 6 of 6

27. Respondent shall report any other violation of the drinking water regulations to EPA and the State within 48 hours of discovery. 40 C.F.R. § 141.31(b).

28. Reporting requirements specified in this Order shall be provided by certified mail to:

Sienna Paquin
U. S. EPA Montana Office
10 W. 15th St., Suite 3200
Helena, MT 59626

AND

Shelley Nolan
Montana Department of
Environmental Quality- PWSB
P.O. Box 200901
Helena, MT 59620-0901

GENERAL PROVISIONS

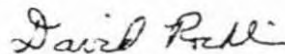
29. This Order does not constitute a waiver, suspension, or modification of any requirement of the Act or drinking water regulations. Issuance of this Order is not an election by EPA to forgo any civil or criminal action.

30. Violation of any part of this Order, the Act, or the drinking water regulations may subject Respondent to a civil penalty of up to \$37,500 (as adjusted for inflation) per day of violation, 42 U.S.C. § 300g-3(g)(3); 40 C.F.R. part 19.

Issued this 20th day of September, 2010.

 FOR

Julie DalSoglio, Director
Montana Office



David Rochlin, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice