



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

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2008 MAR 18 PM 12:42

EPA REGION VIII
HEARING ROOM

Ref: 8 ENF-W

MAR 18 2008

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Steve Westberg, Owner/Operator
Town and Country Lanes and Bar
6126 Highway 312
Billings, MT 59105

Re: Violation of Administrative Order
Docket No. SDWA-08-2007-0015
PWS ID # MT0001731

Dear Mr. Westberg:

On March 22, 2007, the US Environmental Protection Agency (EPA) issued an Administrative Order, Docket No. SDWA-08-2007-0015, ordering you (Respondent) to comply with various regulations issued by EPA under the Safe Drinking Water Act (SDWA), 42 U.S.C. section 300f et seq.

Our records indicate that Town and Country Lanes and Bar (the System) is in violation of the Administrative Order (the Order). Among other things, the Order included the following requirements (quoted from items 1, 2, and 6 of the Order section on pages 6 and 7 of the Order):

1. Upon the effective date of this Order, Respondent shall monitor the water for total coliform monthly as required by ARM 17.38.215(1)(b) to determine compliance with the total coliform maximum contaminant level (MCL) appearing at ARM 17.38.207(1) and 40 C.F.R. § 141.63(a)(2). Upon the effective date of this Order, Respondent shall comply with the MCLs as stated in ARM 17.38.207(1) and 40 C.F.R. § 141.63(a)(2). 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).

The System exceeded the MCL for total coliform bacteria in April 2007, May 2007, and February 2008.

2. Upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.21(g)(1) by reporting any total coliform MCL violation under 40 C.F.R. § 141.63 to EPA and the State no later than the end of the next business day after Respondent learns of the violation.

Respondent failed to report to EPA the noncompliance detailed in part 1 above, exceeding the MCL for total coliform bacteria in February 2008.

3. Within 30 days from the effective date of the Order, Respondent must provide public notice of the violation(s) specified under Findings of Violation Sections I through III in this Order to return to compliance with C.F.R. §§ 141.201, 141.204 and 141.205.

Respondent failed to submit a public notice for violations of the Order within 30 days from the effective date of the Order (by April 22, 2007).

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 \$32,500 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 Kimberly Pardue Welch at 1-800-227-8917, extension 6983 or (303) 312-6983. If you are represented by an attorney who has questions, please ask your attorney to contact Amy Swanson, Enforcement Attorney, at 1-800-312-6906 or (303) 312-6906 or at the following address:

Amy Swanson
Enforcement Attorney
U.S. EPA, Region 8 (8-ENF-L)
1595 Wynkoop Street
Denver, Colorado 80202-1129

We urge your prompt attention to this matter.



Lisa Kahn, Team Leader
Drinking Water Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

CC:

John Arrigo, MDEQ
Andrea Vickory, MDEQ
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