



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8**

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

2008 JUL 22 AM 9:01

REGION VIII  
HEARING CLERK

**JUL 22 2008**

Ref: ENF-W

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mayor DeJaegher  
Town of Melstone  
P.O. Box 237  
Melstone, MT 59054

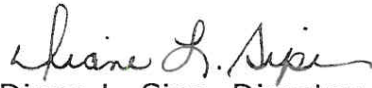
Re: Notice of Violation  
Docket No. **SDWA-08-2008-0080**  
Town of Melstone  
PWS ID # MT0000290

Dear Honorable Mayor DeJaegher:

The United States Environmental Protection Agency (EPA) is issuing a Notice of Violation to the Montana Department of Environmental Quality (MDEQ or 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 Melstone's public water system. EPA would like to provide the Town of Melstone 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, please 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 Jean Belille at the above 800 number, extension 6556, or at (303) 312-6556.

Sincerely,



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

Enclosures

Notice of Violation  
SBREFA fact sheet

cc:

Wanda DeJaegher, Operator



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HEARINGS DIVISION  
HEARING CLERK

Ref: 8ENF-W

JUL 22 2008

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

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-08-2008-0080**  
Town of Melstone  
Public Water System  
P.O. Box 237  
Melstone, MT 59054  
PWS ID# MT0000290

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 exceedance of the maximum contaminant level (MCL) for disinfection byproducts, failure to monitor for disinfection byproducts, failure to monitor turbidity, failure to monitor for residual disinfectant concentration, failure to report turbidity and residual disinfectant concentration monitoring results to the State within the first 10 days following the end of the monitoring period, failure to monitor for disinfection byproduct precursors (alkalinity and total organic carbon), failure to provide a consumer confidence report to water users, 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 have your staff notify Kimberly Pardue Welch 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>
2 <sup>nd</sup> quarter 2005, 3 <sup>rd</sup> quarter 2005, 4 <sup>th</sup> quarter 2005, and 1 <sup>st</sup> quarter 2006	Exceeded the MCL for disinfection byproducts (TTHM). [40 C.F.R. § 141.64(b)]
4 <sup>th</sup> quarter 2005, 1 <sup>st</sup> quarter 2006, 4 <sup>th</sup> quarter 2006, 1 <sup>st</sup> quarter 2007, 2 <sup>nd</sup> quarter 2007, and 4 <sup>th</sup> quarter 2007	Failure to monitor for disinfection byproducts [40 C.F.R. § 141.132(b)]
January 2006, June 2006, October 2006, November 2006, January 2007, February 2007, April 2007, May 2007, June 2007, and August 2007	Failure to monitor for turbidity. [40 C.F.R. § 141.74 (c)(1)]
January 2006, June 2006, October 2006, November 2006, January 2007, February 2007, April 2007, May 2007, June 2007, and August 2007	Failure to monitor for residual disinfectant concentration. [40 C.F.R. § 141.74 (c)(2)]
March 2006, April 2006, and May 2006	Failure to report turbidity and residual disinfectant concentration monitoring results to the State within the first 10 days following the end of the monitoring period. [40 C.F.R. § 141.75b(1) and (2)]

January 2004 – December 2004, February 2005, April 2006, and January 2008	Failure to monitor monthly for disinfection byproduct precursors (total organic carbon in source water). [40 C.F.R. § 141.132(d)]
January 2004 – December 2004, February 2005, and April 2006	Failure to monitor monthly for disinfection byproduct precursors (total organic carbon in finished water). [40 C.F.R. § 141.132(d)]
January – December 2004, February 2005, April 2006, and October 2006	Failure to monitor for disinfection byproduct precursors (alkalinity). [40 C.F.R. § 141.132(d)]
2006 for calendar year 2005	Failure to provide Consumer Confidence Report. [40 C.F.R. § 141.152- 155]
2005 - 2008	Failure to notify public of various violations listed above. [40 C.F.R. § 141.201]
2004 - 2008	Failure to report the above-referenced violations to the State [40 C.F.R. § 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 have your staff confer with Ms. Pardue Welch 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.

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 and small governments, in case these resources apply to this situation. A compliance assistance center for small governments, the Local Government Environmental Assistance Network (LGEAN), can be reached at [www.lgean.org](http://www.lgean.org) or by calling (877) 865-4326.

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, Director  
Matthew Cohn, Supervisory Attorney  
Legal Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

cc:

John Arrigo, MT DEQ  
Shelly Nolan, MT DEQ



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