



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

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EPA REGION VIII
HEARING CLERK

DEC 21 2009

Ref: ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

The Honorable Rick Scheele
Mayor of Darby
P.O. Box 37
Darby, MT 59829

Re: Administrative Order 3rd Addendum
Docket No. SDWA-08-2007-0021
PWS ID #MT0000195

Dear Mayor Scheele:

This 3rd addendum to the Administrative Order issued March 7, 2007 to the Town of Darby is in response to a November 27, 2009 letter from Kadrmas, Lee & Jackson, Inc., on behalf of the Town of Darby, requesting an extension for the final deadline for installation and operation of optimal corrosion control treatment (OCCT) for the Town of Darby's drinking water system. The corrosion control treatment is part of a larger treatment project which has experienced additional delays and is now not scheduled for completion until January 27, 2010.

This letter constitutes the written approval by EPA for extending the OCCT final completion deadline from November 29, 2009 to January 27, 2010. In addition to serving as approval for extending the final completion deadline, this letter serves to incorporate the following revised schedule into the Administrative Order. Each deadline in the schedule will be enforceable as if it were part of the Administrative Order itself.

The following schedule lists the action to be taken, deadline date, and completion date if applicable.

<u>Action</u>	<u>Deadline</u>	<u>Completion (if applicable)</u>
Submit OCCT plan to EPA and MDEQ for review and approval.	July 7, 2007.	July 5, 2007 (OCCT Plan) July 26, 2007 (OCCT Plan, addendum No. 1).
Submit to EPA and MDEQ for approval design reports, plans and specifications from a professional engineer for the OCCT pilot study.	September 1, 2007.	September 28, 2007.
Obtain chemical feed equipment (pumps) and storage tank for feeding orthophosphate and sodium hypochlorite at well No. 1 as well as required testing equipment.	January 15, 2008.	January 18, 2008.
Install and secure all pilot equipment within existing well No. 1 pump house. Begin chemical feeding operations.	January 15, 2008.	January 18, 2008.
Conduct full scale testing for lead, copper, pH, alkalinity, calcium, conductivity, temperature, and orthophosphate residual at well No. 1 and two residential test sites. Report results to EPA within 10 days of receiving results.	By February 1, 2008 and every two weeks thereafter until either copper results are below the action level of 1.30 mg/L at each test site or for a test period of two months.	EPA granted a request to reduce monitoring for pH, alkalinity, calcium, conductivity, and temperature. Darby monitored for lead and copper and orthophosphate on February 6, 2008, February 19, 2008, March 5, 2008, and March 20, 2008.

<u>Action</u>	<u>Deadline</u>	<u>Completion (if applicable)</u>
<p>If the orthophosphate treatment is ineffective or the cost exceeds the benchmark cost of \$0.20/1,000 gallons, the PWS will order and set up treatment using another form of orthophosphate or sodium hydroxide (aka caustic soda).</p>	<p>Immediately upon determining that orthophosphate is ineffective or the cost is determined to exceed the benchmark cost of \$0.20/1,000 gallons of water.</p>	N/A
<p>Conduct full scale testing for lead, copper, pH, alkalinity, calcium, conductivity, temperature, and caustic soda residual (or alternate form of orthophosphate) at well No. 1 and two residential test sites. Report results to EPA within 10 days of receiving results.</p>	<p>Within 15 days after caustic soda chemical feed begins and every two weeks thereafter until either copper results are below the action level of 1.30 mg/L at each test site or for a test period of two months. If within two months the copper levels in the treated water are not below the action level of 1.30 mg/L or the cost of treatment exceeds that of the orthophosphate treatment, the System will revert back to the original orthophosphate treatment (provided it was successful in controlling the copper levels).</p>	N/A

<u>Action</u>	<u>Deadline</u>	<u>Completion (if applicable)</u>
Once the copper results are below the action level of 1.30 mg/L at the designated test sites, test all other sampling sites (total of 20). Report results to EPA and MDEQ within 10 days of receiving results.	Within two weeks of determining the treatment has achieved copper results below the action level for each test site.	June 4, 2008 (PWS had to abruptly halt pilot study on May 9, 2008 and therefore conducted this sampling following consultation with EPA and MDEQ).
Complete OCCT pilot study.	October 31, 2008.	May 9, 2008.
New permanent treatment facility is completely installed and correctly operating with corrosion control treatment.	January 27, 2010	
Monitor the water for lead and copper as required by the drinking water regulations. Report results to EPA and MDEQ within 10 days following the end of the monitoring period.	Between January – June 2010 and again between July – December 2010 and according to the regulations thereafter.	
Monitor the water for water quality parameters (WQPs) as required by the drinking water regulations. Report results to EPA and MDEQ within 10 days following the end of the monitoring period.	Between January – June 2010 and again between July - December 2010 and according to the regulations thereafter.	

Action

Deadline

**Completion
(if applicable)**

Notify EPA and MDEQ in writing of completion of new treatment plant and permanent optimal corrosion control treatment installation.

Within one week of project completion.

Please be advised that the Town of Darby is required to comply with all provisions of the Administrative Order. Penalties for failing to comply are set forth in the Order. Please contact Kimberly Pardue Welch at (303) 312-6983 if you have any questions concerning this Addendum. If you are represented by an attorney, please ask your attorney to call Peggy Livingston at the above 800 number, extension 6858, or at (303) 312-6858.

Sincerely,



Darcy O'Connor, Acting Director
Technical Enforcement Program
Office of Compliance, Enforcement,
and Environmental Justice

Margaret J. (Peggy) Livingston Acting for
David Rochlin, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

- cc: Brad Koon, Kadrmas, Lee & Jackson (via certified mail w/ return receipt)
- Nate Robbins, Town of Darby
- Autumn Coleman, MDEQ
- John Arrigo, MDEQ
- Shelley Nolan, MDEQ
- Tina Artemis, Regional Hearing Clerk

