



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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

SEP 17 2014

Ref: 8ENF-L

BY CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ms. Margaret Q. Thompson
Registered Agent
Beaverhead County Jackson Water and/or Sewer District
2 South Pacific Street, Ste. #3
Dillon, MT 59725

Re: Administrative Order issued to Beaverhead County Jackson Water and/or Sewer District
Public Water System, PWS ID MT0002590, Docket No. **SDWA-08-2014-0042**

Dear Ms. Thompson:

Enclosed is an Administrative Order (Order) issued by the United States Environmental Protection Agency (EPA) under the authority of section 1414(g) of the Safe Drinking Water Act, 42 U.S.C. § 300g-3(g). Among other things, the Order alleges that the Beaverhead County Jackson Water and/or Sewer District (the District), as owner and/or operator of the Beaverhead Jackson public water system, has violated the National Primary Drinking Water Regulations at 40 C.F.R. part 141 (the Drinking Water Regulations).

The enclosed Order is effective upon the date received. Please review the Order and within 10 days provide the EPA with any information you believe the EPA may not have (e.g., any monitoring that may have been done but not submitted, etc.). If the District complies with the Order, the 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 Small Business Regulatory Enforcement and Fairness Act (SBREFA) may apply to this situation. Enclosed is a small business information sheet, outlining compliance assistance resources available to small businesses and small governments, in case these are relevant. SBREFA does not eliminate the responsibility to comply with the Order or the Drinking Water Regulations.

To submit information or request an informal conference with the EPA, please contact Sienna Meredith at the above address or by phone at (800) 227-8917, extension 5026 or (406) 457-5026. Any questions from counsel should be directed to Peggy Livingston, Enforcement Attorney, who may be reached by phone at (800) 227-8917, extension 6858, or (303) 312-6858.



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We urge your prompt attention to this matter.

Sincerely,



Suzanne J. Bohan
Acting Assistant Regional Administrator
Office of Enforcement, Compliance
and Environmental Justice

Enclosures:

Order
SBREFA Information Sheet

cc: Tina Artemis, EPA Regional Hearing Clerk
Tom Dawson, President, Beaverhead Jackson
Water and/or Sewer District (**via certified mail/return receipt requested**)
Laverne Jackson, Beaverhead Jackson Water and/or Sewer
District (**via certified mail/return receipt requested**)
Jeanette Robertson, Beaverhead Jackson Water and/or Sewer
District (**via certified mail/return receipt requested**)
Debra L. Scott, Beaverhead County Clerk and Recorder
Tom Wagenknecht, Beaverhead County Sanitarian (by email)
Ross Mollenhauer, Engineer, Morrison-Maierle (by email)
Callie McIntosh, RCAC, Rural Development Specialist (by email)
John Arrigo, MT DEQ (by email)
Jon Dilliard, MT DEQ (by email)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

2014 SEP 17 PM 1:59

IN THE MATTER OF:)
)
Beaverhead County Jackson Water)
and/or Sewer District,)
)
)
Respondent.)

Docket No. SDWA-08-2014-0042

ADMINISTRATIVE ORDER

1. This Administrative Order (Order) is issued under the authority vested in the Administrator of the United States Environmental Protection Agency (EPA) by section 1414(g) of the Safe Drinking Water Act (Act), 42 U.S.C. § 300g-3(g), as properly delegated to the undersigned official.
2. The Beaverhead County Jackson Water and/or Sewer District (Respondent) is a public body created by or pursuant to Montana law that owns and/or operates the Beaverhead Jackson public water system (System), which provides piped water to the public in Beaverhead County, Montana, for human consumption.
3. The System is supplied by the Jardine Hot Springs, which is a groundwater source. The water is not treated.
4. The System has approximately 29 service connections used by year-round residents and regularly serves an average of approximately 21 year-round residents. Therefore, the System is a "public water system" and a "community water system" as defined in 40 C.F.R. § 141.2 and section 1401 of the Act, 42 U.S.C. § 300f.
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 section 1414(i) of the Act, 42 U.S.C. § 300g-3(i).
6. The Montana Department of Environmental Quality has primary enforcement authority for the public water system supervision provisions of the Act in the State of Montana (the State). The EPA issued the State a notice of the violations cited in this Order on July 28, 2014. The State elected not to commence an enforcement action against Respondent for the violations listed in the notice of violation within the 30-day time frame set forth in section 1414(a) of the Act, 42 U.S.C. § 300g-3(a). The EPA has provided a copy of this Order to the State and has provided the State the opportunity to confer with the EPA regarding this Order.

VIOLATIONS

7. Respondent was required to monitor the System's water for synthetic organic (pesticide/herbicide) contaminants at least once during 2011 through 2013. 40 C.F.R. § 141.24(h). Respondent failed to monitor the System's water for pesticide/herbicide organic contaminants during 2011-2013 and, therefore, violated this requirement.
8. Within 30 days of receiving results from monitoring individual taps for lead, Respondent is required to provide a consumer notice to customers served by those taps. 40 C.F.R. § 141.85(d). Respondent failed to provide a consumer notification of the lead samples it took during 2013 and, therefore, violated this requirement.
9. Respondent was required to monitor the System's water for asbestos at least once during 2011 through 2013. 40 C.F.R. § 141.23(a) and (b). Respondent failed to monitor the System's water for asbestos during 2011-2013 and, therefore, violated this requirement.
10. Respondent was required to notify the State of the violations cited in paragraphs 7 through 9, above. 40 C.F.R. § 141.31(b). Respondent failed to provide such notifications and, therefore, violated this requirement.

ORDER

Based on the above violations, Respondent is ordered to perform the following actions upon Respondent's receipt of this Order (unless a different deadline is specified below):

11. Within 30 days after receipt of this Order, and as required by the Drinking Water Regulations thereafter, Respondent shall monitor the System's water for pesticide/herbicide contaminants. 40 C.F.R. § 141.24(h). Within the first 10 days following the month in which sample results are received, Respondent shall report any analytical results to the State, as required by 40 C.F.R. § 141.31(a), and provide the EPA with a copy of this notification. If Respondent violates any monitoring requirement for pesticide/herbicide contaminants, then Respondent shall, within 48 hours of the violation occurring, report the violation to the State, as required by 40 C.F.R. § 141.31(b), and provide the EPA with a copy of this notification.
12. Within 30 days after the after receipt of this Order, and as required by the Drinking Water Regulations thereafter, Respondent shall monitor the System's water for asbestos. 40 C.F.R. § 141.23(a). Within the first 10 days following the month in which sample results are received, Respondent shall report any analytical results to the State, as required by 40 C.F.R. § 141.31(a), and provide the EPA with a copy of this notification. If Respondent violates any monitoring requirement for asbestos, then Respondent shall, within 48 hours of the violation occurring, report the violation to the State, as required by 40 C.F.R. § 141.31(b), and provide the EPA with a copy of this notification.

13. Within 30 days of receiving this Order, Respondent shall mail a consumer notice to the persons served by each tap for which Respondent monitored for lead in 2013, with the notice to include the results of lead tap water monitoring, an explanation of the health effects of lead, a list of steps consumers can take to reduce exposure to lead in drinking water, and contact information for Respondent. The notice shall also provide the maximum contaminant level goal and action level for lead and the definitions of these terms from 40 C.F.R. § 141.153(c). Thereafter, Respondent shall provide a consumer notice of lead monitoring to persons served by taps for which Respondent monitors for lead, as required by 40 C.F.R. § 141.85.
14. If the population or number of connections served by the System falls below 25 individuals or 15 connections, Respondent shall notify the EPA in writing within 10 days.
15. This Order shall be binding on Respondent and any person (e.g., employee, contractor, or other agent) acting in concert with Respondent.
16. If Respondent (a) leases or sells the System to another person or entity, or (b) contracts with or hires any other person or entity to operate the System, Respondent shall, no later than the date of such lease, sale, or other contract, provide a copy of this Order to the lessee, purchaser, or contractor. No later than 10 days thereafter, Respondent shall notify the EPA in writing of the lease, sale, or other contract, with such notification to include the name and contact information of the person who has leased, bought, or contracted to operate the System. Respondent shall remain obligated to comply with this Order even if Respondent leases the System to another person or entity or hires another person or entity to operate the System.
17. Respondent shall direct all reporting required by this Order to:

Sienna Meredith
U. S. EPA Region 8 (MOO)
10 West 15th Street
Suite 3200
Helena, MT 59626

AND

Jon Dilliard
Montana Department of
Environmental Quality- PWSS
P.O. Box 200901
Helena, MT 59620-0901

GENERAL PROVISIONS

18. This Order does not constitute a waiver, suspension, or modification of any requirement of the Act or the Drinking Water Regulations. Issuance of this Order is not an election by the EPA to forgo any civil or criminal action.
19. Violation of any part of this Order 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; 40 C.F.R. part 19.

20. Respondent may seek federal judicial review of this Order pursuant to section 1448(a) of the Safe Drinking Water Act, 42 U.S.C. § 300j-7(a).
21. This Order is effective upon receipt by Respondent and will continue to be in effect until closed by the EPA.

Issued: SEP 17 2014, 2014.



Suzanne J. Bohan
Acting Assistant Regional Administrator
Office of Enforcement, Compliance
and Environmental Justice

U.S. EPA Small Business Resources Information Sheet

The United States Environmental Protection Agency provides an array of resources, including workshops, training sessions, hotlines, websites and guides, to help small businesses understand and comply with federal and state environmental laws. In addition to helping small businesses understand their environmental obligations and improve compliance, these resources will also help such businesses find cost-effective ways to comply through pollution prevention techniques and innovative technologies.

EPA's Small Business Websites

Small Business Environmental Homepage - www.smallbiz-enviroweb.org

Small Business Gateway - www.epa.gov/smallbusiness

EPA's Small Business Ombudsman - www.epa.gov/sbo or 1-800-368-5888

EPA's Compliance Assistance Homepage

[www.epa.gov/compliance/assistance/
business.html](http://www.epa.gov/compliance/assistance/business.html)

This page is a gateway to industry and statute-specific environmental resources, from extensive web-based information to hotlines and compliance assistance specialists.

EPA's Compliance Assistance Centers

www.assistancecenters.net

EPA's Compliance Assistance Centers provide information targeted to industries with many small businesses. They were developed in partnership with industry, universities and other federal and state agencies.

Agriculture

www.epa.gov/agriculture/

Automotive Recycling

www.ecarcenter.org

Automotive Service and Repair

www.ccar-greenlink.org or 1-888-GRN-LINK

Chemical Manufacturing

www.chemalliance.org

Construction

www.cicacenter.org or 1-734-995-4911

Education

www.campuserc.org

Food Processing

www.fpeac.org

Healthcare

www.hercenter.org

Local Government

www.lgean.org

Metal Finishing

www.nmfrf.org

Paints and Coatings

www.paintcenter.org

Printed Wiring Board Manufacturing

www.pwbrf.org

Printing

www.pneac.org

Ports

www.portcompliance.org

U.S. Border Compliance and Import/Export Issues

www.bordercenter.org

Hotlines, Helplines and Clearinghouses

www.epa.gov/epahome/hotline.htm

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. Some examples are:

Antimicrobial Information Hotline

info-antimicrobial@epa.gov or
1-703-308-6411

Clean Air Technology Center (CATC) Info-line

www.epa.gov/ttn/catc or 1-919-541-0800

Emergency Planning and Community Right-To-Know Act

[www.epa.gov/superfund/resources/
infocenter/epcra.htm](http://www.epa.gov/superfund/resources/infocenter/epcra.htm) or 1-800-424-9346

EPA Imported Vehicles and Engines Public Helpline

www.epa.gov/otaq/imports or
734-214-4100

National Pesticide Information Center

www.npic.orst.edu/ or 1-800-858-7378

National Response Center Hotline -

to report oil and hazardous substance spills
www.nrc.uscg.mil or 1-800-424-8802

Pollution Prevention Information Clearinghouse (PPIC)

www.epa.gov/opptintr/ppic or
1-202-566-0799

Safe Drinking Water Hotline

[www.epa.gov/safewater/hotline/index.
html](http://www.epa.gov/safewater/hotline/index.html) or 1-800-426-4791

Stratospheric Ozone Protection Hotline

www.epa.gov/ozone or 1-800-296-1996

Toxic Substances Control Act (TSCA) Hotline

tsca-hotline@epa.gov or 1-202-554-1404

Wetlands Information Helpline

www.epa.gov/owow/wetlands/wetline.html or 1-800-832-7828

State and Tribal Web-Based Resources

State Resource Locators

www.envcap.org/statetools

The Locators provide state-specific contacts, regulations and resources covering the major environmental laws.

State Small Business Environmental Assistance Programs (SBEAPs)

www.smallbiz-enviroweb.org

State SBEAPs help small businesses and assistance providers understand environmental requirements and sustainable business practices through workshops, trainings and site visits. The website is a central point for sharing resources between EPA and states.

EPA's Tribal Compliance Assistance Center

www.epa.gov/tribalcompliance/index.html

The Center provides material to Tribes on environmental stewardship and regulations that might apply to tribal government operations.

EPA's Tribal Portal

www.epa.gov/tribalportal/

The Portal helps users locate tribal-related information within EPA and other federal agencies.

EPA Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated, businesses may be eligible for penalty waivers or reductions. EPA has two such policies that may apply to small businesses:

EPA's Small Business Compliance Policy

www.epa.gov/compliance/incentives/smallbusiness/index.html

This Policy offers small businesses special incentives to come into compliance voluntarily.

EPA's Audit Policy

www.epa.gov/compliance/incentives/auditing/auditpolicy.html

The Policy provides incentives to all businesses that voluntarily discover, promptly disclose and expeditiously correct their noncompliance.

Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established a SBREFA Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System designation, number of employees or annual receipts, as defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247), or go to their website at www.sba.gov/ombudsman.

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

Your Duty to Comply

If you receive compliance assistance or submit a comment to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.