



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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EPA REGION VIII
HEARING CLERK

Ref: 8 ENF-W

MAR - 9 2010

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Debra Kearns, Registered Agent
Hitching Post LLC
P.O. Box 67
Melrose, MT 59743

Re: 3rd Violation of Administrative
Order
Docket No. SDWA-08-2007-0051
PWS ID # MT0002143

Dear Ms. Kearns:

On July 2, 2007, the US Environmental Protection Agency (EPA) issued an Administrative Order (the Order), Docket No. SDWA-08-2007-0051, ordering Hitching Post, LLC (Respondent) to comply with various regulations issued by EPA under the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300f *et seq.* Since then, Hitching Post LLC continued to incur violations of the drinking water regulations, resulting in EPA issuing two Violation of Administrative Order letters and a Complaint and Notice of Opportunity for Hearing which was settled on March 24, 2009 for \$6,250.00.

Our records indicate that Hitching Post, LLC continues to be in violation of the Order. Among other things, the Order included the following requirements (quoted from items 1 and 3 of the Order section on pages 5 and 6 of the Order):

1. Upon the effective date of this Order, Respondent shall monitor the water monthly for total coliform as required by ARM 17.38.215(1)(b) to determine compliance with the total coliform MCL appearing at ARM 17.38.207(I) 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).

Respondent failed to submit total coliform monitoring results for November 2009. If you have these monitoring results, please submit them to EPA and the State immediately.

2. Upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.21(g)(2) by reporting any failure to comply with coliform monitoring requirements under 40 C.F.R. § 141.21 to EPA and the State within ten days after the Respondent discovers the violation.

Respondent failed to report to EPA the noncompliance detailed in part 1 above, failure to comply with the total coliform monitoring requirements.

EPA is considering additional enforcement action, including assessment of additional penalties, as a result of the System's non-compliance with the Order Violating an Administrative Order may lead to (1) a penalty of up to \$37,500 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 or have legal questions, please contact Amy Swanson, Enforcement Attorney at (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, MT DEQ
Shelly Nolan, MTDEQ
Tina Artemis, EPA Regional Hearing Clerk

