



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

1595 Wynkoop Street  
DENVER, CO 80202-1129  
Phone 800-227-6917  
<http://www.epa.gov/region08>

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EPA REGION VIII  
HEARING CLERK

Ref: 8ENF-W

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Richard Opper, Director  
Montana Department of  
Environmental Quality  
1520 E. Sixth Avenue  
Helena, MT 59620-0901

Re: NOTICE OF VIOLATION

Docket No. **SDWA-08-2010-0004**  
Beaverhead Jackson Water and Sewer District  
P.O. Box 25  
Jackson, MT 59736  
PWS ID # MT0002590

Dear Mr. Opper:

The public water supply system referenced above (the system) has violated certain provisions of the National Primary Drinking Water Regulations at 40 C.F.R. part 141 (the drinking water regulations), according to records that the United States Environmental Protection Agency (EPA) has obtained from the Montana Department of Environmental Quality's Public Water Supply Online Query Reports.

EPA promulgated the drinking water regulations under the authority of the Safe Drinking Water Act (the Act), 42 U.S.C. §§ 300f, *et seq.* EPA is issuing this notice of violation pursuant to § 1414(a) of the Act, 42 U.S.C. § 300g-5(a), which authorizes EPA to issue an administrative compliance order or file a lawsuit concerning the system if the State of Montana (the State) does not commence an appropriate enforcement action within thirty days of receiving this notice.

The violations are listed below.

<u>Date of Violation</u>	<u>Violation</u>
2 <sup>nd</sup> Quarter 2009 3 <sup>rd</sup> Quarter 2009	Exceeded the maximum contaminant level (MCL) for arsenic. [40 C.F.R. § 141.62(b)]
2005-2007	Failed to monitor for fluoride. [40 C.F.R. § 141.23]

1<sup>st</sup> Quarter 2008  
2<sup>nd</sup> Quarter 2008 Failed to monitor for arsenic. [40 C.F.R. § 141.23]  
3<sup>rd</sup> Quarter 2008  
1<sup>st</sup> Quarter 2009  
  
2007 Failed to submit Consumer Confidence Report.  
[40 C.F.R. §§ 141.152-141.155]  
  
2008-2009 Failed to provide public notice of above violations.  
[40 C.F.R. §141.201 et seq.]  
  
2007-2009 Failed to report above violations to the State.  
[40 C.F.R. § 141.31(b)]

EPA is also sending a copy of this notice of violation to the system.

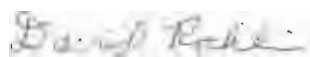
If the State does not commence an appropriate enforcement action concerning the system within 30 days from your receipt of the notification, EPA will likely issue an administrative order to the owner and/or operator of the system.

Please have your staff notify Shawn McCaffrey at (303) 312-6515 within 20 days if your records show any discrepancies with the violations cited above, if your staff learns of any change in the system's compliance status, or if there are any questions or comments. Thank you for your assistance.

Sincerely,



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



David Rochlin, Supervisory Attorney  
Legal Enforcement Program  
Office of Enforcement, Compliance  
And Environmental Justice

cc: Tina Artemis, EPA Regional Hearing Clerk  
Laverne Jackson, Beaverhead Jackson Water and Sewer  
District (via certified mail/return receipt requested)  
Joan Hullett, Operator, Beaverhead Jackson Water and Sewer  
District (via certified mail/return receipt requested)  
John Arrigo, MT DEQ  
Shelley Nolan, MT DEQ