



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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

2009 FEB 10 7:12:57

Ref: 8ENF-W

FEB 10 2009

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Beverly Breitbach, Owner
Brockway Supper Club
1176 MT Hwy 200 W
Circle, MT 59215

Re: Violation of Administrative Order
Docket No. SDWA-08-2008-0019
PWS ID# MT0002990

Dear Ms. Breitbach:

On March 18, 2008, the US Environmental Protection Agency (EPA) issued an Administrative Order, Docket No. SDWA-08-2008-0019, ordering you, as the owner of Brockway Supper Club, to comply with various regulations issued by EPA under the Safe Drinking Water Act (SDWA), 42 U.S.C. section 300f et seq.

Our records indicate that you (Respondent) are in violation of the Administrative Order (the Order). Among other things, the Order included the following requirements (quoted from items 11, and 12 of the Order section on page 3 of the Order):

1. Upon receipt of this Order, Respondent shall monitor monthly for total coliform bacteria. ARM 17.38.215(1)(b). Respondent shall report analytical results to EPA and the State within the first 10 days following the month in which sample results are received, as required by the drinking water regulations. 40 C.F.R. § 141.31 (a). Any violation of the total coliform monitoring requirements shall be reported to EPA and the State within ten days after Respondent learns of it. 40 C.F.R. § 141.21(g)(2).

Respondent did not monitor for total coliform bacteria in November 2008, and failed to report the violation to EPA and the State.

2. Upon receipt of this Order, Respondent must provide public notice (PN) of the violation(s) specified in paragraphs 4 and 5 in the Order. 40 C.F.R. §§ 141.201, 141.202 and 141.205. Respondent shall submit a copy of the PN to EPA and the State within ten days of completion of the public notice. 40 C.F.R. § 141.31(d).

Respondent provided a copy of the PN for the maximum contaminant level (MCL) violation for total coliform bacteria stated in paragraph 4 of the Order, but did not submit a PN for the total coliform monitoring violation in paragraph 5 of the Order. Please conduct that PN immediately and submit a copy to EPA and the State.

EPA is considering additional enforcement action, including assessment of penalties, as a result of the 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 David Nguyen at 1-800-227-8917, extension 6954 or (303) 312-6954. If you are represented by an attorney who has questions, please ask your attorney to contact Marc Weiner, Enforcement Attorney at 1-800-227-8917, extension 6913 or (303) 312-6913 or at the following address:

Marc Weiner
Enforcement Attorney
U.S. EPA, Region 8 (8ENF-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: Tina Artemis, EPA Regional Hearing Clerk
John Arrigo, MT DEQ
Shelley Nolan, MT DEQ