



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8**

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Phone 800-227-8917  
<http://www.epa.gov/region08>

2009 JAN 27 AM 8:18

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Ref: 8ENF-W

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Richard Opper, Director  
Montana Department of  
Environmental Quality  
1520 E. Sixth Avenue  
P.O. Box 200901  
Helena, MT 59620-0901

NOTICE OF VIOLATION

Docket No. **SDWA-08-2009-0025**  
Valley Grove Subdivision  
1 Bison Trail  
Bozeman, MT 59718  
PWS ID# MT0003780

Dear Mr. Opper:

The above referenced public drinking water system has violated certain provisions of the National Primary Drinking Water Regulations at 40 C.F.R. part 141, which EPA promulgated under the Safe Drinking Water Act (the Act), 42 U.S.C. § 300f, *et seq.* Our records, obtained from the Montana Department of Environmental Quality's Public Water Supply Online Query Reports, indicate the violations noted below. Please have your staff notify Kimberly Pardue Welch at (303) 312-6983 within 20 days if your records show any discrepancies with these determinations of violation.

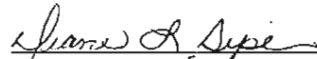
<u>Date of Violation</u>	<u>Violation</u>
December 2007	Exceeded the maximum contaminant level (MCL) for total coliform. [40 C.F.R. § 141.63(a)(2)]
December 2004	Failure to monitor for bacteriological quality. [40 C.F.R. § 141.21(a)]
2002 – 2004 2005 – 2007	Failure to monitor for lead and copper. [40 C.F.R. §§ 141.86(c) and 141.86(d)(4)(iv)] Failure to take the correct number of samples during both monitoring periods.
2005 - 2008	Failure to notify public of above referenced violations (except December 2007 total coliform MCL). [40 C.F.R. § 141.201]
2004 - 2008	Failure to report the above-referenced violations to the State. [40 C.F.R. §§ 141.21(g)(1), 141.21(g)(2) and 141.31(b)]

This Notice of Violation is issued pursuant to section 1414(a) of the Act, 42 U.S.C. § 300g-3(a). If the State does not commence an appropriate enforcement action within 30 days from the receipt of this notification, EPA is authorized either to issue an Administrative Order under section 1414(g) of the Act, 42 U.S.C. § 300g-3(g), requiring the system to comply with the regulations or requirements, or to commence civil action under section 1414(b) of the Act, 42 U.S.C. § 300g-3(b).

Please inform EPA of any change in the compliance status of this system. You may wish to have your staff confer with Ms. Pardue Welch to determine the Agency's position concerning this system and to exchange appropriate information. If the State does not commence an appropriate enforcement action within 30 days from the receipt of the notification, EPA will proceed with issuance of an administrative order.

A copy of this Notice of Violation has been concurrently sent to the system identified above. Also enclosed for the benefit of the system is a copy of EPA's Small Business Regulatory Enforcement and Fairness Act (SBREFA) fact sheet containing information on compliance assistance resources and tools available to small businesses and small governments, in case these resources apply to this situation.

Sincerely,



Diane L. Sipe, Director  
Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice



Michael Risner, Director  
Legal Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

Enclosure:

SBREFA fact sheet

cc: Bret Heidkamp, Registered Agent, Valley Grove Homeowners  
Association, Inc.  
John Arrigo, MT DEQ (w/o enclosures)  
Shelly Nolan, MT DEQ (w/o enclosures)  
Tina Artemis, EPA Regional Hearing Clerk (via e-mail)