



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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

2010 SEP 23 AM 9:04

FILED
EPA REGION VIII
HEARING CLERK

SEP 23 2010

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

C T Corporation System, Registered Agent
Church Universal and Triumphant, Inc.
401 N 31st Street
Suite 1650
P.O. Box 7054
Billings, MT 59103-7054

Re: Second Administrative Order
Sphinx Mountain Mobile Home Park
Public Water System
Docket No. SDWA-08-2010-0067
PWS ID #MT0003755

Dear C T Corporation System:

Enclosed is a second Administrative Order (Order) issued by the Environmental Protection Agency (EPA) under the authority of the Safe Drinking Water Act, 42 U.S.C. §§ 300f et seq. Among other things, the Order alleges that Church Universal and Triumphant, Inc. (the company) has violated the National Primary Drinking Water Regulations (the drinking water regulations). EPA's prior Order, Docket No. SDWA-08-2009-0075, issued to Church Universal and Triumphant, Inc. on September 9, 2009, remains in full force and effect. However, except that the second sentence of Paragraph 19 of the September 9, 2009 Order is no longer in effect.

The Order is effective upon the date received. Please review the Order and within 10 days provide EPA with any information you believe EPA may not have. If the company complies with the Order, 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.

To submit information, or to request an informal conference with EPA, please contact Shawn McCaffrey at the above address (with the mailcode 8ENF-W) or by phone at (800) 227-8917, extension 6515 or (303) 312-6515. Any questions from the company's attorney should be directed to Peggy Livingston, Senior Enforcement Attorney, who may be reached at the above address (with the mailcode 8ENF-L) or by phone at (800) 227-8917, extension 6858 or (303) 312-6858.

We urge your prompt attention to this matter.

Sincerely,



Arturo Palomares, Director
Water Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice
U.S. Environmental Protection Agency-Region 8

Enclosures:
Order

cc: Tina Artemis, EPA Regional Hearing Clerk
David Otis, Operator, Sphinx Mountain Mobile Home Park
John Arrigo, MT DEQ
Shelley Nolan, MT DEQ
Jeffrey McNabb, McNabb Engineering

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

2010 SEP 23 AM 9:03

IN THE MATTER OF:)

Church Universal and)
Triumphant, Inc.,)

Respondent.)

FILED
EPA REGION VIII
Docket No. SDWA-08-2010-0067

ADMINISTRATIVE ORDER

1. This Order is issued under the authority vested in the Administrator of the United States Environmental Protection Agency (EPA) by the Safe Drinking Water Act, 42 U.S.C. §§ 300f *et seq.* (the Act), as properly delegated to the undersigned officials.

2. Church Universal and Triumphant, Inc. is a Montana corporation that owns and/or operates the Sphinx Mountain Mobile Home Park Water System (the system), which provides piped water to the public in Park County, Montana, for human consumption.

3. The system is supplied by a groundwater source consisting of one well. There is no treatment or disinfection applied to the water.

4. The system has approximately 18 service connections and/or regularly serves at least 52 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 § 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 § 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). EPA issued a notice of the system's violations to the State on August 10, 2010. The State elected not to commence an enforcement action against the Respondent for the violations listed in the notice of violation within the thirty-day time frame set forth in § 1414(a) of the Act, 42 U.S.C. § 300g-3(a). EPA has provided a copy of this Order to the State and has provided the State the opportunity to confer with EPA regarding this Order.

VIOLATIONS

7. The maximum contaminant level (MCL) for gross alpha particle activity (gross alpha) is 15 picocuries per liter (pCi/L). 40 C.F.R. § 141.66(c). The State has notified Respondent that it is required to monitor the system's water quarterly for gross alpha. See also 40 C.F.R. § 141.26(a)(3)(v). If the running annual average determined after four consecutive quarterly samples exceeds the MCL, it is a violation of the MCL. 40 C.F.R. § 141.26(c)(3)(i). Respondent monitored for gross alpha on June 28, 2010, resulting in a running annual average of 22.925 pCi/L. These results exceeded the MCL for gross alpha and, therefore, Respondent violated 40 C.F.R. § 141.66(c).

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):

8. Effective immediately, Respondent shall implement the compliance plan described in the July 30, 2010, letter to the State from McNabb Engineering, LLC. This includes, but is not limited to, the mixing/blending of Well #1 and Well #3 by having both pumps come on simultaneously when the pressure switch calls for the pumps to turn on. It also includes sampling the system's water for gross alpha. EPA acknowledges that the weekly sampling proposed in the plan beginning August 4, 2010, for four weeks has concluded. Therefore, as stated in the plan, monthly sampling shall be conducted between September 1, 2010, and February 28, 2011. Respondent shall report analytical results to EPA and the State within the first 10 days following the month in which sample results were received, as required by 40 C.F.R. § 141.31(a).

9. The EPA's September 9, 2009, Order remains in effect, except for the second sentence of Paragraph 19 of that Order, which is superseded by this Order.



10. No later than February 15, 2011, Respondent shall consult with the State and EPA to determine the required frequency of gross alpha monitoring after February of 2011. Respondent shall report any future violation of gross alpha monitoring requirements to EPA and the State within 48 hours.
40 C.F.R. § 141.31(b).

11. Respondent shall comply with the MCL for gross alpha.
40 C.F.R. § 141.66(c). Respondent must comply even if the plan Respondent has submitted does not achieve compliance.

12. If the compliance plan identified in paragraph 8 above is not successful in reducing gross alpha sample results below the MCL, Respondent shall, within 60 days of the gross alpha exceedance, submit another plan and schedule to EPA and the State, containing detailed steps for bringing the system into compliance with the MCL for gross alpha. The plan shall include proposed system modifications, estimated costs of modifications, and a schedule for construction of the project and compliance with the MCL for gross alpha. The proposed plan and schedule shall include specific milestone dates and a final compliance date (that shall be within 18 months from the date of the gross alpha MCL violation triggering the need for the plan), and shall be submitted to EPA for approval. The plan and schedule must be approved by EPA before construction can commence. EPA's approval of Respondent's plan and schedule does not substitute for any State approvals of plans and specifications that may also be required before modifications may be made to the system.

13. If applicable, the plan and schedule required by paragraph 12, above, will be incorporated into this Order as enforceable requirements upon written approval by EPA.

14. Respondent shall direct all reporting required by this Order to:

Shawn McCaffrey, 8ENF-W AND
U. S. EPA Region 8
1595 Wynkoop Street
Denver, CO 80202-1129

Shelley Nolan, PWSS
Montana Dept. of Environmental Quality
P.O. Box 200901
Helena, MT 59620-0901



GENERAL PROVISIONS

15. This Order does not constitute a waiver, suspension, or modification of any requirement of the Act or drinking water regulations. Issuance of this Order is not an election by EPA to forgo any civil or criminal action.

16. 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.

Issued: _____

September 23rd, 2019

David Rochlin

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

Arturo Palomares

Arturo Palomares, Director
Water Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice
U.S. Environmental Protection Agency-Region 8

