



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8, MONTANA OFFICE
FEDERAL BUILDING, 10 W. 15th STREET, SUITE 3200
HELENA, MONTANA 59626

Ref: 8MO

CERTIFIED MAIL 7001 2510 0000 9829 9397
RETURN RECEIPT REQUESTED

Mr. Dwain Haggard, Superintendent
Reed Point Public Schools
308 Central Avenue
Reed Point, MT 59069

Re: Administrative Order
Reed Point Elementary School Public Water System
Docket No. SDWA-08-2008-0109
PWS ID # MT0003482

Dear Mr. Haggard:

Enclosed is an Administrative Order issued by the Environmental Protection Agency (EPA) under the authority of the Safe Drinking Water Act (SDWA), 42 U.S.C. section 300g-3(g). Among other things, the Order describes how the Reed Point Elementary School Public Water System has violated the National Primary Drinking Water Regulations.

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 you comply with the Order for twelve months, 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.

Also enclosed is a small business resources information sheet that describes compliance assistance resources and tools available to small businesses and small governments in case these resources apply to your situation.

You may submit information or request an informal conference with EPA by contacting Eric Finke at the above address or by phone at toll free (866) 457-2690 extension 5026, or (406) 457-5026. For legal questions, the attorney assigned to this matter is Marc Weiner, who can be reached at EPA Region 8, 1595 Wynkoop Street, Denver, CO 80202-1129 (with the mailcode 8ENF-L) or by phone at toll free (800) 227-8917 extension 6913, or (303) 312-6913.



I urge your prompt attention to this matter.

Sincerely,



John F. Wardell, Director
EPA Montana Office

Enclosures
Order
Information sheet

cc: Joe Forcella, Operator



bcc: ✓ Tina Artemis, 8RC
Brenda Cazier, 8ENF-PT
Marc Weiner, 8ENF-L
Jack Rychecky, 8P-W-MS
Lisa Kahn, 8ENF-W
John Arrigo/Frank Gessaman/Nicole Olmstead, MDEQ Enforcement Division
Jon Dilliard/Shelley Nolan/John Brown, MDEQ Public Water and Subdivisions Bureau



2008 SEP 22 AM 9:41
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EPA REGION VIII
HEARING CLERK

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

IN THE MATTER OF)
)
Reed Point Public Schools)
Reed Point, Montana)
PWS ID# MT0003482)
)
Respondent)
)
Proceedings under section 1414(g))
of the Safe Drinking Water Act,)
42 U.S.C. § 300g-3(g))
_____)

ADMINISTRATIVE ORDER

Docket No. SDWA-08-2008-0109

1. This Order is issued under the authority vested in the Administrator of the United States Environmental Protection Agency (EPA) by section 1414(g) of the Safe Drinking Water Act (the Act), 42 U.S.C. § 300g-3(g), as properly delegated to the undersigned officials.
2. Reed Point Public Schools (Respondent) is a municipality that owns and/or operates the Reed Point Elementary School Public Water System (the System) in Stillwater County, Montana which provides piped water to the public for human consumption. The System is supplied by a groundwater source consisting of one well treated by chlorination and serves approximately 55 people daily through one service connection while school is in session. The System is a "non-transient, non-community" water system as defined in 40 C.F.R. § 141.2. The Respondent received annual notification from the Montana Department of Environmental Quality (MDEQ or the State) regarding the System's monitoring requirements.

3. Respondent is subject to the requirements of the Act, the National Primary Drinking Water Regulations (drinking water regulations) at 40 C.F.R. part 141, and “applicable requirements” which includes requirements of an applicable approved State program, such as Montana’s “Public Water Supply Requirements,” at Administrative Rules of Montana (ARM) 17.38.101 through 703. See 42 U.S.C. § 300g-3(I).
4. MDEQ has primary enforcement authority for the Act in the State of Montana. On March 11, 2008, EPA issued a Notice of Violation pursuant to section 1414(a) of the Act, 42 U.S.C. § 300g-3(a) to the MDEQ regarding the violations at the System. The MDEQ elected not to commence an appropriate enforcement action against the System for the violations within the thirty day time frame set forth in section 1414(a) of the Act, 42 U.S.C. § 300g-3(a).
5. EPA has provided the State, through MDEQ, with an opportunity to confer with EPA regarding this Order pursuant to section 1414(g)(2) of the Act, 42 U.S.C. § 300g-3(g)(2).
6. EPA has provided a copy of this Order to MDEQ pursuant to section 1414(g)(2) of the Act, 42 U.S.C. § 300g-3(g)(2).
7. EPA is issuing this Order requiring the System to comply with the “applicable requirements” it violated pursuant to section 1414(g) of the Act, 42 U.S.C. § 300g-3(g).

VIOLATIONS

8. Failure to sample for Nitrate.

- A. Respondent is required to monitor the system's water annually for nitrate to determine compliance with the nitrate maximum contaminant level (MCL).
40 C.F.R. § 141.23(d).
- B. Respondent failed to sample for nitrate in calendar year 2003 and, therefore, violated this requirement.

9. Failure to sample for Lead and Copper.

- A. Once initial monitoring has been completed, small and medium community and non-transient non-community water systems may sample for lead and copper once every three years. 40 C.F.R. § 141.86(d)(4)(iii). Beginning January 1, 2002, Respondent met this requirement for triennial monitoring.
- B. Based on Respondent's population (100 or fewer), Respondent must collect at least one sample from 5 sample sites during each monitoring period.
40 C.F.R. § 141.86(c).
- C. Respondent failed to sample for lead and copper during the 2002-2004 compliance period and, therefore, violated this requirement.

10. Failure to sample for Disinfection Byproducts.

- A. Respondent's water system uses only ground water, serves fewer than 10,000 persons, and adds a chemical disinfectant to the water. Therefore, Respondent must collect one disinfection byproduct sample per year per treatment plant at a location representing the maximum residence time during the month of warmest

temperature to determined compliance with the disinfection byproduct MCLs.
40 C.F.R. §§ 141.132(b) and 141.64(a).

- B. Respondent failed to sample for disinfection byproducts during calendar years 2004 and 2006 and, therefore, violated this requirement.

11. Failure to sample for Volatile Organic Contaminants

- A. Respondent is required to monitor the system's water once every three years to determine compliance with the MCL for volatile organic contaminants, after initial and annual monitoring has been completed. 40 C.F.R. § 141.24(f).
- B. Respondent failed to sample for the 2002-2004 compliance period and therefore, violated this requirement.

12. Failure to provide public notice of a violation

- A. Respondent is required to notify the public of violations of the drinking water regulations, in the manner specified by the regulations. 40 C.F.R. § 141.201 et seq.
- B. Respondent failed to notify the public of the violations listed in paragraphs 8 through 11 above within the time required by the regulations and, therefore, violated the requirement. However, Respondent returned to compliance with this requirement by providing public notice of the violations on April 4, 2008.

13. Failure to report a violation to the State

- A. Respondent is required to report any failure to comply with any of the drinking water regulations to the State within 48 hours, except where a different reporting period is specified in the regulations. 40 C.F.R. §141.31(b). Respondent failed to

report the violations listed above in paragraphs 8 through 12 to the State and, therefore, violated this requirement.

ORDER

Based on the above violations, Respondent is ordered to perform the following actions:

14. Within 30 days of the effective date of this Order, Respondent shall sample the system's water for nitrate. 40 C.F.R. § 141.23(d). Respondent shall sample for nitrate annually thereafter.
15. Prior to September 30, 2008, Respondent shall comply with 40 C.F.R. § 141.86 for the 2008-2010 compliance period by sampling for lead and copper. Respondent shall sample for lead and copper according to the regulations thereafter.
16. Prior to September 30, 2008, Respondent shall comply with the requirements of 40 C.F.R. § 141.132(b) by collecting one disinfection by-product sample at a location representing the maximum residence time. Respondent shall sample for disinfection byproducts according to the regulations thereafter.
17. Within 90 days of receipt of this Order, Respondent shall sample for volatile organic contaminants for the 2008-2010 compliance period. 40 C.F.R. § 141.24(f). Respondent shall sample for volatile organic contaminants according to the regulations thereafter.
18. Respondent shall comply with the public notification requirements following any future violations. 40 C.F.R. § 141.201 et seq. Respondent shall send a copy of the public notice to EPA and MDEQ within 10 days after providing the notice.
19. Respondent shall report any violation of the drinking water requirements to EPA and MDEQ within 48 hours. 40 C.F.R. § 141.31(b).

20. Documents, certifications, analytical results, and public notices required by this Order shall be sent by certified mail to:

Eric Finke
EPA Montana Office
10 West 15th Street, Suite 3200
Helena, MT 59626


and Shelley Nolan, Chief
PWS Compliance Section
Public Water and Subdivisions Bureau
MT Dept. of Environmental Quality
P.O. Box 200901
Helena, MT 59620

GENERAL PROVISIONS

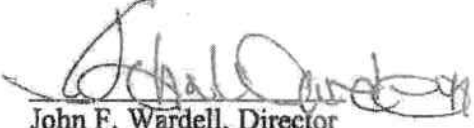
21. This Order does not constitute a waiver, suspension, or modification of any requirement of the Act or drinking water regulations. Issuance of this Order is not an election by EPA to forgo any civil or criminal action.
21. Violation of any part of this Order, the Act, or the drinking water regulations may subject Respondent to a civil penalty of up to \$32,500 (as adjusted for inflation) per day of violation. 42 U.S.C. § 300g-3(g)(3); 40 C.F.R. part 19.

SEP 19 2008

Date


David J. Janik, Director
Matthew Cohn, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Date


John F. Wardell, Director
EPA Montana Office