



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8, MONTANA OFFICE**

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HELENA, MT 59626-0096
Phone 866-457-2690
<http://www.epa.gov/region08>

JAN 12 2015

Ref: 8MO

SENT BY CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Kenney Hill, President
Lambert County Sewer and Water District
P.O. Box 104
Lambert, Montana 59243

Re: Administrative Order issued to Lambert County Sewer and Water District, PWS ID
MT0000269, Docket No. SDWA-08-2015-0001

Dear Mr. Hill:

Enclosed is an Administrative Order (Order) issued by the U.S. Environmental Protection Agency (EPA) under the authority of section 1414(g) of the Safe Drinking Water Act, 42 U.S.C. § 300g-3(g) for failure to monitor for synthetic organic contaminants and exceeding the fluoride maximum contaminant level. Among other things, the Order alleges that the Lambert County Sewer and Water District (the District), as owner and/or operator of the Lambert County Sewer and Water District Public Water System (System), has violated the National Primary Drinking Water Regulations at 40 C.F.R. part 141 (the Drinking Water Regulations).

The enclosed Order is effective upon the date received. Please review the Order and within 10 days provide the EPA with any information you believe the EPA may not have (e.g., any monitoring that may have been done but not submitted, etc.). If the District complies with the Order, the 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.

The Small Business Regulatory Enforcement and Fairness Act (SBREFA) may apply to this situation. Enclosed is a small business information sheet, outlining compliance assistance resources available to small businesses and small governments, in case these are relevant. SBREFA does not eliminate the responsibility to comply with the Order or the Drinking Water Regulations.

To submit information or request an informal conference with the EPA, please contact Sienna Meredith at the above address or by phone at (800) 227-8917, extension 5026 or (406) 457-5026. Any questions

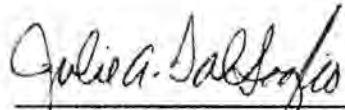


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from counsel should be directed to Amy Swanson, Enforcement Attorney, who may be reached by phone at (800) 227-8917, extension 6906, or (303) 312-6906.

We urge your prompt attention to this matter.

Sincerely,



Julie A. DalSoglio, Director
Montana Office

Enclosures:

1. Order
2. SBREFA Information Sheet

cc: Tina Artemis, EPA Regional Hearing Clerk
Brian Ligon, Lambert County Sewer and Water District
(via certified mail w/ return receipt)
Grant Weston, Operator
Sandy Kust, RATES (by email)
John Arrigo, MT DEQ (by email)
Jon Dilliard, MT DEQ (by email)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2015 JAN 12 AM 8:27

IN THE MATTER OF:)
)
Lambert County Sewer and)
Water District,)
)
Respondent.)

Docket No. SDWA-08-2015-0001

ADMINISTRATIVE ORDER

FILED
EPA REGION VIII
HEARING CLERK

1. This Administrative Order (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 (Act), 42 U.S.C. § 300g-3(g), as properly delegated to the undersigned officials.
2. The Lambert County Sewer and Water District (Respondent) is a municipality created pursuant to Montana State law that owns and/or operates the Lambert County Sewer and Water District Public Water System (System), which provides piped water to the public in Richland County, Montana, for human consumption.
3. The System is supplied by a groundwater source consisting of 2 wells. The water is treated with reverse osmosis for removal of inorganics and particulate followed by sodium hypochlorite for disinfection.
4. The System has approximately 117 service connections used by year-round residents and/or regularly serves an average of approximately 150 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 section 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 (State). The EPA issued a notice of the violations to the State and to Respondent on November 5, 2014. The State elected not to commence an enforcement action against Respondent for the violations listed in the notice of violation within the 30-day time frame set forth in section 1414(a) of the Act, 42 U.S.C. § 300g-3(a). The EPA has provided a copy of this Order to the State and has provided the State the opportunity to confer with the EPA regarding this Order.

VIOLATIONS

7. The Maximum Contaminant Level (MCL) for fluoride is 4.0 milligrams per liter (mg/l), with compliance to be based on a running annual average of fluoride samples. 40 C.F.R. §§ 141.23(i) and § 141.62(b). The running annual average of fluoride samples from the System for the 2nd quarter (April – June), 3rd quarter (July – September), and 4th quarter (October – December) of 2014 exceeded 4.0 and, therefore, Respondent violated the fluoride MCL.

8. Respondent is required to monitor the System's water for synthetic organic (pesticide / herbicide) contaminants at least once in every three-year compliance period, including 2011-2013. 40 C.F.R. § 141.24(h). Respondent failed to monitor the System's water for pesticide/herbicide organic contaminants during 2011-2013 and, therefore, violated this requirement. Respondent sampled the System's water for synthetic organic contaminants on September 11, 2014.
9. Respondent is required to report any failure to comply with any Drinking Water Regulation to the primacy state within 48 hours (except where the Drinking Water Regulations specify a different time period). 40 C.F.R. § 141.31(b). Respondent failed to report the violations cited in paragraphs 7 and 8, above, to the primacy state and, therefore, violated this requirement.

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):

10. Within 30 days after receipt of this Order, Respondent shall provide the EPA and the State with a plan and schedule for the Respondent to come into compliance with the fluoride MCL in 40 C.F.R. § 141.62(b). The plan shall include proposed modifications to the System, estimated costs of modifications, and a schedule for completion of the project and compliance with fluoride MCL. The proposed schedule shall include specific milestone dates and a final compliance date (to be within 12 months from the date of the EPA's approval of the plan and schedule). The schedule must be approved by the EPA before construction or modifications may begin. The EPA's approval of Respondent's plan and schedule does not substitute for any State of Montana approval of plans and specifications that may also be required before modifications may be made to the System.
11. The schedule required by the paragraph, above shall be incorporated into this Order as an enforceable requirement upon written approval by the EPA.
12. Within 60 days after receipt of the EPA's approval of the schedule required by paragraph 10, above, Respondent shall provide the EPA and the State with quarterly reports on the progress made towards bringing the System into compliance with the fluoride MCL. Each quarterly report is due by the 10th day of the month following the relevant quarter.
13. Within 10 days after completing all tasks included in the schedule required by paragraph 10, above, Respondent shall notify the EPA and the State of the project's completion.
14. The System shall achieve compliance with the fluoride MCL by the final compliance deadline specified in the EPA-approved schedule. If the Respondent's plan fails to achieve permanent compliance, the EPA may order further steps and/or seek penalties for noncompliance.
15. Respondent shall monitor the System's water for synthetic organic (pesticide / herbicide) contaminants. 40 C.F.R. § 141.24(h). Respondent shall report any analytical results to the EPA and the State within the first 10 days following the month in which sample results are received as

required by 40 C.F.R. § 141.31(a). Respondent shall report any violation of the pesticide/herbicide monitoring requirements to the EPA and the State within 48 hours of the violation occurring, as required by 40 C.F.R. § 141.31(b).

16. If the population or number of connections served by the System falls below 25 individuals or 15 connections, Respondent shall notify the EPA and the State in writing within 10 days.
17. This Order shall be binding on Respondent and any person (e.g., employee, contractor, or other agent) acting in concert with Respondent.
18. If Respondent (a) leases or sells the System to another person or entity, or (b) contracts with or hires any other person or entity to operate the System, Respondent shall, no later than the date of such lease, sale, or other contract, provide a copy of this Order to the lessee, purchaser, or contractor. No later than 10 days thereafter, Respondent shall notify the EPA and the State in writing of the lease, sale, or other contract, with such notification to include the name and contact information of the person who has leased, bought, or contracted to operate the System. Respondent shall remain obligated to comply with this Order even if Respondent leases the System to another person or entity or hires another person or entity to operate the System.
19. Respondent shall direct all reporting required by this Order to:

Sienna Meredith
U. S. EPA Region 8 (MOO)
10 West 15th Street
Suite 3200
Helena, MT 59626

AND

Jon Dilliard
Montana Department of
Environmental Quality- PWSS
P.O. Box 200901
Helena, MT 59620-0901

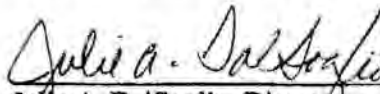
GENERAL PROVISIONS

20. This Order shall not constitute a waiver, suspension, or modification of any requirement of the Act or the Drinking Water Regulations. Issuance of this Order is not an election by the EPA to forgo any civil or criminal action.
21. 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.
22. Respondent may seek federal judicial review of this Order pursuant to section 1448(a) of the Safe Drinking Water Act, 42 U.S.C. § 300j-7(a).
23. This Order is effective upon receipt by Respondent and will continue to be in effect until closed by the EPA.

Issued: Jan 12, 2015.



James H. Eppers, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice



Julie A. DalSoglio, Director
EPA Region 8 Montana Office