



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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

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EPA REGION VIII
HEARING CLERK

Ref: 8 ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Debra L. Scott
Beaverhead County Clerk and Recorder
2 South Pacific Street, Ste. #3
Dillon, MT 59725

Re: Violation of Administrative Order
Docket No. SDWA-08-2010-0004
Beaverhead County Jackson Water
and/or Sewer District
PWS ID # MT0002590

Dear Ms. Scott:

On December 14, 2009, the US Environmental Protection Agency (EPA) issued an Administrative Order (the Order), Docket No. SDWA-08-2010-0004, ordering the Beaverhead County Jackson Water and/or Sewer District to comply with various drinking water regulations issued by EPA under the Safe Drinking Water Act (the Act), 42 U.S.C. Section 300f et seq.

Our records indicate that Beaverhead County Jackson Water and/or Sewer District (Respondent) is in violation of the Order. Among other things, the Order included the following requirements (quoted from items 14 and 18 of the Order section on pages 3 and 4 of the Order):

1. Within 60 days of receipt of this Order, Respondent shall provide EPA with a compliance plan and schedule for the system to come into compliance with the arsenic MCL. 40 C.F.R. § 141.62(b). The plan shall include proposed system modifications, estimated costs of modifications, and a schedule for completion of the project and compliance with the arsenic MCL. The proposed schedule shall include specific milestone dates, and a final compliance date (to be within 18 months from the date of EPA's approval of the plan). The proposed plan and schedule must be approved by EPA before construction or modifications can commence. EPA's approval of Respondents' plan and schedule does not substitute for any State of Montana approvals of plans and specifications that may also be required before modifications can be made to the system.

Respondent failed to provide EPA with a compliance plan and schedule for bringing the system into compliance with the arsenic MCL within 60 days of receipt of the Order (by February 14, 2010). Please submit this plan to EPA immediately.

2. Within 30 days of receipt of this Order, Respondent shall prepare an annual CCR (to include all information required by 40 C.F.R. §§ 141.153 and 154) for the system for 2007 and distribute the report to the system's customers, EPA, and the State. No later than 3 months thereafter, Respondent shall certify to EPA and the State that the CCR has been distributed to the system's customers and that its information is correct and consistent with monitoring data previously provided to EPA and the State. Thereafter, Respondent shall prepare and distribute annual CCRs and provide certifications as required by 40 C.F.R. §§ 141.152-141.155.


Respondent failed to provide EPA with the 2007 Consumer Confidence Report (CCR) within 30 days of receipt of the Order (by January 15, 2010). Please submit the 2007 CCR to EPA immediately.

EPA is considering additional enforcement action 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 Shawn McCaffrey at 1-800-227-8917, extension 6515 or (303) 312-6515. If you are represented by an attorney who has questions, please ask your attorney to contact Peggy Livingston, Senior Enforcement Attorney, at 1-800-227-8917, extension 6858 or (303) 312-6858 or at the following address:

Peggy Livingston
Senior Enforcement Attorney
U.S. EPA, Region 8 (8-ENF-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
Jeanette Robertson, Beaverhead Jackson Water and Sewer
District (via certified mail/return receipt requested)
John Arrigo, MT DEQ
Shelley Nolan, MT DEQ

