



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8, MONTANA OFFICE  
FEDERAL BUILDING, 10 W. 15<sup>th</sup> STREET, SUITE 3200  
HELENA, MONTANA 59626

2010 DEC 15 PM 1:12

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EPA REGION VIII  
HEARING CLERK

Ref: 8MO

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Ryan Ayres  
CLA Enterprises, LLC  
37790 Gallatin Gateway Rd  
Gallatin Gateway, MT 59730

Re: Addendum and 2nd Violation of  
Administrative Order  
CLA Enterprises, LLC  
Public Water Supply  
Docket No. SDWA-08-2010-0058  
PWS ID # MT0001546

Dear Mr. Ayres:

On June 28, 2010, the US Environmental Protection Agency (EPA) issued an Administrative Order (Order), Docket No. SDWA-08-2010-0058, ordering CLA Enterprises, LLC (Respondent or CLA) to comply with various regulations issued by EPA under the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300f *et seq.* On September 16, 2010, EPA issued an Addendum to that Order.

As EPA's September 16, 2010, Addendum indicates, EPA's records indicate that CLA has violated the Order. Among other things, the Order included the following requirement (quoted from item 9, on page 2 of the Order):

Respondent shall comply with the triggered source monitoring requirements of the groundwater rule, as required by 40 C.F.R. § 141.402.

CLA did not collect a required triggered source water sample within 24 hours of having a total coliform positive sample in the distribution system on August 31, 2010. As a result of CLA's failure to meet the Order's sampling requirements, EPA's September 16, 2010, Addendum required CLA to provide EPA with a compliance plan and schedule for installing a source sampling tap that could be accessed year-round.



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Following further discussions with the Montana Department of Environmental Quality (DEQ) EPA is now rescinding the requirement for CLA to submit the compliance plan and schedule mentioned above. EPA is also no longer requiring CLA to comply with paragraph 11 of the Order, which contains a similar requirement.

EPA is now requiring that CLA submit to EPA and DEQ for approval within 30 days of receipt of this letter a sample siting plan noting the location of future ground water source water sampling in accordance with 40 C.F.R. § 141.402. Once the sample siting plan is approved, CLA will be required to take future triggered source water samples at that location.

EPA will consider additional enforcement action for 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 Sienna Meredith at 1-800-227-8917, extension 5026 or (406)457-5026. If you are represented by an attorney who has questions, please ask your attorney to contact Peggy Livingston, Enforcement Attorney, at 1-800-227-8917, extension 6858 or (303) 312-6858, or at the following address:

Peggy Livingston  
Enforcement Attorney  
U.S. EPA, Region 8 (8ENF-L)  
1595 Wynkoop Street  
Denver, Colorado 80202-1129

bcc:

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Brenda Cazier, 8ENF-PJ  
Peggy Livingston, 8ENF-L  
Lisa Kahn, 8ENF-W  
Sienna Meredith, 8-MO  
Reading File

cc addresses:

Morgen Joan Ayres, Registered Agent  
CLA Enterprises, LLC  
93 Beartooth Court  
Gallatin Gateway, MT 59730

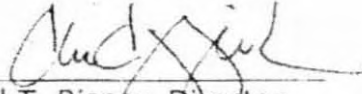
John Arrigo, Administrator  
Enforcement Division  
Montana Department of  
Environmental Quality  
1520 E. Sixth Avenue  
P.O. Box 200901  
Helena, MT 59620-0901

Shelley Nolan, Rule Specialist Manager  
Public Water Supply Compliance Section  
Montana Department of  
Environmental Quality  
1520 E. Sixth Avenue  
P.O. Box 200901  
Helena, MT 59620-0901



We urge your prompt attention to this matter.

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Michael T. Risner, Director  
David Janik, Supervisory Attorney  
Legal Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice



Julie A. DalSoglio, Director  
EPA Region 8 Montana Office

cc:

Morgen Joan Ayres, Registered Agent  
John Arrigo, MT DEQ  
Shelley Nolan, MT DEQ  
Tina Artemis, EPA Regional Hearing Clerk