



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

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2008 FEB 13 AM 8:44

EPA REGION VIII
HEARING CLERK

Ref: ENF-W

FEB 13 2008

CERTIFIED MAIL LETTER
RETURN RECEIPT REQUESTED

Mike Grove, President
Bank of the Rockies
205 West Main
White Sulfur Springs, MT 59545

CERTIFIED MAIL LETTER
RETURN RECEIPT REQUESTED

Hoa Vien, Registered Agent
China Wok, Inc.
188 Hwy 12 E
Townsend, MT 59644

CERTIFIED MAIL LETTER
RETURN RECEIPT REQUESTED

Herman Chan
China Wok Restaurant
4309 Morning Sun Drive
Bozeman, MT 59715

Re: Administrative Order Addendum
China Wok Restaurant
Public Water System
Docket No. SDWA-08-2007-0060
PWS ID #MT0000965

Dear Mr. Grove, Mr. Vien, and Mr. Chan:

This Addendum to the Administrative Order issued July 23, 2007, to Bank of the Rockies, China Wok, Inc., and Herman Chan (Respondents), Owner, Registered Agent, and Operator, respectively, of the China Wok Restaurant water system (the System), amends the Administrative Order to require nitrate treatment. This is necessary because recent samples of the System's water exceeded the maximum contaminant level (MCL) of 10 mg/L

on October 15, 2007 (11 mg/L) and November 15, 2007 (10.5 mg/L). The following schedule outlines requirements which the Respondents must meet in order to bring the System into compliance with the nitrate MCL. The plans and specifications required by this Addendum must be approved by EPA and the Montana Department of Environmental Quality (State) before construction may commence. Each deadline in this Addendum will be enforceable as if it were part of the Administrative Order itself. The Respondents are responsible for obtaining prior approval from EPA for any changes to this schedule. This Addendum is effective upon the date received.

The following schedule lists the actions to be taken and deadline dates.

Action

Deadline

Respondents shall submit to EPA and the State detailed plans and specifications for a corrective action that will bring the System into compliance with the maximum contaminant level (MCL) for nitrate, through either the installation of treatment or the construction of an alternate source of water.

Within 60 days of the effective date of this Addendum

- The plans and specifications must be prepared by a licensed professional engineer and must include a timeline for implementation of the chosen corrective action.
- The schedule for construction and completion of the approved plans and specifications will be incorporated into the Administrative Order upon written approval by EPA and the State

Action

Deadline

Respondents shall commence installation and/or construction according to the approved plans and specifications.

Within 60 days of receiving approval from EPA and MDEQ

Respondents shall notify EPA and the State in writing of construction completion.

Within two weeks of completing installation and/or construction

Respondents shall provide, through the engineer, certification and as-built plans and specifications to EPA and MDEQ that the corrective action was installed or constructed in accordance with the approved plans and specifications.

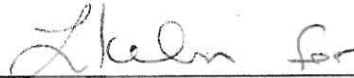
Within 90 days of completing installation and/or construction

Respondents shall monitor nitrate quarterly for at least one year following completion of installation and/or construction. Respondents shall report analytical results to EPA and the State within the first 10 days following the month in which sample results are received.

Within two weeks of completing installation and/or construction

Please be advised that Respondents are required to comply with all provisions of the Administrative Order. Penalties for failing to comply are set forth in the Order. Please contact Kimberly Pardue Welch at (303) 312-6983 if you have any questions concerning this Addendum. If you are represented by an attorney, please ask your attorney to call Peggy Livingston at the above 800 number, extension 6858, or at (303) 312-6858.

Sincerely,



Diane L. Sipe, Director
Technical Enforcement Program
Office of Compliance, Enforcement,
and Environmental Justice



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

cc:

Joel Guthals, Bank of the Rockies (via certified mail w/ return receipt)
Wendy Holman, China Wok Restaurant
John Arrigo, MT DEQ
Andrea Vickory, MT DEQ
Jon Dilliard, MT DEQ

