



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

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EPA REGION VIII
HELENA, MT

Ref: 8MO

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Niki Smoker, Owner
Horseshoe Bar
P.O. Box 432
Frazer, MT 59225

Re: 2nd Violation of Administrative Order
Docket No. SDWA-08-2011-0043
Horseshoe Bar
Public Water System
PWS ID #083090056

Dear Mrs. Smoker:

On May 16, 2011, the US Environmental Protection Agency (EPA) issued an Administrative Order (Order), Docket No. SDWA-08-2011-0043, ordering Niki Smoker (Respondent) to comply with various regulations issued by EPA under the Safe Drinking Water Act (SDWA), 42 U.S.C. section 300f et seq.

Our records indicate that the Respondent is in violation of the Order. Among other things, the Order included the following requirements (quoted from items 18 and 22 of the "Order" section on pages 3 and 4 of the Order).

1. Respondent shall monitor the system's water quarterly for total coliform bacteria, as required by 40 C.F.R. § 141.21.

Respondent did not submit total coliform bacteria monitoring results for the third quarter of 2011 (July-September).

2. Respondent shall report any violation of the total coliform monitoring requirements to EPA within 10 days of discovery, as required by 40 C.F.R. § 141.21(g)(2).

Respondent did not report the violation for failing to monitor for total coliform during the third quarter of 2011.

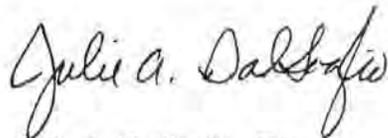


EPA is considering additional enforcement action as a result of the non-compliance with the Order. Violating an Administrative Order may lead to (1) a penalty of up to \$37,500 per day per violation of the Order, and/or (2) a court injunction ordering compliance.

If you have any questions or wish to have an informal conference with EPA, you may contact Sienna Meredith at 1-866-457-2690, extension 5026 or (406)457-5026. If you are represented by an attorney who has questions, please ask your attorney to contact Jean Belille, Enforcement Attorney, at 1-800-227-8917, extension 6556 or (303) 312-6556 or at the following address:

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

We urge your prompt attention to this matter.



Julie A. DalSoglio, Director
EPA Region 8 Montana Office

cc:

Tina Artemis, EPA Regional Hearing Clerk
Chairman Stafne, Assiniboine & Sioux Tribes
Deb Madison, Environmental Director, Fort Peck Tribes