



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

1595 Wynkoop Street
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2008 AUG 11 AM 8:00

PAID BY ADDRESSEE
EPA REGION 8

Ref: 8ENF-W

AUG 11 2008

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

The Honorable Bradley Matteson
Mayor, City of Forsyth
P.O. Box 226
Forsyth, MT 59327

Re: Administrative Order
City of Forsyth
Public Water System
Docket No. SDWA-08-2008-0072
PWS ID # MT0000215

Dear Mayor Matteson:

Enclosed is an Administrative Order (Order) issued by the Environmental Protection Agency (EPA) under the authority of the Safe Drinking Water Act (the Act), 42 U.S.C. section 300f *et seq.* Among other things, the Order describes how the City of Forsyth has violated the National Primary Drinking Water Regulations.

The Order is effective upon the date received. Please review the Order and within 10 days provide EPA with any information you believe EPA may not have. If City of Forsyth complies with the Order for at least twelve months, 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.

To submit information or request an informal conference with EPA, contact Kimberly Pardue Welch at the above address (with the mailcode 8ENF-W) or by phone at (800) 227-8917, extension 6983 or (303) 312-

6983. For legal questions, the attorney assigned to this matter is Jean Belille, who may be reached at the above address (with the mailcode 8ENF-L) or by phone at (800) 227-8917, extension 6556 or (303) 312-6556.

We urge your prompt attention to this matter.

Sincerely,



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

Enclosures:

Order
Public notice samples/templates

cc:

Deanne Jonas, Operator
John Arrigo, MT DEQ
Shelly Nolan, MT DEQ

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

2008 AUG 11 AM 8:30

IN THE MATTER OF)
)
City of Forsyth)
Forsyth, MT) ADMINISTRATIVE ORDER
)
Respondent) Docket No. SDWA-08-2008-0072

1. This Order is issued under the authority vested in the Administrator of the United States Environmental Protection Agency (EPA) in the Public Health Service Act (as amended by and hereafter referred to as the "Safe Drinking Water Act" or the "Act"), 42 U.S.C. § 300f, as properly delegated to the undersigned officials.

2. The City of Forsyth (Respondent) is a municipality which owns and/or operates the City of Forsyth public water system (the system) in Rosebud County, Montana which provides piped water to the public for human consumption. The system is supplied by a surface water source and serves approximately 2,000 people per day through approximately 912 service connections year round. The system is a "community" water system as defined in 40 C.F.R. § 141.2. Respondent is subject to the requirements of the Act and the National Primary Drinking Water Regulations (drinking water regulations), at 40 C.F.R. part 141. The Respondent received annual notification from the State of Montana regarding the system's monitoring requirements.

3. The Montana Department of Environmental Quality (MDEQ or the State) has primary enforcement authority for the Act in the State of Montana. On July 8, 2008, EPA issued a Notice of Violation to MDEQ regarding the violations at the system. MDEQ elected not to commence an enforcement action against the system for the violations within the thirty-day time frame set forth in section 1414(a) of the Act, 42 U.S.C. § 300g-3(a). EPA has provided a copy of this Order to MDEQ and has provided the State, through MDEQ, with an opportunity to confer with EPA regarding this Order pursuant to section 1414(g)(2) of the Act, 42 U.S.C. § 300g-3(g)(2). EPA is issuing this Order requiring the system to comply with the "applicable requirements" it violated. An "applicable requirement" includes requirements of an applicable approved State program, such as Montana's "Public Water Supply Requirements" at Administrative Rules of Montana (ARM) 17.38.101 through 703. 42 U.S.C. § 300g-3(i).

VIOLATIONS

4. Respondent is required to monitor the system's water at least once per quarter to determine compliance with the maximum contaminant level (MCL) for disinfection byproducts (total trihalomethane (TTHM) and haloacetic acids (HAA5)). 40 C.F.R. § 141.132(b)(1). Respondent failed to monitor the water for disinfection byproducts (DBPs) during the 1st quarter 2005 and 3rd quarter 2006 and, therefore, violated this requirement.

5. Respondent is required to report turbidity and residual disinfectant concentration monitoring results to the State within the first 10 days following the end of each month. 40 C.F.R. § 141.75(b)(1) and (2). Respondent failed to report turbidity and residual disinfectant concentration monitoring results to the State within the first 10 days following the end of each month during April 2007, June 2007, September 2007, December 2007 and March 2008 and, therefore, violated this requirement.

6. Respondent is required to monitor the system's water triennially to determine compliance with the MCL for synthetic organic contaminants (SOCs). 40 C.F.R. § 141.24(h). Respondent failed to monitor the water for SOCs during the 2002 – 2004 monitoring period and, therefore, violated this requirement. Respondent did sample for SOCs in January 2005.

7. Respondent is required to monitor the system's water annually to determine compliance with the MCL for inorganic contaminants (IOCs). 40 C.F.R. § 141.23(c)(1). Respondent failed to monitor the water for IOCs during the 2004 monitoring period and, therefore, violated this requirement. Respondent most recently sampled for IOCs in November 2007.

8. Respondent is required to monitor for disinfection byproduct precursors, including "paired samples" of total organic carbon (TOC) in source water and treated water, and alkalinity samples in the source water. Specifically, a system must collect one pair of TOC samples and one source water alkalinity sample per month per plant. 40 C.F.R. § 141.132(d). Respondent failed to monitor the system's water for disinfection byproduct precursors during July 2004, August 2004, and September 2004 and, therefore, violated this requirement.

9. The law requires Respondent to notify the public of certain violations of the drinking water regulations, in the manner specified by the regulations. 40 C.F.R. § 141.201 *et seq.* Respondent failed to notify the public of the violations listed in paragraphs 4 and 8 above and, therefore, violated this requirement.

10. Respondent is required to report any failure to comply with any of the drinking water regulations to the State within 48 hours. 40 C.F.R. § 141.31(b). Respondent failed to report the violations listed in paragraphs 4 – 9 above to the State and, therefore, violated this requirement.

ORDER

Based on the above violations, Respondent is ordered to perform the following actions:

11. Upon the effective date of this Order, Respondent shall collect one disinfection byproducts sample per quarter per treatment plant at a location that represents maximum residence time to be analyzed for TTHM and HAA5. 40 C.F.R. § 141.132(b). Respondent shall report analytical results to EPA and the State within 10 days after the end of each quarter in which samples were collected. 40 C.F.R. § 141.134 (a) and (b).

12. Upon the effective date of this order, Respondent shall report turbidity and residual disinfection concentration monitoring results to EPA and State within the first 10 days following the end of each month. 40 C.F.R. §§ 141.75(b)(1) and 141.75(b)(2).

13. Upon receipt of this Order, Respondent shall monitor for synthetic organic contaminants. Respondent's next sampling must take place between January 1, 2008 and December 31, 2010. 40 C.F.R. § 141.24(h).

14. Upon receipt of this Order, Respondent shall monitor for inorganic contaminants. Respondent's next sampling must take place prior to December 31, 2008. 40 C.F.R. § 141.23(c)(1).

15. Upon the effective date of this Order, Respondent shall monitor for disinfection byproduct precursors. Each month Respondent shall 1) collect one source water sample to be analyzed for alkalinity and 2) collect a pair of samples (one from the source water and one from the treated water) to be analyzed for TOC. 40 C.F.R. § 141.132(d). Respondent shall report analytical results to EPA and the State within 10 days after the end of each quarter in which samples were collected. 40 C.F.R. § 141.134 (a) and (d).

16. Within 30 days of receipt of this Order, Respondent must provide public notice of the violations specified in Paragraphs 4 and 8 of this Order. 40 C.F.R. §§141.201, 141.202 and 141.205. This notice shall be given by (1) mail or other direct delivery to each customer receiving a bill and to other service connections to which water is delivered by the System; AND

(2) any other method reasonably calculated to reach other persons served by the system, if they would not normally be reached by the notice, such as publication in a local newspaper; delivery of multiple copies for distribution by customers that provide their drinking water to others; posting in public places or on the Internet; or delivery to community organizations. Upon the effective date of this Order, Respondent shall comply with the public notification requirements following any future drinking water regulations violation. 40 C.F.R. § 141.201 et seq. Respondent shall submit a copy of the public notice to EPA and the State within ten days of completion of the public notice. 40 C.F.R. § 141.31(d).

17. Except where a different reporting period is specified above, Respondent shall report all analytical results to EPA and the State within the first 10 days following the month in which sample results are received, or within the first 10 days following the end of the monitoring period, whichever is shortest. 40 C.F.R. § 141.31(a).

18. Respondent shall report any violation of the drinking water regulations to EPA and the State within 48 hours of discovery. 40 C.F.R. § 141.31(b).

19. Reporting requirements specified in this Order shall be provided by certified mail to:

Kimberly Pardue Welch
U. S. EPA Region 8 (8ENF-W)
1595 Wynkoop Street
Denver, CO 80202-1129

AND

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

GENERAL PROVISIONS

20. This Order does not constitute a waiver, suspension, or modification of any requirement of the Act or drinking water regulations. Issuance of this Order is not an election by EPA to forgo any civil or criminal action.

21. Violation of any part of this Order, the Act, or the drinking water regulations may subject Respondent to a civil penalty of up to \$32,500 (as adjusted for inflation) per day of violation, 42 U.S.C. § 300g-3(g)(3); 40 C.F.R. part 19.

7 August 2008
Date

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

5 August 2008
Date

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