



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8**

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

2009 JUL 10 PM 1:15

Ref: 8 ENF-W

JUL = 9 2009

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Paul and Cathy Schulte, Owners  
Oasis Bar and Café  
220 Recreation Road  
Wolf Creek, MT 59648

Robert D. Montanye, Registered Agent  
Bob and Janey, LLC  
250 Recreation Road  
Wolf Creek, MT 59648

Re: 2<sup>nd</sup> Violation of  
Administrative Order  
Docket No. SDWA-08-2007-0018  
PWS ID # MT0001489

Dear Mr. and Mrs. Schulte and Mr. Montanye:

On March 22, 2007, the US Environmental Protection Agency (EPA) issued an Administrative Order, Docket No. SDWA-08-2007-0018, ordering Paul Schulte, Cathy Schulte, and Bob and Janey, LLC (Respondents), as owners and/or operators of the Oasis Bar and Café (the System), to comply with various regulations issued by EPA under the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300f et seq.

Our records indicate that the Respondents are in violation of the Administrative Order (the Order). Among other things, the Order included the following requirements (quoted from items 4, 9 and 11 of the Order section on pages 8, 9 and 10 of the Order):

1. Upon the effective date of this Order, Respondent[s] shall monitor the System's water for total coliform monthly as required by ARM 17.38.215(1)(b) to determine compliance with the total coliform MCL appearing at ARM 17.38.207(l) and 40 C.F.R. § 141.63(a)(2). Respondents shall report results to EPA and the State within ten days

following the end of each monitoring period, as required by 40 C.F.R. § 141.31(a).

Respondents failed to monitor for total coliform in September 2008 and April 2009.

2. Upon the effective date of this Order, Respondents shall comply with 40 C.F.R. § 141.21(g)(2) by reporting any failure to comply with coliform monitoring requirements under 40 C.F.R. § 141.21 to the State and EPA within ten days after the Respondents discover the violation.

Respondents failed to report to EPA that they had failed to monitor for total coliform bacteria in April 2009.

3. Within 30 days of the effective date of this Order, Respondents must provide public notice of the violation(s) specified under the Findings of Violations Sections 1 through VI of this Order, to return to compliance with 40 C.F.R. § 141.201, 141.204 and 141.205. Respondents shall submit a copy of the public notice to the State and EPA within ten days of completion of the public notice, as required by 40 C.F.R. § 141.31(d).

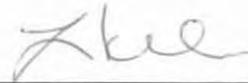
Respondents have failed to submit any public notice for the violations listed in the Order.

**EPA is considering additional enforcement action, including assessment of penalties, as a result of the ongoing non-compliance with the Order detailed above.** 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 Mario Mérida at 1-800-227-8917, extension 6297 or (303) 312-6297. 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 (8-ENF-L)  
1595 Wynkoop Street  
Denver, Colorado 80202-1129

We urge your prompt attention to this matter.



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Lisa Kahn, Team Leader  
Drinking Water Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

cc: John Arrigo, MT DEQ  
Shelley Nolan, MT DEQ  
Tina Artemis, EPA Regional Hearing Clerk