



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8, MONTANA OFFICE  
FEDERAL BUILDING, 10 W. 15<sup>TH</sup> STREET, SUITE 3200  
HELENA, MONTANA 59626

JUN 28 2010

Ref: 8MO

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

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

Re: Administrative Order  
CLA Enterprise LLC  
Public Water System  
Docket No. SDWA -08-2010-0058  
PWS ID # MT0001546

Dear Mr. Ayres:

Enclosed is an Administrative Order (Order) issued by the Environmental Protection Agency (EPA) under the authority of the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300f et seq. Among other things, the Order alleges that CLA Enterprises, LLC has violated the National Primary Drinking Water Regulations (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 you comply with the Order, 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.

The Small Business Regulatory Enforcement and Fairness Act (SBREFA) may apply to this situation. Enclosed is a small business information sheet, outlining compliance assistance resources available to small businesses and small governments, in case these are relevant. SBREFA does not eliminate the responsibility to comply with the Order or the drinking water regulations.

To submit information or to request an informal conference with EPA, please contact Sienna Paquin at the above address (with the mail code 8MO) or by phone at (800) 227-5026, extension 5026 or (406) 457-5026. Any questions from your



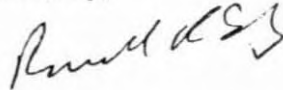
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attorney should be directed to David Janik, Enforcement Attorney, who may be reached at the above address (with the mail code 8ENF-L) or by phone at (800) 227-8917, extension 6917 or (303) 312-6917.

We urge your prompt attention to this matter.

Sincerely,



for Julie DalSoglio, Director  
EPA Montana Office

Enclosures

Order  
SBREFA Information Sheet

cc: Tina Artemis, EPA Regional Hearing Clerk  
John Arrigo, Administrator, Enforcement Division, MT DEQ  
Shelley Nolan, Science Program Manager, MT DEQ DW



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8  
1595 WYNKOOP STREET  
DENVER, COLORADO 80202  
<http://www.epa.gov/region8>

Ref: 8MO

JUN 28 2010

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Gallatin County Commissioners  
c/o Sean Becker, Chairman  
121 North Rouse  
PO Box 1230  
Bozeman, MT 59771-1230

Re: Notice of Safe Drinking Water Act Enforcement  
Action against the CLA Enterprises, LLC  
Public Water System  
PWS ID # MT0001546

Dear Commissioners:

The Safe Drinking Water Act (SDWA) requires that the Environmental Protection Agency notify locally elected officials of certain enforcement actions taken in their area.

EPA has issued an Administrative Order (Order) to CLA Enterprise, LLC, owner and operator of the CLA Enterprises LLC water system, located in Gallatin County, MT, directing the company to comply with the National Primary Drinking Water Regulations. The violations alleged in the Order include: failing to monitor the system's source water for *E. coli* bacteria following total coliform-positive results in December 2009, January 2010 and February 2010.

EPA is taking this action since the Montana Department of Environmental Quality does not have primary enforcement authority for the Ground Water Rule, which came into effect in December 1, 2009, under the SDWA.

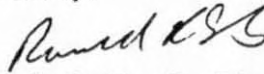


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For more details, a copy of the Order is enclosed. **The Order does not require any response or action by the County Commission.** If you have any questions regarding this Order, please contact Sienna Paquin at (406)457-5026.

Sincerely,

  
for Julie DalSoglio, Director  
EPA Montana Office

Enclosure  
Order

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

2010 JUN 28 PM 2:06

FILED  
EPA REGION VIII  
HEARING CLERK

\_\_\_\_\_  
IN THE MATTER OF: )  
 )  
CLA Enterprises LLC, )  
 )  
 )  
Respondent. )

Docket No. SDWA-08-2010-0058

ADMINISTRATIVE ORDER

1. This Order is issued under the authority vested in the Administrator of the United States Environmental Protection Agency (EPA) by the Safe Drinking Water Act, 42 U.S.C. § 300f *et seq.* (the Act), as properly delegated to the undersigned officials.
2. CLA Enterprises LLC (Respondent) is a Montana corporation that owns and/or operates the CLA Enterprises LLC Water System (the system), which provides piped water to the public in Gallatin County, Montana, for human consumption.
3. The system is supplied by a groundwater source consisting of one spring. Water is treated by a water-softening unit in the Lodge. The water is not treated to at least 99.99 % (4-log) treatment of viruses. The system is subject to regulation under the Ground Water Rule, 40 C.F.R. § 141.400, subpart S.
4. The system has approximately 29 service connections and/or regularly serves at least 76 individuals daily at least 60 days out of the year, year-round. Therefore, the system is a "public water system" as defined in § 1401(4) of the Act, 42 U.S.C. § 300f (4), and 40 C.F.R. § 141.2. The system is also a "transient, non-community water system" as defined in 40 C.F.R. § 141.2.
5. Respondent is subject to the Act and the National Primary Drinking Water Regulations (drinking water regulations) at 40 C.F.R. part 141. The drinking water regulations are "applicable requirements" as defined in § 1414(i) of the Act, 42 U.S.C. § 300g-3(i).
6. The Montana Department of Environmental Quality has primary enforcement authority for the Act in the State of Montana, but currently does not have enforcement authority for the Ground Water Rule under the Act, which came into effect on December 1, 2009. EPA has provided a copy of this Order to the State and has provided the State the opportunity to confer with EPA regarding this Order.

VIOLATIONS

7. Respondent is required to conduct triggered source monitoring, collecting at least one water sample for *E. coli* testing from each source in use, within 24 hours of notification that a regular, routine total coliform monitoring sample is total coliform-positive. 40 C.F.R.

§§ 141.402 (a) and (b). The system received a total coliform-positive result for the routine water samples collected on December 27, 2009, January 28, 2010 and again on February 26, 2010 but Respondent failed to collect any ground water source sample within the required 24 hour time-frame and, therefore, violated this requirement.

8. Respondent is required to report any failure to comply with any drinking water regulation to the State within 48 hours (except where the drinking water regulations specify a different time period). 40 C.F.R. § 141.31(b). Respondent failed to report the violations cited in paragraph 7 to the State and, therefore, violated this requirement.

### ORDER

Based on the above violations, Respondent is ordered to perform the following actions upon Respondent's receipt of this Order (unless a different deadline is specified below):

9. Respondent shall comply with the triggered source monitoring requirements of the Ground Water Rule, as required by 40 C.F.R. § 141.402.

10. Within 48 hours of receipt of this Order, Respondent shall collect at least one water sample from its groundwater source for analysis of fecal indicators, as required by 40 C.F.R. §§ 141.402 (a) and (c). If the system's source is inaccessible, the required sample may be collected from a source sampling point located prior to the water softening unit.

11. If the source is inaccessible and an appropriate sampling point is unavailable, within 30 days of receipt of this Order, Respondent shall install a source water sampling tap at a point in the system prior to any water treatment. Respondent shall notify EPA and the State immediately following completion of the modifications. Further, within 24 hours of notifying EPA and the State of sampling tap installation, Respondent shall collect at least one water sample for fecal indicator testing from the new sampling point, as per paragraph 10 above.

12. Unless a different reporting requirement is specified by the drinking water regulations or this Order, Respondent shall report each monitoring result to EPA and the State within the first 10 days following either (1) the month in which the result is received or (2) the end of the required monitoring period as stipulated by the State, whichever is earlier. 40 C.F.R. § 141.31(a).

13. Respondent shall report any violation of the drinking water regulations to EPA and the State within 48 hours of the violation occurring or, if another time period for reporting is specified in this Order or the drinking water regulations, within that other time period. 40 C.F.R. § 141.31(b).



14. Respondent shall direct all reporting required by this Order to:

Sienna Paquin  
Drinking Water Program  
10 West 15t Street, Suite 3200  
Helena MT 59626

**AND**

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

### **GENERAL PROVISIONS**

15. 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.

16. Violation of any part of this Order or the drinking water regulations may subject Respondent to a civil penalty of up to \$37,500 (as adjusted for inflation) per day of violation. 42 U.S.C. § 300g-3; 40 C.F.R. part 19.

Issued: June 28, 20 10

David Rochlin

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

Julie DalSoglio

for Julie DalSoglio, Director  
EPA Region 8 Montana Office

