



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8**

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<http://www.epa.gov/region08>

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EPA REGION VIII  
HEARING OFFICE

Ref: 8 ENF-W

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

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

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

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

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

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

Re: Violation of Administrative Order  
Docket No. SDWA-08-2007-0060  
PWS ID # MT0000965

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

On July 23, 2007, the US Environmental Protection Agency (EPA) issued an Administrative Order, Docket No. SDWA-08-2007-0060, ordering the Bank of the Rockies, China Wok, Inc., and Herman Chan (Respondents), 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 China Wok Restaurant (the System) is in violation of the Administrative Order (the Order). Among other things, the Order included the following requirements (quoted from items 1 and 4 of the "Order" section on pages 6 and 7 of the Order):

1. Upon the effective date of this Order, Respondents shall monitor the water for total coliform monthly as required by ARM 17.38.215(1)(b) to determine compliance with the total coliform maximum contaminant level (MCL) appearing at ARM 17.38.207(1) 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 have not submitted total coliform monitoring results for December 2007.

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 EPA and the State within ten days after the Respondents discover the violation.

Respondents failed to report to EPA the noncompliance detailed in part 1 above, failure to monitor for total coliform bacteria.

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 \$32,500 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 Kimberly Pardue Welch at 1-800-227-8917, extension 6983 or (303) 312-6983. If you are represented by an attorney who has questions, please ask your attorney to contact Peggy Livingston, Enforcement Attorney, at 1-800-312-6858 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: Joel Guthals, Bank of the Rockies  
Wendy Holman, China Wok Restaurant  
Julie Lethert, Broadwater County Sanitarian  
John Arrigo, MDEQ  
Andrea Vickory, MDEQ  
Jon Dilliard, MDEQ

