



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8**

1595 Wynkoop Street  
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Phone 800-227-8917  
<http://www.epa.gov/region08>

2008 MAR 13 PM 10:43

Ref: 8ENF-W

MAR 13 2008

CERTIFIED MAIL LETTER  
RETURN RECEIPT REQUESTED

Beverly Breitbach, Owner  
Brockway Supper Club  
1176 MT Hwy 200 W  
Circle, MT 59215

Re: Administrative Order  
Brockway Supper Club  
Public Water System  
Docket No. SDWA-08-2008-0019  
PWS ID # MT0002990

Dear Ms. Breitbach:

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 you have 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 Brockway Supper Club complies with the Order for 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

Marc Weiner, who may be reached at the above address (with the mailcode 8ENF-L) or by phone at (800) 227-8917, extension 6913 or (303) 312-6913.

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:

John Arrigo, MT DEQ  
Andrea Vickory, MT DEQ  
Jon Dilliard, MT DEQ

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

IN THE MATTER OF	)	
	)	
Beverly Breitbach, Owner	)	
Brockway Supper Club	)	
Circle, MT	)	ADMINISTRATIVE ORDER
	)	
Respondent	)	Docket No. SDWA-08-2008-0019

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. Beverly Breitbach (Respondent) is an individual who owns and/or operates the Brockway Supper Club Water System (the system) in McCone County, Montana which provides piped water to the public for human consumption. The system is supplied by a groundwater source consisting of one well and serves approximately 20 people per day through 1 service connection year-round. The system is a "non-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 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 February 12, 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. Respondents who collect fewer than 40 total coliform samples per month and have more than one total coliform positive sample during the monthly monitoring period are determined to be in violation of the maximum contaminant level (MCL) for total coliform bacteria. 40 C.F.R. § 141.63(a)(2). Respondent exceeded the MCL for total coliform bacteria during July 2007 and August 2007 and therefore violated this requirement.

5. Respondent is required to monitor the system's water at least once per quarter to determine compliance with the MCL for total coliform bacteria. 40 C.F.R. § 141.21. As of October 2007, Respondent was required by the MDEQ to monitor the system's water at least once per month to determine compliance with the MCL for total coliform bacteria. ARM 17.38.215(1)(b). Respondent failed to monitor the water for contamination of total coliform bacteria during the following monitoring periods: 1<sup>st</sup> quarter 2006, 2<sup>nd</sup> quarter 2006, November 2007, and December 2007 and therefore violated this requirement.

6. Respondent is required to notify the public of any violations of the drinking water regulations, including violations of the MCL, maximum residual disinfection level (MRDL), treatment technique (TT), monitoring requirements, and testing procedures. 40 C.F.R. § 141.201. Respondent failed to notify the public of the violations outlined in Paragraphs 4 and 5 above, and therefore violated this requirement. Public notice for failure to monitor total coliform violations for 2007 are not yet overdue.

7. Respondent is required to report any sampling results that exceed the MCL for total coliform to the State by the end of the next business day after the system learns of the violation. 40 C.F.R. §§ 141.21(g)(1), 141.63. Respondent failed to report to the State the MCL violations listed in paragraph 4 above and therefore violated this requirement.

8. Respondent is required to report failure to comply with a coliform monitoring requirement to the State within ten days after the system learned of the violation. 40 C.F.R. § 141.21(g)(2). Respondent failed to report to the State the failure to monitor total coliform violations listed in paragraph 5 above and therefore violated this requirement.

9. Respondent is required to report any failure to comply with any of the drinking water regulations (except where a different reporting period is specified in paragraphs 7 and 8 above) to the State within 48 hours. 40 C.F.R. § 141.31(b). Respondent failed to report the violations listed in

paragraph 6 above to the State and therefore violated this requirement.

### **ORDER**

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

10. Upon receipt of this Order, Respondent shall comply with the total coliform MCL as stated in 40 C.F.R. § 141.63. Any violation of the total coliform MCL shall be reported to EPA and the State no later than the end of the next business day after Respondent learns of it. 40 C.F.R. § 141.21(g)(1). If additional total coliform MCL violations occur while this Order is in effect, Respondent shall within 30 days of the next violation, submit to EPA and the State detailed plans for bringing the Respondent's public water system into compliance with the MCL for coliform bacteria. The plans shall include proposed system modifications, estimated cost of modifications, and a schedule for construction of the project and compliance with the total coliform MCL. The proposed schedule shall include specific milestone dates, a final compliance date (that shall be within 180 days of the violation), and shall be submitted to EPA and the State for approval. The plans must be approved by EPA and the State before construction may commence.

11. Upon receipt of this Order, Respondent shall monitor monthly for total coliform bacteria. ARM 17.38.215(1)(b). Respondent shall report analytical results to EPA and the State within the first 10 days following the month in which sample results are received, as required by the drinking water regulations. 40 C.F.R. § 141.31(a). Any violation of the total coliform monitoring requirements shall be reported to EPA and the State within ten days after Respondent learns of it. 40 C.F.R. § 141.21(g)(2).

12. Within 30 days of receipt of this Order, Respondent must provide public notice of the violation(s) specified in Paragraphs 4 and 5 in this Order. 40 C.F.R. §§ 141.201, 141.202 and 141.205. 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). This notice shall be given by (1) posting the notice in conspicuous locations throughout the distribution system frequented by persons served by the system OR (2) by mail or direct delivery to each customer and service connection; AND (3) any other method reasonably calculated to reach other persons served by the system if they would not normally be reached by the notice required above, such as publication in a local newspaper or newsletter distributed to customers; use of E-mail to notify employees or students; or delivery of multiple copies in

central locations. If the public notice is posted, the notice must remain in place for as long as the violation or situation persists, but for no less than seven days. The public water system must repeat the notice every three months as long as the violation or situation persists. 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.

13. Respondent shall report any other violation of the drinking water regulations to EPA and the State within 48 hours of discovery.

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

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

Andrea Vickory  
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, 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.

3/17/08  
Date

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

3/11/08  
Date

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