



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8, MONTANA OFFICE
FEDERAL BUILDING, 10 W. 15th STREET, SUITE 3200
HELENA, MONTANA 59626

2008 MAR 11 PM 3:32

MAR 11 2008

FILED
EPA REGION VIII
HEARING CLERK

Ref: 8MO

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Richard Opper, Director
Montana Department of Environmental Quality
Metcalf Building
1520 West Sixth Avenue
Helena, MT 59620

NOTICE OF VIOLATION

Docket No. SDWA-08-2008-0033

Re: Whitewater Inn Public Water System
PWS ID# MT0004079

Dear Richard:

The above referenced public water system has violated certain provisions of the Safe Drinking Water Act (SDWA), 42 U.S.C. section 300f, et seq. and the National Primary Drinking Water Regulations at 40 C.F.R. part 141 described below.

The Environmental Protection Agency (EPA) obtained this information from the Montana Department of Environmental Quality's (MDEQ) files and data contained in the Safe Drinking Water Information System (SDWIS). Please notify Eric Finke of my staff at (406) 457-5026 within 20 days if your records show any discrepancies with these determinations of violation.



Alleged Violations at Whitewater Inn PWS ID # MT0004079	
Description of Violation and Regulatory Citation	Compliance Periods
Failure to monitor/report Nitrate [40 CFR 141.23(d)], Failure to report violations to EPA [40 CFR 141.31(b)], Failure to provide public notice of a violation [40 CFR 141.201]	2004, 2006
Failure to monitor/report routine Total Coliform Bacteria [40 CFR 141.21], Failure to report violations to EPA [40 CFR 141.31(b)], Failure to provide public notice of a violation [40 CFR 141.201]	Apr, Jun, & Jul 2004; Apr, Oct, & Nov 2005; Dec 2006; Jan through Jun 2007.
Exceeded monthly MCL for Total Coliform Bacteria [40 CFR 141.63(a)(2)], Failure to report violations to EPA [40 CFR 141.31(b)], Failure to provide public notice of a violation [40 CFR 141.201]	Mar, May & Jun 2003
Failure to monitor/report a set of 4 Coliform Repeat Samples following a coliform positive sample [40 CFR 141.21], Failure to report violations to EPA [40 CFR 141.31(b)], Failure to provide public notice of a violation [40 CFR 141.201]	Mar 2003
Failure to monitor/report 5 Routine Coliform Samples during the month following a coliform positive sample [40 CFR 141.21], Failure to report violations to EPA [40 CFR 141.31(b)], Failure to provide public notice of a violation [40 CFR 141.201]	Jun 2005, Jun 2006

This Notice of Violation is issued pursuant to section 1414(a) of the SDWA, 42 U.S.C. section 300g-3(b). For the violations listed above, if MDEQ does not commence appropriate enforcement action within 30 days from the receipt of this notification, EPA is authorized to either issue an Administrative Order under section 1414(g) of the SDWA requiring the public water system to comply with these regulations, or commence civil action under section 1414(b) of the SDWA.

Please inform EPA of any change in the compliance status of this system. You may wish to confer with my staff to determine EPA's position concerning this system and to exchange appropriate information. If the MDEQ does not commence appropriate enforcement action within 30 days from the receipt of the notification, EPA will proceed with the issuance of an Administrative Order.

If you have any questions, please contact Eric Finke at (406) 457-5026. A copy of this Notice of Violation has been concurrently sent to the public water system identified above.

Sincerely,



John F. Wardell, Director
EPA Montana Office

cc: Judy Hanson, Permitting and Compliance Division
John Arrigo, Enforcement Division
Andrea Vickory, Public Water and Subdivision Bureau
Lisa Kahn, 8ENF-W
Marc Weiner, 8ENF-L
Whitewater Inn, PWS ID# MT0004079