UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8
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MAY 30 2007

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Richard Opper, Director
Montana Department of
Environmental Quality
1520 E. Sixth Avenue
P.O. Box 200901
Helena, MT 59620-0901

NOTICE OF VIOLATION

Docket No. **SDWA-08-2007-0053**
Craig Bar
50 Craig Main Street
Wolf Creek, MT 59648
PWS ID# MT0002077

Dear Mr. Opper:

The above referenced public drinking water system has violated certain provisions of the Safe Drinking Water Act (the Act), 42 U.S.C. § 300f, et seq. and the National Primary Drinking Water Regulations at 40 C.F.R. part 141. The violations consist of exceeding the maximum contaminant level (MCL) for total coliform, exceeding the acute MCL for total coliform, failure to monitor for bacteriological quality, failure to take four repeat samples following a positive total coliform sample, failure to take five routine samples following a positive total coliform sample in the preceding month, failure to provide public notice, and failure to notify the State of the violations. Our records, obtained from the Montana Department of Environmental Quality's Public Water Supply Online Query Reports, indicate the violations noted below. Please notify Kimberly Pardue Welch of my staff at (303) 312-6983 within 20 days if your records show any discrepancies with these determinations of violation.

Date of Violation	Violation
September 2003, September 2005, August 2006, and September 2006	Exceeded the MCL for total coliform bacteria. [40 C.F.R. § 141.63(a)(2)]
September 2003	Exceeded the acute MCL for total coliform bacteria. [40 C.F.R. § 141.63(b)]
June 2002, August 2002, November 2002, December 2003, March 2005, and October 2006	Failure to monitor for bacteriological quality. [40 C.F.R. § 141.21(a)]
July 2004, August 2004, August 2005, and July 2006	Failure to take 4 repeat samples following a total coliform positive sample. [40 C.F.R. § 141.21(b)]
June 2003, October 2003, August 2004, September 2004, November 2004 (System incorrectly took 4 samples), September 2005 (System incorrectly took 4 samples), October 2005	Failure to take five routine samples following a total coliform positive sample the preceding month. [40 C.F.R. § 141.21(b)(5)]
2nd, 3rd, and 4th quarters 2003; 2nd, 3rd, and 4th quarters 2004; 1st, 2nd, and 4th quarters 2005; 2nd and 3rd quarters 2006.	Failure to monitor for nitrate. [40 C.F.R. § 141.23 (d)(2)]
2003 – 2006	Failure to notify public of above referenced violations. [40 C.F.R. § 141.201]
2002 - 2006	Failure to report the above-referenced violations to the State [40 C.F.R. §§ 141.21(g)(1), 141.21(g)(2) and 141.31(b)]

This NOTICE OF VIOLATION is issued pursuant to section 1414(a) of the Act, 42 U.S.C. § 300g-3(a). If the State does not commence appropriate enforcement action within 30 days from the receipt of this notification, the EPA is authorized either to issue an Administrative Order under section 1414(g) of the Act, 42 U.S.C. § 300g-3(g) requiring the public water system to comply with the regulations or requirements, or to commence civil action under section 1414(b) of the Act, 42 U.S.C. § 300g-3(b).

Please inform EPA of any change in the compliance status of this system. You may wish to confer with my staff to determine the Agency's position concerning this system and to exchange appropriate information. If the State does not commence appropriate enforcement action within 30 days from the receipt of the notification, EPA will proceed with issuance of an administrative order. Our technical contact is Kimberly Pardue Welch at (303) 312-6983.

A copy of this NOTICE OF VIOLATION has been concurrently sent to the system identified above. Also enclosed for the benefit of the System is a copy of EPA's Small Business Regulatory Enforcement and Fairness Act (SBREFA) fact sheet containing information on compliance assistance resources and tools available to small businesses. EPA has agreed to notify small businesses of their right to comment on regulatory enforcement activities at the same time of an Agency enforcement action. SBREFA does not eliminate the responsibility to comply with the Act.

Sincerely,

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

David J. Janik, Acting Director
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosure:
SBREFA fact sheet

cc: Joseph Duvall, Owner
John Arrigo, MT DEQ
Kate Miller, MT DEQ

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