UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8
999 18TH STREET- SUITE 200
DENVER, CO 80202-2466
Phone 800-227-8917
http://www.epa.gov/region08

2006 JUN -9 PM 2:20

FILED
EPA REGION VIII
HEARING CLERK

Ref: 8ENF-W

JUN - 9 2006

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-08-2006-0043

Whitewater School District
PO Box 46
Whitewater, MT 59544-0046
PWS ID# MT0002062

Dear Mr. Opper:

The above referenced public drinking water system has violated certain provisions of the Safe Drinking Water Act (SDWA), 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 failure to monitor for bacteriological quality, failure to monitor for lead and copper, failure to monitor for water quality parameters, failure to monitor for nitrate, failure to monitor for inorganic chemicals, failure to monitor for synthetic organic chemicals, failure to monitor for volatile organic chemicals, 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 Report, 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
August 2003, March, May, August, September, and December 2001	Failure to monitor for bacteriological quality. [40 C.F.R. § 141.21]

July – December 2004 and 2005, January – June and July – December in 2001, 2002, and 2003	Failure to monitor for Lead and Copper. [40 C.F.R. § 141.86 (d)(4)(iv)]
January – June 2005, January – June and July – December in 2002, 2003, 2004	Failure to monitor for water quality parameters (40 C.F.R. § 141.87 (b))
2nd and 3rd quarters 2005, 2003 (annual), 2000 (annual)	Failure to monitor for nitrate. [40 C.F.R. § 141.23 (d)]
1999-2001	Failure to monitor for inorganic chemicals. [40 C.F.R. § 141.23 (c) (1)]
1999-2001	Failure to monitor for synthetic organic chemicals. [40 C.F.R. § 141.24(h)]
1999-2001	Failure to monitor for volatile organic chemicals. [40 C.F.R. § 141.24(f)]
1999-2005	Failure to provide public notice of the above-referenced violations except failure to monitor for nitrate in 2003. [40 C.F.R. § 141.201]
1999-2005	Failure to report the above-referenced violations to the State [40 C.F.R. §§ 141.31(b) and 141.21(a)(2)]

This NOTICE OF VIOLATION is issued pursuant to section 1414(a) of the SDWA, 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 SDWA, 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 SDWA, 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.

Sincerely,

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

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

cc: Darin Cummings, Superintendent (via certified mail / return receipt requested)
Whitewater School District

John Arrigo, MT DEQ

Printed on Recycled Paper