



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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DEC 17 2009

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Gavin Fine, Registered Agent
BBQ - 5, LLC
2550 Highway 390
Wilson, Wyoming 83014

Re: 2nd Violation of Administrative
Order
Docket No. SDWA-08-2008-0014
Q Roadhouse
PWS ID # WY5600683

Dear Mr. Fine:

On January 29, 2008, the US Environmental Protection Agency (EPA) issued an Administrative Order (the Order), Docket No. SDWA-08-2008-0014, ordering BBQ – 5, LLC, owner and/or operator of the Q Roadhouse Water System to comply with various regulations issued by EPA under the Safe Drinking Water Act (the Act), 42 U.S.C. § 300f et seq.

Our records indicate that BBQ – 5, LLC is again in violation of the Administrative Order. Among other things, the Order included the following requirement (quoted from item 5 of the Order section on page 2 of the Order):

1. Upon receipt of this Order, Respondent shall monitor quarterly for total coliform bacteria. 40 C.F.R. § 141.21. Respondent shall report analytical results to EPA 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 total coliform monitoring requirements shall be reported to EPA within ten days after the Respondent learns of it. 40 C.F.R. § 141.21(g)(2).

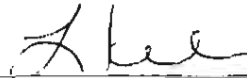
BBQ – 5, LLC did not monitor for total coliform bacteria during the third quarter (July-September) of 2009, and failed to report this noncompliance to EPA.

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 \$37,500 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 Shawn McCaffrey at 1-800-227-8917, extension 6515 or (303) 312-6515. If you are represented by an attorney who has questions, please ask your attorney to contact Thomas Sitz, Senior Enforcement Attorney, at (303) 312-6918 or at the following address:

Thomas Sitz
Senior 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.



Lisa Kahn, Team Leader
Drinking Water Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

cc: Tina Artemis, EPA Regional Hearing Clerk
WY DEQ (via e-mail)
WY DOH (via e-mail)
Mollie Finkel, Operator