



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

SEP - 6 2011

Ref: 8ENF-W

CERTIFIED MAIL LETTER
RETURN RECEIPT REQUESTED

Converse County Commissioners
c/o Mike Colling, Chairman
107 No. 5th Street
Suite 114
Douglas, WY 82633

Re: Notice of Safe Drinking Water Act
Enforcement Action against
Yogi LLC, and Sanjay Patel
First Interstate Inn
PWS ID #WY5600375

Dear Commissioners:

The Safe Drinking Water Act (SDWA) requires that the United States Environmental Protection Agency (EPA) notify locally elected officials of certain enforcement actions taken in their area.

EPA has issued an Administrative Order (Order) to Yogi LLC, and Sanjay Patel, owners and operators of the First Interstate Inn located in Douglas, Wyoming, directing them to comply with the National Primary Drinking Water Regulations. The violations alleged in the Order include: failing to monitor the water for total coliform; failing to submit timely sampling data; failing to provide public notice of the violations; and failing to report these violations to EPA.

For more details, a copy of the Order is enclosed. **The Order does not require any response or action by the County Commission.** If you have any questions regarding this Order, please contact Shawn McCaffrey at (303) 312-6515.

Sincerely,



Arturo Palomares, Director
Water Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosure
Order



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

SEP - 6 2011

Ref: 8ENF-W

CERTIFIED MAIL LETTER
RETURN RECEIPT REQUESTED

National Registered Agents, Inc., Registered Agent
Yogi LLC
2349 East Richards Street
Douglas, WY 82633

Sanjay V. Patel
2409 East Pikes Peak Ave.
Apt. 168
Colorado Springs, CO 80909

Re: Administrative Order
First Interstate Inn
Public Water System
Docket No. SDWA-08-2011-0066
PWS ID# WY5600375

Dear Registered Agent and Mr. Patel:

Enclosed is an Administrative Order (Order) issued by the United States Environmental Protection Agency (EPA) under the authority of the Safe Drinking Water Act, 42 U.S.C. § 300g-3. Among other things, the Order alleges that Yogi LLC (the Company) and/or you have violated the National Primary Drinking Water Regulations (the drinking water regulations).

The Order is effective upon the date received. Please review the Order and within 10 days provide EPA with any information the Company and/or you believe EPA may not have. If the Company and/or you comply with the Order, 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.

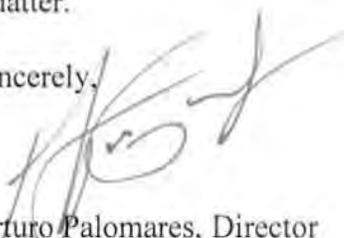
The Small Business Regulatory Enforcement and Fairness Act (SBREFA) may apply to this situation. Enclosed is a small business information sheet, outlining compliance assistance resources available to small businesses and small governments, in case these are relevant. SBREFA does not eliminate the responsibility to comply with the Order or the drinking water regulations.

The Order requires the Company and/or you to notify the public of having violated the drinking water regulations. Enclosed please find a public notice template explaining the public notice requirements in more detail.

To submit information, or request an informal conference with EPA, please contact Shawn McCaffrey at the above address (with the mailcode 8ENF-W) or by phone at (800) 227-8917, extension 6515 or (303) 312-6515. Any questions from the Company's and /or your attorney should be directed to Jean Belille, Enforcement Attorney, who may be reached at the above address (with the mailcode 8ENF-L) or by phone at (800) 227-8917, extension 6556 or (303) 312-6556.

We urge your prompt attention to this matter.

Sincerely,



Arturo Palomares, Director
Water Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosures:

Order
SBREFA Information Sheet
Public Notice Template

cc:

Tina Artemis, EPA Regional Hearing Clerk
Wyoming DEQ/DOH (via email)
Shelly Rutten, Manager, First Interstate Inn

8. Respondents are required to monitor the System's water quarterly for total coliform bacteria. 40 C.F.R. § 141.21(a). Respondents failed to monitor the System's water for total coliform bacteria during the 1st quarter of 2008, 3rd quarter of 2009, and the 1st quarter of 2011, and, therefore, violated this requirement.

9. If the System has one or more sampling results that are positive for total coliform, Respondents are required to collect at least 5 routine samples during the next month the System provides water to the public. 40 C.F.R. § 141.21(b)(5). After the System's water tested positive for total coliform on September 30, 2008, Respondents failed to take at least 5 routine samples of the System's water in November 2008, and, therefore, violated this requirement.

10. Respondents are required to notify the public of certain violations of the drinking water regulations, in the manner specified by the regulations. 40 C.F.R. §§ 141.201 *et seq.* Respondents failed to notify the public of the 2008 and 2009 violations cited in paragraphs 8 and 9 above, and, therefore, violated this requirement. Public notice for the 2011 violation cited in paragraph 8 is not yet overdue.

11. Respondents are required to report any failure to comply with any of the drinking water regulations to EPA within 48 hours (except where a different reporting period is specified in the drinking water regulations). 40 C.F.R. § 141.31(b). Respondents failed to report the violations cited in paragraphs 7 and 10 above, to EPA and, therefore, violated this requirement.

12. Respondents are required to report any failure to meet a coliform monitoring requirement to EPA no later than 10 days after discovering this violation. 40 C.F.R. § 141.21(g)(2). Respondents failed to report the violations cited in paragraphs 8 and 9 above to EPA, and, therefore, violated this requirement.

ORDER

Based on the above violations, Respondents are ordered to perform the following actions upon Respondent's receipt of this Order (unless a different deadline is specified below):

13. Respondents shall monitor the System's water for nitrate per the regulations. 40 C.F.R. § 141.23(d). Respondents are next required to sample for nitrate during the 2012 monitoring period. Respondents shall report analytical results to EPA within the first 10 days following the month in which sample results were received, as required by 40 C.F.R. § 141.31(a). Respondents shall report any violation of the nitrate monitoring requirements to EPA within 48 hours of the violation occurring, as required by 40 C.F.R. § 141.31(b).

14. Respondents shall monitor the System's water quarterly for total coliform bacteria and, in the event of any result that is positive for total coliform, conduct repeat and additional routine monitoring, as required by 40 C.F.R. § 141.21. Respondents shall report analytical results to EPA within the first 10 days following the month in which sample results were received, as required by 40 C.F.R. § 141.31(a). Respondents shall report any violation of the total coliform monitoring requirements to EPA within 10 days after discovering the violation, as required by 40 C.F.R. § 141.21(g)(2).

15. Within 30 days after receipt of this Order, Respondents shall notify the public of the violations cited in paragraphs 8 and 9 above, as required by 40 C.F.R. part 141, subpart Q. Thereafter, following any future violation of the drinking water regulations, Respondents shall comply with any applicable public notice provisions of 40 C.F.R. part 141, subpart Q. Within 10 days after providing public notice, Respondents shall submit a copy of the notice to EPA.

16. Respondents shall direct all reporting required by this Order to:

U.S. EPA Region 8 (8P-W-DW)
1595 Wynkoop
Denver, CO 80202-1129

GENERAL PROVISIONS

17. This Order shall 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.

18. Violation of any part of this Order or the drinking water regulations may subject Respondents to a civil penalty of up to \$37,500 (as adjusted for inflation) per day of violation. 42 U.S.C. § 300g-3; 40 C.F.R. part 19.

Issued: Sept 6, 2011.


Matthew Cohn, Director
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice


Arturo Palomares, Director
Water Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

TIER 3 TEMPLATES

The pages that follow contain templates for Tier 3 violations and situations. Along with the templates are instructions, including the required method of delivery and instructions for completing individual sections of the notices. These instructions are designed to supplement Chapter 7, so you may see much of the information repeated here.

Mandatory language on unknown risk for monitoring violations, which must be included exactly as written, is presented in *italics* (141.205(d)).

You must also include the following italicized language in all notices, where applicable (141.205(d)). Use of this language does *not* relieve you of your obligation to take steps reasonably calculated to notify all persons served:

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.

Templates

Monitoring Violations Annual NoticeBTemplate 3-1