



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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

Ref: 8ENF-W

DEC 18 2007

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Sheridan County Commissioners
c/o Terry Cram, Chair
224 South Main Suite B-1
Sheridan, WY 82801

Re: Notice of Safe Drinking Water Act
Enforcement Action against Kimmeri's
Kuisine/Lodore Supper Club
PWS ID 5600545

Dear County 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.

An Administrative Order is being issued to Kimmeri's Kuisine as owner/operator of Lodore Supper Club, Story, Wyoming. This Order requires that Kimmeri's Kuisine take measures to return its public water system to compliance with the SDWA and the National Primary Drinking Water Regulations. The violations include failing to monitor for total coliform and nitrate, and failing to report these violations to EPA.

For more details, a copy of the Order is enclosed for your information. **The Order does not require any response or action by the County Commission.** If you have any questions regarding this Order, please contact Kathelene Brainich at (303) 312-6481.

Sincerely,

A handwritten signature in cursive script that reads "Diane L. Sipe".

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

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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

DEC 18 2007

Ref: 8ENF-W

CERTIFIED MAIL LETTER
RETURN RECEIPT REQUESTED

Kim Eckerman, Registered Agent
Kimmeri's Kuisine
78 Fish Hatchery Road
Story, WY 82842

Re: Administrative Order
Docket No. **SDWA-08-2008-0010**
Kimmeri's Kuisine/Lodore Supper Club
PWS ID #WY5600545

Dear Ms. Eckerman:

Enclosed is an Administrative Order issued by the Environmental Protection Agency (EPA) under the authority of the Safe Drinking Water Act (SDWA), 42 U.S.C. section 300f et seq. Among other things, the Order describes how Kimmeri's Kuisine has violated the National Primary Drinking Water Regulations.

The Order is effective upon the date received. Please review the Order and within 10 days provide EPA with any information you believe EPA may not have. If there is compliance with the Order for twelve months, 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.

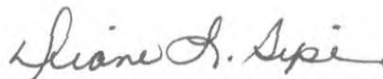
While not yet past due, public notice of the violations noted in the Order must be completed immediately. Attached is a public notice template to assist you in completing this requirement. Post the public notice at the restaurant for seven days, sign and date a copy of the notice, write the dates it was posted on the copy, and send to EPA within ten days of completion.

Also enclosed is a small business resources information sheet, outlining compliance assistance resources and tools available to small businesses and small governments, in case these resources apply to your situation.

To submit information or request an informal conference with EPA, contact Kathelene Brainich at the above address (with the mailcode 8ENF-W) or by phone at (800) 227-8917, extension 312-6481 or (303) 312-6481. For legal questions, the attorney assigned to this matter is Marc Weiner, who can be reached at the above address (with the mailcode 8ENF-L) or by phone at (800) 227-8917, extension 312-6913 or (303) 312-6913.

We urge your prompt attention to this matter.

Sincerely,



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

Enclosures

Order
Public notice template
Information sheet

cc: Rick Smith, building owner
WY DEQ (via email)
WY DOH (via email)

ORDER

Based on the above violations, Respondent is ordered to perform the following actions:

7. Upon receipt of this Order, Respondent shall monitor quarterly for total coliform bacteria. 40 C.F.R. sections 141.21, 141.63. Respondent shall report analytical results to EPA within the first 10 days following the month in which sample results were 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).

8. Within 30 days of the effective date of this Order, and per the regulations thereafter, Respondent shall monitor at least annually for nitrate. 40 C.F.R. § 141.23(d). Respondent shall report analytical results to EPA within the first 10 days following the month in which sample results were received, as required by the drinking water regulations. 40 C.F.R. § 141.31(a). Any violation of nitrate monitoring requirements shall be reported to EPA within 48 hours. 40 C.F.R. § 141.31(b).

9. Reporting requirements specified in this Order shall be provided by certified mail to:

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

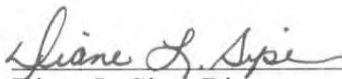
GENERAL PROVISIONS

10. This Order does 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.

11. Violation of any part of this Order, the Act, or the drinking water regulations may subject Respondent to a civil penalty of up to \$32,500 (as adjusted for inflation) per day of violation, 42 U.S.C. § 300g-3(g)(3); 40 C.F.R. part 19.



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



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