

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 1 8 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,

Sliane S. Syse 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 <u>et seq</u>. 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,

Sliane S. Sipe. 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)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 8

IN THE MATTER OF)
Kimmeri's Kuisine Story, WY)) ADMINISTRATIVE ORDER
Respondent) Docket No. SDWA-08-2008-0010

- 1. This Order is issued under the authority vested in the Administrator of the United States Environmental Protection Agency (EPA) in the Public Health Service Act (as amended by and hereafter referred to as the "Safe Drinking Water Act" or the "Act," 42 U.S.C. § 300f), as properly delegated to the undersigned officials.
- 2. Kimmeri's Kuisine (Respondent) is a corporation under the laws of the State of Wyoming as of June 7, 2006, that owns and/or operates the Lodore Supper Club & Saloon Water System (the system) in Sheridan County, Wyoming which provides piped water to the public for human consumption. The system is supplied by a groundwater source consisting of one well, serves an average daily population of approximately 50 people through 1 service connection, and is open all year. The system was determined to be a public water system by EPA as of November 23, 2006. New systems are required to begin monitoring their drinking water immediately. The system is a "non-community" water system as defined in 40 C.F.R. § 141.2. Respondent is subject to the requirements of the Act and the National Primary Drinking Water Regulations (drinking water regulations) at 40 C.F.R. § 141.

VIOLATIONS

- 3. Respondent is required to monitor the system's water at least once per quarter to determine compliance with the maximum contaminant level (MCL) for total coliform bacteria. 40 C.F.R. § 141.21. Respondent failed to monitor the water for contamination of total coliform bacteria during 4th (October-December) quarter 2006; and the 1st (January-March), 2nd (April-June) and 3rd (July-September) quarters of 2007, and therefore violated this requirement.
- 4. Respondent is required to monitor the system's water annually for nitrate to determine compliance with the nitrate MCL. 40 C.F.R. § 141.23(d). Respondent failed to monitor the water for nitrate contamination in 2006, and therefore violated this requirement.
- 5. Respondent is required to report failure to comply with a coliform monitoring requirement to EPA within ten days after the system learned of the violation. 40 C.F.R. § 141.21(g)(2). Respondent failed to report to EPA the failure to monitor total coliform violations listed in paragraph 3 above and therefore violated this requirement.
- 6. Respondent is required to report any failure to comply with any of the drinking water regulations (except where a different reporting period is specified in paragraph 5 above) to EPA within 48 hours. 40 C.F.R. § 141.31(b). Respondent failed to report the violations listed in paragraph 4 above to EPA and therefore violated this requirement.

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