



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

JAN 28 2013

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Sheridan County Commissioners  
c/o Steve Maier, Chair  
224 South Main  
Sheridan, WY 82801

Re: Notice of Safe Drinking Water Act Enforcement  
Action against Harry Washut and Chuckwagon Country  
Store, LLC, owner of Chuck Wagon Market Public Water  
System  
PWS ID # WY5601560

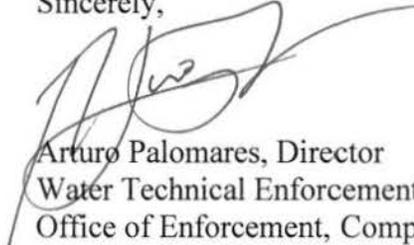
Dear Commissioners:

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

An Administrative Order (Order) is being issued to Harry Washut and Chuckwater Country Store, LLC, owner of the Chuck Wagon Market. This Order requires that Mr. Washut take measures to return the Chuck Wagon Market public water system to compliance with the SDWA and the National Primary Drinking Water Regulations. The violations include: failure to monitor for total coliform bacteria, failure to notify the public of violations, and failure to report such 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 Olive Hofstader at (303) 312-6467.

Sincerely,



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

Enclosure:  
Order



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JAN 28 2013

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RETURN RECEIPT REQUESTED

Chuckwagon Country Store, LLC  
Harry Washut, Registered Agent  
3 Fish Hatchery Road  
P.O. Box 92  
Moran, WY 82013

Re: Administrative Order  
Chuck Wagon Market public water system  
Docket No. **SDWA-08-2013-0009**  
PWS ID #5601560

Dear Mr. Washut:

Enclosed is an Administrative Order (Order) issued by the U.S. Environmental Protection Agency (EPA) under the authority of section 1414(g) of the Safe Drinking Water Act, 42 U.S.C. § 300g-3(g). Among other things, the Order alleges that you and Chuckwagon Country Store, LLC, as owner of the Chuck Wagon Market public water system (System) have violated the National Primary Drinking Water Regulations at 40 C.F.R. part 141 (Drinking Water Regulations).

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

If you comply with the Order, the 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 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 the EPA, please contact Olive Hofstader at the above address (with the mailcode 8ENF-W) or by phone at (800) 227-8917, extension 6467 or (303) 312-6467. Any questions from your attorney should be directed to Dana Stotsky, Enforcement Attorney, who may be reached at the above address (with the mailcode 8ENF-L) or by phone at (800) 227-8917, extension 6905 or (303) 312-6905.

We urge your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'AP', with a long, sweeping horizontal line extending to the right across the top of the signature block.

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

Enclosures:

Order  
SBREFA Information Sheet  
Public Notice Template

cc:

WY DEQ/DOH (via email)  
Tina Artemis, EPA Regional Hearing Clerk



9. Respondent is required to report the results of testing for total coliform to the EPA no later than (1) the first 10 days following the month in which the result is received, or (2) the first 10 days following the end of the required monitored period, whichever is earlier. 40 C.F.R. § 141.31(a). Respondent failed to report its 2<sup>nd</sup> (April – June) and 3<sup>rd</sup> (July – September) quarters of 2009 and 2<sup>nd</sup> (April – June) quarter of 2012 monitoring results for total coliform to the EPA within this time period and, therefore, violated this requirement.

10. Respondents are required to notify the public of certain violations of the Drinking Water Regulations. 40 C.F.R. §§ 141.201-141.211. Respondents failed to notify the public of the 2009 through 2011 violations cited in paragraph 6, above, and, therefore, violated this requirement.

### **ORDER**

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

11. Respondents shall monitor the System's water quarterly for total coliform bacteria and, if any sample 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 the EPA within the first 10 days following the month in which Respondents receives sample results, as required by 40 C.F.R. § 141.31(a). Respondents shall report any violation of coliform monitoring requirements in 40 C.F.R. part 141 to the EPA within 10 days after discovering the violation, as required by 40 C.F.R. § 141.21(g)(2).

12. Within 30 days after receipt of this Order, Respondents shall notify the public of the 2009 through 2011 violations cited in paragraph 6, above, following the instructions provided with the public notice template provided to Respondents with this Order. 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.

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

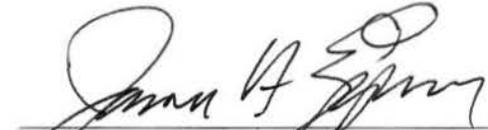
U.S. EPA Region 8 (8P-W-DW)  
1595 Wynkoop  
Denver, CO 80202-1129

### **GENERAL PROVISIONS**

14. 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.

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

Issued: January 28, 2013.



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James H. Eppers, Supervisory Attorney  
Legal Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice



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