



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8, MONTANA OFFICE
FEDERAL BUILDING, 10 W. 15TH STREET, SUITE 3200
HELENA, MONTANA 59626

2009 DEC -9 AM 8:48

FILED
EPA REGION VIII
HEARING CLERK

Ref: 8MO

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ms. Claudia Knudsen, owner
Cheffys (formerly Shaker's Steak and Ale)
422 Spokane Avenue
Whitefish, MT 59937-2779

Re: Violation of Administrative Order
Docket No. SDWA-08-2009-0012
PWS ID # MT0004436

Dear Ms. Knudsen:

On July 28, 2009, the US Environmental Protection Agency (EPA) issued an Administrative Order, Docket No. SDWA-08-2009-0012, ordering you, as owner and/or operator of the Shaker's Steak and Ale (now known as Cheffys) public water system (the system) to comply with various regulations issued by EPA under the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300f *et seq.*

Our records indicate that you, the Respondent, are in violation of the Administrative Order (the Order). Among other things, the Order included the following requirements (quoted from items 9 and 13 of the Order section on page 3 of the Order):

1. Upon receipt of this Order, Respondent shall monitor for total coliform bacteria monthly. ARM 17.38.215(1)(b). Respondent shall report analytical results to EPA and the State 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).

Respondent failed to monitor for total coliform bacteria in September 2009.

2. Upon the effective date of this Order, Respondent shall report any violation of the total coliform monitoring requirements to EPA and the State within ten days after Respondent learns of it. 40 C.F.R. § 141.21(g)(2).

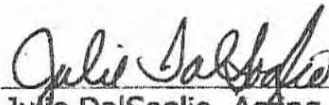
Respondent failed to report to EPA its failure to monitor for total coliform violations in September 2009.

EPA is considering additional enforcement action, including assessment of penalties, as a result of the ongoing non-compliance with the Order detailed above. 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 Sienna Paquin at (406)457-5026 (toll free: 1-866-457-2690, ext. 5009). If you are represented by an attorney who has questions, please ask your attorney to contact Marc Weiner, Enforcement Attorney, at 1-800-227-8917, extension 6913 or (303) 312-6913, or at the following address:

Marc Weiner
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.


Julie DalSoglio, Acting Director
EPA Montana Office

cc: John Arrigo, MT DEQ
Shelley Nolan, MT DEQ
Tina Artemis, EPA Regional Hearing Clerk