



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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

JAN 29 2008

Ref: 8ENF-W

CERTIFIED MAIL LETTER
RETURN RECEIPT REQUESTED

BBQ - 5, LLC, Owner
c/o Gavin Fine
P.O. Box 1908
Wilson, Wyoming 83014

Re: Administrative Order
Docket No. **SDWA-08-2008-0014**
PWS ID #WY5600683

Dear Mr. Fine:

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. §§ 300f *et seq.* Among other things, the Order describes how BBQ - 5, LLC 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 BBQ - 5, LLC complies 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.

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. For legal questions, the attorney assigned to this matter is Tom Sitz, who can be reached at the above address (with the mailcode 8ENF-L) or by phone at (800) 227-8917, extension 6918 or (303) 312-6918.

We urge your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Diane L. Sipe" followed by a flourish and the letters "fn".

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

Enclosures
Order

cc: WY DEQ (via email)
WY DOH (via email)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2008 JAN 29 AM 10:32

IN THE MATTER OF)
)
BBQ – 5, LLC, Owner)
Q Roadhouse)
P.O. Box 1908)
Wilson, Wyoming 83014)
)
Respondent)

ADMINISTRATIVE ORDER
HEARINGS DIVISION

ADMINISTRATIVE ORDER

Docket No. **SDWA-08-2008-0014**

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. BBQ – 5 LLC (Respondent) is a company who owns and/or operates a restaurant, Q Roadhouse (the System) in Teton County, Wyoming which provides piped water to the public for human consumption. The System is supplied by a groundwater source consisting of one well, is not treated, and serves approximately 400 people through 1 service connection all year. The System is a “transient 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 1st (January-March) quarter 2007, 2nd (April-June) quarter 2007, and 3rd (July-September) quarter 2007, and therefore violated this requirement.

4. Respondent is required to report any failure to comply with a coliform monitoring requirement to the EPA within ten days after the System learned of the violation. 40 C.F.R. § 141.21(g)(2). Respondent failed to report to the EPA the failure to monitor total coliform violations listed in paragraph 3 above and therefore violated this requirement.

ORDER

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

5. Upon receipt of this Order, Respondent shall monitor quarterly for total coliform bacteria. 40 C.F.R. § 141.21. Respondent shall report analytical results to EPA 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). 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).

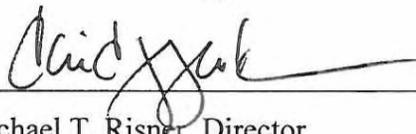
6. Reporting requirements specified in this Order shall be provided by certified mail to:

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

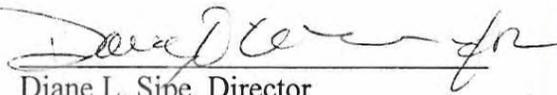
GENERAL PROVISIONS

7. 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.

8. 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



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JAN 29 2008

CERTIFIED MAIL LETTER
RETURN RECEIPT REQUESTED

Teton County Commissioners
c/o Andy Schwartz, Chairman
P.O. Box 3594
Jackson, WY 83001

Re: Notice of Safe Drinking Water Act
Enforcement Action against
BBQ – 5, LLC
PWS ID#WY5600683

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 BBQ – 5, LLC, located in Wilson, Wyoming. This Order requires that BBQ – 5, LLC take measures to return its public water system (Q Roadhouse) to compliance with the SDWA and the National Primary Drinking Water Regulations (NPDWRs). The violations include: failure to monitor for total coliform and failure 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 Shawn McCaffrey at (303) 312-6515.

Sincerely,

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

Enclosure



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