



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

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

2009 JAN -9 PM 12:37

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Ref: 8 ENF-W

JAN - 9 2009

CERTIFIED MAIL #
RETURN RECEIPT REQUESTED

Wesley Fisk, Owner
Red Rooster Bar
5429 Carey Street
Shepherd, MT 59079

Re: Violation of Administrative Order
Docket No. SDWA-08-2008-0016
PWS ID # MT0001763

Dear Mr. Fisk:

On May 5, 2008, the US Environmental Protection Agency (EPA) issued an Administrative Order, Docket No. SDWA-08-2008-0016, ordering you (Respondent), as owner of the Red Rooster Bar, to comply with various regulations issued by EPA under the Safe Drinking Water Act (SDWA), 42 U.S.C. section 300f et seq.

Our records indicate that Red Rooster Bar is in violation of the Administrative Order (the Order). Among other things, the Order included the following requirements (quoted from items 9 and 11 of the Order section on page 3 of the Order):

1. Upon receipt of this Order, Respondent shall monitor monthly for total coliform bacteria. ARM 17.38.215(1)(b). Any violation of the total coliform monitoring requirements shall be reported to EPA and the State within ten days after Respondent learns of it. 40 C.F.R. § 141.21(g)(2).

Red Rooster Bar failed to monitor for total coliform bacteria during October 2008 and failed to report the noncompliance to EPA within ten days of learning of it.

2. Within 30 days of the effective date of this Order, Respondent must provide public notice of the violation(s) specified in Paragraphs 4 – 5 in the Order. 40 C.F.R. §§ 141.201, 141.202 and 141.205. Respondent

shall submit a copy of the public notice to EPA and the State within ten days of completion of the public notice. 40 C.F.R. § 141.31(d).

Respondent failed to submit a public notice for violations of the Order within 30 days from the effective date of the Order (by June 5, 2008). Please complete the public notice for violations listed in the Order, as well as those that occurred after the Order, and submit the public notice to EPA and the State.

EPA is considering additional enforcement action as a result of the non-compliance with the Order. Violating an Administrative Order may lead to (1) a penalty of up to \$32,500 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 Kimberly Pardue Welch at 1-800-227-8917, extension 6983 or (303) 312-6983. If you are represented by an attorney who has questions, please ask your attorney to contact Marc Weiner, Enforcement Attorney, at 1-800-312-6913 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.



Lisa Kahn, Team Leader
Drinking Water Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

cc: John Arrigo, MDEQ
Shelly Nolan, MDEQ
Barbara Pate, Manager
Tina Artemis, EPA Regional Hearing Clerk (via e-mail)

