



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

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2008 JAN 24 AM 8:16

EPA REGION VIII
HEADING CLERK

Ref: 8ENF-W

JAN 24 2008

CERTIFIED MAIL LETTER
RETURN RECEIPT REQUESTED

Marshall W. Dominick, Registered Agent
7D Ranch, LLC
POB 100
Cody, WY 82414

Re: Administrative Order Violation
Docket No. SDWA-08-2007-0085
7D Ranch, PWS ID #WY5600566

Dear Mr. Dominick:

On September 12, 2007, the U.S. Environmental Protection Agency (EPA) issued an Administrative Order ("Order"), Docket No. SDWA-08-2007-00085, ordering the 7D Ranch, LLC ("7D") to comply with the Safe Drinking Water Act (SDWA), 42 U.S.C. Section 300f et seq., and its implementing regulations, the National Primary Drinking Water Regulations (NPDWRs), 40 C.F.R. Part 141.

Our records indicate that 7D is in violation of the Order. Among other things, the Order included the following requirements:

1. Upon receipt of this Order, Respondent [7D] shall monitor quarterly for total coliform bacteria. 40 C.F.R. sections 141.21, 141.63. Respondent shall report analytical results to EPA with 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).

EPA has not received total coliform samples for 3rd (July-September) quarter 2007. Results for an October 2, 2007 sample, however, were received. **If monitoring was completed during the July-September 2007, timeframe, submit results to EPA immediately. If a total coliform sample was not taken during the 3rd quarter of 2007, public notice must be performed on this violation when 7D opens for the season in June 2008.**

2. Prior to October 1, 2007, and per the regulations thereafter, Respondent shall monitor 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).

EPA received nitrate monitoring results taken December 2, 2007. This is a violation of the Order as monitoring was not conducted prior to October 1, 2007.

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.

As a reminder, public notice of the violations cited in the Order and the above total coliform violation must be posted for 7 days when 7D opens for the season in June 2008 and a copy sent to EPA with a signature and dates it was posted. A completed public notice was emailed to the operator Chuck Gunther on December 11, 2007, to assist him in completing this requirement.

If you have any questions you may contact Kathelene Brainich at (303) 312-6481. If you are represented by an attorney, please ask your attorney to direct any legal questions to Thomas Sitz, Enforcement Attorney, at (303) 312-6918 or at the following address:

Thomas Sitz, 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.

Sincerely,



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

cc: WY DEQ/DOH (via email)
Ryan Selk, 7D Ranch