



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

1595 WYNKOOP STREET
DENVER, COLORADO 80202-1129

Phone 800-227-8917

<http://www.epa.gov/region08>

Ref: 8ENF

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

SEP 27 2011

TAS Properties, LLC
Theodore Schumacher, Registered Agent
Post Office Box 4367
Gillette, WY 82717-4367

Theodore Schumacher
310 Ross
Gillette, WY 82716-3726

Re: Complaint and Notice of
Opportunity for Hearing
Docket No. **SDWA-08-2011-0077**

Dear Mr. Schumacher:

Enclosed is an administrative "Complaint and Notice of Opportunity for Hearing" (complaint) filed against TAS Property, LLC and Theodore Schumacher, aka Ted Schumacher ("Powder River Plaza") under section 1414 of the Safe Drinking Water Act (SDWA), 42 U.S.C § 300g-3. The U.S. Environmental Protection Agency (EPA) alleges in the complaint that TAS Properties, LLC and Theodore Schumacher aka Ted Schumacher failed to comply with an Administrative Order, Docket No. SDWA-08-2011-0026, issued on February 23, 2011, under section 1414(g) of the SDWA, 42 U.S.C. §300g-3(g). The violations are specifically set out in the complaint.

By law, Powder River Plaza has the right to request a hearing regarding the matters set forth in the complaint. Please pay particular attention to those parts of the complaint entitled "Opportunity to Request a Hearing" and "Failure to File an Answer." If Powder River Plaza does not respond to this complaint within 30 days of receipt, a default judgment may be entered and the proposed civil penalty may be assessed without further proceedings. In Powder River Plaza's answer it may request a hearing. Powder River Plaza has the right to be represented by an attorney at any stage of these proceedings.

Whether or not Powder River Plaza requests a hearing, its representatives may confer informally with EPA concerning the alleged violations or the amount of the proposed penalty.



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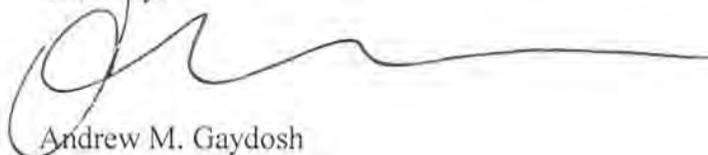
EPA encourages all parties against whom it files a complaint proposing assessment of a penalty to pursue the possibilities of settlement through an informal conference. Any such settlement shall be finalized by the issuance of a final order by the Regional Judicial Officer, EPA Region 8. The issuance of a consent agreement shall constitute a waiver of Powder River Plaza's right to request a hearing on any matter to which it has stipulated in that agreement.

A request for an informal conference does not extend the 30-day period during which Powder River Plaza must submit a written answer and a request for a hearing. The informal conference procedure may be pursued as an alternative to, and simultaneously with, the adjudicatory hearing.

For any questions specific to the violations or penalty, the most knowledgeable people on my staff regarding this matter are Shawn McCaffrey, Environmental Protection Specialist, who can be reached at 800/227-8917 extension 6515 or (303)312-6515, or Jean Belille, Enforcement Attorney, who can be reached at 800/227-8917 extension 6556 or (303)312-6556.

We urge your prompt attention to this matter.

Sincerely,



Andrew M. Gaydosh
Assistant Regional Administrator
Office of Enforcement, Compliance
and Environmental Justice

Enclosure

cc: Tina Artemis, EPA Regional Hearing Clerk
Wyoming DEQ (via email)
Wyoming DOH (via email)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2011 SEP 27 AM 9:31

IN THE MATTER OF)

TAS Properties, LLC and)
Theodore Schumacher aka)
"Ted Schumacher",)

Respondents,)

Proceeding under § 1414(g))
of the Safe Drinking Water Act,)
42 U.S.C. § 300g-3(g))

Docket No. SDWA-08-2011-0077

**COMPLAINT AND NOTICE OF
OPPORTUNITY FOR HEARING**

COMPLAINT

This civil administrative Complaint and Notice of Opportunity for Hearing (Complaint) is issued under the authority vested in the Administrator of the United States Environmental Protection Agency (EPA) by § 1414(g)(3) of the Safe Drinking Water Act, as amended (the SDWA), 42 U.S.C. § 300g-3(g)(3). Section 1414(g)(3) of the SDWA authorizes the Administrator of EPA to assess an administrative civil penalty against any person who violates, or fails or refuses to comply with, an order issued under § 1414(g) of the SDWA, 42 U.S.C. § 300g-3(g).

The complainant in this action is the Assistant Regional Administrator, Office of Enforcement, Compliance and Environmental Justice, EPA Region 8, who has been duly authorized to institute this action. This proceeding is subject to EPA's "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits," 40 C.F.R. part 22 (Consolidated Rules of Practice) (Complainant's Exhibit 1).

GENERAL ALLEGATIONS

The following general allegations apply to each count of this Complaint:

1. TAS Properties, LLC and Theodore Schumacher aka "Ted Schumacher" (Respondents) are a corporation and an individual respectively and, therefore, "persons" as that term is defined in § 1401(12) of the SDWA, 42 U.S.C. § 300f(12), and 40 C.F.R. § 141.2. Respondents own and/or operate the Powder River Plaza public water System (the System), located in Johnson County, Wyoming, for the provision to the public of piped water for human consumption.
2. The System has at least 19 service connections or regularly serves at least 25 individuals at least 60 days out of the year and is therefore a "public water system" as that term is defined in § 1401(4) of the SDWA, 42 U.S.C. § 300f(4), and 40 C.F.R. § 141.2. The System is also a "transient, non-community water system" as that term is defined in 40 C.F.R. § 141.2.
3. As an owner and/or operator of a public water System, Respondents are each a "supplier of water" as that term is defined in § 1401(5) of the SDWA, 42 U.S.C. § 300f(5), and 40 C.F.R. § 141.2. Respondents are therefore subject to the requirements of part B of the SDWA, 42 U.S.C. § 300g et seq., and its implementing regulations, 40 C.F.R. part 141 (also known as the National Primary Drinking Water Regulations or NPDWRs).
4. The source of the System's water is ground water from two wells which provide water that is treated with chlorination for disinfection.

5. On February 23, 2011, in accordance with § 1414(g) of the SDWA, 42 U.S.C. § 300g-3(g), EPA issued an Administrative Order, Docket No. SDWA-08-2011-0026 (the Order) to Respondents, citing violations of the NPDWRs. A copy of the Order is attached to this Complaint (Complainant's Exhibit 2).
6. Respondents are required by 40 C.F.R. § 141.21 to monitor the System's water for total coliform bacteria at least once per quarter. EPA has notified the Respondents that they must take one sample each quarter during the year.
7. Respondents are also required by 40 C.F.R. § 141.23 to monitor the System's water for nitrate within 30 days of receipt of the Order and per the regulations thereafter.
8. By letter dated May 9, 2011, EPA notified Respondents that they were in violation of the Order. A copy of that letter is attached to this Complaint (Complainant's Exhibit 3).
9. By letter dated June 14, 2011, EPA again notified Respondents that they were in violation of the Order. A copy of that letter is attached to this Complaint (Complainant's Exhibit 4).

COUNTS OF VIOLATION

Count I

Failure to Monitor for Nitrate

10. The Order on page 2 in paragraph 12 of the "Order" section required Respondents to monitor the System's water for nitrate within 30 days of receipt of the Order, and per the regulations thereafter as required by 40 C.F.R. § 141.23.

11. The Order was mailed to 2 different addresses, was not accepted at one, and was finally accepted at the other address on March 8, 2011.
12. Respondents violated the Order by failing to monitor for nitrate within 30 days of receipt of this Order by April 8, 2011.

Count II

Failure to Monitor for Total Coliform Bacteria

13. The Order, on page 2, in Paragraph 11 of the "Order" section, required Respondents to monitor the System's water quarterly for total coliform as required by 40 C.F.R. § 141.21.
14. Respondents violated the Order by failing to monitor the System's water for total coliform bacteria during the 1st quarter (January –March) of 2011.

Count III

Failure to Report Coliform Monitoring Violations to EPA

15. The Order, on page 2, in paragraph 11 of the "Order" section, required Respondents to comply with 40 C.F.R. § 141.21(g)(2) by reporting any failure to comply with coliform monitoring requirements under 40 C.F.R. § 141.21 to EPA within ten days after the System's discovery of the violation.
16. Respondents violated the Order by failing to report to EPA that no total coliform sampling was done in the first quarter of 2011.

PROPOSED ADMINISTRATIVE CIVIL PENALTY

This Complaint proposes that EPA assess an administrative penalty against Respondents. EPA is authorized to assess an administrative civil penalty according to § 1414(g)(3) of the

SDWA, 42 U.S.C. § 300g-3(g)(3), for violation of an administrative order issued under § 1414(g) of the SDWA. The amount may be up to \$32,500 for violations occurring after January 12, 2009. (The original statutory amount of \$25,000 has been adjusted for inflation pursuant to 40 C.F.R. part 19.)

EPA has determined the proposed penalty amount in accordance with § 1414 of the SDWA, 42 U.S.C. § 300g-3. Taking into account the seriousness of the violation, the population at risk, and other appropriate factors, including Respondent's degree of willfulness and/or negligence, history of noncompliance, and ability to pay, as known to EPA at this time, EPA proposes to assess an administrative civil penalty of \$1,250.00 jointly against Respondents for their violations of the Order.

OPPORTUNITY TO REQUEST A HEARING

As provided in § 1414(g)(3)(B) of the SDWA, 42 U.S.C. § 300g-3(g)(3)(B), Respondents have the right to request a public hearing to contest any material fact alleged in this Complaint, to contest the appropriateness of the proposed penalty and/or to assert that it is entitled to judgment as a matter of law.

If Respondents wish to request a hearing, Respondents must file a written answer in accordance with 40 C.F.R. §§ 22.15 and 22.42 within thirty (30) calendar days after this Complaint is served. If this Complaint is served by mail, Respondents have an additional five (5) calendar days, pursuant to 40 C.F.R. § 22.7(c), in which to file their answer.

If Respondents request a hearing in their answer, the procedures provided in 40 C.F.R. part 22, subpart I, will apply to the proceedings, and the Regional Judicial Officer will preside. However, Respondents have the right under the SDWA to elect a hearing on the record in accordance with § 554 of the Administrative Procedure Act, 5 U.S.C. §§ 551 *et seq.* ("APA").

For Respondents to exercise this right, the answer must include a specific request for a hearing on the record in accordance with 5 U.S.C. § 554. Upon such request, the Regional Hearing Clerk will re-caption the pleadings and documents in the record as necessary. (See 40 C.F.R. § 22.42.) Pursuant to such a request, subpart I will not apply to the proceedings and an Administrative Law Judge from Washington, D.C., will preside.

The answer must be in writing. An original and one copy of the answer must be sent to:

Tina Artemis
Region 8 Hearing Clerk (8RC)
U.S. Environmental Protection Agency
1595 Wynkoop Street
Denver, CO 80202

A copy of the answer must also be sent to the attorney whose name and address are provided in the signature block at the end of this Complaint.

FAILURE TO FILE AN ANSWER

If Respondents do not file a written answer with the Regional Hearing Clerk at the address above within thirty (30) days of receipt of this Complaint, Respondents may be subject to a default order requiring payment of the full penalty proposed in this Complaint.

EPA may obtain a default order according to 40 C.F.R. § 22.17.

REQUIREMENTS FOR ANSWER

The answer must clearly and directly admit, deny, or explain each of the factual allegations contained in this Complaint with regard to which Respondents have any knowledge. The answer must state (1) any circumstances or arguments Respondents allege to constitute grounds of defense, (2) any facts Respondents dispute, (3) whether and on what basis Respondents oppose the

proposed penalty, and (4) whether Respondents request a hearing. **Failure to admit, deny, or explain any material factual allegation contained in this Complaint shall constitute an admission of that allegation.**

QUICK RESOLUTION

Respondents may resolve this proceeding at any time by paying the penalty amount proposed in this Complaint. Respondents may make this payment by (1) sending a cashier's or certified check for this amount, including the name and docket number of this case, payable to "Treasurer, United States of America," to the address below to the U.S. Environmental Protection Agency, Fines and Penalties, Cincinnati Finance Center, P.O. Box 979077, St. Louis, MO, 63197-9000, and (2) filing a copy of the check with Tina Artemis, Region 8 Hearing Clerk (8RC), at the address on the preceding page.

If Respondents make this payment within 30 days of receiving this Complaint, they need not file an answer. Such payment waives Respondents' right to contest the allegations and to appeal any final order resulting from this Complaint. See § 22.18 of the Rules of Practice for more explanation of the quick resolution process.

SETTLEMENT CONFERENCE

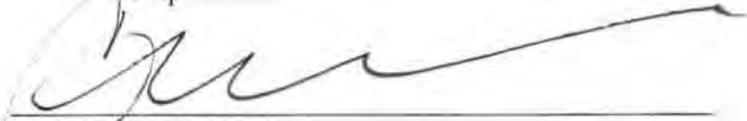
EPA encourages exploring settlement possibilities through informal settlement negotiations. **However, failing to file an answer may lead to a default order, even if settlement negotiations occur.** The parties may simultaneously pursue settlement and proceed with administrative litigation. If a settlement is reached, its terms shall be expressed in a written consent agreement, signed by the parties and incorporated into a final order signed by the

Presiding Officer. Any request for settlement negotiations should be directed to the attorney named below.

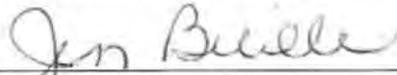
Dated this 27 day of September, 2011.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, REGION 8

Complainant.



Andrew M. Gaydosh
Assistant Regional Administrator
Office of Enforcement, Compliance and
Environmental Justice



Jean Belille
Enforcement Attorney
Office of Enforcement, Compliance and
Environmental Justice
U.S. EPA Region 8
1595 Wynkoop Street
Denver, Colorado 80202
Telephone Number: (303) 312-6556
Facsimile Number: (303) 312-7519

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the original and a copy of the COMPLAINT AND NOTICE OF OPPORTUNITY FOR HEARING with all Exhibits were hand-carried to the Regional Hearing Clerk, EPA, Region 8, 1595 Wynkoop Street, Denver, Colorado, and that true copies of the same were sent to the following addresses by CERTIFIED MAIL/RETURN RECEIPT REQUESTED:

TAS Properties, LLC
Theodore Schumacher, Registered Agent
Post Office Box 4367
Gillette, WY 82717-4367
Certified mail, return receipt requested
No.

Theodore Schumacher
310 Ross
Gillette, WY 82716-3726
No.

Date: 9/21/2011

By: Judith McTernan
Judith McTernan

§21.13

approve or disapprove the State issued statement, in accordance with the requirements of §21.5.

(2) The Regional Administrator will periodically review State program performance. In the event of State program deficiencies the Regional Administrator will notify the State of such deficiencies.

(3) During that period that any State's program is classified as deficient, statements issued by a State shall also be sent to the Regional Administrator for review. The Regional Administrator shall notify the State, the applicant, and the SBA of any determination subsequently made, in accordance with §21.5, on any such statement.

(i) If within 60 days after notice of such deficiencies has been provided, the State has not taken corrective efforts, and if the deficiencies significantly affect the conduct of the program, the Regional Administrator, after sufficient notice has been provided to the Regional Director of SBA, shall withdraw the approval of the State program.

(ii) Any State whose program is withdrawn and whose deficiencies have been corrected may later reapply as provided in §21.12(a).

(g) Funds appropriated under section 106 of the Act may be utilized by a State agency authorized to receive such funds in conducting this program.

§21.13 Effect of certification upon authority to enforce applicable standards.

The certification by EPA or a State for SBA Loan purposes in no way constitutes a determination by EPA or the State that the facilities certified (a) will be constructed within the time specified by an applicable standard or (b) will be constructed and installed in accordance with the plans and specifications submitted in the application, will be operated and maintained properly, or will be applied to process wastes which are the same as described in the application. The certification in no way constitutes a waiver by EPA or a State of its authority to take appropriate enforcement action against the owner or operator of such facilities for violations of an applicable standard.

PART 22—CONSOLIDATED RULES OF PRACTICE GOVERNING THE ADMINISTRATIVE ASSESSMENT OF CIVIL PENALTIES AND THE REVOCATION/TERMINATION OR SUSPENSION OF PERMITS

Subpart A—General

- Sec.
- 22.1 Scope of this part.
- 22.2 Use of number and gender.
- 22.3 Definitions.
- 22.4 Powers and duties of the Environmental Appeals Board, Regional Judicial Officer and Presiding Officer; disqualification, withdrawal, and reassignment.
- 22.5 Filing, service, and form of all filed documents; business confidentiality claims.
- 22.6 Filing and service of rulings, orders and decisions.
- 22.7 Computation and extension of time.
- 22.8 *Ex parte* discussion of proceeding.
- 22.9 Examination of documents filed.

Subpart B—Parties and Appearances

- 22.10 Appearances.
- 22.11 Intervention and non-party briefs.
- 22.12 Consolidation and severance.

Subpart C—Prehearing Procedures

- 22.13 Commencement of a proceeding.
- 22.14 Complaint.
- 22.15 Answer to the complaint.
- 22.16 Motions.
- 22.17 Default.
- 22.18 Quick resolution; settlement; alternative dispute resolution.
- 22.19 Prehearing information exchange; prehearing conference; other discovery.
- 22.20 Accelerated decision; decision to dismiss.

Subpart D—Hearing Procedures

- 22.21 Assignment of Presiding Officer; scheduling the hearing.
- 22.22 Evidence.
- 22.23 Objections and offers of proof.
- 22.24 Burden of presentation; burden of persuasion; preponderance of the evidence standard.
- 22.25 Filing the transcript.
- 22.26 Proposed findings, conclusions, and order.

Subpart E—Initial Decision and Motion to Reopen a Hearing

- 22.27 Initial decision.
- 22.28 Motion to reopen a hearing.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2011 FEB 23 AM 9:54

IN THE MATTER OF:)
)
TAS Properties, LLC and)
Theodore Schumacher aka)
"Ted Schumacher",)
)
Respondents.)

Docket No. SDWA-08-2011-0026

ADMINISTRATIVE ORDER

1. This Order is issued under the authority vested in the Administrator of the United States Environmental Protection Agency (EPA) by the Safe Drinking Water Act, 42 U.S.C. §§ 300f *et seq.* (the Act), as properly delegated to the undersigned officials.

2. TAS Properties, LLC and Ted Schumacher (Respondents) are a corporation and individual respectively under Wyoming law that own and/or operate the Powder River Plaza Water System (the system), which provides piped water to the public in Johnson County, Wyoming, for human consumption.

3. The system is supplied by a ground water source consisting of two wells which provide water that is treated with chlorination for disinfection.

4. The system has approximately 19 service connections and/or regularly serves at least 25 individuals daily at least 60 days out of the year. Therefore, the system is a "public water system" as defined in § 1401(4) of the Act, 42 U.S.C. § 300f(4), and 40 C.F.R. § 141.2. The system is also a "transient, non-community water system" as defined in 40 C.F.R. § 141.2.

5. Respondents are subject to the Act and the National Primary Drinking Water Regulations (drinking water regulations) at 40 C.F.R. part 141. The drinking water regulations are "applicable requirements" as defined in § 1414(i) of the Act, 42 U.S.C. § 300g-3(i).

6. The drinking water regulations include monitoring requirements. EPA has sent Respondents annual notifications of the specific monitoring requirements that apply to the system.

VIOLATIONS

7. Respondents are required to monitor the system's water quarterly for total coliform bacteria. 40 C.F.R. § 141.21. Respondents failed to monitor the system's water for total coliform bacteria during the 4th (October – December) quarter of 2009, 2nd (April – June) quarter of 2010, 3rd (July – September) quarter of 2010, and the 4th quarter of 2010, and, therefore, violated this requirement.

8. Respondents are required to monitor the system's water annually for nitrate. 40 C.F.R. § 141.23(d). Respondent failed to monitor the system's water for nitrate during 2010, and, therefore, violated this requirement.
9. Respondents are required to report any failure to meet a coliform monitoring requirement to EPA no later than 10 days after learning of this violation. 40 C.F.R. § 141.21(g)(2). Respondents did not notify EPA of the violations cited in paragraph 7, above, and, therefore, violated this requirement.
10. Respondents are required to report any failure to comply with any of the drinking water regulations to EPA within 48 hours (except where the drinking water regulations specify a different reporting period). 40 C.F.R. § 141.31(b). Respondents failed to report the violation listed in paragraph 8, above, to EPA and, therefore, violated this requirement.

ORDER

Based on the above violations, Respondents are 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, as required by 40 C.F.R. § 141.21. Respondents shall report analytical results to EPA within the first 10 days following the month in which sample results were received, as required by 40 C.F.R. § 141.31(a). Respondents shall report any violation of the total coliform monitoring requirements to EPA within 10 days of discovery, as required by 40 C.F.R. § 141.21(g)(2).
12. Within 30 days of receipt of this Order, and per the regulations thereafter, Respondents shall monitor the system's water for nitrate. 40 C.F.R. § 141.23. Respondents shall report analytical results to EPA within the first 10 days following the month in which sample results were received, as required by 40 C.F.R. § 141.31(a). Respondents shall report any violation of the nitrate monitoring requirements to EPA within 48 hours of the violation occurring, as required by 40 C.F.R. § 141.31(b).
13. Respondents shall direct all reporting required by this Order to:

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

GENERAL PROVISIONS

14. 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.

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

Issued: February 23, 2011.

Michael T. Risner

Michael T. Risner, Director
David Janik, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Arturo Palomares

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





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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

2011 MAY -9 AM 10:33

MAY 09 2011

Ref: 8 ENF-W

CERTIFIED MAIL #
RETURN RECEIPT REQUESTED

TAS Properties, LLC
Theodore Schumacher, Registered Agent
P.O. Box 4367
Gillette, WY 82717-4367

Re: Violation of Administrative Order
Docket No. SDWA-08-2011-0026
Powder River Plaza
PWS ID # WY5601547

Dear Mr. Schumacher:

On February 23, 2011, the US Environmental Protection Agency (EPA) issued an Administrative Order (the Order), Docket No. SDWA-08-2011-0026, ordering you and/or TAS Properties, LLC as owner and/or operator of the Powder River Plaza Public Water System (the system) to comply with various drinking water regulations issued by EPA under the Safe Drinking Water Act (the Act), 42 U.S.C. Section 300f *et seq.*

Our records indicate that you and/or TAS Properties, LLC (Respondents) are in violation of the Administrative Order. Among other things, the Order included the following requirement (quoted from item 12, of the Order section on page 2 of the Order):

1. Within 30 days of receipt of this Order, and per the regulations thereafter, Respondents shall monitor the system's water for nitrate. 40 C.F.R. § 141.23. Respondents shall report analytical results to EPA within the first 10 days following the month in which sample results were received, as required by 40 C.F.R. § 141.31(a). Respondents shall report any violation of the nitrate monitoring requirements to EPA within 48 hours of the violation occurring, as required by 40 C.F.R. § 141.31(b).

Respondents did not monitor for nitrate within 30 days of receipt of this Order (April 8, 2011) and failed to report this violation to EPA. Please conduct this sampling immediately and submit the results to EPA.

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 \$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 Shawn McCaffrey at 1-800-227-8917, extension 6515 or (303) 312-6515. Any questions from your attorneys should be directed to David Rochlin, Senior Enforcement Attorney, at (303) 312-6892 or at the following address:

David Rochlin
Senior 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: Tina Artemis, EPA Regional Hearing Clerk
Wyoming DEQ (via email)
Wyoming DOH (via email)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
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EPA REGION 8
JUN 14 2011 12:06 PM

JUN 14 2011

Ref: 8 ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

TAS Properties, LLC
Theodore Schumacher, Registered Agent
P.O. Box 4367
Gillette, WY 82717-4367

Re: Violation of Administrative Order
Docket No. SDWA-08-2011-0026
Powder River Plaza
PWS ID # WY5601547

Dear Mr. Schumacher:

On February 23, 2011, the US Environmental Protection Agency (EPA) issued an Administrative Order (the Order), Docket No. SDWA-08-2011-0026, ordering you and/or TAS Properties, LLC as owner and/or operator of the Powder River Plaza Public Water System (the system) to comply with various drinking water regulations issued by EPA under the Safe Drinking Water Act (the Act), 42 U.S.C. Section 300f et seq.

Our records indicate that you and/or TAS Properties, LLC (Respondents) are again in violation of the Administrative Order. Among other things, the Order included the following requirement (quoted from item 11, of the Order section on page 2 of the Order):

1. Respondents shall monitor the system's water quarterly for total coliform bacteria, as required by 40 C.F.R. § 141.21. Respondents shall report analytical results to EPA within the first 10 days following the month in which sample results were received, as required by 40 C.F.R. § 141.31(a). Respondents shall report any violation of the total coliform monitoring requirements to EPA within 10 days of discovery, as required by 40 C.F.R. § 141.21(g)(2).

Respondents did not monitor for total coliform bacteria at the system during the 1st quarter (January - March) of 2011 and failed to report this violation to EPA.

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 \$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 Shawn McCaffrey at 1-800-227-8917, extension 6515 or (303) 312-6515. Any questions from your attorneys should be directed to David Rochlin, Senior Enforcement Attorney, at (303) 312-6892 or at the following address:

David Rochlin
Senior 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: Tina Artemis, EPA Regional Hearing Clerk
Wyoming DEQ (via email)
Wyoming DOH (via email)