



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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

Ref: 8ENF-W

NOV - 7 2011

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Goshen County Commissioners
c/o Jim Hudelson, Chairman
2125 East A Street
Torrington, WY 82240

Re: Notice of Safe Drinking Water Act Enforcement
Action against Buckinghorse Steak House and
Lounge Public Water System
PWS ID # WY5601611

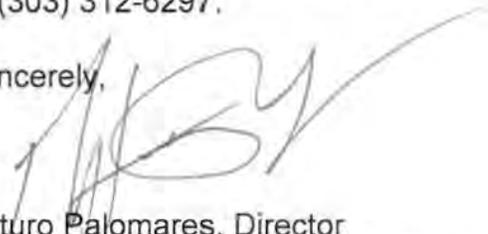
Dear Commissioners:

The Safe Drinking Water Act (SDWA) requires that the Environmental Protection Agency (EPA) notify locally elected officials of certain enforcement actions taken in their area.

EPA has issued an Administrative Order (Order) to B.H. Investment, LLC, which owns and/or operates the Buckinghorse Steak House and Lounge water system, located in Goshen County, WY, directing it to comply with the National Primary Drinking Water Regulations. The violations alleged in the Order include failing to monitor for total coliform bacteria, exceeding the maximum contaminant level for total coliform bacteria, and failing to report certain violations to EPA.

For more details, a copy of the Order is enclosed. **The Order does not require any response or action by the County Commission.** If you have any questions regarding this Order, please contact Mario Mérida at (303) 312-6297.

Sincerely,


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

Enclosure:
Order



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CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Shad Shimic, Registered Agent
B.H. Investment, LLC
P.O. Box 537
Torrington, WY 82240

Re: Administrative Order
Buckinghorse Steak House and
Lounge Public Water System
Docket No. **SDWA-08-2012-0003**
PWS ID #WY5601611

Dear Mr. Shimic:

Enclosed is an Administrative Order (Order) issued by the Environmental Protection Agency (EPA) under the authority of section 1414(g) of the Safe Drinking Water Act, 42 U.S.C. § 300g-3. Among other things, the Order alleges that violations of the National Primary Drinking Water Regulations (drinking water regulations) occurred at the Buckinghorse Steak House System (the System). EPA acknowledges that some of those violations may have taken place before B.H. Investment, LLC (the Company), assumed ownership and/or management of the system. However, given the particular violations at the System, which include evidence of total coliform maximum contaminant level exceedences, EPA is requiring the Company to take actions to address future contamination issues that may arise.

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 the Company complies with the Order, 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.

The Small Business Regulatory Enforcement and Fairness Act (SBREFA) may apply to this situation. Enclosed is a small business information sheet,

outlining compliance assistance resources available to small businesses and small governments, in case these are relevant. SBREFA does not eliminate the responsibility to comply with the Order or the drinking water regulations.

The Order requires the Company to notify the public of having violated the drinking water regulations. Enclosed please find a public notice template explaining the public notice requirements in more detail.

To submit information or request an informal conference with EPA, please contact Mario Mérida at the above address (with the mailcode 8ENF-W) or by phone at (800) 227-8917, extension 6297 or (303) 312-6297. Any questions from the Company's attorneys should be directed to Jean Belille, Enforcement Attorney, who may be reached at the above address (with the mailcode 8ENF-L) or by phone at (800) 227-8917, extension 6556 or (303) 312-6556.

We urge your prompt attention to this matter.

Sincerely,



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

Enclosures:

Order
SBREFA Information Sheet
Public Notice Template

cc:

WY DEQ/DOH (via email)
Tina Artemis, EPA Regional Hearing Clerk
Shad Shimic, Operator, Buckinghorse Steak House and Lounge public
water system

VIOLATIONS

7. Respondent is required to monitor the System's water quarterly for total coliform bacteria. 40 C.F.R. § 141.21(a). Respondent failed to monitor the System's water for total coliform bacteria during the 2nd quarter (April – June) of 2011, and, therefore, violated this requirement.

8. If two or more samples collected in any month from the System's water are positive for total coliform, the System has violated the maximum contaminant level (MCL) for total coliform bacteria. 40 C.F.R. § 141.63(a)(2). During the months of January and February 2011 two or more samples from the System were positive for total coliform, and, therefore, Respondent or the prior owner of the System violated this requirement.

9. Respondent is required to report any failure to comply with any coliform monitoring requirement to EPA within 10 days after discovering the violation. 40 C.F.R. § 141.21(g)(2). Respondent failed to report the violation listed in paragraph 7, above, to EPA and, therefore, violated this requirement.

ORDER

Based on the above violations, Respondent is ordered to perform the following actions upon Respondent's receipt of this Order (unless a different deadline is specified below):

10. Respondent shall monitor the System's water quarterly for total coliform bacteria and, in the event of any result that is positive for total coliform, conduct repeat and additional routine monitoring, as required by 40 C.F.R. § 141.21. Respondent shall report analytical results to EPA within the first 10 days following the month in which Respondent received sample results, as required by 40 C.F.R. § 141.31(a). Respondent shall report any violation of the total coliform monitoring requirements to EPA within 10 days after discovering the violation, as required by 40 C.F.R. § 141.21(g)(2).

11. If Respondent's total coliform sample results exceed the MCL while this Order is in effect, within 30 days of that violation, Respondent shall provide EPA with a compliance plan and schedule for the System to come into compliance with the MCL for total coliform as stated in 40 C.F.R. § 141.63(a). The plan shall include proposed System modifications, estimated costs of modifications, and a schedule for completion of the project and compliance with the total coliform



MCL. The proposed schedule shall include specific milestone dates and a final compliance date. The final compliance date shall be within two months from the date of EPA's approval of the plan and schedule. The proposed plan and schedule must be approved by EPA before construction or modifications may begin. EPA's approval of Respondent's plan and schedule does not substitute for any State of Wyoming approvals of plans and specifications that may also be required before modifications may be made to the System.

12. The plan and schedule required by paragraph 11, above, shall be incorporated into this Order as enforceable requirements upon written approval by EPA.

13. Within 10 days after completing all tasks included in the plan and schedule required by paragraph 11, above, Respondent shall notify EPA of the project's completion.

14. Respondent shall achieve and maintain compliance with the total coliform MCL by the final date specified in the approved plan, or no later than two months after receipt of EPA's approval of the plan and schedule required by paragraph 11 above, whichever is earliest. Respondent shall meet that deadline even if the plan as approved does not achieve compliance. If the plan fails to achieve permanent compliance, EPA may order further steps and/or seek penalties for noncompliance.

15. EPA has no record that public notification was conducted by Respondent or by the previous owner of the System for the violations cited in paragraphs 7 and 8, above. Therefore, within 30 days after receipt of this Order, Respondent shall notify the public of the violations cited in paragraphs 7 and 8, above, as required by 40 C.F.R. part 141, subpart Q. Thereafter, following any future violation of the drinking water regulations, Respondent shall comply with the applicable public notice provisions of 40 C.F.R. part 141, subpart Q. Within 10 days after providing public notice, Respondent shall submit a copy of the notice to EPA.

16. Respondent shall direct all reporting required by this Order to:

U.S. EPA Region 8 (8ENF-W)
Attention: Mario Mérida
1595 Wynkoop
Denver, CO 80202-1129

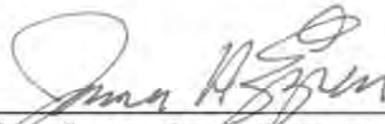


GENERAL PROVISIONS

17. This Order shall 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.

18. Violation of any part of this Order or the Drinking Water Regulations may subject Respondent 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: November 7, 2011.



Acting Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice



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

