



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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2013 DEC 26 AM 10:49

EPA REGION VIII
HEARING CLERK

DEC 26 2013

Ref: 8ENF-W

CERTIFIED MAIL RETURN RECEIPT REQUESTED

Cindy F. Buckendorf, Registered Agent
Eden Saloon, Inc.
3629 N. US Hwy 191
Eden, WY 82932

Re: Administrative Order Violation #2
Eden Saloon Water System
Docket No. SDWA-08-2012-0023
PWS ID #WY5600111

Dear Ms. Buckendorf:

On May 10, 2012, the U.S. Environmental Protection Agency (EPA) issued an Administrative Order (Order) ordering Eden Saloon, Inc. (Eden), as owner and/or operator of the Eden Saloon public water system, 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 Eden (Respondent) is in violation of the Order. Among other things, the Order included the following requirement (from paragraph 19 on page 3 of the Order):

Respondent shall achieve and maintain compliance with the total coliform MCL by the final date specified in the approved plan, or no later than three months after receipt of the EPA's approval of the plan and schedule required by this Order, whichever is earliest. If the plan fails to achieve permanent compliance, the EPA may order further steps and/or seek penalties for noncompliance.

Monitoring results from Eden taken on November 4 and 12, 2013, were analyzed as total coliform positive and, therefore, exceeded the MCL. As was relayed to Patsy Smith of Eden Saloon by Kathelene Brainich of the EPA during a telephone conversation on November 26, 2013, Eden is required to **submit a compliance plan and schedule to the EPA by December 16, 2013**, as required by paragraph 16 of the Order, quoted below:

"If Respondent's total coliform sample results exceed the MCL while this Order is in effect, Respondent shall, within 30 days after learning of this violation, provide the 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 modifications to the System, estimated costs of modifications, and a schedule for completion of the project and compliance with the total coliform

MCL. This plan may include, for instance, installation of continuous disinfection or other appropriate measures for attaining and maintaining compliance. The proposed schedule shall include specific milestone dates and the final compliance date shall be within three months from the date of the EPA's approval of the plan and schedule. The plan and schedule must be approved by the EPA before construction or modifications can begin. The EPA's approval of Respondent's plans and schedule does not substitute for any State of Wyoming approval of plans and specifications that may also be required before modifications may be made to the System.

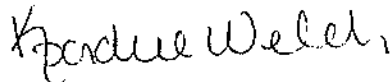
While the EPA acknowledges that Eden has continued to work on the system and consulted with the Wyoming Association of Rural Water Systems to prevent positive total coliform samples, the EPA is considering additional enforcement action as a result of Eden's non-compliance with the Order. Violating an 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 you may contact Kathelene Brainich at 1-800-227-8917, extension 6481, or (303) 312-6481. If Eden is represented by an attorney who has questions, please ask the attorney to direct any legal questions to Marc Weiner, Enforcement Attorney, at 1-800-227-8917, extension 6913 or (303) 312-6913, or at the following address:

Marc Weiner, Enforcement Attorney
U.S. EPA, Region 8 (8ENF-L)
1595 Wynkoop Street
Denver, Colorado 80202-1129

We urge your prompt attention to this matter.

Sincerely,



Kimberly Pardue-Welch, Team Leader
Drinking Water Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

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