



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

1595 Wynkoop Street
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Phone 800-227-8917
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AUG 26 2008

EPA REGION VIII
READING OFFICE

Ref: 8 ENF-W

CERTIFIED MAIL #
RETURN RECEIPT REQUESTED

Randy Gordon, Owner
Kozy Korner Steakhouse
6070 Woodworth Road
Greenough, MT 59823

Re: Violation of Administrative Order
Docket No. SDWA-08-2008-0039
PWS ID # MT0000866

Dear Mr. Gordon:

On May 29, 2008, the US Environmental Protection Agency (EPA) issued an Administrative Order, Docket No. SDWA-08-2008-0039, ordering you (Respondent), as owner of the Kozy Korner Steakhouse, 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 Kozy Korner Steakhouse is in violation of the Administrative Order (the Order). Among other things, the Order included the following requirements (quoted from items 13, 14 and 20 of the Order section on pages 3 and 4 of the Order):

1. Upon receipt of this Order, Respondent shall comply with the total coliform acute maximum contaminant level (MCL) and the total coliform MCL as stated in 40 C.F.R. §§ 141.63(a) and 141.63(b). Any violation of the total coliform acute MCL or total coliform MCL shall be reported to EPA and the State no later than the end of the next business day after Respondent learns of it. 40 C.F.R. § 141.21(g)(1).

Kozy Korner Steakhouse exceeded the MCL for total coliform bacteria in June 2008 and failed to notify EPA of the violation.

2. Within 30 days of the effective date of this Order (by June 30, 2008), Respondent shall provide EPA with a compliance plan and schedule for

the system to come into compliance with the MCL for total coliform bacteria as stated in 40 C.F.R. §§ 141.63(a) and 141.63(b).

Respondent failed to provide EPA with a compliance plan and schedule for the system to come into compliance with the total coliform MCL within 30 days from the effective date of the Order (by June 30, 2008). Please submit this plan to EPA immediately.

3. Within 30 days of the effective date of this Order, Respondent must provide public notice of the violation(s) specified in Paragraphs 6 through 8 in the Administrative 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 10 days of completion of the public notice. 40 C.F.R. § 141.31(d).

Respondents failed to submit a public notice to EPA. If public notice has not been completed, please do so immediately and submit a copy to EPA. If public notice has been conducted, please submit a copy 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 \$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

