



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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

JUL 28 2010

Ref: 8ENF-W

CERTIFIED MAIL LETTER
RETURN RECEIPT REQUESTED

Sheridan County Commissioners
c/o Steve Maier, Chairman
224 S. Main Street
Suite B1
Sheridan, WY 82801

Re: Notice of Safe Drinking Water Act
Enforcement Action against
Richard Smith, Owner
Lodore Supper Club and Saloon
PWS ID #WY5600545

Dear Commissioners:

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

EPA has issued an Administrative Order (Order) to Richard Smith, owner and operator of the Lodore Supper Club and Saloon, located in Story, Wyoming, directing him to comply with the National Primary Drinking Water Regulations. The violations alleged in the Order include: failing to monitor the water for total coliform; failing to provide public notice of the violations; and failing to report these 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 Shawn McCaffrey at (303) 312-6515.

Sincerely,

A handwritten signature in black ink, appearing to read "Arturo Palomares", written over a horizontal line.

Arturo Palomares, Director
Water Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice
U.S. Environmental Protection Agency-Region 8

Enclosure
Order



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

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JUL 28 2010

Ref: 8ENF-W

CERTIFIED MAIL LETTER
RETURN RECEIPT REQUESTED

Richard Smith, Owner
Lodore Supper Club and Saloon
P. O. Box 6044
Sheridan, WY 82801-1444

Re: Administrative Order
Lodore Supper Club and Saloon
Public Water System
Docket No. **SDWA-08-2010-0062**
PWS ID# WY5600545

Dear Mr. Smith:

Enclosed is an Administrative Order (Order) issued by the United States Environmental Protection Agency (EPA) under the authority of the Safe Drinking Water Act (SDWA), 42 U.S.C. §§ 300f *et seq.* Among other things, the Order alleges that you have violated the National Primary Drinking Water Regulations (the drinking water regulations).

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 you comply 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.

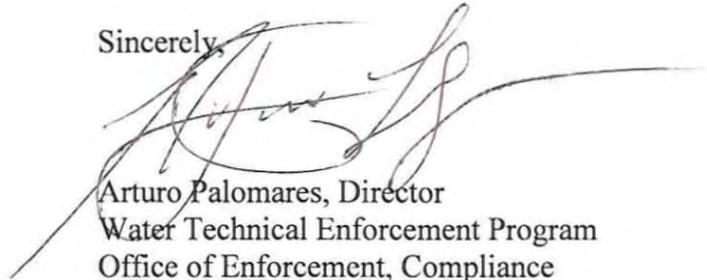
The Small Business Regulatory Enforcement and Fairness Act (SBREFA) may apply to this situation. Enclosed is a small business information sheet, outlining compliance assistance resources available to small businesses and small governments, in case these are relevant. SBREFA does not eliminate the responsibility to comply with the Order or the drinking water regulations.

The Order requires you 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 Shawn McCaffrey at the above address (with the mailcode 8ENF-W) or by phone at (800) 227-8917, extension 6515 or (303) 312-6515. Any questions from your attorney should be directed to David Janik, Senior Enforcement Attorney, who may be reached at the above address (with the mailcode 8ENF-L) or by phone at (800) 227-8917, extension 6917 or (303) 312-6917.

We urge your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Arturo Palomares', written over a horizontal line.

Arturo Palomares, Director
Water Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice
U.S. Environmental Protection Agency-Region 8

Enclosures:

Order
SBREFA Information Sheet
Public Notice Template

cc:

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

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2010 JUL 28 AM 8:44

IN THE MATTER OF:)
)
Richard Smith aka "Rick Smith",)
)
Respondent.)

Docket No. **SDWA-08-2010-0062**

ADMINISTRATIVE ORDER

FILED
EPA REGION VIII
RECORDING CLERK

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. Richard Smith is an individual who owns and/or operates the Lodore Supper Club and Saloon Water System (the system), which provides piped water to the public in Sheridan County, Wyoming, for human consumption.
3. The system is supplied by a ground water source consisting of one well which provides water that is not treated.
4. The system has 1 service connection and/or regularly serves an average of approximately 210 individuals daily for at least 6 months 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. Respondent is 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 Respondent annual notifications of the specific monitoring requirements that apply to the system.

VIOLATIONS

7. Respondent is required to monitor the system's water quarterly for total coliform bacteria. 40 C.F.R. § 141.21. Respondent failed to monitor the system's water for total coliform bacteria during the 4th (October – December) quarter of 2008, 2nd (April – June) quarter of 2009, and the 4th quarter of 2009, and, therefore, violated this requirement.
8. Respondent is 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). Respondent did not notify EPA of the violations cited in paragraph 7, above, and, therefore, violated this requirement.

9. Respondent is required to report the results of testing for total coliform bacteria to EPA no later than (1) the first 10 days following the month in which the result is received, or (2) the first 10 days following the end of the required monitored period, whichever is earlier. 40 C.F.R. § 141.31(a). Respondent sampled the water for contamination of total coliform bacteria on February 17, 2009, but failed to report the analytical results to EPA until September 1, 2009, and therefore, violated this requirement.

10. Respondent is required to notify the public of certain violations of the drinking water regulations, in the manner specified by the regulations. 40 C.F.R. §§ 141.201 *et seq.* Respondent failed to notify the public of the violations listed in paragraph 7, above, and, therefore, violated this requirement. Public notice for the 4th quarter 2009 failure to monitor total coliform violation cited in paragraph 7 is not yet overdue.

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):

11. Respondent shall monitor the system's water quarterly for total coliform bacteria, 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 sample results were received, 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 of discovery, as required by 40 C.F.R. § 141.21(g)(2).

12. Within 30 days after receiving this Order, Respondent shall notify the public of the violations cited in paragraph 7, above, following the instructions provided with the public notice templates provided to Respondent with this Order. Thereafter, following any future violation of the drinking water regulations, Respondent shall comply with any 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.

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

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



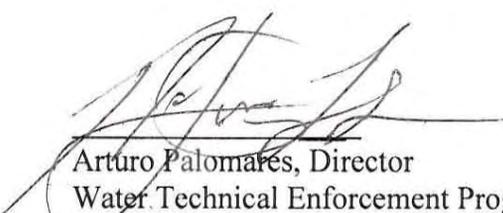
GENERAL PROVISIONS

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 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: July 28, 2010.


Michael T. Risner, Director
David Rochlin, 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
U.S. Environmental Protection Agency-Region 8