



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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

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EPA REGION VIII  
HEARINGS ROOM

Ref: 8ENF-W

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

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

Re: Administrative Order Violation, PWS ID #WY5601611Docket No. SDWA-08-2012-0003

Dear Mr. Shimic:

On November 7, 2011, the U.S. Environmental Protection Agency (EPA) issued an Administrative Order (Order), ordering B.H. Investment, LLC (Respondent), as owner and/or operator of the Buckinghorse Steak House and Lounge public water system (System), to comply with certain regulations promulgated under the federal Safe Drinking Water Act, 42 U.S.C. §§ 300f to 300j-26.

The EPA's records indicate that the Respondent is in violation of the Order. Among other things, the Order included the following requirements (summarized from items 10 and 15 on pages 2 and 3, respectively, of the Order):

1. 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 coliform monitoring requirements to EPA within 10 days after discovering the violation, as required by 40 C.F.R. § 141.21(g)(2).

Respondent failed to monitor the System's water for total coliform bacteria during the 3<sup>rd</sup> and 4<sup>th</sup> quarters of 2013 and did not report the noncompliance to EPA.

2. Within 30 days after receipt of this Order, Respondent shall notify the public of the violations cited in paragraphs 7 and 8 [of the Order], 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.

Respondent failed to submit the required public notice to the EPA. If public notice has not been completed, please do so immediately and submit a copy to the EPA within 30 days of your receipt of this notice. If public notice has been completed, please provide EPA with a copy within 30 days of your receipt of this notice. In addition, Respondent shall issue public notice for the 3<sup>rd</sup> quarter 2013, failure to monitor total coliform violation listed above, no later than September 30, 2014, and for the 4<sup>th</sup> quarter 2013 failure to monitor total coliform violation listed above no later than December 31, 2014, and submit copies of those notices to the EPA within 10 days after posting.

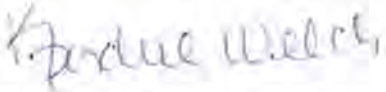
**The EPA is considering additional enforcement action as a result of the Respondent's non-compliance with the Order.** Violating an administrative order may lead to (1) a penalty of up to \$37,500 per day per violation of the order, and/or (2) a court injunction ordering compliance.

If the EPA's information appears incorrect and/or you have any questions, please contact Mario Merida at 1-800-227-8917, extension 6297, or (303) 312-6297. If you are represented by an attorney who has questions, please ask the attorney to contact Mia Bearley, Enforcement Attorney, at 1-800-227-8917, extension 6554, or (303) 312-6554, or at the following address:

Mia Bearley, 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: Tina Artemis, EPA Regional Hearing Clerk  
WY DEQ/DOH (via email)  
Shad Shimic, Buckinghorse Steak House and Lounge (email)