



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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

2008 JUL 22 PM 12:30

Ref: 8 ENF-W

JUL 22 2008

REGION VIII
HEARING CLERK

CERTIFIED MAIL #
RETURN RECEIPT REQUESTED

Gavin Fine, Registered Agent
BBQ - 5, LLC
2550 Highway 390
Wilson, Wyoming 83014

Re: Violation of Administrative Order
Docket No. SDWA-08-2008-0014
BBQ - 5, LLC (Q Roadhouse)
PWS ID # WY5600683

Dear Mr. Fine:

On January 29, 2008, the US Environmental Protection Agency (EPA) issued an Administrative Order, Docket No. SDWA-08-2008-0014, ordering you as owner of Q Roadhouse to comply with various drinking water regulations issued by EPA under the Safe Drinking Water Act (the Act), 42 U.S.C. Section 300f et seq.

Our records indicate that you are in violation of the Administrative Order (the Order). Among other things, the Order included the following requirements (quoted from item 5 of the Order section on page 2 of the Order). In the Order, you were named as the Respondent.

1. Upon receipt of this Order, Respondent shall monitor quarterly for total coliform bacteria. 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 are received, as required by the drinking water regulations. 40 C.F.R. § 141.31(a). Any violation of total coliform monitoring requirements shall be reported to EPA within ten days after the Respondent learns of it. 40 C.F.R. § 141.21(g)(2).

Respondent did not monitor for total coliform bacteria during the second quarter (April-June) of 2008, and failed to report this noncompliance 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 Shawn McCaffrey at 1-800-227-8917, extension 6515 or (303) 312-6515. If you are represented by an attorney who has questions, please contact Thomas Sitz, Enforcement Attorney, at (303) 312-6918 or at the following address:

Thomas Sitz
Senior 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: WY DEQ (via e-mail)
WY DOH (via e-mail)
Mollie Finkel, Operator