



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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

Ref: 8ENF-W

FEB 29 2012

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Weston County Commissioners
c/o Tom W. Bruce, Chairman
1 W. Main Street
Newcastle, WY 82701

Re: Notice of Safe Drinking Water Act Enforcement
Action against Buckhorn Bar and Grill
Public Water System
PWS ID # WY5600600

Dear Commissioners:

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

EPA has issued an Administrative Order (Order) to Dale Stietz and Kron LLC, separately and/or jointly owner(s) and/or operator(s) of the Buckhorn Bar and Grill public water system, located in Weston County, WY, directing them to comply with the National Primary Drinking Water Regulations. The violations alleged in the Order include: exceeding the maximum contaminant level for total coliform bacteria, failing to report sample results for nitrate on time to EPA, failing to monitor for total coliform bacteria, and failing to report certain 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 Mario Mérida at (303) 312-6297.

Sincerely,

Arturo Palomares, Director
Water Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosure:
Order



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CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Dale Stietz, Owner
Buckhorn Bar & Grill
25380 North HWY 85
Newcastle, WY 82701

Michelle Smith, Registered Agent
Kron, LLC
#785 Hwy 585,
Sundance, WY 82729

Re: Administrative Order
Buckhorn Bar & Grill Public Water System
Docket No. **SDWA-08-2012-0014**
PWS ID #WY5600600

Dear Mr. Stietz and Ms. Smith:

Enclosed is an Administrative Order (Order) issued by the Environmental Protection Agency (EPA) under the authority of section 1414(g) of the Safe Drinking Water Act, 42 U.S.C. § 300g-3(g). Among other things, the Order alleges that you, Mr. Stietz, and Kron, LLC (together referred to as "the Company," below), jointly and/or separately, as owner(s) and/or operator(s) of the Buckhorn Bar & Grill public water system (the System), have violated the National Primary Drinking Water Regulations at 40 C.F.R. part 141 (the Drinking Water Regulations).

The Order is effective upon the date received. Please review the Order and within 10 days provide the EPA with any information you believe the EPA may not have.

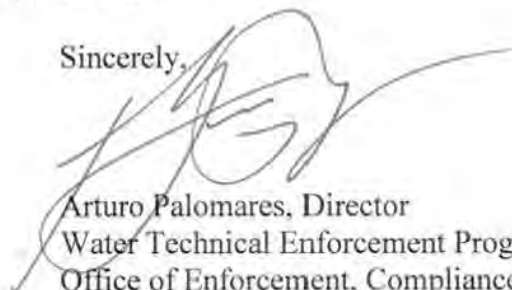
If you and/or the Company comply with the Order, the EPA may close the Order without further action. Failure to comply with the Order may lead to substantial civil penalties and/or a federal court injunction ordering compliance.

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.

To submit information, to request paper copies of public notice forms and instructions, or to request an informal conference with the EPA, please contact Mario Mérida at the above address (with the mailcode 8ENF-W) or by phone at (800) 227-8917, extension 6297 or (303) 312-6297. Any questions from you and/or the Company or your respective attorney should be directed to Jean Belille, Enforcement Attorney, who may be reached at the above address (with the mailcode 8ENF-L) or by phone at (800) 227-8917, extension 6556 or (303) 312-6556.

We urge your prompt attention to this matter.

Sincerely,



Arturo Palomares, Director
Water Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosures:

Order
SBREFA Information Sheet
Public Notice Template

cc:

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

8. If two or more samples collected in any month from the System's water are positive for total coliform, then the System has not complied with the maximum contaminant level (MCL) for total coliform bacteria. 40 C.F.R. § 141.63(a)(2). During the month of November 2010 two or more samples from the System were positive for total coliform, and, therefore, Respondents violated this requirement.

9. Respondents are required to conduct triggered source monitoring within 24 hours of being notified that a regular, routine total coliform monitoring sample is positive for total coliform. For triggered source water monitoring, Respondents must sample each ground water source and have it analyzed for a fecal indicator. 40 C.F.R. § 141.402. Respondents were notified on or about November 22, 2010, that a routine sample collected on November 19, 2010, (collected pursuant to 40 C.F.R. § 141.21(a) and not invalidated under 40 C.F.R. § 141.21(c)) was positive for total coliform. However, Respondents failed to collect a ground water source sample within 24 hours, collecting a sample instead on November 30, 2010, and, therefore, violated 40 C.F.R. § 141.402.

10. Respondents are required to report the results of testing for nitrate to the 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). Respondents failed to report their monitoring results for nitrate for samples collected on November 17, 2010, and December 29, 2009, to the EPA within this time period and, therefore, violated this requirement. EPA did not receive results for these samples until February 25, 2011 and March 31, 2010, respectively.

11. Respondents are required to report any failure to comply with any coliform monitoring requirement to the EPA within 10 days after discovering the violation. 40 C.F.R. § 141.21(g)(2). Respondents failed to report the violation cited in paragraph 7, above, to EPA and, therefore, violated this requirement.

12. Respondents are required to report any coliform MCL violation to the EPA no later than the end of the next business day after learning of it. 40 C.F.R. § 141.21(g)(1). Respondents did not notify the EPA of the MCL violation cited in paragraph 8, above, and, therefore, violated this requirement.

13. Respondents are required to report any failure to comply with any Drinking Water Regulation to the EPA within 48 hours (except where the Drinking Water Regulations specify a different time period). 40 C.F.R. § 141.31(b). Respondent failed to report the violations cited in paragraphs 9 and 10, above, to the EPA and, therefore, violated this requirement.

14. Respondents are required to notify the public of certain violations of the Drinking Water Regulations. 40 C.F.R. §§ 141.201-141.211. Respondents failed to notify the public of the violation cited in paragraph 9, above, and, therefore, violated this requirement.



ORDER

Based on the above violations, Respondents are ordered to perform the following actions upon Respondents' receipt of this Order (unless a different deadline is specified below):

15. Respondents shall monitor the System's water quarterly for total coliform bacteria and, if any sample is positive for total coliform, conduct repeat and additional routine monitoring, as required by 40 C.F.R. § 141.21. Respondents shall report analytical results to the EPA within the first 10 days following the month in which Respondents receive sample results, as required by 40 C.F.R. § 141.31(a). Respondents shall report any violation of coliform monitoring requirements in 40 C.F.R. part 141 to the EPA within 10 days after discovering the violation, as required by 40 C.F.R. § 141.21(g)(2).

16. If the System's water does not comply with the total coliform MCL in 40 C.F.R. § 141.63, Respondents shall report this violation to the EPA by the end of the business day after discovering the violation, as required by 40 C.F.R. § 141.21(g)(1).

17. If Respondents' total coliform sample results exceed the MCL while this Order is in effect, Respondents shall, within 30 days of learning of this violation, provide 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. The proposed schedule shall include specific milestone dates and a final compliance date. The final compliance date shall be within two months from the date of the EPA's approval of the plan and schedule. The proposed plan and schedule must be approved by the EPA before construction or modifications may begin. The EPA's approval of Respondents' plan and schedule does not substitute for any State of Wyoming approvals of plans and specifications that may also be required before modifications may be made to the System.

18. The plan and schedule required by paragraph 17, above, shall be incorporated into this Order as enforceable requirements upon written approval by the EPA.

19. Within 10 days after completing all tasks included in the plan and schedule required by paragraph 17, above, Respondents shall notify the EPA of the project's completion.

20. Respondents shall achieve and maintain compliance with the total coliform MCL by the final date specified in the approved plan, or no later than six months after receipt of the EPA's approval of the plan and schedule required by paragraph 17, above, whichever is earliest. Respondents shall meet that deadline even if the plan as approved does not achieve compliance. If the plan fails to achieve permanent compliance, the EPA may order further steps and/or seek penalties for noncompliance.



21. Respondents shall comply with all source water monitoring and related requirements in 40 C.F.R. § 141.402, performing triggered source monitoring within 24 hours of being notified that a regular, routine total coliform monitoring sample is positive for total coliform. When reporting any triggered source water sample result to the EPA, Respondents shall specify that it is a triggered source water sample.
22. Unless a different reporting requirement is specified by the Drinking Water Regulations or this Order, Respondents shall report each monitoring result, including nitrate, to the EPA within the first 10 days following either (1) the month in which the result is received or (2) the end of the required monitoring period as stipulated by the EPA, whichever is shortest. 40 C.F.R. § 141.31(a).
23. Respondent shall report any violation of the Drinking Water Regulations to the EPA within 48 hours of the violation occurring, as required by 40 C.F.R. § 141.31(b). However, if a different time period for reporting is specified in this Order or the Drinking Water Regulations, Respondent shall report within that different period.
24. Within 30 days after receipt of this Order, Respondent shall notify the public of the violation cited in paragraphs 7 and 9, 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 the EPA.
25. Respondents shall direct all reporting required by this Order to:

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

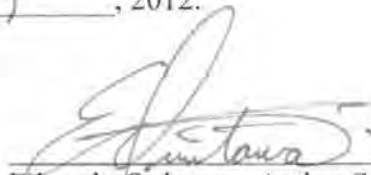
GENERAL PROVISIONS

26. This Order shall 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 the EPA to forgo any civil or criminal action.



27. Violation of any part of this Order or the Drinking Water Regulations may subject Respondents 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: February 29, 2012.



Eduardo Quintana, Acting 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

