



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8
999 18TH STREET - SUITE 300
DENVER, CO 80202-2466
<http://www.epa.gov/region08>

DOCKET NO.:SDWA-08-2002-47

IN THE MATTER OF:)
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)
ROGER E. SHANOR) **FINAL ORDER**
LONGBRANCH STEAKHOUSE & SALOON)
)
Respondent)

Pursuant to 40 C.F.R. § 22.18, of EPA's Consolidated Rules of Practice, the Consent Agreement resolving this matter is hereby approved and incorporated by reference into this Final Order. The Respondents are hereby ORDERED to comply with all of the terms of the Consent Agreement, effective immediately upon receipt by Respondents of this Consent Agreement and Final Order.

July 16, 2003
DATE

SIGNED
Alfred C. Smith
Regional Judicial Officer



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

In The Matter of:

**Roger E. Shanor
Longbranch Steakhouse & Saloon**

Respondent.

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Docket No. SDWA-08-2002-47

CONSENT AGREEMENT

Complainant, United States Environmental Protection Agency, Region 8, and Respondent, Roger E. Shanor, Longbranch Steakhouse & Saloon, by their undersigned representatives, hereby consent and agree as follows:

1. On September 26, 2002, the Complainant filed a Complaint and Notice of Opportunity for Hearing ("Complaint") against the Respondent pursuant to section 1414(g)(3)(B) of the Safe Drinking Water Act ("SDWA"), 42 U.S.C. § 300g-3(g)(3)(B), alleging certain violations of an Administrative Order ("AO") (Docket Number SDWA-8-99-16) and the SDWA. The Complaint proposed a \$2,600 civil penalty for the violations alleged therein.

2. Respondent admits the jurisdictional allegations of the Complaint and neither admits nor denies the specific factual allegations of the Complaint.

3. Respondent waives its right to a hearing before any tribunal, to contest any issue of law or fact set forth in the Complaint.

4. This Consent Agreement, upon incorporation into a final order, applies to and is binding upon EPA and upon Respondent and Respondent's heirs, successors and assigns. Any change in ownership or corporate status of Respondent including, but not limited to, any transfer of assets or real or personal property shall not alter Respondent's responsibilities under this agreement.

5. This Consent Agreement contains all terms of the settlement agreed to by the parties.

6. Respondent submitted financial documentation to Complainant that indicated Respondent has an inability to pay the full proposed penalty. Based on Respondent's financial documentation, Complainant determined Respondent had the ability to pay a Five Hundred Dollar (\$ 500.00) penalty.

7. Respondent consents and agrees that not more than thirty (30) days after Respondent's receipt of a signed final order in this matter, Respondent shall pay a civil penalty in the amount of Five Hundred Dollars (\$500.00) by remitting a cashier's or certified check for that amount, payable to "Treasurer, United States of America," to:

Mellon Bank
EPA Region 8
(Regional Hearing Clerk)
P.O. Box 360859M
Pittsburgh, PA 15251-6859

The check shall reference the name and address of Respondent's facility and the EPA docket number of this action. A copy of the check shall be sent simultaneously to:

Olive Hofstader
Environmental Protection Specialist
Technical Enforcement Program (8ENF-T)
U.S. EPA Region 8
999 19th Street, Suite 300
Denver, Colorado 80202-2466

Respondent further agrees and consents that if Respondent fails to pay the penalty amount within thirty (30) days of receipt of the final order, the full penalty amount proposed in the Complaint shall become due and owing by Respondent. Furthermore, interest on the penalty amount shall accrue at a rate established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717. A late payment charge of fifteen dollars (\$15.00) shall be imposed after the first 30 days that the payment, or any portion thereof, is overdue, with an additional charge of fifteen dollars (\$15.00) imposed for each subsequent 30-day period until the payment due is made. In addition, a six percent (6%) per annum penalty shall be applied on any principal amount not paid within 90 days after receipt of the final order.

8. Nothing in this Consent Agreement shall relieve Respondent of the duty to comply with the SDWA and its implementing regulations. This Consent Agreement only resolves violations contained in the Complaint.

9. Failure by Respondent to comply with any of the terms of this Consent Agreement shall constitute a breach of the agreement and may result in referral of the matter to the Department of

Justice for enforcement of this agreement and for such other relief as may be appropriate.

10. Nothing in this Consent Agreement shall be construed as a waiver by EPA of its authority to seek costs or any appropriate penalty associated with any collection action instituted as a result of Respondent's failure to perform pursuant to the terms of this Agreement.

11. The undersigned representative of Respondent certifies that he is fully authorized to enter into the terms and conditions for this Consent Agreement and to bind the party he represents to the terms and conditions of this Consent Agreement.

12. The parties agree to submit this Consent Agreement to the Regional Judicial Officer, with a request that it be incorporated into a final order.

13. Each party shall bear its own costs and attorneys fees in connection with this matter.

14. This Consent Agreement, upon incorporation into a final order by the Regional Judicial Officer and full satisfaction by the parties, shall be a complete and full civil settlement of the specific violations alleged in the Complaint.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, REGION 8,
Complainant.

Date: 15 July 2003

By: David J. Janik

Michael T. Risner, Director
David J. Janik, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Date: 15 July 2003

By: SIGNED

Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Respondent.

Date: July 11, 2003

By: SIGNED

Roger E. Shanor
Longbranch Steakhouse & Saloon

CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **CONSENT AGREEMENT/FINAL ORDER** in the matter of **ROGER SHANOR/LONGBRANCH STEAKHOUSE & SALOON, DOCKET NO.: SDWA-08-2002-47** was filed with the Regional Hearing Clerk on July 16, 2003.

Further, the undersigned certifies that a true and correct copy of the document was delivered to Michelle Marcu, Enforcement Attorney, U.S. EPA - Region 8, 999 18th Street - Suite 300, CO 80202-2466. True and correct copies of the aforementioned document was placed in the United States mail certified/return receipt on July 16, 2003, to:

Roger Shanor
Longbranch Steakhouse and Saloon
P. O. Box 585
Thermopolis, WY 82443-0585

and hand delivered to:

Honorable Alfred C. Smith
Regional Judicial Officer
U. S. Environmental Protection Agency
999 18th Street, Suite 300 (8RC)
Denver, CO 80202-2466

July 16, 2003

SIGNED

Tina Artemis
Regional Hearing Clerk

THE CONSENT AGREEMENT WAS FILED IN THE REGIONAL HEARING CLERK'S OFFICE ON JUNE 15, 2003 AND THE FINAL ORDER WAS FILED ON JUNE 16, 2003.