



REGION 8

DENVER, CO 80202

FILED

5/16/2024

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U.S. EPA REGION 8
HEARING CLERK

May 16, 2024

Ref: 8ECA-W-S

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Parkland USA Corporation
Super Pumper/Sinclair #5
100 27 Street NE
Minot, ND 58702

Subj: Administrative Order Issued to Parkland USA Corporation Regarding Super
Pumper/Sinclair #5 Public Water System, PWS ID #WY5600298
Docket No. SDWA-08-2024-0029

Dear Parkland USA Corporation:

Enclosed is an Administrative Order (Order) issued by the United States Environmental Protection Agency 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 Parkland USA Corporation (Respondent), as owner and operator of the Super Pumper/Sinclair #5 Public Water System (System), has violated the EPA's drinking water regulations at 40 C.F.R. part 141 (Part 141).

The EPA's records indicate the System has exceeded the maximum contaminant level (MCL) for nitrate. Nitrate is an acute contaminant which, amongst other serious health risks, can be lethal for infants six months old and younger. *The Order requires compliance with the nitrate MCL no later than one year of the issuance date, however, EPA urges you to take expeditious action to reduce the nitrates exposure at the System as soon as possible.*

The Order is effective upon the date received. If Respondent complies with the Order, the EPA may close the Order without further action. Failure to comply with the Order may trigger immediate action by the EPA, including a complaint seeking administrative penalties. The complaint may lead to assessment of civil penalties of up to \$69,733 (as adjusted for inflation) per day of violation, a federal court injunction ordering compliance, or both.

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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 entities, in case these are relevant. SBREFA does not eliminate the responsibility to comply with the Order or Part 141. Also enclosed are several templates and fact sheets to assist you in addressing the outstanding violations.

Please be aware that Respondent is required to submit to the EPA a plan and schedule for bringing the System into compliance with Part 141. The EPA's approval of Respondent's schedule does not substitute for any other approval that may be required by any other governmental entity for modifying the System. The EPA encourages Respondent to contact any such governmental agency or agencies regarding any applicable approval requirements. Changes to the System may require a permit from the Wyoming Department of Environmental Quality (WY DEQ). The contact person at WY DEQ for your region is Dennis Lewis. He can be reached at 307-777-7088 or dennis.lewis@wyo.gov.

Respondent is required to notify the public quarterly by completing a public notice until the nitrate maximum contaminant level violation is resolved. Please submit a copy of the completed public notice and a certification of its completion (template information is found in the attached Order) to the EPA each quarter.

If Respondent has any questions or to discuss this Order with the EPA, please contact Marlon Bell via email at [Bell.marlon@epa.gov](mailto:bell.marlon@epa.gov), or by phone at (800) 227-8917, extension 6539, or (303) 312-6539. Any questions from the Respondent's attorney should be directed to Mia Bearley, Senior Regional Counsel, via email at [Bearley.mia@epa.gov](mailto: Bearley.mia@epa.gov) or by phone at (800) 227-8917, extension 6554, or (303) 312-6554.

We urge your prompt attention to this matter.

Sincerely,

Colleen Rathbone, Manager
Water Enforcement Branch
Enforcement and Compliance Assurance Division

ENCLOSURES

1. SBREFA

cc: WY DEQ/DOH (via email) or state contact if not Wyoming
Laramie County Commissioners
EPA Regional Hearing Clerk
Nancy Coen, Compliance & Environment
Jim Franz, Contract Operator

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Public Water System, PWS ID #WY5600298*

Jake Thomas, Project Manager

Josh Salyards, Contract Operator

Dennis Lewis, WY DEQ District Engineer

Lily Barkau, WY DEQ, Natural Resources Program Manager