

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

September 3, 2020
10:43 AM

IN THE MATTER OF:)
)
Mr. Amandeep Pandher,)
Akal Travel Center, LLC)
)
Respondents.)
)
Akal Travel Center Public Water System)
PWS ID #WY5600313)

Docket No. SDWA-08-2020-0046

Received by
EPA Region VIII
Hearing Clerk

ADMINISTRATIVE ORDER

1. This Order is issued under the authority vested in the Administrator of the United States Environmental Protection Agency (EPA) by section 1414(g) of the Safe Drinking Water Act (Act), 42 U.S.C. § 300g-3(g), as properly delegated to the undersigned official.
2. Akal Travel Center LLC and Amandeep Pandher (Respondents) are a Wyoming corporation and an individual, respectively, that own and operate the Akal Travel Center Public Water System (System), which provides piped water to the public in Albany County, Wyoming, for human consumption.
3. The System is supplied by a groundwater source accessed via 2 wells to the second floor of the building facility and incorporate two pressure tanks to maintain pressure. The water is untreated.
4. The System regularly serves an average of approximately 250 individuals daily at least 60 calendar days out of the year. Therefore, the System is a “public water system” as defined in section 1401(4) of the Act, 42 U.S.C. § 300f(4), and 40 C.F.R. § 141.2. Further, the System is a non-community water system that does not regularly serve at least 25 of the same persons over six months per year and, as such, is also a “transient, non-community water system” as defined in 40 C.F.R. § 141.2.
5. Respondents are “persons” as defined in section 1401(12) of the Act, 42 U.S.C § 300f(12) and are subject to the Act and 40 C.F.R. part 141 (Part 141). Part 141 is an “applicable requirement” as defined in section 1414(i) of the Act, 42 U.S.C § 300g-3(i).
6. Part 141 includes monitoring requirements. The EPA has sent Respondents annual notifications of the specific monitoring requirements that apply to the System.

VIOLATIONS

7. Respondents are required to complete corrective action of a significant deficiency or comply with an EPA-approved corrective action plan and schedule within 120 calendar days (or earlier if instructed by the EPA) of receiving written notification from the EPA of a significant deficiency. 40 C.F.R. § 141.404(a). Respondents are required to notify the EPA within 30 calendar days of completion of a significant deficiency corrective action. 40 C.F.R. § 141.405(a)(2). Respondents received a sanitary survey report from the EPA on March 27, 2019, which detailed significant deficiencies. The EPA approved a schedule for the System to complete the corrective actions by November 7, 2019. Respondents failed to complete all corrective actions by November 7, 2019 *and* failed to notify the EPA

within 30 calendar days of completion of a significant deficiency corrective action and therefore, violated this requirement.

8. Respondents are required to monitor the System's water the first quarter of operation for nitrate at every entry point to the distribution System which is representative of each well after treatment. 40 C.F.R. §§ 141.23(a) and (d). Respondents failed to monitor the System's water for nitrate during first quarter of 2018 and therefore, violated this requirement. A sample for nitrate was taken on June 26, 2018, during the second quarter of 2018.

9. Respondents are required to monitor the System's water the first quarter of operation for nitrite at every entry point to the distribution System which is representative of each well after treatment nitrite. 40 C.F.R. § 141.23(a) and (e). Respondents failed to monitor the System's water for nitrite during the first quarter of 2018 and therefore, violated this requirement. A sample for nitrite was taken on June 26, 2018, during the second quarter of 2018.

10. Respondents are required to monitor the System's water monthly for total coliform bacteria. 40 C.F.R. § 141.853-858. Respondents failed to monitor the System's water for total coliform bacteria during January, February, March, June, July, September, October and December 2018; January, February, September, and October 2019; and February and March 2020 and therefore, violated this requirement.

11. Respondents were required to develop a written total coliform sample siting plan that identifies sampling sites and a sample collection schedule that are representative of water throughout the distribution System as required by the Revised Total Coliform Rule (RTCR) by March 31, 2016 and submit it to the EPA for review. 40 C.F.R. § 141.853(a)(1). A December 27, 2017 letter from the EPA informed Respondents that the Akal Travel Center Public Water System had been activated. Enclosed with the December 27, 2017 letter were the RTCR sample siting plan requirements to be completed by April 1, 2018. Respondents failed to submit a sample siting plan to the EPA by April 1, 2018, and therefore, violated this requirement. On June 26, 2018, a sampling siting plan was submitted and approved by the EPA. No further action is required.

12. Respondents are required to notify the public of certain violations of Part 141 and, within 10 days after completing public notice, provide a copy of the public notice and certification to the EPA. 40 C.F.R. §§ 141.31(d) and 141.201-141.211. The violations identified in paragraphs 8, 9, and 10, above, are classified as Tier 3 violations, requiring public notices within 1 year, according to 40 C.F.R. § 141.204. Respondents failed to notify the public of the violations cited in paragraphs 8, 9 and in paragraph 10, except for the failure to monitor water for total coliform bacteria during September and October 2019 and February and March 2020, and failed to submit copies of the public notices and certifications to the EPA and therefore, violated this requirement.

13. Respondents are required to report any violation of total coliform monitoring requirements to the EPA within 10 calendar days after discovering the violation. 40 C.F.R. § 141.861(a)(4). Respondents failed to report the violations listed in paragraph 10, above, to the EPA and therefore, violated this requirement.

14. Respondents are required to report any failure to comply with Part 141 to the EPA within 48 hours (except where Part 141 specifies a different time period). 40 C.F.R. § 141.31(b). Respondents failed to report the violations cited in paragraphs 7, 8, 9 and 11, above, to the EPA and therefore, violated this requirement.

ORDER

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

15. Respondents are ordered to comply with all provisions of the Act and Part 141, including but not limited to each requirement cited above.

16. Within **30 calendar days** of receipt of this Order, Respondents shall consult with the EPA regarding actions to correct significant deficiencies and shall submit a proposed schedule (Schedule) and plan to the EPA for completion of all corrective actions. The Schedule shall be approved by the EPA and incorporated into this Order with each milestone to be an enforceable requirement upon written approval by the EPA. Within 10 calendar days after completing all tasks included in the Schedule, Respondents shall notify the EPA of the project's completion. Respondents shall provide sufficient evidence to the EPA including photographs of the corrective actions. Thereafter, if the EPA identifies any significant deficiency (SD) at the System, Respondents shall complete corrective action for each SD and provide notification to the EPA within 30 calendar days of completion, as required by 40 C.F.R. §§ 141.403(a) and 141.405(a)(2).

Corrective Actions:

- SD#1: The well casing for Well WL01 - Well #1 (Stuckey's #3) must be adequately protected to prevent damage due to vehicle operations.
- SD#2: All openings in Well WL01 - Well #1 (Stuckey's #3) must be sealed and watertight. Well #1 must be adequately protected to prevent damage due to vehicle operations.
- SD#3: Well WL01 - Well #1 (Stuckey's #3) must be fitted with a functioning sanitary seal that is tightly bolted and does not allow contamination to enter the well.
- SD#4: The permanent casing for Well WL03 - Well #3 (Fleischli Well #1) must project at least 12 inches above the concrete floor or apron and at least 18 inches above normal ground surface.
- SD#5: Well WL03 - Well #3 (Fleischli #1) must be fitted with a functioning sanitary seal that is tightly bolted and does not allow contamination to enter the well.
- SD#6: The height of the well vent for Well WL03 - Well #3 (Fleischli #1) must be at least as high as the well casing for the pitless unit.
- SD#7: The well vent for Well WL03 - Well #3 (Fleischli #1) must be fitted with a #24-mesh corrosion-resistant screen.
- SD#8: System needs an Emergency Response Plan (ERP) that must detail emergency operations procedures for possible foreseeable emergencies such as power outage, loss of water, equipment failure, development of unsafe conditions and other.

17. Respondents shall monitor the System's water for nitrate annually, in accordance with 40 C.F.R. §§ 141.23(a) and (d). Respondents shall report results to the EPA within the first 10 calendar days following the end of the required monitoring period. 40 C.F.R. § 141.31(a). The System has satisfied the 2020 nitrate sampling requirements.

18. Respondents shall monitor the System's water monthly for total coliform bacteria. If a sample is positive for total coliform, within 24 hours of being notified of the positive result, Respondents shall collect a set of three repeat samples for each total coliform-positive sample. 40 C.F.R. § 141.853-858. Respondents shall report results to the EPA within the first 10 calendar days following the end of the required monitoring period. 40 C.F.R. § 141.31(a).

19. Respondents shall report any violation of total coliform monitoring requirements to the EPA within 10 calendar days after discovering the violation and notify the public in accordance with subpart Q of this part, as required by 40 C.F.R. § 141.861(a)(4).

20. For any future violation of Part 141 for which this Order does not specify a reporting period, Respondents shall report any violation of Part 141 to the EPA within 48 hours of the violation occurring, as required by 40 C.F.R. § 141.31(b). However, if Part 141 specifies a different time period for reporting the particular violation, Respondents shall report the violation to the EPA within that different period.

21. Within 30 calendar days after receipt of this Order, and quarterly thereafter as long as the violations cited in paragraphs 8 and 9 above, persist, Respondents shall notify the public of these violations. Templates and instructions are available at: <https://www.epa.gov/region8-waterops/reporting-forms-drinking-water-systems-wyoming-and-tribal-lands-epa-region-8#pn>. Thereafter, following any future violation of Part 141, Respondents shall comply with any applicable public notice provisions of 40 C.F.R. part 141, subpart Q. Within 10 calendar days after providing public notice, Respondents shall submit a copy of the notice and certification to the EPA. 40 C.F.R. § 141.31(d).

22. If the population or number of connections served by the System *at least 60 days of the year* falls below 25 individuals or 15 connections, Respondents shall notify the EPA in writing within 10 calendar days by submitting a completed basic information form. The form is available at: <https://www.epa.gov/region8-waterops/reporting-forms-and-instructions-reporting-forms#new>.

23. If Respondents (a) lease or sell the System to another person or entity, or (b) contract with or hire any other person or entity to operate the System, Respondents shall, within 10 calendar days, provide a copy of this Order to the lessee, purchaser, or contractor and notify the EPA in writing of the change. In either of these circumstances, Respondents shall remain obligated to comply with this Order

24. Respondents shall send all reporting and notifications required by this Order to the EPA at:


Email: R8DWU@epa.gov, and carballal-broome.christina@epa.gov

GENERAL PROVISIONS

4. This Order shall not constitute a waiver, suspension, or modification of any requirement of the Act or Part 141. Issuance of this Order is not an election by the EPA to forgo any civil or criminal action.
5. Violation of any part of this Order, the Act, or Part 141 may subject Respondents to a civil penalty of up to \$58,328 (as adjusted for inflation) per day of violation, a court injunction ordering compliance, or both. 42 U.S.C. § 300g-3; 40 C.F.R. part 19; 85 Fed. Reg. at 1754 (January 13, 2020).
6. Respondents may seek federal judicial review of this Order pursuant to section 1448(a) of the Act, 42 U.S.C. § 300j-7(a).

Issued: September 3, 2020.

**COLLEEN
RATHBONE**

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