

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8



IN THE MATTER OF:)
) Docket No. SDWA-08-2024-0021
Cheema Investments, LLC and)
Mr. Kuldip Singh,)
) **ADMINISTRATIVE ORDER**
Respondents.)
)
Grandma’s Inn PWS,)
PWS ID #WY5600416)

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. Cheema Investments, LLC, and Kuldip Singh (Respondents) are a Wyoming limited liability company and an individual, respectively, that own and operate the Grandma’s Inn Public Water System (System), which provides piped water to the public in Goshen County, Wyoming, for human consumption.
3. The System is supplied by a groundwater source accessed via one well. The water is treated by disinfection.
4. The System has approximately 16 service connections and regularly serves an average of approximately 25 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 “transient non-community water system” as defined in 40 C.F.R. § 141.2.
5. Respondents are a “person” as defined in section 1401(12) of the Act, 42 U.S.C. § 300f(12) and is 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 Respondent annual notifications of the specific monitoring requirements that apply to the System.

VIOLATIONS

7. 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 December 2019, June and July 2022, September and November 2022, January and February 2023, and June 2023 through December 2023, and therefore, violated this requirement.

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8. Respondents are required to monitor quarterly for nitrate if any sample of the System's water has a nitrate concentration of at least five milligrams per liter (mg/L). 40 C.F.R. § 141.23(d)(2). After the System's water was analyzed for nitrate at 8.2 mg/L on December 16, 2020, Respondents failed to monitor during first quarter 2021, second quarter 2022, first quarter 2023, second quarter 2023, third quarter 2023, and fourth quarter 2023, and therefore, violated this requirement.

9. Respondents are required to notify the public of certain violations of Part 141 and, within 10 calendar 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 7 and 8, above, are classified as violations requiring Tier 3 public notice within 1 year, according to 40 C.F.R. § 141.204. The EPA's records reflect that the Respondents failed to notify the public of the December 2019, June and July 2022, September 2022, November 2022, and the January and February 2023 violations cited in paragraph 7, and the first quarter 2021 and second quarter 2022 violations cited in paragraph 8 and failed to submit a copy of the public notice and certification to the EPA and therefore, violated this requirement. The deadline for public notice of the February 2023, and June through December 2023 violations cited in paragraph 7, and first through fourth quarter 2023 violations cited in paragraph 8 have not yet passed.

10. 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 7, above, to the EPA and therefore, violated this requirement.

11. 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 paragraph 8, 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):

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

13. 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).

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14. Within 30 calendar days after receipt of this Order, and quarterly thereafter until notified by the EPA in writing of a different monitoring schedule, Respondents shall monitor the System's water for nitrate, in accordance with 40 C.F.R. § 141.23(d)(2). 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).

15. Within 30 calendar days after receipt of this Order, Respondents shall notify the public of the violations cited in paragraphs 7 and 8, above. 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). 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>.

16. For any future violation of Part 141 for which this Order does not specify a reporting period, Respondents must report the violation 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 must report the violation to the EPA within that different period.

17. 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 must 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-drinking-water-systems-wyoming-and-tribal-lands-epa-region-8#new>.

18. If Respondents (a) lease or sell the System to another person or entity, or (b) contracts with or hires any other person or entity to operate the System, Respondents must, 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 will remain obligated to comply with this Order.

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

Email: R8DWU@epa.gov, and Bell.marlon@epa.gov

GENERAL PROVISIONS

20. This Order is binding on Respondents, its successors and heirs, and any person (*e.g.*, employee, contractor, or other agent) acting in concert with Respondents.

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21. This Order does 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.

22. Violation of any part of this Order, the Act, or Part 141 may subject Respondents to a civil penalty of up to \$69,733 (as adjusted for inflation) changes annually, please check per day of violation, a court injunction ordering compliance, or both. 42 U.S.C. § 300g-3; 40 C.F.R. part 19; 88 Fed. Reg. at 89309 (December 27, 2023).

23. 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: March 1, 2024.

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