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**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7
11201 RENNER BOULEVARD
LENEXA, KANSAS 66219**

BEFORE THE ADMINISTRATOR

In the Matter of

The Odin Store, L.L.C.,
Respondent

Proceeding Under Section 1414(g) of the
Safe Drinking Water Act, 42 U.S.C.
§ 300g-3(g)

Docket No. SDWA-07-2025-0136
ADMINISTRATIVE ORDER ON
CONSENT

PRELIMINARY STATEMENT

1. The following findings are made, and this Order for Compliance on Consent (Order) is issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency (EPA) by Section 1414(g) of the Safe Drinking Water Act (SDWA or Act), 42 U.S.C. Section 300g-3(g).

2. The authority to take action under Section 1414(g) of the SDWA, 42 U.S.C. Section 300g-3(g), is vested in the Administrator of the EPA. The Administrator has delegated the authority to issue this Order to the Regional Administrator of EPA Region 7 who has further delegated such authority to the Director of the Enforcement and Compliance Assurance Division of EPA Region 7 (collectively referred to as the “Complainant”) with concurrence of the Regional Counsel.

3. Respondent is The Odin Store, L.L.C. (Respondent) and was at all relevant times a limited liability company organized under the laws of the state of Kansas, located in Claflin, Kansas.

4. The factual allegations below are made solely by EPA. In signing this Order, Respondent neither admits nor denies the specific factual allegations in this Order, except that Respondent admits the jurisdictional allegations herein. Without any admission of liability, Respondent consents to the issuance of this Order and agrees to abide by all of its terms and conditions and undertake all actions required by this Order. Respondent waives any and all remedies, defenses, claims for relief, and otherwise available rights Respondent may have for this action to be filed in federal court or for administrative review with respect to any issue of fact or law set forth in this Order, including any right of judicial review of this Order under

Section 1448 of the SDWA, 42 U.S.C. § 300j-7, and Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706. Respondent further agrees not to challenge the authority or jurisdiction of EPA to issue and enforce this Order or the Findings in any proceeding to enforce this Order or in any action under this Order.

STATUTORY AND REGULATORY FRAMEWORK

5. Part B of the SDWA, 42 U.S.C. §§ 300g – 300g-9, contains requirements applicable to all “public water systems,” and Section 1411 of the SDWA, 42 U.S.C. § 300g, provides that the national primary drinking water regulations promulgated thereunder at 40 C.F.R. Part 141 shall apply to each public water system, with certain exceptions not applicable here.

6. Section 1401(4) of the SDWA, 42 U.S.C. § 300(f)(4), and 40 C.F.R. Part 141.2 define a “public water system” as a system which provides water through a piped system or other constructed conveyance to the public for human consumption with at least fifteen (15) service connections or regularly serves at least twenty-five (25) individuals.

7. Section 1401(15) of the SDWA, 42 U.S.C. § 300(f)(15) defines a “community water system” as a public water system that (A) serves at least fifteen (15) service connections used by year-round residents of the area served by the system; or (B) regularly serves at least twenty-five (25) year-round residents.

8. Section 1401(16) of the SDWA, 42 U.S.C. § 300(f)(16), and 40 C.F.R. § 141.2, define a “noncommunity water system” as a public water system that is not a “community water system.” A noncommunity water system is classified as either a “transient non-community water system (TWS)” or a “non-transient non-community water system (NTNCWS)” under 40 C.F.R. § 141.2.

9. 40 C.F.R. § 141.2 defines a “transient non-community water system or TWS” as a non-community water system that does not regularly serve at least twenty-five (25) of the same persons over six (6) months per year.

10. Pursuant to Section 1414(b)(2) of the SDWA, 42 U.S.C. § 300g-3(b)(2), the Administrator may bring a civil action in the appropriate United States district court to require compliance with any applicable requirement if requested by the agency of the state which has jurisdiction over compliance by public water systems in the state with national primary drinking water regulations or state drinking water regulations.

11. Pursuant to Section 1414(g)(1) of the SDWA, 42 U.S.C. § 300g-3(g)(1), in any case in which the Administrator is authorized to bring a civil action under this section or under section 1445 with respect to any applicable requirement, the Administrator may also issue an order to require compliance with such applicable requirement.

12. Section 1414(i) of the SDWA, 42 U.S.C. § 300g-3(i), defines an “applicable requirement” as “(1) a requirement of section 1412, 1414, 1415, 1416, 1417, 1441, or 1445; (2) a regulation promulgated pursuant to a section referred to in paragraph (1); (3) a schedule or requirement imposed pursuant to a section referred to in paragraph (1); (4) a requirement of, or permit issued under, an applicable State program for which the Administrator has made a determination that the requirements of section 1413 have been satisfied, or an applicable State program approved pursuant to this part.”

13. The Kansas Department of Health and Environment (KDHE) administers the Public Drinking Water Program in Kansas pursuant to Section 1413 of the SDWA, 42 U.S.C. § 300g-2, and has requested that EPA Region 7 take enforcement action in this case pursuant to Section 1414(b)(2) of the SDWA, 42 U.S.C. § 300g-3(b)(2).

EPA’s GENERAL ALLEGATIONS

14. Respondent owns and/or operates the Odin Store bar and restaurant located at approximately 890 N.E. 140 Road in Claflin, Kansas.

15. The Odin Store, L.L.C., owns/and or operates the Odin Store Public Water System which has the identification number KS2100916.

16. The System provides water through a piped system or other constructed conveyance to the public for human consumption that regularly serves at least twenty-five (25) individuals.

17. The System is a “public water system” as defined in Section 1401(4) of the SDWA, 42 U.S.C. § 300f(4), and 40 C.F.R. § 141.2.

18. The System is a “noncommunity water system” as defined by Section 1401(16) of the SDWA, 42 U.S.C. § 300(f)(4), and 40 C.F.R. § 141.2 because it does not regularly serve at least twenty-five (25) year-round residents.

19. The System is a “transient non-community water system” as defined by 40 C.F.R. § 141.2 because it does not regularly serve at least twenty-five (25) of the same persons over six (6) months per year.

20. Respondent is a “person” within the meaning of Section 1401(12) of the SDWA, 42 U.S.C. § 300(f)(12), and is subject to an administrative order issued under Section 1414(g)(1) of the SDWA, 42 U.S.C. § 300g-3(g)(1).

21. Respondent is a “supplier of water” within the meaning of Section 1401(5) of the SDWA, 42 U.S.C. § 300(f)(5), and 40 C.F.R. § 141.2.

22. Respondent’s System utilizes a groundwater source.

23. Respondent is subject to Part B of the SDWA, 42 U.S.C. §§ 300g-300g-9, and the national primary drinking water regulations promulgated thereunder at 40 C.F.R. Part 141.

FINDINGS OF VIOLATIONS AND CONCLUSIONS OF LAW

Count I

Exceedance of Maximum Contaminant Level for Nitrate

24. The paragraphs above are re-alleged and incorporated herein by reference.

25. 40 C.F.R. § 141.23 requires transient, non-community public water systems to conduct monitoring to determine compliance with the nitrate maximum contaminant levels in §141.11 and 141.62.

26. The maximum contaminant level for nitrates in public water systems is 10 (mg/L) under 40 C.F.R. § 141.62(b)(7).

27. Under 40 C.F.R. § 141.11(d), at the discretion of the State, nitrate levels not to exceed 20 (mg/L) may be allowed in a non-community water system if the supplier of water demonstrates to the satisfaction of the State that: (1) Such water will not be available to children under 6 months of age; and (2) The non-community water system is meeting the public notification requirements under § 141.209, including continuous posting of the fact that nitrate levels exceed 10 (mg/L) and the potential health effects of exposure; and (3) Local and State public health authorities will be notified annually of nitrate levels that exceed 10 (mg/L); and (4) No adverse health effects shall result.

28. The Odin Store Public Water System has exceeded 10 (mg/L) for nitrates in every compliance monitoring period since at least January of 2020.

29. The Odin Store Public Water System has not satisfied the requirements of 40 C.F.R. § 141.11(d)(1) through (4) and therefore it is not permitted to exceed the maximum contaminant level of 10 (mg/L) for nitrates under 40 C.F.R. § 141.62(b)(7).

30. The Odin Store Public Water System's exceedance of 10 (mg/L) for nitrates is a violation of the maximum contaminant level for nitrates established under 40 C.F.R. §141.62(b)(7).

Count II

Failure to Provide Tier 1 Public Notice

31. The paragraphs above are re-alleged and incorporated herein by reference.

32. Under 40 C.F.R. § 141.202(a)(2), a violation of the MCL for nitrates as defined in § 141.62 requires Tier 1 public notice.

33. The Odin Store Public Water System has violated the maximum contaminant level for nitrates established under 40 C.F.R. § 141.62(b)(7) in every compliance monitoring period since at least January of 2020.

34. The Odin Store Public Water System has never provided Tier 1 public notice after its violations of the maximum contaminant levels for nitrates alleged in the above paragraph.

35. Respondent's failures to provide Tier 1 public notice for its violations of the maximum contaminant level for nitrates is a violation of 40 C.F.R. § 141.202.

Count III
Failure to Monitor for Nitrates

36. The paragraphs above are re-alleged and incorporated herein by reference.

37. Under 40 C.F.R. § 141.23(e)(3), transient non-community water systems must conduct repeat monitoring for nitrates quarterly for at least one-year following any one sample in which the concentration is greater than or equal to 50% of the maximum contaminant level.

38. The maximum contaminant level for nitrates in public water systems is 10 (mg/L) under 40 C.F.R. § 141.62(b)(7) as described in Count I.

39. Respondent has exceeded the 10 (mg/L) maximum contaminant level for nitrates in every compliance monitoring period since at least January of 2020.

40. Respondent has failed to monitor for nitrates during the first three quarters of 2024, and the first two quarters of 2025.

41. Respondent's failures to monitor for nitrates are a violation of 40 C.F.R. § 141.23(e)(3).

Count IV
Failure to Provide Tier 2 Public Notice for Failures to Monitor for Nitrates

42. 40 C.F.R. § 141, Subpart Q, requires systems to provide public notice of certain drinking water violations within specific timeframes according to the "tier" assignment for the violation. 40 C.F.R. § 141.203(a) requires the owner or operator of a public water system to provide "Tier 2" public notice for violations of monitoring and testing procedure requirements where the primacy agency has determined that Tier 2 rather than Tier 3 public notice is required.

43. Pursuant to 40 C.F.R. § 141.203(b)(1), systems must provide Tier 2 public notice as soon as practical, but no later than thirty (30) days after the system learns of the violation.

44. The Kansas Department of Health and Environment has determined that Tier 2 public notice is required for the System's failure to sample for nitrates described in Count III above.

45. Respondent has failed to provide the required Tier 2 public notice for its failure to monitor for nitrates as described in Count III, in violation of 40 C.F.R. § 141.203(b)(1).

Count V
Failure to Monitor for Total Coliform

46. The paragraphs above are re-alleged and incorporated herein by reference.

47. All public water systems are required to monitor for total coliforms monthly pursuant to Kan. Admin. Regs. § 28-15a-21(a).

48. Kan. Admin. Regs. § 28-15a-21(a) is an “applicable requirement” as defined by the Safe Drinking Water Act Section 1414(i), 42 U.S.C. § 300g-(3)(i).

49. The failure to take every required routine or additional routine sample in a compliance period is a monitoring violation under 40 C.F.R. § 141.860(c)(2).

50. Respondent failed to monitor for total coliforms in April of 2025 as required by Kan. Admin. Regs. § 28-15a-21(a), which is a violation under 40 C.F.R. § 141.860(c)(2).

ORDER FOR COMPLIANCE ON CONSENT

51. Based on the foregoing FINDINGS and VIOLATIONS, and pursuant to the authority of Section 1414(g) of the SDWA, EPA hereby ORDERS the Respondent, and the Respondent hereby AGREES, to take the actions described below:

52. In accordance with this Order, the Respondent shall take all necessary actions to correct the deficiencies and eliminate and prevent recurrence of the violations cited above, and to come into compliance with all the requirements of the Safe Drinking Water Act and its implementing regulations.

53. *Compliance with Maximum Contaminant Levels for Nitrates.* Respondent shall comply with the maximum contaminant levels for nitrates established under 40 C.F.R. § 141.62(b)(7).

54. *Public Notice.* Respondent shall complete all public notices required by the SDWA and 40 C.F.R. § 141, specifically:

- a. Respondent shall complete the public notice required by 40 C.F.R. § 141.202 for its exceedances of the nitrate maximum contaminant levels immediately.
- b. Respondent shall complete the public notice required by 40 C.F.R. § 141.203 for its failures to conduct nitrate sampling as described in Count I as soon as practical, but no later than 30 days after the Effective Date of this Order.

55. *Monitoring.* Respondent shall ensure it complies with all monitoring requirements under the Safe Drinking Water Act and its implementing regulations, specifically:

- a. Respondent shall conduct quarterly nitrate sampling pursuant to 40 C.F.R. § 141.23(d)(2).
- b. Respondent shall conduct monthly total coliform sampling pursuant to Kan. Admin. Regs. § 28-15a-21(a).
- c. Respondent shall submit documentation of all sampling events conducted pursuant to subparts a. and b. above beginning on the Effective Date of this Order for two years after the Effective Date.

56. *Reporting to the EPA.* On the first working day of each calendar quarter, Respondent shall submit a written summary of all actions it has taken that are required under this Order. This requirement shall remain in effect until termination of the Order.

57. Respondent shall fully implement each item of this Order. Respondent's failure to fully implement all requirements of this Order in the manner and time period required shall be deemed a violation of this Order.

GENERAL PROVISIONS

58. Electronic submissions to EPA will be deemed submitted on the date they are transmitted electronically. All submittals to the EPA that are required of Respondent by this Order shall be made by electronic submission to:

Morgan Hartwig
Compliance Officer
U.S. Environmental Protection Agency, Region 7
Enforcement & Compliance Assurance Division
hartwig.morgan@epa.gov

59. By entering into this Order, Respondent consents to personal service by electronic mail at the following email address: mjacobs24@hotmail.com.

60. Notwithstanding Respondent's compliance with any requirement of this Order, Respondent's failure to comply with the requirements of the SDWA and Part 141 of Title 40 of the Code of Federal Regulations may subject Respondent to additional enforcement actions, including administrative and judicial actions for injunctive relief and/or penalties.

61. This Order shall not prohibit, prevent, or otherwise preclude EPA from taking action it deems appropriate to enforce the SDWA in any manner and shall not prohibit, prevent, or otherwise preclude EPA from using this Order in subsequent administrative or judicial proceedings. This Order does not constitute a waiver, suspension, or modification of the requirements of 40 C.F.R. Part 141 or any provision of the SDWA or any of the regulations promulgated thereunder, which remain in full force and effect. Issuance of this Order is not an election by EPA to forgo any civil or criminal action otherwise authorized under the SDWA.

62. For violations of this Order, Respondent may be subject to civil penalties up to \$71,545 (as adjusted for inflation, *see* 40 C.F.R. 19.4) per day of violation as assessed, a court injunction requiring compliance, or both, under Sections 1414(g)(3)(A), 1414(g)(3)(C) and 1414(b) of the SDWA, 42 U.S.C. §§ 300g-3(g)(3)(A), 300g-3(g)(3)(C), and 300g-3(b), respectively.

63. If EPA identifies any deficiencies in the deliverables required under this Order, Respondent shall correct all deficiencies and resubmit the deliverables, or disapproved portions thereof, within seven calendar days.

64. This Order does not relieve Respondent of any responsibilities or liabilities established pursuant to any applicable federal, state, or local law.

65. Nothing in this Order shall limit EPA's right to obtain access to, and/or inspect the System, and/or request additional information from Respondent, pursuant to the authority of Section 1445 of the SDWA, 42 U.S.C. § 300j-4, and/or any other authority.

66. The provisions of this Order shall be severable. If any provision of this Order is found to be unenforceable, the remaining provisions shall remain in full force and effect.

67. This Order may be amended or modified only by written agreement of EPA and Respondent. At EPA's sole discretion, extensions of the compliance schedule/deadlines required by this Order may be made by EPA by written notice to Respondent, without further formal amendment to this Order.

68. The terms of this Order shall be effective and enforceable against Respondent on the Effective Date, which is the date this Order is signed by the EPA.

69. The undersigned for each party has the authority to bind each respective party to the terms and conditions of this Order. The Order may be signed in part and counterparty by each party.

70. This Order shall apply to and be binding upon Respondent and Respondent's agents, successors, and/or assigns. Respondent shall ensure that all contractors, employees, consultants, firms or other persons or entities acting for Respondent with respect to matters included herein comply with the terms of this Order.

71. This Order shall remain in effect until a written notice of termination is issued by an authorized representative of the EPA. Respondent may seek termination of this Order upon demonstration of full and continuous compliance with the above requirements for two calendar years starting on the Effective Date of this Order.

IT IS SO AGREED AND ORDERED:

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION 7,

Complainant.

Date: _____

David Cozad
Director
Enforcement and Compliance Assurance Division

Date: 10.7.25



Samantha Pappas
Office of Regional Counsel

THE ODIN STORE, L.L.C.

Respondent.

Date: 10-3-25

Monte L Jacobs
Signature

Monte Jacobs
Name

owner
Title

CERTIFICATE OF SERVICE

I certify that on the date noted below, I filed a true and correct copy of this signed Administrative Order for Compliance on Consent with the Regional Hearing Clerk, U.S. Environmental Protection Agency Region 7, by electronic mail to R7_Hearing_Clerk_Filings@epa.gov.

I further certify that on the date noted below, I sent a copy of this signed Administrative Order for Compliance on Consent by electronic mail to:

Copy emailed to Respondent:

Monte Jacobs
Odin Store, L.L.C.
mjacobs24@hotmail.com

Copy emailed to representatives for Complainant:

Samantha Pappas
EPA Region 7 Office of Regional Counsel
pappas.samantha@epa.gov

Morgan Hartwig
EPA Region 7 Enforcement and Compliance Assurance Division
hartwig.morgan@epa.gov

Carrie Venerable | New Solutions Workforce
EPA Region 7 Office of Regional Counsel
venerable.carrie@epa.gov

Date

Signature