

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
PHILADELPHIA, PENNSYLVANIA 19103**

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| IN THE MATTER OF: |) | |
| |) | |
| POTOMAC FARMS LLC |) | Docket No. SDWA-03-2022-0094DS |
| |) | |
| 432 CARTER AVE. |) | ADMINISTRATIVE ORDER |
| HARPERS FERRY, WV 25425 |) | |
| |) | Proceedings Pursuant to Section 1414(g) |
| Respondent, |) | of the Safe Drinking Water Act, as |
| |) | amended, 42 U.S.C. § 300g-3(g) |
| PWS ID No. WV3301947 |) | |
| |) | |
| System. |) | |

ADMINISTRATIVE ORDER FOR COMPLIANCE

I. STATUTORY AUTHORITY

The United States Environmental Protection Agency, Region III (“EPA” or “Agency”) has made the following FINDINGS OF FACT and issues this ADMINISTRATIVE ORDER FOR COMPLIANCE (“the Order”) pursuant to Section 1414(g) of the Safe Drinking Water Act (“SDWA” or “the Act”), 42 U.S.C. §§ 300g-3(g). The Administrator of EPA has delegated the authority to take these actions to the Regional Administrator of EPA, Region III, who has redelegated these authorities to the Director, Enforcement & Compliance Assurance Division, EPA Region III.

II. EPA’S FINDINGS of FACT, JURISDICTIONAL ALLEGATIONS, and CONCLUSIONS OF LAW

1. Section 1414(g) of the Act, 42 U.S.C. § 300g-3(g), provides that, “[i]n any case in which the Administrator is authorized to bring a civil action under this section or under section 300j-4 of this title with respect to any applicable requirement, the Administrator also may issue an order to require compliance with such applicable requirement.”
2. In accordance with Section 1411, 42 U.S.C. § 300g, national primary drinking water regulations shall apply to each public water system in each State. *See also* 40 C.F.R. § 141.1.
3. A “public water system” (“PWS”) is defined in the Act as “a system for the provision to the public of water for human consumption through pipes or other constructed conveyances, if such system has at least fifteen service connections or regularly serves at least twenty-five individuals.” Section 1401(4) of the SDWA, 42 U.S.C. § 300f(4).
4. A “community water system” is defined in the Act as a public water system that “(A) serves at least 15 service connections used by year-round residents or (B) regularly serves at least 25 year-round residents.” Section 1401(15) of the SDWA, 42 U.S.C. § 300f(15).
5. Potomac Farms LLC (“Respondent”) is a corporation organized and operating under the laws of the State of West Virginia and as such, is a “person” as that term is defined in Section 1401(12) of the SDWA, 42 U.S.C. § 300f(12), and 40 C.F.R. § 141.2.

6. Respondent is the owner and/or operator of public water system, PWS Identification Number WV3301947 ("System"), located at 432 Carter Ave Harpers Ferry, WV 25425 which provides water for human consumption.
7. Respondent is a "supplier of water" as defined by Section 1401(5) of the SDWA, 42 U.S.C. § 300f(5), and 40 C.F.R. § 141.2.
8. The System is a public water system that provides water from a ground water source. The System serves approximately 65 persons per year and has a minimum of 15 service connections and is therefore a "community water system" as that term is defined in Section 1401(15) of the SDWA, 42 U.S.C. § 300f(16) and 40 C.F.R. 141.2.
9. The State of West Virginia, acting through the Department of Health and Human Resources ("WVDHHR"), has primary enforcement responsibility under Section 1413(a) of the SDWA, 42 U.S.C. § 300g-2(a).
10. According to Section 1411 of the SDWA, 42 U.S.C. § 300g, Respondent is required to comply with the National Primary Drinking Water Regulations in Part B of the SDWA and 40 C.F.R. Part 141, including but not limited to sampling and analyzing the drinking water and reporting analytical results to the state.
11. On August 19, 2020, WVDHHR conducted a Sanitary Survey at Respondent's System. WVDHHR issued a Sanitary Survey Report to Respondent on August 31, 2020.
12. WVDHHR notified EPA through the Safe Drinking Water Information System ("SDWIS") of the violations listed in the following paragraphs. SDWIS contains records about public water systems and their violations of EPA's drinking water regulations, as reported to EPA by the states.
13. Pursuant to Section 1414(g)(2) of the SDWA, 42 U.S.C. § 300g-3(g)(2), EPA has offered WVDHHR an opportunity to confer with the Agency regarding the Order.

**COUNT 1
FAILURE TO CONDUCT ARSENIC MONITORING**

14. The information and allegations in the preceding paragraphs are incorporated herein by reference.
15. Pursuant to 40 C.F.R. § 141.23(a)(1), "[g]roundwater systems shall take a minimum of one sample at every entry point to the distribution system which is representative of each well after treatment (hereafter called a sampling point) beginning in the initial compliance period. The system shall take each sample at the same sampling point unless conditions make another sampling point more representative of each source or treatment plant."
16. Pursuant to 40 C.F.R. § 141.2, a "compliance period" is defined as "a three-year calendar year period within a compliance cycle. Each compliance cycle has three three-year compliance periods."

17. Pursuant to 40 C.F.R. § 141.2, “compliance cycle” is defined as “the nine-year calendar year cycle during which public water systems must monitor. Each compliance cycle consists of three three-year compliance periods. The first calendar year cycle begins January 1, 1993 and ends December 31, 2001; the second begins January 1, 2002 and ends December 31, 2010; the third begins January 1, 2011 and ends December 31, 2019.”
18. Pursuant to 40 C.F.R. § 141.23(a)(4)(i), arsenic sampling must be reported to the nearest 0.001 milligram per liter (“mg/L”).
19. Pursuant to 40 C.F.R. § 141.23(c)(1), to determine compliance with the maximum contaminant levels in § 141.62(b)(16) for arsenic, “[g]roundwater systems shall take one sample at each sampling point during each compliance period.”
20. Based on the data WVDHHR provided through SDWIS and the WVDHHR’s August 31, 2020 Sanitary Survey Report, Respondent failed to monitor for arsenic for the (3) three-year compliance cycle of 2017-2019.
21. Based on the information available to the EPA, Respondent continues to fail to monitor the System for arsenic.
22. Respondent’s failure to monitor for arsenic during the compliance period of 2017-2019, is a violation of 40 C.F.R. § 141.23(c)(1) and SDWA.

COUNT 2
FAILURE TO CONDUCT INORGANIC CHEMICAL MONITORING

23. The information and allegations in the preceding paragraphs are incorporated herein by reference.
24. Pursuant to 40 C.F.R. § 141.23(a)(1), “[g]roundwater systems shall take a minimum of one sample at every entry point to the distribution system which is representative of each well after treatment (hereafter called a sampling point) beginning in the initial compliance period. The system shall take each sample at the same sampling point unless conditions make another sampling point more representative of each source or treatment plant.”
25. Pursuant to 40 C.F.R. § 141.23(c)(1), to determine compliance with the maximum contaminant levels (“MCLs”) in § 141.62 for antimony, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel, selenium, and thallium (together, “inorganic chemicals”), “[g]roundwater systems shall take one sample at each sampling point during each compliance period.”
26. Based on the data WVDHHR provided through SDWIS and the WVDHHR’s August 31, 2020 Sanitary Survey Report, Respondent failed to monitor inorganic chemicals for the (3) three-year compliance cycle of 2017-2019.
27. Based on the information available to the EPA, Respondent continues to fail to monitor the System for inorganic chemicals.

28. Respondent's failure to monitor for inorganic chemicals during the (3) three-year compliance period of 2017-2019 is a violation of 40 C.F.R. § 141.23(c)(1) and SDWA.

COUNT 3
FAILURE TO CONDUCT VOLATILE ORGANIC CHEMICAL MONITORING

29. The information and allegations in the preceding paragraphs are incorporated herein by reference.
30. Pursuant to 40 C.F.R. § 141.24(f)(1), “[g]roundwater systems shall take a minimum of one sample at every entry point to the distribution system which is representative of each well after treatment (hereafter called a sampling point). Each sample must be taken at the same sampling point unless conditions make another sampling point more representative of each, treatment plant, or within the distribution system.”
31. Pursuant to 40 C.F.R. § 141.24(f)(4), “[e]ach community and non-transient non-community water system shall take four consecutive quarterly samples for each contaminant listed in § 141.61(a)(2) through (21) during each compliance period, beginning in the initial compliance period.”
32. Pursuant to 40 C.F.R. § 141.24(f)(6), “[a]fter a minimum of three years of annual sampling, the State may allow groundwater systems with no previous detection of any contaminant listed in § 141.61(a) to take one sample during each compliance period.”
33. Pursuant to its authority in 40 C.F.R. § 141.23(f)(6), WVDHHR determined that Respondent qualified for reduced monitoring for the volatile organic chemicals listed: 1,1,1 Trichloroethane, 1,1,2 Trichloroethane, 1,1 Dichloroethylene, 1,2,4 Trichlorobenzene, 1,2 Dichloroethane, 1,2 dichloropropane, benzene, carbon tetrachloride, chlorobenzene, cis-1,1 dichloroethylene, dichloromethane, ethylbenzene, styrene, tetrachloroethylene, toluene, trans-1-1 dichloroethylene, vinyl chloride, and xylenes. WVDHHR required Respondent to collect one (1) sample of the Volatile Organic Chemicals to determine compliance of the applicable MCLs for the (3) three-year compliance period of 2017-2019.
34. Based on the data WVDHHR provided through the SDWIS and the WVDHHR's August 31, 2020 Sanitary Survey Report, Respondent failed to monitor for volatile organic chemicals for the (3) three-year compliance period of 2017-2019.
35. Based on the information available to the EPA, Respondent continues to fail to monitor the System for volatile organic chemicals.
36. Respondent's failure to monitor for the volatile organic chemicals during the (3) three-year compliance period of 2017-2019 is a violation of 40 C.F.R. § 141.24(f)(6) and SDWA.

COUNT 4
FAILURE TO CONDUCT SYNTHETIC ORGANIC CHEMICAL MONITORING

37. The information and allegations in the preceding paragraphs are incorporated herein by

reference.

38. Pursuant to 40 C.F.R. § 141.24(h)(1), “[g]roundwater systems shall take a minimum of one sample at every entry point to the distribution system which is representative of each well after treatment (hereafter called a sampling point). Each sample must be taken at the same sampling point unless conditions make another sampling point more representative of each source or treatment plant.”
39. Pursuant to 40 C.F.R. § 141.24(h)(4)(i), “[e]ach community and non-transient non-community water system shall take four consecutive quarterly samples for each contaminant listed in § 141.61(c) during each compliance period, beginning in the initial compliance period.”
40. 40 C.F.R. § 141.61(c) describes the MCLs for synthetic organic contaminants apply to community water systems and non-transient, non-community water systems.
41. Pursuant to 40 C.F.R. § 141.24(h)(4)(iii), “[s]ystems serving less than or equal to 3,300 persons which do not detect a contaminant in the initial compliance period may reduce the sampling frequency to a minimum of one sample during each repeat compliance period.”
42. Pursuant to 40 C.F.R. § 141.24(h)(4)(iii), WVDHHR determined that Respondent qualified for reduced monitoring for synthetic organic chemicals to one sample during each repeat compliance period.
43. Based on the data WVDHHR provided through the SDWIS and the WVDHHR’s August 31, 2020 Sanitary Survey Report, Respondent failed to monitor for synthetic organic chemicals for the (3) three-year compliance period of 2017- 2019.
44. Based on the information available to the EPA, Respondent continues to fail to monitor the System for synthetic organic chemicals.
45. Respondent’s failure to monitor for the synthetic organic chemicals during the (3) three-year compliance period of 2017- 2019, is a violation of 40 C.F.R. § 141.24(h)(1) and the SDWA.

COUNTS 5
SYSTEM EXCEEDANCE OF THE MCLs FOR NITRATES

46. The information and allegations in the preceding paragraphs are incorporated herein by reference.
47. Pursuant to 40 C.F.R. § 141.62(b) the MCL for nitrate is 10 mg/L .
48. Based on the data WVDHHR provided through SDWIS and the WVDHHR’s August 31, 2020 Sanitary Survey Report, Respondent exceeded the MCLs for nitrates during the quarterly monitoring periods ending on December 31, 2019, June 30, 2020, and September 30, 2020.
49. Respondent exceedances of the MCLs for nitrate for three quarterly monitoring periods between December 2019 and September 2020 are violations of 40 C.F.R. § 141.62(b) and SDWA.

COUNT 6
FAILURE TO CONDUCT NITRATE MONITORING

50. The information and allegations in the preceding paragraphs are incorporated herein by reference.
51. Pursuant to 40 C.F.R. § 141.23(d)(1), community water systems served by groundwater systems shall monitor for nitrate annually.
52. Pursuant to 40 C.F.R. § 141.23(d)(2), community water systems shall monitor for nitrates quarterly “for at least one year following any one sample in which the concentration is ≥ 50 percent of the MCL.”
53. Pursuant to 40 C.F.R. § 141.23(d)(2), WVDHHR required Respondent to monitor for nitrates quarterly as a result of the multiple MCL exceedances for nitrates since at least 2010, as demonstrated by the data WVDHHR provided through SDWIS and the WVDHHR’s August 31, 2020 Sanitary Survey Report.
54. Based on the data WVDHHR provided through SDWIS and the WVDHHR’s August 31, 2020 Sanitary Survey Report, Respondent failed to monitor for nitrates for the quarterly monitoring periods ending September 30, 2020, December 31, 2020, March 31, 2021, June 30, 2021 and September 30, 2021.
55. Based on the information available to the EPA, Respondent continues to fail to monitor the System for Nitrates.
56. Respondent’s failures to monitor for nitrates for four quarterly monitoring periods are violations of 40 C.F.R. § 141.23(d) and SDWA.

COUNT 7
FAILURE TO CONDUCT STAGE 2 DISINFECTION BYPRODUCTS MONITORING

57. The information and allegations in the preceding paragraphs are incorporated herein by reference.
58. 40 C.F.R. Part 141, Subpart V “establish[s] monitoring and other requirements for achieving compliance with maximum contaminant levels based on locational running annual averages (LRAA) for total trihalomethanes (TTHM) and haloacetic acids (five)(HAA5), and for achieving compliance with maximum residual disinfectant residuals for chlorine and chloramine for certain consecutive systems.” 40 C.F.R. § 141.620(a).
59. Pursuant to 40 C.F.R. § 141.621(a)(2), community water systems serving less than 500 people must monitor groundwater for TTHM and HAA5 (together, “Stage 2 Disinfection Byproducts”) at no fewer than 2 locations annually.
60. Pursuant to 40 C.F.R. § 141.625(a), community water systems “must increase monitoring to dual sample sets once per quarter (taken every 90 days) at all locations if a TTHM sample is >0.080 mg/L or a HAA5 sample is >0.060 mg/L at any location.” *See also* 40 C.F.R. § 141.132(b)(1)(i).

61. Pursuant to 40 C.F.R. § 141.628, “[i]f you were on increased monitoring under § 141.132(b)(1), you must remain on increased monitoring until you qualify for a return to routine monitoring under § 141.625(c). You must conduct increased monitoring under § 141.625 at the monitoring locations in the monitoring plan developed under § 141.622 beginning at the date identified in § 141.620(c) for compliance with this subpart and remain on increased monitoring until you qualify for a return to routine monitoring under § 141.625(c).
62. Based on the data WVDHHR provided through SDWIS and the WVDHHR’s August 31, 2020 Sanitary Survey Report, Respondent failed to monitor groundwater for the Stage 2 Disinfection Byproducts TTHM and HAA5 for the 2018 monitoring period.
63. Respondent’s failure to monitor annually for the Stage 2 Disinfection Byproducts TTHM and HAA5 in the 2018 monitoring period is a violation of 40 C.F.R. § 141.621(a)(2) and SDWA.
64. In accordance with 40 C.F.R. § 141.625(a), WVDHHR determined that Respondent had to increase monitoring for the Stage 2 Disinfection Byproducts beginning in 2019 and required Respondent to collect samples of TTHM and HAA5 once per quarter.
65. Based on the WVDHHR data provided through SDWIS and the WVDHHR’s August 31, 2020 Sanitary Survey Report, Respondent failed to take one (1) sample per quarter for the Stage 2 Disinfection Byproducts TTHM and HAA5 for all quarterly monitoring periods ending on March 31, 2019, June 30, 2019, September 30, 2019, December 31, 2019, March 31, 2020, June 30, 2020, September 30, 2020, December 31, 2020, March 31, 2021, June 30, 2021, and September 30, 2021.
66. Based on the information available to the EPA, Respondent continues to fail to monitor the System for Stage 2 Disinfection Byproducts TTHM and HAA5.
67. Respondent’s failure to take one (1) sample per quarter for Stage 2 Disinfection Byproducts TTHM and HAA5 for ten (10) quarterly monitoring periods between March 2019 and June 2021 are violations of 40 C.F.R. § 141.625(a) and SDWA.

**COUNT 8
FAILURE TO CONDUCT LEAD AND COPPER MONITORING**

68. The information and allegations in the preceding paragraphs are incorporated herein by reference.
69. Pursuant to 40 C.F.R. § 141.86(d)(1), the initial monitoring period for lead and copper is a six-month tap sampling monitoring period that begins on January 1 or July 1 of the year in which the water system is monitoring at the number of sites in required by 40 C.F.R. § 141.86(c).
70. Pursuant to 40 C.F.R. § 141.86(d), and based on the factors specified in the regulations, water systems may qualify for reduced monitoring of annual or triennial tap sampling monitoring period.
71. Pursuant to 40 C.F.R. § 141.86(d)(4)(i), “[a] water system that meets the criteria for reduced

monitoring under paragraph (d)(4) of this section must collect these samples from sampling sites identified in paragraph (a) of this section. Systems monitoring annually or less frequently must collect the lead and copper tap sampling during the months of June, July, August, or September unless the state has approved a different sampling period in accordance with paragraph (d)(4)(i)(A) of this section.”

72. Pursuant to the 2017 Monitoring Report provided to Respondent by WVDHHR, Respondent was required to take five (5) samples triennially for lead and copper during the triennial monitoring period of 2017-2019.
73. Based on the data WVDHHR provided through SDWIS and the WVDHHR’s August 31, 2020 Sanitary Survey Report, Respondent failed to monitor for lead and copper for the triennial monitoring period of 2017-2019.
74. Respondent’s failure to monitor for lead and copper during the triennial monitoring period of 2017-2019, is a violation of 40 C.F.R. § 141.86(d) and SDWA.
75. Pursuant to the 2020 Monitoring Report provided to Respondent by WVDHHR, Respondent was required to collect five (5) lead and copper samples every six (6) months beginning on January 1, 2020.
76. Based on the data WVDHHR provided through SDWIS and the WVDHHR’s August 31, 2020 Sanitary Survey Report, Respondent failed to monitor for lead and copper for the two (2) semiannual monitoring periods in 2020.
77. On November 17, 2020, WVDHHR notified Respondent that due to its failure to monitor correctly for lead and copper during the 2020 monitoring period, the lead and copper sampling schedule was increased to standard monitoring, which required Respondent to collect five (5) lead and copper samples every six (6) months beginning on January 1, 2021.
78. Based on the data WVDHHR provided through SDWIS, Respondent failed to monitor for lead and copper for two (2) semiannual monitoring periods in 2021.
79. Based on the information available to the EPA, Respondent continues to fail to monitor the System for lead and copper.
80. Respondent’s failure to monitor for lead and copper during four (4) semiannual monitoring periods between 2020 and 2021 is a violation of 40 C.F.R. § 141.86(d) and SDWA.

COUNT 9

FAILURE TO PRODUCE AND DELIVER A COPY OF THE CONSUMER CONFIDENCE REPORT TO THE PUBLIC

81. The information and allegations in the preceding paragraphs are incorporated herein by reference.
82. Pursuant to 40 C.F.R. § 141.152(b), each existing community water system must deliver its Consumer Confidence Report by July 1 of each year. Each report must contain data collected

during, or prior to, the previous calendar year with the information described in 40 C.F.R. § 141.153.

83. Pursuant to 40 C.F.R. § 141.155(a), “each community water system must mail or otherwise directly deliver one copy of the [Consumer Confidence Report] to each customer.”
84. Pursuant to 40 C.F.R. § 141.155(c), “no later than July 1 of year, each community water system must mail a copy of the report to the primacy agency, followed within 3 months by a certification that the report has been distributed to customers, and that the information is correct and consistent with the compliance monitoring data previously submitted to the primacy agency.”
85. Based on the data WVDHHR provided through the SDWIS, Respondent failed to deliver a copy of the Consumer Confidence Report to the public and to WVDHHR for the 2020 calendar year.
86. Respondent’s failure to produce and deliver a copy of the Consumer Confidence Reports to the public and WVDHHR in 2020 is a violation of 40 C.F.R. § 141.155(a) and (c) and SDWA.

COUNT 10

FAILURE TO ISSUE PUBLIC NOTIFICATIONS DURING THE PERIOD OF 2020-2021

87. The information and allegations in the preceding paragraphs are incorporated herein by reference.
88. Pursuant to 40 C.F.R. § 141.201(a), each owner or operator of community water system “must give notice for all violations of national primary drinking water regulations (NPDWR) and for other situations, as listed in Table 1”, including the failure to perform water quality monitoring, as required by the drinking water regulations.¹
89. Based on the data WVDHHR provided through SDWIS, and WVDHHR’s August 31, 2020 Sanitary Survey Report, the Respondent failed to issue the following public notifications: one (1) for an exceedance of the MCL for nitrate on September 30, 2020; one (1) for failure to correct significant deficiencies on January 1, 2021; two (2) for failure to monitor and report for TTHM on May 31, 2020 and August 31, 2020; two (2) for failure to monitor and report for HAA5 on May 31, 2020 and August 31, 2020; and one (1) for failure to conduct follow-up or routine Lead and Copper Rule Tap monitoring and reporting on October 1, 2020.
90. Respondent’s failure to issue seven (7) public notifications in 2020 and 2021 are violations of 40 C.F.R. § 141.201(a) and SDWA.

COUNT 11

FAILURE TO ADDRESS SIGNIFICANT DEFICIENCIES FOUND IN GROUND WATER SYSTEM

91. The information and allegations in the preceding paragraphs are incorporated herein by reference.

¹ The term “NPDWR violations” is used in 40 C.F.R Subpart Q to include violations of the maximum contaminant level, maximum residual disinfection level, treatment technique, monitoring requirements, and testing procedures in Part 141.

92. Based on the data WVDHHR provided through the SDWIS the system failed to correct significant deficiencies in the System found by WVDHHR on January 1, 2021, as required by the Ground Water Rule, 40 C.F.R. 141 Subpart S.
93. Pursuant to 40 C.F.R. § 141.400(c)(3), ground water systems must comply with treatment technique requirements described in 40 C.F.R. § 141.403. “A ground water system . . . with significant deficiencies subject to the treatment technique requirements of this subpart must implement one or more of the following corrective action options: correct all significant deficiencies; provide an alternate source of water; eliminate the source of contamination; or provide treatment that reliably achieves at least 4–log treatment of viruses (using inactivation, removal, or a State-approved combination of 4–log virus inactivation and removal) before or at the first customer.”
94. Pursuant to 40 C.F.R. § 141.404(a)(1), “[a] ground water system with a significant deficiency is in violation of the treatment technique requirement if, within 120 days (or earlier if directed by the State) of receiving written notice from the State of the significant deficiency, the system: Does not complete corrective action in accordance with any applicable State plan review processes or other State guidance and direction, including State specified interim actions and measures.”
95. During the August 19, 2020 Sanitary Survey conducted by WVDHHR, the Agency found two significant deficiencies in Respondent’s System. Respondent was provided written notice of these significant deficiencies from WVDHHR in the August 31, 2020 Sanitary Survey Report.
96. Based on the information currently available to the EPA, and as of the date of this Order, Respondent has not completed corrective actions for those significant deficiencies in accordance with the recommendations made in the August 31, 2020 Sanitary Survey Report.
97. Respondent’s failure to correct significant deficiencies found in ground water is a violation of 40 C.F.R. § 141.404(a)(1) and SDWA.

III. ORDER FOR COMPLIANCE

98. Based on the foregoing FINDINGS, and pursuant to the authority of Section 1414(g) of the SDWA, 42 U.S.C. § 300g-3(g), Respondent is **HEREBY ORDERED** to:
99. **Within thirty (30) days** of the Effective date of this Order, respond to this Order by sending written correspondence to EPA and WVDHHR at the addresses listed below, outlining the actions Respondent has taken and plans to take to comply with this Order, including specific interim and final milestones for such plans.
100. **Within thirty (30) days** of the Effective Date of this order, Respondent shall correct the deficiencies found in the Ground Water System and inform the EPA and WVDHHR, in accordance with 40 C.F.R. § 141.404.
101. **Within thirty (30) days of the Effective Date** of this Order Respondent shall issue a copy of the Consumer Confidence Report to the public, in accordance with 40 C.F.R. § 141.155.

102. **During the monitoring period of July 1, 2022 to September 30, 2022**, Respondent shall submit the monitoring results for Stage 2 Disinfection Byproducts: HAA5 and TTHM to EPA and WVDHHR, **Respondent is required to sample in the month of August**, in accordance with 40 C.F.R. § 141.625.
103. **By September 30, 2022**, Respondent shall take samples and submit the monitoring results for nitrate to EPA and WVDHHR, in accordance with 40 C.F.R. §141.23.
104. **By December 31, 2022**, Respondent shall take samples and submit the monitoring results for arsenic to EPA and WVDHHR, in accordance with 40 C.F.R § 141.23.
105. **By December 31, 2022**, Respondent shall take samples and submit the monitoring results for inorganic chemicals to EPA and WVDHHR, in accordance with 40 C.F.R. § 141.23.
106. **By December 31, 2022**, Respondent shall take samples and submit the monitoring results for volatile organic chemicals to EPA and WVDHHR, in accordance with 40 C.F.R. § 141.24.
107. **By December 31, 2022**, Respondent shall take samples and submit the monitoring results for synthetic organic chemicals to EPA and WVDHHR, in accordance with 40 C.F.R. § 141.24.
108. **By December 31, 2022**, Respondent shall take samples and submit the monitoring results for lead and copper at taps for LCR monitoring to EPA and WVDHHR, in accordance with 40 C.F.R. § 141.86(d).
109. Respondent shall issue all Public Notifications in the form, manner, and frequency required, pursuant to 40 C.F.R. § 141.201.
110. In any event that the Respondent cannot comply with the approved timeframes set in the order, Respondent has ten (10) days of receipt of order to confer with EPA.
111. Electronically submit or fax any documentation, plans, reports, and analyses to:

Lesly Huerta
SDWA & Wetlands Section (3ED31)
Enforcement & Compliance Assurance Division
U.S. Environmental Protection Agency, Region III
Huerta.Lesly@epa.gov

and

Dan J. Mace
Compliance and Enforcement
West Virginia Department of Health and Human Resources
(304) 352-5023
Fax: (304) 558-0139
Address as Attention: Dan Mace

For questions or further instructions on submitting documentation, plans, reports, and analyses electronically, please call Lesly Huerta at (215) 814-2075.

IV. GENERAL PROVISIONS

112. This Order shall not prohibit, prevent, or otherwise preclude EPA from taking whatever action it deems appropriate to enforce the Act in any matter and shall not prohibit, prevent, or otherwise preclude EPA from relying on this Order in subsequent administrative proceedings.
113. Respondent's submission of progress reports and/or any delay in performing laboratory analyses shall not excuse the obligation of Respondent to comply with this Order.
114. This Order does not waive, suspend, or modify the requirements of the SDWA, 42 U.S.C. §§ 300f-300j-26, or its implementing regulations, promulgated at 40 C.F.R. Part 141, 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.
115. Any violation of the terms of this Order may result in further EPA enforcement action including the imposition of administrative penalties of up to \$43,678 per day for each day of violation that occurs, or a judicial action including the imposition of civil penalties up to \$62,689 pursuant to Section 1414(g) of the SDWA, 42 U.S.C. § 300g-3(g), as modified by the Debt Collection Improvement Act of 1996, 31 U. S. C. § 3701 et seq., and subsequent Civil Monetary Penalty Inflation Adjustment Rule, 40 C.F.R. Part 19.
116. EPA reserves the right to commence action against any person, including Respondent, in response to any condition which EPA determines may present an imminent and substantial endangerment to the public health.
117. This Order in no way relieves the Respondent of the duty to comply with any federal, state, or local law, regulation, ordinance, or permit. Compliance with this Order shall be no defense to any action commenced pursuant to such authorities.
118. EPA and its authorized representatives, including contractors, shall have authority upon the presentation of proper identification to enter the premises of Respondent at any time without prior notification to monitor the activities required by this Order, verify any data or information submitted pursuant to this Order, obtain samples, and inspect and review any records generated and/or maintained pursuant to this Order. EPA reserves and does not waive any and all existing inspection and information request authority.
119. The provisions of this Order shall apply to and be binding upon the Respondent and its officers, directors, employees, contractors, agents, trustees, successors and assigns of the Respondent.
120. Respondent may seek federal judicial review of the Order pursuant to Section 1448(a) of the Safe Drinking Water Act, 42 U.S.C. § 300j-7(a).
121. For purposes of the identification requirement in Section 162(f)(2)(A)(ii) of the Internal Revenue Code, 26 U.S.C. § 162(f)(2)(A)(ii), and 26 C.F.R. § 162-21(b)(2), performance of

Section III of this Order is restitution, remediation, or required to come into compliance with the law.

V. OPPORTUNITY TO CONFER

122. Respondent is invited to confer with the Agency about the findings and conclusions reflected in this Order and about any of the terms and conditions contained herein. Respondent's request for a conference must be confirmed in writing via e-mail within ten (10) days of receipt of this Order. Respondent must communicate with EPA representatives to schedule the conference no later ten (10) days after receipt of this Order. If the requested conference is held, this Order shall become effective ten (10) days after the conference is held. If Respondent does not request a meeting within ten (10) days of receipt of this Order, Respondent waives its rights to a conference, and this Order shall become effective ten (10) days from its receipt. Any request for a conference, or other inquiries concerning this Order should be made in writing to: Lesly Huerta at Huerta.Lesly@epa.gov, with the case name and docket number included in the email.

VI. TERMINATION AND SATISFACTION

123. The provisions of this Order shall be deemed satisfied upon Respondent's receipt of written notice from EPA that Respondent has demonstrated, to the satisfaction of EPA, that the terms of this Order have been satisfactorily completed.
124. Respondent may submit to EPA a Certification of Compliance and Request for Termination of this Order, including the necessary documentation to demonstrate that it has met all requirements of this Order. If, following review of a Certification of Compliance and Request for Termination of this Order, EPA agrees that Respondent has adequately complied with all requirements of this Order, EPA shall provide written notification of termination of this Order as described in immediately preceding paragraph.

VII. EFFECTIVE DATE

125. This Order shall become effective ten (10) days from the date of receipt of this Order, or, if a conference is requested per Section V above, this Order shall become effective ten (10) days after the conference is held.

SO ORDERED:

[digitally signed and dated]

Karen Melvin, Director

Enforcement & Compliance Assurance Division

U.S. EPA Region III

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
PHILADELPHIA, PENNSYLVANIA 19103

| | | |
|-------------------------|---|---------------------------------|
| IN THE MATTER OF: |) | |
| |) | |
| POTOMAC FARMS LLC |) | Docket No. SDWA-03-2022-0094DS |
| |) | |
| 432 CARTER AVE. |) | ADMINISTRATIVE ORDER |
| HARPERS FERRY, WV 25425 |) | |
| |) | Proceedings Pursuant to Section |
| Respondent, |) | 1414(g) of the Safe Drinking |
| |) | |
| PWS ID No. WV3301947 |) | Water Act, as amended, 42 |
| |) | U.S.C. § 300g-3(g) |
| System. |) | |

CERTIFICATE OF SERVICE

I certify that on _____, the foregoing *Administrative Order for Compliance*, was served on Potomac Farms LLC. I further certify that on the date set forth below, I caused to be served a true and correct copy of the foregoing to each of the following persons, in the manner specified below, at the following addresses:

Copies served via UPS to:

Ms. Carol Mathers
Potomac Farms LLC
432 Carter Ave
Harpers Ferry, WV 25425

Copies served via email to:

Hannah G. Leone
Assistant Regional Counsel
U.S. EPA, Region III
Four Penn Center
1600 John F. Kennedy Blvd.
Philadelphia, PA 19103-2852
Leone.hannah@epa.gov

Lesly Huerta
Enforcement Inspector
U.S. EPA, Region III
Four Penn Center
1600 John F. Kennedy Blvd.
Philadelphia, PA 19103-2852
Huerta.lesly@epa.gov

Date: _____

Assistant Counsel
U.S. Environmental Protection Agency, Region III