



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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EPA REGION VIII
HEARING CLERK

Ref: 8ENF-W-SD

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

CSC-Lawyers Incorporating Service Company
Corporation Service Company
50 West Broad Street, Suite 1330
Columbus, Ohio 43215

Re: Amended Administrative Order issued to Travel Centers of America LLC / regarding
Travel Centers of America Public Water System,
PWS ID #WY5600807, Docket No. **SDWA-08-2020-0010**

To Whom it May Concern:

Enclosed is an Amended Administrative Order (Amended 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). The Amended Order modifies the Administrative Order issued on December 12, 2019. The Order alleges that Travel Centers of America LLC (Company), as owner of the Travel Centers of America Public Water System (System), has violated the National Primary Drinking Water Regulation at 40 C.F.R. part 141 (Part 141). This Amended Order supersedes and replaces in its entirety the Order issued to you on December 12, 2019.

The Amended Order is effective upon the date received. Please review the Amended Order and within 10 business days provide the EPA with any pertinent information the Company believes the EPA may not have (*e.g.*, any monitoring that may have been done but not submitted, any updates to the number of service connections and/or individuals served). If the EPA does not hear from the Company, the EPA will assume this information is correct. If the Company complies with the Amended Order, the EPA may close the Amended Order without further action. (Note: all significant deficiency corrections have been completed. EPA was notified of completion on January 3, 2020.)

Failure to comply with the Amended Order may trigger, in light of the EPA's efforts to help the System come into compliance, immediate action to enforce this Amended Order by means of filing a complaint seeking penalties. The complaint may lead to assessment of civil penalties of up to \$58,328 (as adjusted for inflation) per day of violation, a federal court injunction ordering compliance, or both.

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 governments, in case these are relevant. SBREFA does not eliminate the responsibility to comply with the Amended Order or the Drinking Water Regulation. Also enclosed are several templates and fact sheets to assist you in addressing the outstanding violations.

If you have any questions or to request an informal conference with the EPA, please contact Nathan Hicks via email at hicks.nathaniel@epa.gov, or by phone at (800) 227-8917, extension 6546, or (303) 312-6546. Any questions from the Company's attorney should be directed to Mia Bearley, Senior Assistant Regional Counsel, via email at 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,

A handwritten signature in cursive script that reads "Colleen Rathbone".

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

Enclosures

cc: WY DEQ/DOH
Laramie County Commissioners (bholmes1942@yahoo.com)
Melissa Haniewicz, EPA Regional Hearing Clerk
Brett Vizina (certifiedwater2019@gmail.com)
Mark Dansizen (mdansizen@ta-petro.com)
Executives and Board Members (ir@ta-petro.com)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

IN THE MATTER OF:)	
)	Docket No. SDWA-08-2020-0010
Travel Centers of America, LLC)	AMENDED ADMINISTRATIVE ORDER
PWS# WY5600807)	
)	
<u>Respondent.</u>)	

1. This Amended Order (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. Travel Centers of America, LLC (Respondent) is a corporation that owns Travel Centers of America Public Water System (System) located at 4000 I-80 Service Road, Burns, Wyoming 82053, which provides piped water to the public for human consumption.
3. The System is supplied by a groundwater source accessed via one well. The water is untreated.
4. The System has approximately 2 service connections and/or regularly serves an average of approximately 1525 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 regularly serves at least 25 of the same persons over six months per year and, as such, is also a “non-transient, non-community” water system as defined in 40 C.F.R. § 141.2.
5. Respondent is subject to the Act and 40 C.F.R. part 141. The Drinking Water Regulation is an “applicable requirement” as defined in section 1414(i) of the Act, 42 U.S.C. § 300g-3(i).

VIOLATIONS

6. Respondent is required to complete corrective action of a significant deficiency in accordance with an EPA-approved corrective action schedule or within 120 days of receiving written notification from the EPA of a significant deficiency. 40 C.F.R. § 141.404(a). Respondent is required to notify the EPA within 30 days of completion of a significant deficiency corrective action. 40 C.F.R. § 141.405(a)(2). Respondent received a letter from the EPA on August 18, 2017, which detailed significant deficiencies. The EPA approved a schedule for the System to complete the corrective actions by 6 months from the sanitary survey. The corrective actions were required to be completed within 6 months from receipt of the sanitary survey. Respondent corrected the violation but failed to do so within the 6-month required timeframe and/or failed to notify the EPA of corrective action completion by 6 months from the sanitary survey and, therefore, violated this requirement.
7. Respondent is required to deliver a consumer notice of individual tap monitoring results for lead and copper to the persons served at each sampled site no later than 30 days after the system learns of the tap monitoring results, in accordance with 40 CFR 141.85(d). Within 90 days following the end of each monitoring period, Respondent is required to submit to the EPA a sample copy of the consumer notification along with a certification that the notification has been distributed, in accordance with 40 CFR 141.90(f)(3). Respondent corrected the violation but failed to do so within the required timeframe and failed to submit a copy of the consumer notice to the EPA and therefore violated this requirement.

8. Respondent is required to monitor quarterly for nitrate if any annual monitoring sample of the System's water has a nitrate concentration of at least 5 milligrams per liter (mg/L). 40 C.F.R. § 141.23(d)(2). After the System's water was analyzed for nitrate at 5.9 mg/L during its 2012 annual monitoring period, Respondent failed to monitor during the quarter of April 1 to June 30, 2018, and therefore violated this requirement.
9. Respondent is required to monitor the System's water monthly for total coliform bacteria. 40 C.F.R. §§ 141.853-858. Respondent failed to monitor the System's water for total coliform bacteria during October, November, and December 2015, and therefore violated this requirement.
10. Respondent is required to notify the public of certain violations of the Drinking Water Regulation 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. Respondent failed to notify the public of the violation (Tier 2) within the required timeframe cited in paragraph 6, above and/or failed to submit a copy and certification to the EPA, and therefore violated this requirement.
11. Respondent is required to notify the public of certain violations of the Drinking Water Regulation no later than one year after the System learns of the violation (Tier 3) 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. Respondent failed to notify the public of the violations within the required timeframe cited in paragraphs 8, and 9, above and/or failed to submit a copy to the EPA, and therefore violated this requirement.
12. Respondent is required to report any violation of total coliform monitoring requirements to the EPA within 10 days after discovering the violation. 40 C.F.R. § 141.861(a)(4). Respondent failed to report the violations listed in paragraph 9, above, to the EPA and therefore violated this requirement.
13. Respondent is required to report any failure to comply with any Drinking Water Regulation to the EPA within 48 hours (except where the Drinking Water Regulation specifies a different time period). 40 C.F.R. § 141.31(b). Respondent failed to report the violations within the required timeframe cited in paragraphs 6, 7, 8, 9, 10, and 11, above, to the EPA and therefore violated this requirement.

ORDER

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

14. Within 120 days of receipt of this Order, Respondent shall complete corrective action of the listed significant deficiencies and notify the EPA within 30 days after their completion. Respondent shall provide sufficient evidence to the EPA including photographs, and documentation of the corrective actions. Respondent shall complete corrective action of significant deficiencies and notification of their completion as required by 40 C.F.R. §§ 141.403(a) and 141.405(a)(2). (Note: corrective actions for all significant deficiencies have been completed. EPA was notified of completion on January 3, 2020.)

- a) No Emergency Response Plan (ERP).

- Respondent must create an Emergency Response Plan (ERP) that details emergency procedures for possible foreseeable emergencies such as power outage, loss of water, equipment failure, development of unsafe conditions, and other emergency conditions. Templates, including instructions, for developing ERPs can be found on the USEPA Region 8 Drinking Water Online website: <https://www.epa.gov/waterutilityresponse/develop-or-update-drinking-water-utility-emergency-response-plan>.
- b) Well ID: WL01 – Wood’s Truck Stop Well #11 Unknown integrity of sanitary seal on the well casing.
- c) No viable sanitary seal within the well cap. The well must be fitted with a functioning sanitary seal and tightly bolted cap.
 - Respondent must remove and replace the broken well cap and determine whether a seal exists. If no seal exists, a seal must be installed per manufacturer’s specifications. A photo documenting the seal must be provided.

15. Within 30 days after receipt of this Order, Respondent shall deliver a consumer notice of individual tap monitoring results to the persons served at each sampled site, in accordance with 40 CFR 141.85(d). Within 90 days following the end of each monitoring period, Respondent shall submit to the EPA a sample copy of the consumer notification along with a certification that the notification has been distributed, in accordance with 40 CFR 141.90(f)(3). (Note: consumer notification along with certification have been completed. EPA was notified of completion on January 3, 2020.)

16. Within 30 days after receipt of this Order, and quarterly thereafter until notified by the EPA in writing of a different monitoring schedule, Respondent shall monitor the System’s water for nitrate, in accordance with 40 C.F.R. § 141.23(d)(2). Respondent shall report monitoring results to the EPA within the first 10 days following either (1) the month in which the result is received or (2) the end of the required monitoring period as stipulated by the EPA, whichever is shortest. 40 C.F.R. § 141.31(a). (Note: respondent submitted a sample, EPA was notified of completion on January 3, 2020.)

17. Respondent 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, Respondent shall collect a set of three repeat samples for each total coliform-positive sample. 40 C.F.R. § 141.853-858. Respondent shall report total coliform analytical results to the EPA within the first ten days following the end of the System’s required monitoring period. See, 40 C.F.R. § 141.31(a).

18. Within 30 days after receipt of this Order, Respondent shall notify the public of the violation (Tier 2) cited in paragraph 6, above. Templates and instructions are available at: <https://www.epa.gov/region8-waterops/ground-water-rule-failure-take-corrective-action-public-notification-template>. Within 10 days after providing public notice, Respondent shall submit a copy of the notice to the EPA. Thereafter, following any future violation of the Drinking Water Regulations, Respondent shall comply with any applicable public notice provisions of 40 C.F.R. part 141, subpart Q. (Note: corrective actions for all significant deficiencies to include the public notice have been completed. EPA was notified of completion on January 3, 2020.)

19. Within 30 days after receipt of this Order, Respondent shall notify the public of the (Tier 3) monitoring violations cited in paragraphs 8, and 9, above. 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>. The templates to use for the Tier 3 notices are titled Failure to Monitor for Nitrate and Failure to Monitor for Total Coliform. Within 10 days after providing public notice, Respondent shall submit a copy of the notice to the EPA. Thereafter, following any future violation of the Drinking Water Regulations, Respondent shall comply with any applicable public notice provisions of 40 C.F.R. part 141, subpart Q.
20. Respondent shall report any violation of total coliform monitoring requirements to the EPA within 10 days after discovering the violation, as required by 40 C.F.R. § 141.861(a)(4).
21. For any future violation of the Drinking Water Regulation for which this Order does not specify a reporting period, Respondent shall 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 the Drinking Water Regulation specifies a different time period for reporting the particular violation, Respondent shall report the violation to the EPA within that different period.
22. If Respondent (a) leases or sells the System to another person or entity, or (b) contracts with or hires any other person or entity to operate the System, Respondent shall, within 10 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, Respondent shall remain obligated to comply with this Order.
23. Respondent is ordered to comply with all provisions of the Safe Drinking Water Act and the Drinking Water Regulation, including but not limited to each requirement cited above.
24. Respondent shall send all reporting and notifications required by this Order to the EPA at:

Email: R8DWU@epa.gov, and
hicks.nathaniel@epa.gov

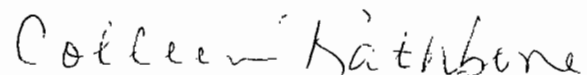
GENERAL PROVISIONS

25. This Order shall be binding on Respondent, and any person (e.g., employee, contractor, or other agent) acting in concert with Respondent.
26. This Order shall not constitute a waiver, suspension, or modification of any requirement of the Act or the Drinking Water Regulation. Issuance of this Order is not an election by the EPA to forgo any civil or criminal action.
27. Violation of any part of this Order, the Act, or the Drinking Water Regulation may subject Respondent 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).

28. Respondent may seek federal judicial review of this Order pursuant to section 1448(a) of the Act, 42 U.S.C. § 300j-7(a).

Issued: February 21, 2020.

Sincerely,

A handwritten signature in cursive script that reads "Colleen Rathbone".

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

U.S. EPA Small Business Resources Information Sheet

The United States Environmental Protection Agency provides an array of resources to help small businesses understand and comply with federal and state environmental laws. In addition to helping small businesses understand their environmental obligations and improve compliance, these resources will also help such businesses find cost-effective ways to comply through pollution prevention techniques and innovative technologies.

Office of Small and Disadvantaged Business Utilization (OSDBU)

www.epa.gov/aboutepa/about-office-small-and-disadvantaged-business-utilization-osdbu

EPA's OSDBU advocates and advances business, regulatory, and environmental compliance concerns of small and socio-economically disadvantaged businesses.

EPA's Asbestos Small Business Ombudsman (ASBO)

www.epa.gov/resources-small-businesses/asbestos-small-business-ombudsman or 1-800-368-5888

The EPA ASBO serves as a conduit for small businesses to access EPA and facilitates communications between the small business community and the Agency.

Small Business Environmental Assistance Program

<https://nationalsbeap.org>

This program provides a "one-stop shop" for small businesses and assistance providers seeking information on a wide range of environmental topics and state-specific environmental compliance assistance resources.

EPA's Compliance Assistance Homepage

www.epa.gov/compliance

This page is a gateway to industry and statute-specific environmental resources, from extensive web-based information to hotlines and compliance assistance specialists.

Compliance Assistance Centers

www.complianceassistance.net

EPA sponsored Compliance Assistance Centers provide information targeted to industries with many small businesses. They were developed in partnership with industry, universities and other federal and state agencies.

Agriculture

www.epa.gov/agriculture

Automotive Recycling

www.ecarcenter.org

Automotive Service and Repair

www.ccar-greenlink.org or 1-888-GRN-LINK

Chemical Manufacturing

www.chemalliance.org

Construction

www.cicacenter.org

Education

www.campuserc.org

Food Processing

www.fpeac.org

Healthcare

www.hercenter.org

Local Government

www.lgean.org

Surface Finishing

<http://www.sterc.org>

Paints and Coatings

www.paintcenter.org

Printing

www.pneac.org

Ports

www.portcompliance.org

Transportation

www.tercenter.org

U.S. Border Compliance and Import/Export Issues

www.bordercenter.org

EPA Hotlines and Clearinghouses

www.epa.gov/home/epa-hotlines

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. Examples include:

Clean Air Technology Center (CATC) Info-line

www.epa.gov/catc or 1-919-541-0800

Superfund, TRI, EPCRA, RMP, and Oil Information Center

1-800-424-9346

EPA Imported Vehicles and Engines Public Helpline

www.epa.gov/otaq/imports or 1-734-214-4100

National Pesticide Information Center

www.npic.orst.edu or 1-800-858-7378

National Response Center Hotline to report oil and hazardous substance spills - <http://nrc.uscg.mil> or 1-800-424-8802

Pollution Prevention Information Clearinghouse (PPIC) -

www.epa.gov/p2/pollution-prevention-resources#ppic or 1-202-566-0799

Safe Drinking Water Hotline -

www.epa.gov/ground-water-and-drinking-water/safe-drinking-water-hotline or 1-800-426-4791

Toxic Substances Control Act (TSCA) Hotline

tsc hotline@epa.gov or 1-202-554-1404

Small Entity Compliance Guides

<https://www.epa.gov/reg-flex/small-entity-compliance-guides>

EPA publishes a Small Entity Compliance Guide (SECG) for every rule for which the Agency has prepared a final regulatory flexibility analysis, in accordance with Section 604 of the Regulatory Flexibility Act (RFA).

Regional Small Business Liaisons

www.epa.gov/resources-small-businesses/epa-regional-office-small-business-liaisons

The U.S. Environmental Protection Agency (EPA) Regional Small Business Liaison (RSBL) is the primary regional contact and often the expert on small business assistance, advocacy, and outreach. The RSBL is the regional voice for the EPA Asbestos and Small Business Ombudsman (ASBO).

State Resource Locators

www.envcap.org/statetools

The Locators provide state-specific contacts, regulations and resources covering the major environmental laws.

State Small Business Environmental Assistance Programs (SBEAPs)

<https://nationalsbeap.org/states/list>

State SBEAPs help small businesses and assistance providers understand environmental requirements and sustainable business practices through workshops, trainings and site visits.

EPA's Tribal Portal

www.epa.gov/tribalportal

The Portal helps users locate tribal-related information within EPA and other federal agencies.

EPA Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated, businesses may be eligible for penalty waivers or reductions. EPA has two such policies that may apply to small businesses:

EPA's Small Business Compliance Policy

www.epa.gov/enforcement/small-businesses-and-enforcement

EPA's Audit Policy

www.epa.gov/compliance/epas-audit-policy

Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established a SBREFA Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System designation, number of employees or annual receipts, as defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247).

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

Your Duty to Comply

If you receive compliance assistance or submit a comment to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.