

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8



IN THE MATTER OF:)
) Docket No. SDWA-08-2024-0001
Akal Energy, LLC and Manjot Pandher)
) **ADMINISTRATIVE ORDER**
Respondents.)
)
Akal Energy Tumbleweed Express)
Public Water System)
)
PWS ID #WY5601724)

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 Energy, LLC, Manjot Pandher (Respondents) are a Wyoming corporation and an individual, respectively, that own and operate the Akal Energy Tumbleweed Express 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 one well source. The water is untreated.
4. The System has approximately one service connection and regularly serves an average of approximately 50 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. Respondents are a “person” 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. If the System has more than one positive total coliform positive sample result within the same month or fails to take three total coliform repeat samples within 24 hours following a routine total coliform positive result, Respondents are required to conduct a Level 1 assessment and submit it to the EPA within 30 calendar days of learning of the monitoring results. 40 C.F.R. § 141.859. Respondents failed to conduct a Level 1 assessment by December 13, 2021, that was triggered when they failed to take three repeat samples of the System’s water after a positive total coliform sample on November 1, 2021. (Note: EPA did receive one Triggered Ground Water Rule (GWR) sample that was collected on November 3, 2021, but no repeat samples from the distribution system. The Triggered GWR sample

result was negative for total coliform. This one sample, however, does not fulfill regulatory requirements under the RTCR or negate the violation of failing to complete the Level 1 Assessment.)

8. Respondents are required to monitor the System's water annually for nitrate at every entry point in 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 2022 and therefore, violated this requirement.

9. Respondents are 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 September and October 2021 and therefore, violated this requirement.

10. 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 violation identified in paragraph 7, above, is classified as a violation requiring Tier 2 public notice within 30 calendar days, according to 40 C.F.R. § 141.203. The EPA's records reflect that the Respondents failed to notify the public of the violation cited in paragraph 7 and failed to submit a copy of the public notice and certification to the EPA and therefore, violated this requirement.

11. 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 8 and 9, 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 violations cited in paragraphs 8 and 9 and failed to submit a copy of the public notice and certification to the EPA and therefore, violated this requirement. this requirement. The deadline for public notice of the violations cited in paragraph 8 has not yet passed.

12. 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 violation cited in paragraph 8, above, 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 paragraphs 7 and 9, 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):

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

15. Within 15 calendar days of receipt of this Order, Respondents shall conduct a Level 1 assessment and submit the attached Revised Total Coliform Rule Level 1 assessment form to the EPA. The assessment shall determine the cause of the total coliform-positive samples, if possible, identify corrective actions for all sanitary defects, and include a proposed schedule (Schedule) and plan for completion of all corrective actions after consulting with the EPA. The Schedule shall be 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. 40 C.F.R. § 141.859. The Level 1 Assessment form can be accessed at <https://www.epa.gov/region8-waterops/revised-total-coliform-rule-level-1-assessment-form>.

16. Following any future instances of the System (1) having two or more total coliform-positive sample results (including routine and repeat samples) within the same month, (2) failing to collect three repeat samples within 24 hours following a total coliform--positive sample, (3) having an *E. coli* MCL violation, or (4) triggering a second Level 1 assessment within a rolling 12-month period, Respondents shall conduct the appropriate level of assessment in compliance with 40 C.F.R. § 141.859.

17. Within 30 calendar days after receipt of this Order, and as required by Part 141 thereafter, Respondents shall monitor the System's water for nitrate, 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).

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 in the distribution system 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. Within 30 calendar days after receipt of this Order, and quarterly thereafter for as long as the violation cited in paragraph 7, above, persists, Respondents shall notify the public of this violation. 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>.

20. Within 30 calendar days after receipt of this Order, Respondents shall notify the public of the violations cited in paragraphs 8 and 9, 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>.

21. 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.

22. If the population or number of connections served by the System at least 60 days of the year falls below 25 individuals, 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>.

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 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.

24. Respondents must 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

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

26. 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.

27. Violation of any part of this Order, the Act, or Part 141 may subject Respondents to a civil penalty of up to \$67,544 (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; 88 Fed. Reg. at 989 (January 6, 2023).

Manjot Pandher and Akal Energy, LLC
Akal Energy Tumbleweed Express Public Water System, ECN: Akal: 600.0201.2023_Akal

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28. 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: October 3, 2023.

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