



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

November 3, 2020
9:45 AM

Received by

November 3, 2020

EPA Region VIII

Hearing Clerk

Ref: 8ENF-W-SD

SENT VIA EMAIL
DIGITAL READ RECEIPT REQUESTED

Mr. Amandeep Pandher, Owner,
Akal Travel Center LLC
akalenergy@yahoo.com

Re: Violation of the Amandeep Pandher and Akal Travel Center, LLC Administrative Order, Docket No. SDWA-2020-08-0046, Akal Travel Center Public Water System (System), PWS ID WY5600313

Dear Mr. Pandher:

The purpose of this letter is to provide notice of the EPA's intention to file a complaint seeking civil administrative penalties. Specifically, on September 3, 2020, the EPA issued the above-referenced Administrative Order (Order), directing Amandeep Pandher and Akal Travel Center, LLC (Respondents), to comply with the National Primary Drinking Water Regulations issued by the EPA under the Safe Drinking Water Act, 42 U.S.C. section 300f, *et seq.* Our records indicate that you, as Respondents, are in violation of the Order.

Among other things, the Order included the following requirements summarized from paragraphs 16 and 18 on pages 3 and 4 of the Order, which **have not been completed**:

Within 30 calendar days of receipt of this Order, you were required to consult with the EPA regarding actions to correct significant deficiencies and submit a proposed schedule and plan to the EPA for completion of the following corrective actions:

- SD#2: All openings in Well WL01 - Well #1 (Stuckey's #3) must be sealed and watertight. Well #1 must be adequately protected to prevent damage due to vehicle operations.
- SD#3: Well WL01 - Well #1 (Stuckey's #3) must be fitted with a functioning sanitary seal that is tightly bolted and does not allow contamination to enter the well.
- SD#4: The permanent casing for Well WL03 - Well #3 (Fleischli Well #1) must project at least 12 inches above the concrete floor or apron and at least 18 inches above normal ground surface.

- SD#5: Well WL03 - Well #3 (Fleischli #1) must be fitted with a functioning sanitary seal that is tightly bolted and does not allow contamination to enter the well.
- SD#6: The height of the well vent for Well WL03 - Well #3 (Fleischli #1) must be at least as high as the well casing for the pitless unit.
- SD#7: The well vent for Well WL03 - Well #3 (Fleischli #1) must be fitted with a #24-mesh corrosion-resistant screen.
- SD#8: System needs an Emergency Response Plan (ERP) that must detail emergency operations procedures for possible foreseeable emergencies such as power outage, loss of water, equipment failure, development of unsafe conditions and other.
- **Partially completed (a total coliform sample was not collected in September 2020):**
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 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).

In other words, within 30 calendar days of receipt of the September 3, 2020 Order, you were required to consult with the EPA regarding the necessary actions to address the overdue corrective actions of the eight significant deficiencies and provide a plan and schedule. You only provided information that the SD#1: The well casing for Well WL01 - Well #1 (Stuckey's #3) was adequately protected to prevent damage due to vehicle operations. Further, you were required to monitor monthly for total coliform bacteria in September 2020 and did not comply with this requirement.

Violation of any part of this Order, the Act, or Part 141 may subject Respondents to a civil penalty of up to \$58,328 (as adjusted for inflation) per day of violation of the Order, 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).

The EPA may choose not to file a complaint seeking civil penalties if you (1) do not incur any additional violations, and (2) within 30 calendar days, either provide the EPA with a plan and schedule to address the remaining seven significant deficiencies and/or notice of completed corrective actions that includes photographs, assuming, of course, that the System is in compliance with all other requirements of the Order.

EPA acknowledges that the COVID-19 pandemic may be impacting your business. If you have specific COVID-19 issues that would affect the timeframes listed herein, please contact Christina Carballal. We will consider nationwide public health developments and your specific circumstances in determining an appropriate timeline for responding to this Administrative Order Violation, while still pursuing regulatory compliance with the Safe Drinking Water Act as expeditiously as possible.

If you have any questions please contact Christina Carballal by phone at 1-800-227-8917, extension 6046, or (303) 312-6046 or via email at carballal-broome.christina@epa.gov. Any questions from the System'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,

**COLLEEN
RATHBONE**

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

Digitally signed by COLLEEN
RATHBONE
Date: 2020.11.03 07:03:18
-07'00'

Enclosures

cc: WY DEQ/DOH (via email)
Albany County Commissioners (tchesnut@co.albany.wy.us)
Melissa Haniewicz, EPA Regional Hearing Clerk



EPA Region 8 Drinking Water Unit - Tips for WY and Tribal Systems How to Stay in Compliance with Monitoring Requirements

Check your Monitoring Schedule

- Monitoring and Reporting Requirements (Schedules) are emailed to you in February of each year. This schedule notes all contaminants your water system must monitor for, along with the required number of samples, sampling point location(s), frequency and timeframe.
- For more detailed info on your Monitoring Schedule, please refer to "*Quick Guide To Drinking Water Monitoring Requirements in Wyoming and on Tribal Lands in EPA Region 8*" which can be found at: <https://www.epa.gov/region8-waterops/quick-guide-drinking-water-monitoring-requirements-wyoming-and-tribal-lands-epa>
- Suggestions: Post your Monitoring Schedule on your bulletin board. Note when you must sample on your desk or wall calendar. Use a scheduler on your computer (like Outlook) to identify sampling dates and set reminders.
- If you misplace your Monitoring Schedule, a copy can be found on Drinking Water Watch (DWW) or call EPA for a replacement copy.
- **Work with your Certified Lab** - Once you receive your Monitoring Schedule, share it with your lab(s).
- Schedule what bottles you will need for the sampling required for the year and ask for extra Total Coliform Rule (TCR) sample bottles just in case you have a total coliform (TC) positive and need to take repeats or source samples for the Ground Water Rule. It saves time!
- Check to see if your lab will copy EPA when they email you your results. This will save you a step! But ultimately, you are responsible for making sure that EPA receives your sample results.
- **Check your email for messages from EPA.** Every month EPA sends out a reminder to the administrative contact (and others who request to be opted-in) of what chemical (including radiological) samples remain to be collected for the monitoring period.
- Use DWW to print out your chemical sample collection form for the pending requirements. It will contain information to help your lab understand what to test your samples for.

When to Sample and When to Report Results to EPA - ALWAYS sample as early in the month or monitoring period as you can – on a Monday if possible! This way, if a sample is lost or exceeds a holding time, you will still have time to collect another sample before the weekend or end of the month. This is a super easy way to avoid a violation.

- If the lab is not copying EPA on your sample results, send them in to EPA as soon as you receive them. This way you can avoid getting a violation for Failure to Monitor. **Tip:** TCR results are due by the 10th of the month following the month you sampled. For all other samples, send results to EPA as soon as you receive them from the lab.
- Samples results can be emailed to: r8dwu@epa.gov or faxed to: 1-877-876-9101

Where to Sample – Take your samples according to your Monitoring Schedule during the correct time period and at the correct location(s). Some samples must be collected at the entry point while others must be collected in the distribution system. Use your approved sampling/monitoring plans for distribution system samples!

Surface Water Treatment Rule – For compliance guidance, please refer to the EPA Region 8 SWTR Fact Sheet located at: <https://www.epa.gov/region8-waterops/swtr-fact-sheet-epa-region-8>

Total Coliform Rule

- Anytime you have a *E.coli* (EC+) sample **you must call EPA IMMEDIATELY at 1-800-227-8917** and ask to speak with the RTRC Manager. Then take repeat TCR samples, as well as Ground Water Rule source sample(s) (if applicable).
- If you have a TC Positive but an E. Coli Negative, follow the 5 steps outlined in “*Addressing Total Coliform Positive or E.coli Positive Sample Results in EPA Region 8*”, which can be found at: <https://www.epa.gov/region8-waterops/addressing-total-coliform-positive-or-ecoli-positive-sample-results-epa-region-8>
- Avoid sampling at new faucets or newly repaired faucets, leaky faucets, outdoor faucets or those faucets connected to softeners, hot water heaters, or pressure tanks; setting down the bottle lid or exposing the inside of the lid or bottle to anything other than the sample water (do not rinse or remove powder); and rushing your sample collection. The TCR samples must be taken at specified locations throughout the distribution system as designated by your sampling plans.

Disinfection Byproducts Rule (DBPR)

- Sample according to your approved monitoring plan – you can also find what month(s) you are required to monitor and locations on your Monitoring Schedule.
- Submit your sample results and your LRAA/OEL forms (applicable to quarterly sampling) as soon as you receive the results from your lab. The form can be found on Drinking Water Online at: <https://www.epa.gov/region8-waterops/reporting-forms-drinking-water-systems-wyoming-and-tribal-lands-epa-region-8#dbpr2>. Also include your compliance reports if the TTHM or HAA5 MCL is exceeded during any quarter.

Nitrates – This is an acute contaminant. If your nitrate sample result is over 10 mg/L you must take a confirmation sample within 24 hours and call EPA IMMEDIATELY at 303-312-6791.

Lead and Copper Rule

- Be sure to check your Monitoring Schedule, as lead and copper samples must be collected during certain months. Also, be sure to follow your lead and copper sample siting plan when collecting samples. You must collect samples from approved locations. If you don't have to sample this year, your Monitoring Schedule will tell you that.
- **Always** collect a first-draw sample from a tap where the water has been standing in the pipes for at least 6 hours. Avoid sample locations that have been vacant for weeks or months. The goal is to sample at homes and taps in these homes that are routinely used. Always follow your monitoring plan.

Other Rules - Check your sample results as soon as you receive them from the lab. If you see any sample has exceeded an MCL or *E. coli* positive, contact EPA immediately.

Drinking Water Online - This is where you can find the link to DWW and general info, including: emergencies, what to do if you lose pressure in your system, sanitary survey info, certified lab info, sampling and treatment techniques, reporting forms and instructions, rules and guidance and much more: Be sure to check this very helpful website: <https://www.epa.gov/region8-waterops>

Drinking Water Watch - This online system allows you view data we maintain about your water system(s). The information includes the following:

- size and type of population served
- contact information
- water system facilities, such as wells, intakes, treatment plant, storage tanks, and distribution
- treatment used
- monitoring schedules
- sampling results reported to EPA
- violations
- plus, even more...

The Public Access Version of DWW (DWWPUB) allows anyone who is interested to view much of the available information for each regulated Public Water System (PWS) in Wyoming and within EPA R8 Tribal Lands, without the need to register or remember passwords. The Public Access Version of DWW can be found at:

<https://sdwizr8.epa.gov/Region8DWWPUB/default.jsp>

Emergencies (After Hours) - If you need to report an emergency (flooding or loss of your water source, contamination in your drinking water, loss of pressure in the distribution system, or anything else that could require immediate public notice), after hours call the Region 8 Drinking Water Emergency Hotline at 303-312-6327.