



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1201 ELM STREET, SUITE 500
DALLAS, TEXAS 75270-2102

May 12, 2020

TRANSMITTED VIA EMAIL:

Elvan J. Chagnard Jr
Crazy Al's Lounge
2860 Chef Menteur Highway
New Orleans, LA 70129

Re: PWS ID Number: LA2071116, Crazy Al's Lounge
Administrative Order: Docket Number: SDWA-06-2020-1234

Dear Mr. Chagnard:

Enclosed is an Administrative Order (Order) issued to Crazy Al's Lounge, for violation of the Safe Drinking Water Act (Act), 42 U.S.C. § 300f, *et seq.*, and its implementing regulations, 40 C.F.R. Part 141. The Environmental Protection Agency (EPA), Region 6 finds that Crazy Al's Lounge (Respondent) owns or operates a public water system identified in the Order and is therefore subject to these regulations. The Order requires certain actions and specified information. The EPA requests that you immediately confirm receipt of this e-mail and the attached Order by a response e-mail to young.craig@epa.gov. This Order is effective immediately upon receipt.

This Order does not assess a monetary penalty; however, it does require compliance with the Ground Water Rule (GWR) treatment technique requirements pursuant to 40 C.F.R. § 141.403 and § 141.404. The Respondent failed to correct sanitary deficiencies identified in a sanitary survey conducted by the Louisiana Department of Health (LDH) on February 12, 2016. The LDH conducted another sanitary survey on December 6, 2018 and found that many of the previous sanitary deficiencies had not been addressed. The LDH has recently asked that the EPA address these ongoing violations since they started before LDH assumed responsibility for implementing the GWR. Please be aware that failure to comply with this Order may subject the Respondent to additional enforcement action by EPA, including the initiation of legal proceedings to seek monetary penalties.

If you need assistance, or have questions regarding the Order, please contact Craig Young, of my staff, at (214) 665-2275.

Sincerely,

A handwritten signature in black ink, appearing to read "Cheryl T. Seager", is written over a horizontal line.

Digitally signed by CHERYL SEAGER
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ou=Environmental Protection Agency,
cn=CHERYL SEAGER,
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Cheryl T. Seager, Director
Enforcement and
Compliance Assurance Division

Enclosure

Re: Crazy Al's Lounge Public Water System
Administrative Order SDWA 06-2020-1234

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cc: Silas Corkern, R.S.
Enforcement Unit Administrator
LDH-OPH, Engineering Services
Enforcement Program
P.O. Box 4489, Bin #10, Box #5
Baton Rouge, LA 70821-4489
Silas.Corkern@LA.GOV



U.S. ENVIRONMENTAL PROTECTION AGENCY - REGION 6
FINDINGS OF VIOLATION AND COMPLIANCE ORDER

In the Matter of Crazy Al's Lounge LA2071116
Owned/Operated by Crazy Al's Lounge, Respondent
Docket No. SDWA-06-2020-1234

STATUTORY AUTHORITY

The following findings are made, and Order 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 ("the Act"), 42 U.S.C. §§ 300g-3(g) and 300j-4. The Administrator delegated the authority to issue this Order to the Regional Administrator of EPA Region 6, who delegated such authority to the Director of the Enforcement and Compliance Assurance Division.

FINDINGS

1. Crazy Al's Lounge, ("Respondent") is a "person," as defined by Section 1401(12) of the Act, 42 U.S.C. § 300f(12).

2. At all times relevant to the violations alleged herein ("relevant time period"), Respondent owned or operated a public water system ("PWS"), as defined by Section 1401(4) of the Act, 42 U.S.C. § 300f (4), located in New Orleans, Louisiana, Orleans Parish ("facility"), designated as PWS number LA2071116.

3. During the relevant time period, Respondent's PWS was a "non-community water system," as defined by Section 1401(15) of the Act, 42 U.S.C. § 300f (15).

4. During the relevant time period, Respondent's PWS was subject to the requirements of the Ground Water Rule as set forth in 40 C.F.R. §§ 141.400-141.405.

5. The Louisiana Department of Health ("LDH") administers the Public Water Supply Supervision Program in Louisiana pursuant to Section 1413 of the Act. LDH had not yet obtained primary enforcement responsibility for the Groundwater Rule when some of the violations described within occurred; therefore, EPA has primary responsibility for enforcement of the Groundwater Rule in this case.

6. Systems that have at least 15 service connections or regularly serve at least 25 people per day at least 60 days per year or at least 25 year-round residents are subject to the requirements of the Act, 42 U.S.C. § 300g-1, and its implementing regulations, 40 C.F.R. Part 141.

7. Pursuant to 40 C.F.R. § 141.401, a sanitary survey inspection was conducted by LDH on February 12, 2016, to evaluate the source of water supply, pumps and pumping facilities, and management and operator qualifications. The following deficiencies of the PWS were identified:

- a. Failure to have a PWS that is under the supervision and control of a duly certified operator as per requirements of the State Operator Certification Act, Act 538 of 1972, as amended;
- b. Failure to record and measure the residual disinfectant concentration in water being delivered to the distribution system; and
- c. Failure to provide chlorine residual data.

8. LDH informed Respondent of the identified deficiencies in a March 15, 2016, letter and instructed Respondent to correct the deficiencies by May 13, 2016.

9. Pursuant to 40 C.F.R. § 141.401, an additional sanitary survey inspection was conducted by LDH on December 6, 2018, to evaluate the source of water supply, pumps and pumping facilities, and management and operator qualifications. The following significant deficiencies were identified by LDH pursuant to 40 C.F.R. § 141.403:

- a. Failure to have a PWS that is under the supervision and control of a duly certified operator as per requirements of the State Operator Certification Act, Act 538 of 1972, as amended; and
- b. Failure to record and measure the residual disinfectant concentration in water being delivered to the distribution system.

10. LDH informed Respondent of the identified deficiencies in a December 14, 2018, letter and instructed Respondent to correct the deficiencies by March 6, 2019. Respondent violated 40 C.F.R. § 141.403 by failing to address the significant deficiencies.

11. In violation of 40 C.F.R. § 141.404(a), Respondent did 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, nor did Respondent comply with a State-approved corrective action plan and schedule. Failure to meet these requirements is a violation of the Ground Water Rule treatment technique requirements.

12. Pursuant to 40 C.F.R. § 141.201(a), each owner or operator of a PWS that violates the National Primary Drinking Water Regulations, including 40 C.F.R. Part 141, issued in accordance with Section 1412 of the Act, 42 U.S.C. § 300g-1, must provide public notice of the violation.

13. Respondent violated 40 C.F.R. § 141.201(a) by failing to issue public notifications regarding the failure to correct sanitary deficiencies defined in the March 15, 2016, and December 14, 2018 letters.

SECTION 1414(g) COMPLIANCE ORDER

Based on these findings and pursuant to the authority of Section 1414(g) of the Act, 42 U.S.C. § 300g-3(g), EPA orders that Respondent immediately take the following actions:

- a. Within thirty (30) days of receipt of this Order, Respondent shall address all significant deficiencies identified by LDH in the March 15, 2016, and December 14, 2018, letters and shall submit a report to EPA and LDH indicating what actions have been taken and how the deficiencies have been addressed. If Respondent is technically unable to correct all deficiencies within thirty days, Respondent shall submit to EPA, with a copy to LDH, a proposed plan including schedule to achieve compliance and address all identified deficiencies. The plan shall be submitted to EPA for review and approval.
- b. Within thirty (30) days of receipt of this Order, Respondent shall provide public notice of the violations specified in paragraphs 7, 9 and 11, in accordance with 40 C.F.R. § 141.201(a). Respondent shall also provide a copy of all public notices to EPA and LDH within forty (40) days of receipt of this Order.

- c. The reporting required by this Order must be provided by Respondent to EPA and LDH at the following addresses:

Mr. Craig Young
Water Resources Branch (6EN-WR)
Compliance Assurance and Enforcement
Division
U.S. EPA, Region 6
1201 Elm Street, Suite 500
Dallas, TX 75270-2102

And

Mr. Silas Corkern, R.S.
Enforcement Unit Administrator
LDH-OPH, Engineering Services
Enforcement Program
P.O. Box 4489, Bin #10, Box #5
Baton Rouge, LA 70821-4489

Alternatively, if submitted electronically, all electronic documentation submitted to EPA needs to be transmitted to Mr. Young at young.craig@epa.gov. All electronic documentation submitted to LDH needs to be transmitted to Mr Silas Corkern at Silas.Corkern@la.gov.

GENERAL PROVISIONS

This Order is effective upon receipt by Respondent.

Respondent may seek federal judicial review of the Order pursuant to Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706.

This Section 1414(g) Compliance Order does not constitute a waiver, suspension, or modification of the requirements of 40 C.F.R. Part 141 or other applicable federal and state requirements, which remain in full force and effect.

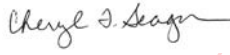
Issuance of this Section 1414(g) Compliance Order is not an election by EPA to forego any civil or any criminal action otherwise authorized under the Act.

Violation of any term of this Section 1414(g) Compliance Order may subject Respondent to an administrative civil penalty of up to \$38,175 under Section 1414(g) of the Act, 42 U.S.C. § 300g-3(g), or a civil penalty of not more than \$54,787 per day per violation, assessed by an appropriate United States District Court under Section 1414(g)(3)(A) of the Act, 42 U.S.C. § 300g-3(g)(3)(A).

This Order shall be binding on the PWS cited herein and all its successors and assignees. No change in ownership of the PWS shall alter the responsibility of the PWS under this Order.

May 12, 2020

Date


Digitally signed by CHERYL SEAGER
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ou=Environmental Protection Agency,
cn=CHERYL SEAGER,
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Cheryl T. Seager, Director
Enforcement and
Compliance Assurance Division