



U.S. ENVIRONMENTAL PROTECTION AGENCY-REGION 6

FINDINGS OF VIOLATION AND COMPLIANCE ORDER

In the Matter of Blue Bell Cafe

Owned/Operated by Lori Carley

Docket No.: SDWA-06-2022-1204, PWS ID No: AR0001155

STATUTORY AUTHORITY

The following findings are made, and an Administrative 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). 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 Enforcement and Compliance Assurance Division.

FINDINGS

1. Lori Carley (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 Story, Montgomery County, Arkansas (facility), designated as PWS Identification Number AR0001155, and known as the Blue Bell Cafe.
3. During the relevant time period, Respondent's PWS served as a "non-community water system", as defined by Section 1401(16) of the Act, 42 U.S.C. § 300f(16) and is subject to the requirements of the Act, 42 U.S.C. § 300g-1, and its implementing regulations, 40 C.F.R. Part 141.
4. During the relevant time period, Respondent's PWS was subject to the requirements of the National Primary Drinking Water Regulations (NPDWR) including the Public Notification Rule (PN) as set forth in 40 C.F.R. § 141.201.
5. The Arkansas Department of Health (ADH) has primacy for the NPDWR. ADH referred this system to EPA for enforcement on August 16, 2021.
6. Pursuant to 40 C.F.R. §§ 141.851-141.861, Respondent must collect and submit total coliform samples.
7. Respondent failed to submit valid total coliform samples for the month of June 2018 and July 2020 in violation of 40 C.F.R. § 141.853.
8. Pursuant to 40 C.F.R. §§ 141.70-141.76, Respondent must submit operations reports.
9. Respondent failed to submit operations reports for the month of June 2017 in violation of 40 C.F.R. § 141.75.
10. Pursuant to 40 C.F.R. § 141.201(a), each owner or operator of a PWS that has violated 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 give public notice of the violation.
11. Respondent violated 40 C.F.R. § 141.201(a) by failing to provide public notification and submit a copy of the public notification to the ADH for violations specified in paragraphs 7 and 9.

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 provide public notice of the violations specified in paragraphs 7 and 9 above, in accordance with 40 C.F.R. § 141.201(a). Respondent shall also provide a copy of all public notices to EPA and ADH within forty (40) days of this Order.
- B. The reporting required by this Order must be provided by Respondent to EPA and ADH at the following addresses:

Chelsey Sherwood
Water Resources Section (ECDWR)
U.S. EPA, Region 6
1201 Elm St. Suite 500
Dallas, TX 75270-2102

Robin Michaels
Arkansas Department of Health
Compliance and Enforcement
Engineering Section
4815 W Markham St.
Little Rock, AR 72205

Alternatively, if submitted electronically, all electronic documentation submitted to EPA needs to be transmitted to Chelsey Sherwood at sherwood.chelsey@epa.gov and to Robin Michaels at ADH at robin.michaels@arkansas.gov.

GENERAL PROVISIONS

This Order is effective upon receipt by a representative of the PWS.

Respondent may seek federal judicial review of this 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 \$41,120 under Section 1414(g) of the Act, 42 U.S.C. § 300g-3(g), or a civil penalty of not more than \$59,017 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.

November 12, 2021

Date

Cheryl T. Seager, Director
Enforcement and
Compliance Assurance Division