



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1201 Elm Street, Suite 500
Dallas, Texas 75270-2102

JUL - 9 2019

CERTIFIED MAIL-RETURN RECEIPT REQUESTED: 7015 1520 0003 4072 7930

Mr. Oren Reich
Leroy Tours Gerald WSC
P.O. Box 22
Leroy, TX 76654-0022

Re: PWS ID Number: TX1550027
Docket Number: SDWA-06-2019-1237

Dear Mr. Reich:

The purpose of this Order is to acknowledge receipt of the construction schedule submitted to the U.S. Environmental Protection Agency (EPA) requesting an extension to complete the planned construction for the Leroy Tours Gerald WSC, provided in response to Administrative Order (Order) Docket Number SDWA-06-2011-1387, issued on July 19, 2011. EPA has determined that the plan and the construction schedule are a satisfactory response to Section C of the above-mentioned Order. The plan specifies a timeline for bringing Leroy Tours Gerald WSC Water System into compliance with the maximum contaminant level (MCL) for arsenic. EPA's acceptance of the plan does not guarantee compliance with the Safe Drinking Water Act (SDWA). Leroy Tours Gerald WSC remains solely responsible for compliance with the SDWA.

As a result of the terms and construction schedule specified in the plan, EPA hereby issues this Order to Leroy Tours Gerald WSC to implement the approved plan, including the implementation schedules specified in the enclosed Order. This Order supersedes the Order issued on July 19, 2011. As specified in the Order, Leroy Tours Gerald WSC must achieve compliance with the arsenic MCL requirement by November 30, 2020.

Leroy Tours Gerald WSC is responsible for compliance with all applicable Texas regulations in Title 30 Texas Administrative Code (TAC), Chapter 290, Subchapter D. Most treatment options require the submittal of engineering plans and specifications to the Texas Commission on Environmental Quality (TCEQ) for review and approval, as indicated in 30 TAC § 290.39(j). The engineering plans and specifications and any pilot study report must be prepared by a Texas licensed professional engineer as required in 30 TAC §§ 290.39(d)(1) and 290.42(g), respectively. Please send submittals to the TCEQ Public Drinking Water Section addresses referenced in paragraph G of the Original Order. All submittals must include the EPA Docket Number.

Please be aware that failure to comply with this Order may subject Leroy Tours Gerald WSC to additional enforcement action by EPA, including the initiation of legal proceedings to seek monetary penalties.

Re: Administrative Order 2
Leroy Tours Gerald WSC

If you need assistance, or have questions regarding the Order, please contact
Mr. Mehdi Taheri, of my staff, at (214) 665-2298.

Sincerely,



Cheryl T. Seager, Director
Enforcement and
Compliance Assurance Division

Enclosure

EC's: bryan.sinclair@tceq.texas.gov

Cari-Michel.LaCaille@tceq.texas.gov



U.S. ENVIRONMENTAL PROTECTION AGENCY-REGION 6

FINDINGS OF VIOLATION AND COMPLIANCE ORDER

In the Matter of: Leroy Tours Gerald WSC Water System
Owned/Operated by Leroy Tours Gerald WSC, Respondent
Docket No. SDWA-06-2019-1237, PWS ID # TX1550027

STATUTORY AUTHORITY

The following findings are made, and 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 ("Act"), 42 U.S.C. § 300g-3(g). The Administrator delegated the authority to issue this Administrative 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. Leroy Tours Gerald WSC ("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 Leroy, Texas, McLennan County, ("facility"), designated as PWS number TX1550027.
3. As a public water supply ("PWS") and a "supplier of water," Respondent is subject to the regulations promulgated by EPA pursuant to Section 1412 of the Act, 42 U.S.C. § 300 g-1, entitled National Primary Drinking Water Regulations ("NPDWR").
4. During the relevant time period, Respondent's PWS was a "community water system" as defined by Section 1401(15) of the Act, 42 U.S.C. § 300f (15).
5. The Texas Commission on Environmental Quality ("TCEQ") and EPA have enforcement authority for the PWS provisions of the Act in the State of Texas. TCEQ and EPA have consulted regarding this Order, and it has been agreed that EPA would initiate this enforcement action.
6. Respondent monitored for arsenic during each of the four quarters in 2010, resulting in a running annual average of 0.012 mg/L that exceeded the arsenic maximum contaminant level ("MCL") of 0.010 mg/L in violation of 40 C.F.R. § 141.62(b) (16).

7. Respondent is required to comply with the arsenic requirements of the Act, as set forth in Section 1412 of the Act, 42 U.S.C. § 300g-1.

8. On July 19, 2011, EPA issued an Administrative Order, Docket Number SDWA-06-2011-1387 (previous Order), to Respondent for the arsenic MCL violations and required submittal of a detailed plan specifying measures that shall be implemented to bring the PWS back into compliance with the MCL requirements. This Order supersedes the Order issued on July 19, 2011.

9. Respondent monitored for arsenic during the last four quarters for the 3rd quarter of 2017, the 2nd quarter of 2018, the 4th quarter 2018, and the 1st quarter of 2019, resulting in a running annual average of 0.0115 mg/L at sampling point "EP003" that exceeded the arsenic MCL of 0.010 mg/L in violation of 40 C.F.R. § 141.62(b)(16).

10. In compliance with the previous EPA Administrative Order, Respondent has 1) provided public notice as required by 40.C.F.R. § 141.201; 2) submitted a plan to EPA detailing how Respondent will return the PWS to compliance with the MCL for arsenic; and 3) provided EPA with an initial progress report on the compliance activities.

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 Respondent to take the following actions:

- A. Respondent shall comply with 40 C.F.R. § 141.31(b) and notify both EPA and TCEQ within forty-eight (48) hours in the event of new arsenic MCL violations.
- B. In the event of any continued arsenic MCL violation, the Respondent shall, within thirty (30) days of issuance of this Order, provide a public notice of the violations as set forth in 40 C.F.R. § 141.201. Respondent shall submit a copy of the public notice to EPA and TCEQ within forty (40) days of the effective date of this Order.

C. Respondent shall comply with the terms and schedule specified in the plan submitted to EPA. The project timeline shall be followed and completed as Respondent submitted in the detailed plan:

1. Revise design and new project cost and submit to Rural Development, U.S. Department of Agriculture ("USDA") by June 13, 2019;
2. Revise and complete preliminary Engineering report for Rural Development, USDA by September 30, 2019;
3. Complete plans and specifications for construction by January 31, 2020;
4. The bid package bid advertisement and bid award shall be completed by March 31, 2020;
5. Construction shall begin by April 30, 2020;
6. Construction shall be completed, and compliance attained by November 30, 2020.

D. Respondent must achieve and maintain compliance with the MCL for arsenic 40 C.F.R. § 141.62 (b)(16) by November 30, 2020, the date specified in the plan submitted to EPA.

E. Respondent shall provide EPA with quarterly progress reports within ten (10) days after the end of each calendar quarter regarding activities undertaken pursuant to the plan and shall notify EPA when each activity in paragraph C.1-3 has been completed.

F. The reporting required by this Order must be provided by Respondent to EPA at the following address:

Mr. Mehdi Taheri
Water Enforcement Branch (6EN-W)
U.S. EPA, Region 6
1201 Elm Street, Suite 500
Dallas, TX 75270-2102

G. Regarding Parts A and B in the Order Section, Respondent shall submit a copy of the public notice to TCEQ at each of the following addresses:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

and

Public Drinking Water Section
Water Supply Division, MC 155
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

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.

July 9, 2019
Date


Cheryl T. Seager, Director
Enforcement and
Compliance Assurance Division