



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

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

July 6, 2023

TRANSMITTED VIA E-MAIL

Leroy Tours Gerald WSC  
Robert Polansky  
PO Box 22  
Leroy, TX 76654  
ltgwater@yahoo.com

Re: PWS ID Number: TX1550027  
Administrative Order; Docket Number: SDWA-06-2023-1277

Dear Mr. Polansky:

Enclosed is an Administrative Order (Order) issued by the United States Environmental Protection Agency (EPA), Region 6 concerning Leroy Tours Gerald WSC Water System. The Order requires the Leroy Tours Gerald WSC (Respondent) to comply with the provisions set forth in the attached Order. The EPA requests that you immediately confirm receipt of this e-mail and the attached Order by a response mail to [moore.jessica@epa.gov](mailto:moore.jessica@epa.gov).

This letter acknowledges receipt of the arsenic compliance plan and construction schedule submitted by Respondent on May 8, 2023, in response to the Consent Agreement and Final Order (CAFO), Docket Number SDWA-06-2021-1297, issued on February 22, 2023. EPA has determined that the plan and the construction schedule, which specify a timeline for bringing Leroy Tours Gerald WSC Water System into compliance with the maximum contaminant level for arsenic, are a satisfactory response. EPA's acceptance of the plan does not guarantee compliance with the Safe Drinking Water Act (SDWA). Respondent 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 (Docket Number: SDWA-06-2023-1277) to Respondent to implement the approved plan, including the implementation schedules specified in the enclosed Order. As specified in the Order, Respondent must achieve compliance with the arsenic maximum contaminant level requirement by October 1, 2025.

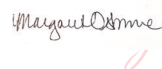
The Leroy Tours Gerald WSC is also responsible for compliance with all applicable Texas regulations in Title 30 Texas Administrative Code (TAC), Chapter 290, and Subchapter D. Most treatment options require the submittal of engineering plans and specifications to the Texas Commission on Environmental 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 H of the enclosed Order and all submittals must include the EPA Docket Number.

Re: PWS ID Number: TX1550027  
Leroy Tours Gerald WSC

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Please be aware that failure to comply with the Order may subject you to additional enforcement action by EPA, including the initiation of legal proceedings to seek monetary penalties. If you have questions regarding the Order, please contact Jessica Moore, of my staff, at (214) 665-6495.

Sincerely,

 Digitally signed by  
MARGARET OSBOURNE  
Date: 2023.07.06  
16:03:23 -05'00'

Cheryl T. Seager, Director  
Enforcement and  
Compliance Assurance Division

Enclosure

ec:     megan.hamilton@tceq.texas.gov  
          michele.risko@tceq.texas.gov  
          steven.swierenga@tceq.texas.gov

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 6

In the Matter of

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Leroy Tours Gerald WSC

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§

DOCKET NO. SDWA-06-2023-1277

§

Respondent

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PWS ID. No. TX1550027

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**ADMINISTRATIVE ORDER**

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 Sections 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 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 McClennan County, Texas (facility), designated as PWS Identification Number TX01550027.
3. As a 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. § 300g-1, entitled National Primary Drinking Water Regulations (NPDWR).
4. During the relevant time period, Respondent’s PWS served as a “community water system”, as defined by Section 1401(15) of the Act, 42 U.S.C. § 300f(15) 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.

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. During the relevant time period, Respondent's PWS was subject to NPDWR requirements for the arsenic maximum contaminant level (MCL) as set forth in 40 C.F.R. § 141.62 and 40 C.F.R. § 141.23(d). The Respondent continues to be in violation of the arsenic MCL each quarter.
7. On September 30, 2021, EPA issued an Administrative Complaint Docket Number SDWA-06-2021-1297, to Respondent for the arsenic MCL violations. Then, on February 22, 2023, EPA issued a Consent Agreement and Final Order to the Respondent.
8. 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.
9. In compliance with the previously cited 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 a timeline for construction replicated from the executed United States Department of Agriculture (USDA) loan received by the Respondent.
10. Respondent is hereby ordered to comply with the terms of the detailed plan submitted by Respondent and approved by USDA. The terms of the plan and compliance schedule are hereby incorporated (see paragraph D, below).

### 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. Respondent shall comply with 40 C.F.R. § 141.31(b) and initiate consultation with TCEQ as soon as practical, but no later than forty-eight (48) hours after the system learns of the arsenic MCL violation.
- B. In the event of an arsenic MCL violation, 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 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 their detailed plan:
1. Preliminary Design phase finished November 2023;
  2. Owner review of Preliminary Design completed November 2023;
  3. Final Design submitted to PWS in March 2024;
  4. Submit plans for TCEQ review and approval April 2024;;
  5. Submit plans to USDA for review and approval April 2024;
  6. Advertise for bids June 2024;
  7. Award and execute contracts by August 2024;
  8. Begin Construction by September 2024, and
  9. Construction completed by September 2025.
- E. Respondent must achieve and maintain compliance with the MCL for arsenic pursuant to 40 C.F.R. § 141.62 (b)(7) by October 1, 2025, the date specified in the plan submitted to EPA.
- F. 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 all activities have been completed.
- G. The reports required by this Order must be provided by Respondent to EPA electronically at [moore.jessica@epa.gov](mailto:moore.jessica@epa.gov).
- H. Regarding Parts C 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

Drinking Water Special Functions Section Manager  
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 a representative of the PWS.

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

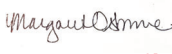
This Section 1414(g) Compliance Order does not constitute a waiver, suspension, or modification of the requirements of 40 C.F.R. Part 141 or other applicable federal and state requirements, which remain in full force and effect. Issuance of this Section 1414(g) Compliance Order is not an election by 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 \$47,061 under Section 1414(g) of the Act, 42 U.S.C. § 300g-3(g), or a civil penalty of not more than \$67,544 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 6, 2023

Date

 Digitally signed by  
MARGARET OSBOURNE  
Date: 2023.07.06  
16:05:01 -05'00'

Cheryl T. Seager, Director  
Enforcement and  
Compliance Assurance Division