



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TEXAS 75202-2733

APR 03 2012

CERTIFIED MAIL-RETURN RECEIPT REQUESTED: 7007 1490 0002 3413 8126

The Honorable Steve Lisemby
Mayor, City of New Home
P.O. Box 278
New Home, TX 79383-0278

Re: PWS ID Number: TX1530004
Docket Number: SDWA-06-2011-1378

Dear Mayor Lisemby:

This letter acknowledges receipt by the U.S. Environmental Protection Agency (EPA) of the arsenic compliance plan and construction schedule submitted by the City of New Home as required by Administrative Order (Order), Docket Number SDWA-06-2011-1378 (hereinafter referred to as the "Original Order"), issued to you on July 19, 2011. EPA has determined that the plan and the schedule are a satisfactory response to Section B of the Original Order. The plan specifies how City of New Home will bring its 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); City of New Home remains solely responsible for compliance with the SDWA.

As a result of the terms and schedule specified in the plan, EPA has amended the Original Order with the enclosed Amended Administrative Order (hereinafter referred to as the "Amended Order"). The compliance plan and the construction schedule are incorporated into the Amended Order. As specified in the Amended Order, City of New Home must achieve compliance with the arsenic MCL requirement by October 19, 2013.

While your arsenic compliance plan meets EPA requirements specified in the Original Order, City of New Home is also 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 address referenced in paragraph G of the Original Order and all submittals must include the EPA Docket Number.

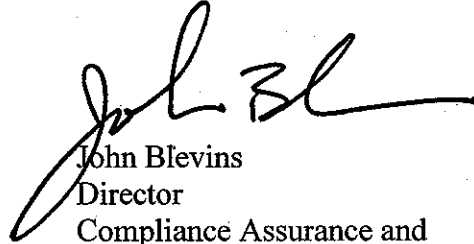
Please be aware that failure to comply with this Amended Order may subject you to additional enforcement action by EPA, including the initiation of legal proceedings to seek monetary penalties.

Re: City of New Home
Amended Administrative Order

2

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

Sincerely,



John Blevins
Director
Compliance Assurance and
Enforcement Division

Enclosure

cc: Mr. Bryan Sinclair
Director, Enforcement Division
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

Ms. Linda Brookins
Director, Water Supply Division
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

Mr. Michael J. Adams, P.E., Vice president
OJD Engineering, LP
328 E. Hwy. 62, Unit No. 1
Wolfforth, TX 79382



U.S. ENVIRONMENTAL PROTECTION AGENCY-REGION 6
FINDINGS OF VIOLATION AND COMPLIANCE ORDER
In the Matter of City of New Home Water System
Owned/Operated by the City of New Home, Respondent
Docket No. SDWA-06-2011-1378, PWS ID # TX1530004

STATUTORY AUTHORITY

The following findings are made and an Amended Order ("Amended 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 Amended Order to the Regional Administrator of EPA Region 6 who delegated such authority to the Director of the Compliance Assurance and Enforcement Division.

FINDINGS

1. City of New Home ("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 Home, Lynn County; Texas ("facility"), and designated as PWS number TX1530004.

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."

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 the EPA have enforcement authority for the PWS provisions of the Act in the State of Texas. TCEQ and EPA have consulted regarding this Amended Order, and it has been agreed that EPA would initiate this enforcement action.

6. Respondent monitored for arsenic during each of the last four quarters in 2010, resulting in a running annual average of 0.025 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 Administrative Order Docket Number SDWA-06-2011-1378 ("Original Order") to Respondent for arsenic MCL violations. The terms of the Original Order are hereby revised in the Amended Order. In the Original Order, the City of New Home was named as the Respondent; in the Amended Order, the Respondent shall be known hereinafter as the City of New Home.

9. In compliance with the Original 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. The terms of the plan and the compliance schedule are hereby incorporated into this Amended Order.

AMENDED 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 the terms and schedule specified in the plan submitted to EPA. The project time shall be followed and completed as the Respondent submitted in the detailed plan:

1. Respondent shall submit report from pilot test study to TCEQ by July 2, 2012;
2. the design for Granular Ferric Hydroxide ("GFH") Treatment Plant shall begin by January 17, 2013;
3. the plans and specifications shall be submitted to TCEQ for review by May 17, 2013;
4. the construction on the GFH treatment plant shall begin on September 18, 2013; and
5. the project shall be completed by October 19, 2013.

B. Respondent must achieve and maintain compliance with the MCL for arsenic [40 C.F.R. § 141.62(b)(16)] by October 19, 2013.

C. Respondent shall provide EPA with quarterly progress reports regarding activities undertaken pursuant to the plan and shall notify EPA when all activities have been completed.

D. The reporting required by the Amended Order must be submitted to EPA at the following address:

Mr. Mehdi Taheri
Water Enforcement Branch (6EN-W)
U.S. EPA, Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

GENERAL PROVISIONS

This Amended Order is effective upon receipt by Respondent.

This Amended 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 Amended 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 Amended Order may subject Respondent to an administrative civil penalty of up to \$32,500 under Section 1414(g) of the Act, 42 U.S.C. § 300g-3(g), or a civil penalty of not more than \$37,500 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 Amended 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 Amended Order.

4.3.12

Date



John Blevins
Director
Compliance Assurance and
Enforcement Division