



REGION 6

DALLAS, TX 75270

July 17, 2025

TRANSMITTED VIA E-MAIL

Fred Kubitza
Elk Oak Lake Water Supply Corporation (EOL WSC)
9645 Elk Road
Axtell, TX 76624
eolwsc@aol.com

Re: PWS ID Number: TX1550025
Administrative Order; Docket Number: SDWA-06-2025-1213

Dear Mr. Kubitza:

Enclosed is an Administrative Order (Order) issued by the United States Environmental Protection Agency (EPA), Region 6 concerning the Elk Oak Lake Water Supply Corporation. The Order requires Elk Oak Lake Water Supply Corporation (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 young.craig@epa.gov.

This letter acknowledges receipt of the arsenic compliance plan and construction schedule submitted by Respondent on May 19, 2025. EPA has determined that the plan and the construction schedule, which specify a timeline for bringing the public water supply into compliance with the maximum contaminant levels for arsenic is 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-06-2025-1213) 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 maximum contaminant levels for arsenic requirements by December 31, 2027.

Respondent 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

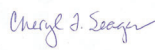
Re: PWS ID Number: TX1550025

EOL WSC

(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 enclosed Order and all submittals must include the EPA Docket Number.

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 Craig Young, of my staff, at (214) 665-2275.

Sincerely,

 Digitally signed by CHERYL
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Cheryl T. Seager, Director
Enforcement and
Compliance Assurance Division

Enclosure

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UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6

In the Matter of	§	
	§	
	§	
Elk Oak Lake Water Supply Corporation	§	DOCKET NO. SDWA-06-2025-1213
	§	
Respondent	§	
	§	
PWS ID. No. TX1550025	§	

ADMINISTRATIVE ORDER

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. Section 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. Elk Oak Lake Water Supply Corporation (EOL 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 Axtell, McLennan County, Texas (facility), designated as PWS Identification Number TX1550025.
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. Respondent monitored for arsenic in the last four quarters from the 2nd quarter of 2024 through the 1st quarter of 2025, resulting in a running annual average of 0.014 mg/L at sampling point "EP002" which exceeded the arsenic 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 February 13, 2012, EPA issued an Administrative Order (SDWA-06-2011-1342) to Respondent for arsenic MCL violations containing a compliance schedule the Respondent submitted to EPA which had a construction schedule. Due to extenuating circumstances, the construction project was changed and the system needed to formulate a new construction schedule. On September 28, 2020, EPA issued a time extension to complete the planned construction schedule for the PWS.
9. Respondent submitted to EPA an arsenic compliance plan and an updated construction schedule on May 19, 2025, which EPA approved. Respondent is hereby ordered to comply with the terms of the detailed plan. The terms of the plan and compliance schedule are 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 an 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:

Item Number	Action Item	Date of Completion
1)	Complete construction planning and submit to TCEQ	July 2025
2)	Receive TCEQ construction approval	October 2025
3)	Project Bidding	November 2025
4)	Notice to Proceed	January 2026
5)	Completion of construction	December 2026
6)	Complete one full year of samples below MCL	December 2027

- D. Respondent must achieve and maintain compliance with the MCLs for arsenic pursuant to 40 C.F.R § 141. 62(b)(16) and in 40 C.F.R. § 14162(b)(1) by December 31, 2027.
- 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 all activities have been completed.
- F. The reports required by this Order must be provided by Respondent electronically to EPA at the following email address: young.craig@epa.gov
- G. Respondent shall submit a copy of the public notice, as well as copies of all reports required by this Order 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.

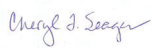
Respondent may seek federal judicial review of the Order pursuant to Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706.

This Section 1414(g) 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) 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) Order may subject Respondent to an administrative civil penalty under Section 1414(g) of the Act, 42 U.S.C. § 300g-3(g), or a civil penalty, 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).

For purposes of the identification requirement in Section 162(f)(2)(A)(ii) of the Internal Revenue Code, 26 U.S.C. § 162(f)(2)(A)(ii), and 26 C.F.R. § 1.162-21(b)(2), performance of Paragraphs A through G of the Section 1414(g) Compliance Order Section of this Order is restitution, remediation, or required to come into compliance with the law.

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

 Digitally signed by CHERYL
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Cheryl T. Seager, Director
Enforcement and
Compliance Assurance Division