



**U.S. ENVIRONMENTAL PROTECTION AGENCY-REGION 6**  
**FINDINGS OF VIOLATION AND COMPLIANCE ORDER**

In the Matter of: Humphrey Waterworks  
Owned/Operated by City of Humphrey  
Docket No. SDWA-06-2022-1280, PWS ID # AR0000010

**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. The City of Humphrey (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 Humphrey, Jefferson and Arkansas Counties, Arkansas (facility), designated as PWS Identification Number AR0000010, and known as Humphrey Waterworks.
3. 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.
4. During the relevant time period, Respondent's PWS was subject to the requirements of the National Primary Drinking Water Regulations (NPDWR) including the Revised Total Coliform Rule (RTCR) as set forth in 40 C.F.R. §§ 141.851-141.861 and the Stage 1 Disinfectants and Disinfection Byproducts Rule (DBPR) as set forth in 40 C.F.R. §§ 141.130-141.135.
5. The Arkansas Department of Health (ADH) has primacy for the NPDWR. ADH referred this system to EPA for enforcement on March 8, 2022.
6. Pursuant to 40 C.F.R. §§ 141.851-141.861 Respondent must collect and submit total coliform samples and submit monthly reports.
7. Respondent violated 40 C.F.R. § 141.853 by failing to collect and submit valid samples from December 2021 to present.
8. Respondent violated 40 C.F.R. § 141.860(d)(1) by failing to submit monthly reports from December 2021 to present.
9. Pursuant to 40 C.F.R. § 141.130(c) Respondent must retain a certified operator that meets State specified requirements.
10. Respondent violated 40 C.F.R. § 141.130(c) by failing to retain a certified operator from November 2021 to present.

**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 the Respondent immediately take the following actions:

- A. Within thirty (30) days of receipt of this Order, Respondent shall collect and submit total coliform samples and monthly reports in accordance with 40 C.F.R. §§ 141.851-141.861 and shall provide documentation to EPA and ADH.
- B. Within thirty (30) days of receipt of this Order, Respondent shall retain a certified operator in accordance with 40 C.F.R. § 141.130(c) and shall submit the documentation to ADH and EPA.
- C. 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

And

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 water system.

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 \$43,678 under Section 1414(g) of the Act, 42 U.S.C. § 300g-3(g), or a civil penalty of not more than \$62,689 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.

April 15, 2022

---

Date

---

Cheryl T. Seager, Director  
Enforcement and  
Compliance Assurance Division