



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

1201 ELM STREET, SUITE 500
DALLAS, TEXAS 75270-2102

September 2, 2022

CERTIFIED MAIL-RETURN RECEIPT REQUESTED:

Robert Pena
Bell County Water Control Improvement District 3
303 N Main Street
Nolanville, TX 76559-4354

Re: PWS ID Number: TX0140031
Administrative Order; Docket Number: SDWA-06-2022-1325

Dear Mr. Pena:

Enclosed is an Administrative Order (Order) issued by the United States Environmental Protection Agency, Region 6 (EPA) concerning the Bell County Water Control Improvement District (WCID) 3 Public Water System (PWS). The Order requires Bell County WCID 3 (Respondent) to comply with the provisions set forth in the attached Order. The EPA requests that the Respondent immediately confirm receipt of this Order by a response e-mail to moore.jessica@epa.gov.

This Order is being issued to the Respondent for violation of the Safe Drinking Water Act (Act), 42 U.S.C. § 300f, et seq., and its implementing regulations, 40 C.F.R. Part 141. The EPA finds that the Respondent owns or operates a PWS identified in the Order and is therefore subject to the Revised Total Coliform Rule (RTCR). The Order requires the Respondent to provide an RTCR site sampling plan to the Texas Commission on Environmental Quality (TCEQ) for review and approval.

This Order does not assess a monetary penalty; however, it does require compliance with the RTCR as set forth in 40 C.F.R. §§ 141.851-141.861. Please be aware that failure to comply with this Order may subject the PWS to additional enforcement action by EPA, including the initiation of legal proceedings to seek monetary penalties.

If you need assistance, or have questions regarding this Order, please contact Jessica Moore, of my staff, at (214) 665-6495.

Sincerely,

A handwritten signature in blue ink, reading "Cheryl T. Seager".

Digitally signed by
CHERYL SEAGER
Date: 2022.09.02 15:51:02
-05'00'

Cheryl T. Seager, Director
Enforcement and
Compliance Assurance Division

Enclosure

cc: cari-michel.lacaille@tceq.texas.gov
steven.swierenga@tceq.texas.gov
megan.hamilton@tceq.texas.gov



U.S. ENVIRONMENTAL PROTECTION AGENCY-REGION 6

FINDINGS OF VIOLATION AND COMPLIANCE ORDER

In the Matter of Bell County WCID 3

Owned/Operated by Bell County WCID 3

Docket No. SDWA-06-2022-1325, PWS ID # TX0140031

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 Section 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. Bell County Water Control Improvement District 3 (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 Bell County, Nolanville, Texas (facility), designated as PWS number TX0140031.
3. During the relevant time period, Respondent's PWS served as a "community water system," as defined by Section 1401(16) of the Act, 42 U.S.C. § 300f(16) 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 Revised Total Coliform Rule (RTCR) as set forth in 40 C.F.R. §§ 141.851-141.861.
5. The Texas Commission on Environmental Quality (TCEQ) administers the Public Water Supply Supervision Program in Texas pursuant to Section 1413 of the Act. TCEQ has not yet obtained primary enforcement responsibility for the RTCR; therefore, EPA has primary responsibility for enforcement of the RTCR.
6. Pursuant to 40 C.F.R. Part 141.854, Respondent must develop an RTCR site sampling plan and submit a copy of the plan to the TCEQ for review and approval.
7. Respondent violated the monitoring requirements of 40 C.F.R. Part 141.854 by failing to produce an approved site sampling plan during December 13, 2021, site visit by TCEQ.

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 Respondent immediately take the following actions:

- A. Within thirty (30) days of receipt of this Order, Respondent shall complete the required RTCR site sampling plan and submit a copy of the plan to the TCEQ for review and approval and a courtesy copy to EPA for review.
- B. The reporting required by this Order must be provided by Respondent to EPA at the following address:

Jessica Moore
Water Resources Section (6ECD-WR)
EPA, Region 6
1201 Elm Street, Suite 500
Dallas, TX 75270-2102
- C. Alternatively, if submitted electronically, all electronic documentation submitted to EPA needs to be transmitted to Jessica Moore at moore.jessica@epa.gov.
- D. The reporting required by this Order must be provided by the Respondent to the TCEQ at 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.

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

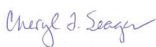
This Section 1414(g) Compliance Order does not constitute a waiver, suspension, or modification of the requirements of 40 C.F.R. Part 141 or other applicable federal and state requirements, which remain in full force and effect. Issuance of this Section 1414(g) Compliance Order is not an election by 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 Respondents 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.

September 2, 2022

Date



Digitally signed by CHERYL
SEAGER
Date: 2022.09.02 15:50:15
-05'00'

Cheryl T. Seager, Director
Enforcement and
Compliance Assurance Division