



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1201 ELM STREET, SUITE 500
DALLAS, TEXAS 75270

March 27, 2023

TRANSMITTED VIA EMAIL:

Krystina Cruz
d/b/a Primo WMSC0024 Jacksonville
2615 Temple Heights Dr.
Oceanside, CA 92056
kcruz@primowater.com

Re: PWS ID Number: ARN000198
Administrative Order; Docket Number: SDWA-06-2023-1245

Dear Ms. Cruz:

Enclosed is an Administrative Order (Order) issued by the United States Environmental Protection Agency, Region 6 (EPA) concerning the Primo WMSC0024 Jacksonville Public Water System (PWS). The Order requires Krystina Cruz (Respondent) to comply with the provisions set forth in the attached Order. The EPA requests that you immediately confirm receipt of this Order by a response e-mail to douppnik.sami@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 the public water system identified in the Order and is therefore subject to the Public Notice Rule (PN).

Recently, EPA was informed by the Arkansas Department of Health (ADH) that the Respondent failed to provide Public Notice for failing to submit the minimum number of one (1) valid bacteriological sample for the month of July 2017. Therefore, EPA is now ordering the Respondent to provide public notice for the violation stated, and to submit a copy of the public notice with an accompanied signed Certificate of Delivery to EPA and ADH through the issuance of this action.

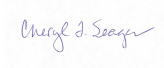
This Order does not assess a monetary penalty; however, it does require compliance with the PN rule as set forth in 40 C.F.R. § 141.201. Please be aware that failure to comply with this Order may subject the Respondent to additional enforcement action by EPA, including the initiation of legal proceedings to seek monetary penalties.

Re: Krystina Cruz d/b/a Primo WMSC0024 Jacksonville
Administrative Order

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If you need assistance, or have questions regarding the Order, please contact Sami Doupnik, of my staff, at (214) 665-7495. Pursuant to Section 1414(a)(2)(B) of the Safe Drinking Water Act, a copy of this letter is being provided as a notice to Mr. Barry Hyde, Pulaski County Judge, as the appropriate local official.

Sincerely,

 Digitally signed by Seager, Cheryl
Date: 2023.03.27 15:13:36 -05'00'

Cheryl T. Seager, Director
Enforcement and
Compliance Assurance Division

Enclosure

ec: lance.jones@arkansas.gov
robin.michaels@arkansas.gov
mistry.jatin@epa.gov
brown.jamesr@epa.gov
bhyde@pulaskicounty.net

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6

In the Matter of	§	
	§	
	§	
Krystina Cruz	§	
d/b/a Primo WMSC0024 Jacksonville	§	
	§	Docket No. SDWA-06-2023-1245
	§	
Respondent	§	
	§	
PWS ID # ARN000198	§	

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 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 Enforcement and Compliance Assurance Division.

FINDINGS

1. Krystina Cruz (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 Jacksonville, Pulaski County, Arkansas (facility), designated as PWS Identification Number ARN000198, and known as the Primo WMSC0024 Jacksonville.
3. During the relevant time period, Respondent’s PWS served as a “non-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 National Primary Drinking Water Regulations (NPDWR) including the Public Notice Rule as set forth in 40 C.F.R. § 141.201.

5. The Arkansas Department of Health (ADH) has primacy for the NPDWR. ADH referred this system to EPA for enforcement on February 14, 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. § 141.851-141.861 by failing to submit the minimum number of one (1) valid total coliform sample for the month of July 2017.
8. Pursuant to 40 C.F.R. § 141.201(a), each owner or operator of a PWS that has violated the National Primary Drinking Water Regulations, including 40 C.F.R. Part 141, issued in accordance with Section 1412 of the Act, 42 U.S.C. § 300g-1, must give public notice of the violation.
9. Respondent violated 40 C.F.R. § 141.201(a) by failing to provide public notice and submit a copy of the public notice to the ADH for the violation specified in paragraph 7.

SECTION 1414(g) COMPLIANCE ORDER

Based on the foregoing 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 provide public notice of the violation specified in paragraph 7, in accordance with 40 C.F.R. § 141.201(a). Respondent shall also provide a copy of the public notice and signed Certificate of Delivery to EPA and ADH within forty (40) days of this Order.
- B. The reporting required by this Order must be provided by Respondent to EPA and ADH at the following addresses:

Sami Doupnik
Water Resources Section
Enforcement and Compliance Assurance Division
U.S. EPA, Region 6
1201 Elm Street, Suite 500
Dallas, TX 75270
(214) 665-7495
doupnik.sami@epa.gov

Robin Michaels
Arkansas Department of Health
Compliance and Enforcement
Engineering Section
4815 W Markham St.
Little Rock, AR 72205
(501)-661-2623
robin.michaels@arkansas.gov

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.

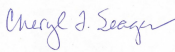
This Section 1414(g) Compliance Order does not constitute a waiver, suspension, or modification of the requirements of 40 C.F.R. Part 141 or other applicable federal and state requirements, which remain in full force and effect. Issuance of this Section 1414(g) Compliance Order is not an election by EPA to forego any civil or any criminal action otherwise authorized under the Act.

Violation of any term of this Section 1414(g) Order or the Act may subject the Respondent to an administrative civil penalty of up to \$47,061 under Section 1414(g) of the Act, 42 U.S.C. § 300g-(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.

March 27, 2023

Date

 Digitally signed by
Seager, Cheryl
Date: 2023.03.27 15:15:23
-05'00'

Cheryl T. Seager, Director
Enforcement and
Compliance Assurance Division