



REGION 6

DALLAS, TX 75270

June 3, 2024

TRANSMITTED VIA EMAIL

The Honorable David Streeter
Mayor, City of Hamburg
Hamburg Waterworks
305 E. Adams St.
Hamburg, AR 71646
davidstreeter@cityofhamburg.com

Re: PWS ID Number: AR0000015
Administrative Order, Docket Number: SDWA-06-2024-1213

Dear Mayor Streeter:

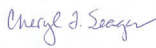
Enclosed is an Administrative Order issued by the United States Environmental Protection Agency, Region 6 (EPA) concerning Hamburg Waterworks public water system. The Order requires the City of Hamburg (Respondent) to comply with the provisions set forth in the attached Order. The EPA requests that you immediately confirm receipt of this letter and the attached Order via e-mail response to reyna.mariela@epa.gov. This Order is effective immediately upon receipt.

As an owner/operator of a public water system (PWS) and as a supplier of water, the Respondent is required to comply with the Safe Drinking Water Act (SDWA) and the National Primary Drinking Water Regulations (NPDWRs). Pursuant to Section 1433(a) of the SDWA, 42 U.S.C. § 300i-2, community water systems (CWS) serving communities with populations between 3,301 and 49,999 are required to conduct a Risk and Resilience Assessment (RRA) of its system. In addition, Section 1433(a)(3)(A) of the SDWA requires a CWS serving communities with populations between 3,301 and 49,999 to submit a certification of completion to the EPA that it has conducted its RRA on or before June 30, 2021. Respondent violated Sections 1433(a) and 1433(a)(3)(A)(ii) by failing to conduct an RRA and submit the certification of completion to the EPA by June 30, 2021.

Furthermore, Section 1433(b) of the SDWA requires a CWS serving communities with populations between 3,301 and 49,999 to submit a certification of completion to the EPA that it has prepared or revised, where necessary, an Emergency Response Plan (ERP) on or before December 31, 2021. Respondent violated Section 1433(b) of the SDWA, 42 U.S.C. § 300i-2(b), by failing to prepare or revise an ERP and submit the certification of completion to the EPA by December 31, 2021.

Pursuant to Section 1414(a)(2)(B) of the SDWA, 42 U.S.C. § 300g-3(a)(2)(B), a copy of this letter is being provided as a notice to Mr. Jim Hudson, Ashley County Judge, as an appropriate local elected official. If you have questions regarding this Order, please contact Mariela Reyna, of my staff, at 214-665-7177.

Sincerely,

 Digitally signed by
CHERYL SEAGER
Date: 2024.06.04
09:16:57 -05'00'

Cheryl T. Seager, Director
Enforcement and
Compliance Assurance Division

Enclosure

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 ashleycountyjudge@att.net

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6

In the Matter of

City of Hamburg
Hamburg Waterworks

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Docket No. SDWA-06-2024-1213

Respondent

PWS ID #AR0000015

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 ("SDWA" or "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 Hamburg (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 Hamburg, Ashley County, Arkansas (facility), designated as PWS number AR0000015.

3. During the relevant time period, Respondent's PWS served more than 3,300 individuals year-round and is considered a "community water system" (CWS), as defined by Section 1401(15) of the Act, 42 U.S.C. § 300f(15). Respondent's CWS is subject to the requirements of the Act and its implementing regulations, 40 C.F.R. Part 141.
4. The Arkansas Department of Health (ADH) administers the Public Water Supply Supervision Program in Arkansas pursuant to Section 1413 of the SDWA, 42 U.S.C. § 300g-2. ADH is the primacy agency, as that term is defined in 40 C.F.R. § 141.151(f). However, EPA has primary enforcement responsibility for Section 1433 of the SDWA, 42 U.S.C. § 300i-2.
5. On October 23, 2018, the SDWA was amended in accordance with the America's Water Infrastructure Act (AWIA) of 2018 (Public Law 115-270). Section 1433 of the SDWA is an "applicable requirement" as defined in Section 1414(i) of the SDWA, 42 U.S.C. § 300g-3(i), and, thus, may be enforced by EPA.
6. Pursuant to Section 1433(a) of the SDWA, 42 U.S.C. § 300i-2, a CWS serving more than 3,300 persons is required to conduct a Risk and Resilience Assessment (RRA) of its system and submit certification of its completion to EPA by June 30, 2021. The RRA shall include an assessment of:
 - a) the risk to the system from malevolent acts and natural hazards;
 - b) the resilience of the pipes and constructed conveyances, physical barriers, source water, water collection and intake, pretreatment, treatment, storage and distribution facilities, electronic, computer, or other automated systems (including the security of such systems);
 - c) the financial infrastructure of the system;
 - d) the monitoring practices of the system;
 - e) the use, ban storage, or handling of various chemicals by the system; and
 - f) the operation and maintenance of the system.
7. Pursuant to Section 1433(b) of the SDWA, 42 U.S.C. § 300i-2(b), the PWS is required to prepare or revise, where necessary, an emergency response plan (ERP) that incorporates the findings of the certified RRA within 6 months of the RRA certification, December 31, 2021. The ERP shall include:
 - a) strategies and resources to improve the resilience of the system, including the physical security and cybersecurity of the system;

- b) plans and procedures that can be implemented, and identification of equipment that can be utilized, in the event of a malevolent act or natural hazard that threatens the ability of the community water system to deliver safe drinking water;
 - c) actions, procedures, and equipment which can obviate or significantly lessen the impact of a malevolent act or natural hazard on the public health and the safety and supply of drinking water provided to communities and individuals, including the development of alternative source water options, relocation of water intakes, and construction of flood protection barriers; and
 - d) strategies that can be used to aid in the detection of malevolent acts or natural hazards that threaten the security or resilience of the system.
8. Pursuant to Section 1433(c) of the SDWA, 42 U.S.C. § 300i-2(c), CWSs shall, to the extent possible, coordinate with existing local emergency planning committees established pursuant to the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. § 11001 et seq.) when preparing or revising an assessment or emergency response plan.
9. Based on the information available to the EPA, Respondent failed to certify to EPA that the PWS conducted the RRA of its system and to submit the certification of completion to EPA by June 30, 2021, as specified in Section 1433(a)(3)(A) of the SDWA, 42 U.S.C. § 300i-2(a)(3)(A), in violation of Section 1433(a).
10. Respondent failed to certify that an ERP was prepared and/or revised that incorporates the results of the RRA and was not submitted to the EPA on or before December 31, 2021, in violation of Section 1433(b), 42 U.S.C. § 300i-2(b).

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 action(s):

- A. Within thirty (30) days of the effective date of this Order, Respondent shall submit to EPA its certification of completion of the RRA and ERP, as required by Section 1433(a) of the SDWA, 42 U.S.C. § 300i-2(a) and Section 1433(b) of the SDWA, 42 U.S.C. § 300i-2(b), respectively. Respondent shall submit the certifications electronically using the following link at:

<https://www.epa.gov/waterresilience/how-certify-your-risk-and-resilience-assessment-or-emergency-response-plan>

- B. Within thirty (30) days of the effective date of this Order, Respondent shall provide written confirmation to EPA, that the requirements of paragraphs 9 and 10 have been met and that the Respondent has complied with Section 1433(a) of the SDWA, 42 U.S.C. § 300i-2(a), and the Order.
- C. Do not submit the RRA and ERP to the below address, only the above referenced confirmation shall be submitted electronically via email to: reyna.mariela@epa.gov.

GENERAL PROVISIONS

This Order is effective upon receipt by a representative of the PWS.

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

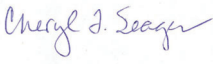
This Section 1414(g) Compliance Order does not constitute a waiver, suspension, or modification of the requirements of 40 C.F.R. Part 141 or other applicable federal and state requirements, which remain in full force and effect. Issuance of this Section 1414(g) Compliance Order is not an election by 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 Respondent to an administrative civil penalty of up to \$48,586 under Section 1414(g) of the Act, 42 U.S.C. § 300g-3(g), or a civil penalty of not more than \$69,733 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.

June 3, 2024

Date

 Digitally signed by
CHERYL SEAGER
Date: 2024.06.04
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Cheryl T. Seager, Director

Enforcement and

Compliance Assurance Division