



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TEXAS 75202-2733

AUG 01 2016

CERTIFIED MAIL-RETURN RECEIPT REQUESTED: 7015 1520 0003 3989 8405

The Honorable Pam Redman
Mayor, City of Plains
P.O. Box 550
Plains, TX 79355-0550

Re: PWS ID Number: TX2510002
Docket Number: SDWA-06-2016-1229

Dear Mayor Redman:

This letter acknowledges receipt by the U.S. Environmental Protection Agency (EPA) of the arsenic and fluoride compliance plan and construction schedule submitted by the City of Plains in response to Administrative Order (Order) Docket Number SDWA-06-2012-1219, issued on March 22, 2012. EPA has determined that the plan and the construction schedule are a satisfactory response to Section C of the Original Order. The plan specifies a timeline for bringing the City of Plains Water System into compliance with the maximum contaminant level (MCL) for arsenic and fluoride. EPA's acceptance of the plan does not guarantee compliance with the Safe Drinking Water Act (SDWA); City of Plains 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 to the City of Plains to implement the approved plan, including the implementation schedule specified in the enclosed Order. This Administrative Order supersedes the Administrative Order issued on March 22, 2012. As specified in the Order, City of Plains must achieve compliance with the arsenic and fluoride MCL requirement by June 1, 2017.

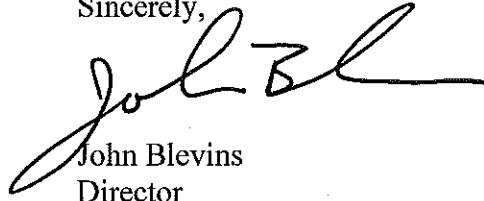
City of Plains is also responsible for compliance with all applicable Texas regulations in Title 30 Texas Administrative Code (TAC), Chapter 290, and Subchapter D. Most treatment options require the submittal of engineering plans and specifications to the Texas Commission on Environmental Quality (TCEQ) 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 Original Order and all submittals must include the EPA Docket Number.

Re: Administrative Order Plan Implementation 2
City of Plains

Please be aware that failure to comply with this Order may subject City of Plains to additional enforcement action by EPA, including the initiation of legal proceedings to seek monetary penalties.

If you need assistance, or have questions regarding the Order, please contact Mr. Mehdi Taheri, of my staff, at (214) 665-2298.

Sincerely,

A handwritten signature in black ink, appearing to read "John Blevins", written over the printed name.

John Blevins
Director
Compliance Assurance and
Enforcement Division

Enclosure

cc: Mr. Bryan Sinclair
Director, Enforcement Division
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

Ms. Cari-Michel La Caille
Director, Water Supply Division
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087



U.S. ENVIRONMENTAL PROTECTION AGENCY-REGION 6

FINDINGS OF VIOLATION AND COMPLIANCE ORDER

In the Matter of: City of Plains Water System
Owned/Operated by the City of Plains, Respondent
Docket No. SDWA-06-2016-1229, PWS ID # TX2510002

STATUTORY AUTHORITY

The following findings are made and an Administrative Order (AO) 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 ("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 Compliance Assurance and Enforcement Division.

FINDINGS

1. City of Plains ("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 the City of Plains Water System, a public water system ("PWS"), as defined by Section 1401(4) of the Act, 42 U.S.C. § 300f(4), located in Plains, Yoakum County, Texas ("facility"), designated as PWS number TX2510002.
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 was a "community water system," as defined by Section 1401(15) of the Act, 42 U.S.C. § 300f(15).
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. Respondent monitored for arsenic in the last four quarters in 2011, resulting in a running annual average of 0.015 mg/L that exceeded the arsenic maximum contaminant level ("MCL") of 0.010 mg/L in violation of 40 C.F.R. § 141.62(b)(16).
7. During the relevant time period, Respondent's PWS was subject to NPDWR requirements for the fluoride MCL as set forth in 40 C.F.R. § 141.62. Respondent monitored for fluoride in the last four quarters of 2011 resulting a running annual average of 4.08 mg/L that exceeded the fluoride MCL of 4.0 mg/L in violation of 40 C.F.R. § 141.62(b)(1).
8. Respondent is required to comply with the arsenic and fluoride requirements of the Act, as set forth in Section 1412 of the Act, 42 U.S.C. § 300g-1.
9. On March 22, 2012, EPA issued an Administrative Order (AO), Docket Number SDWA-06-2012-1219, to Respondent for the arsenic and fluoride MCL violations and required submittal of a detailed plan specifying measures that shall be implemented to bring the PWS back into compliance with the MCL requirements. This AO supersedes the AO issued on March 22, 2012.
10. Respondent monitored for arsenic in the last four quarters for the 3rd quarter of 2015 through the 2nd quarter of 2016, resulting in a running annual average of 0.012 mg/L that exceeded the arsenic MCL of 0.010 mg/L in violation of 40 C.F.R. § 141.62(b)(16).
11. During the relevant time period, Respondent's PWS was subject to NPDWR requirements for the fluoride MCL as set forth in 40 C.F.R. § 141.62. Respondent monitored for fluoride in the last four quarters from the 3rd quarter of 2015 through the 2nd quarter of 2016, resulting a running annual average of 4.08 mg/L that exceeded the fluoride MCL of 4.0 mg/L in violation of 40 C.F.R. § 141.62(b)(1).
12. In compliance with the previously issued AO, Respondent has 1) provided public notice as required by 40 C.F.R. § 141.201; 2) submitted a plan to EPA detailing how Respondent will return the PWS to compliance with the MCLs for arsenic and fluoride; and 3) provided EPA with an initial progress report on the compliance activities.
13. Respondent is hereby ordered to comply with the terms of the detailed plan submitted by Respondent and approved by EPA. The terms of the plan and compliance schedule are hereby incorporated (see paragraph C, below).

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 Respondent to take the following actions:

- A. Respondent shall comply with 40 C.F.R. § 141.31(b) and notify both TCEQ and EPA within forty-eight (48) hours in the event of arsenic and fluoride MCL violations.

B. In event of arsenic and fluoride MCL violations, 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 EPA and 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 the detailed plan:

1. The bid package, bid advertisement and bid award shall be completed by September 30, 2016.
2. Construction shall begin on November 1, 2016.
3. Construction shall be completed and compliance attained by June 1, 2017.

D. Respondent must achieve and maintain compliance with the MCL for arsenic (40 C.F.R. § 141.62(b)(16) and for fluoride (40 C.F.R. § 141.62(b)(1)) by June 1, 2017, the date specified in the plan submitted to EPA.

SECTION 1445 INFORMATION DEMAND

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 reporting required by this Order must be provided by the Respondent to EPA at the following address:

Mr. Mehdi Taheri
Water Enforcement Branch (6EN-W)
U.S. EPA, Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

G. Regarding Parts A and B in the Order Section, Respondent shall submit a copy of the public notice 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

Public Drinking Water Section
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 Respondent.

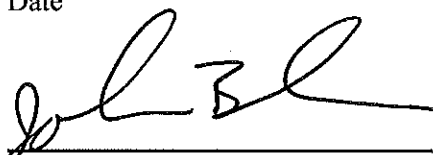
Respondent may seek federal judicial review of the Order pursuant to Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706.

This Section 1414(g) Compliance Order and the Section 1445 Information Demand do 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 and the Section 1445 Information Demand 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 and the Section 1445 Information Demand or the Act may subject Respondent to an administrative civil penalty of up to \$32,500 under Section 1414(g) of the Act, 42 U.S.C. § 300g-3(g), or a civil penalty of not more than \$37,500 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.

8/1/16
Date


John Blevins
Director
Compliance Assurance and
Enforcement Division