



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

1201 ELM STREET, SUITE 500
DALLAS, TEXAS 75270

May 26, 2023

TRANSMITTED VIA E-MAIL

City of Plains
Steve Vasquez, City Administrator
PO Box 550
Plains, TX 79355
cityofplains@gmail.com

Re: PWS ID Number: TX2510002
Administrative Order; Docket Number: SDWA-06-2023-1278

Dear Mr. Vasquez:

Enclosed is an Administrative Order (Order) issued by the United States Environmental Protection Agency (EPA), Region 6 concerning the City of Plains Water System. The Order requires the City of Plains (Respondent) to comply with the provisions set forth in the attached Order. The EPA requests that you immediately confirm receipt of this e-mail and the attached Order by a response mail to moore.jessica@epa.gov.

This letter acknowledges receipt of the arsenic compliance plan and construction schedule submitted by Respondent on April 10, 2023. EPA has determined that the plan and the construction schedule, which specify a timeline for bringing City of Plains Water System into compliance with the maximum contaminant levels for arsenic and flouride, is a satisfactory response. EPA's acceptance of the plan does not guarantee compliance with the Safe Drinking Water Act (SDWA). Respondent remains solely responsible for compliance with the SDWA.

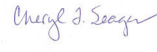
As a result of the terms and construction schedule specified in the plan, EPA hereby issues this Order (Docket Number: SDWA-06-2023-1278) to Respondent to implement the approved plan, including the implementation schedules specified in the enclosed Order. As specified in the Order, Respondent must achieve compliance with the arsenic maximum contaminant level requirement by December 1, 2024.

The 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 H of the enclosed Order and all submittals must include the EPA Docket Number.

Re: PWS ID Number: TX2510002
City of Plains

Please be aware that failure to comply with the Order may subject you to additional enforcement action by EPA, including the initiation of legal proceedings to seek monetary penalties. If you have questions regarding the Order, please contact Jessica Moore, of my staff, at (214) 665-6495.

Sincerely,



Digitally signed by
CHERYL SEAGER
Date: 2023.05.26
13:25:13 -05'00'

Cheryl T. Seager, Director
Enforcement and
Compliance Assurance Division

Enclosure

ec: megan.hamilton@tceq.texas.gov
 michele.risko@tceq.texas.gov
 steven.swierenga@tceq.texas.gov

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6

In the Matter of

City of Plains

Respondent

PWS ID. No. TX2510002

§
§
§
§
§
§
§
§

DOCKET NO. SDWA-06-2023-1278

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 (the Act), 42 U.S.C. Section 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. 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 a public water system (PWS), as defined by Section 1401(4) of the Act, 42 U.S.C. § 300f (4), located in, Yoakum County, Texas (facility), designated as PWS Identification 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 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.
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. During the relevant time period, Respondent's PWS was subject to NPDWR requirements for the arsenic and fluoride maximum contaminant levels (MCLs) as set forth in 40 C.F.R. § 141.62 and 40 C.F.R. § 141.23(d). The Respondent continues to be in violation of the arsenic and fluoride MCLs each quarter.
7. On December 3, 2018, EPA issued an Administrative Order (SDWA-06-2019-1208) to Respondent for the arsenic and fluoride MCL violations containing a compliance schedule the Respondent submitted to EPA in response to EPA's previous Administrative Order (SDWA-06-2017-1230).
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. 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.
10. 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 D, below).

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. Respondent shall comply with 40 C.F.R. § 141.31(b) and initiate consultation with TCEQ as soon as practical, but no later than forty-eight (48) hours after the system learns of an arsenic or fluoride MCL violation.
- B. In the event of an arsenic or fluoride MCL violation, 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 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 their detailed plan:

1. Complete final design and submit to TCEQ for approval by September 2023;
2. Receive TCEQ approval of final design by January 2024;
3. Complete bidding for construction in March 2024;
4. Complete construction November 2024.

- D. Respondent must achieve and maintain compliance with the MCLs for arsenic and flouride pursuant to 40 C.F.R. § 141.62 (b)(7) by December 1, 2024, the date specified in the plan submitted to EPA.
- 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 reports required by this Order must be provided by Respondent electronically to EPA at the following email address: moore.jessica@epa.gov
- G. Regarding Parts C 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

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.

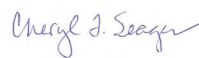
Respondent may seek federal judicial review of the Order pursuant to Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706.

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 \$47,061 under Section 1414(g) of the Act, 42 U.S.C. § 300g-3(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.

May 26, 2023

Date



Digitally signed by CHERYL
SEAGER

Date: 2023.05.26 13:24:00 -05'00'

Cheryl T. Seager, Director
Enforcement and
Compliance Assurance Division