



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

February 17, 2023

CERTIFIED MAIL-RETURN RECEIPT REQUESTED: 7005 1820 0003 7451 1932

Gilbert Bonner
d/b/a East Monroe County Water Users
1637 Demo Rd.
Holly Grove, AR 72069

Re: PWS ID Number: AR0000715
Administrative Order; Docket Number: SDWA-06-2023-1225

Dear Mr. Bonner:

Enclosed is an Administrative Order (Order) issued by the United States Environmental Protection Agency, Region 6 (EPA) concerning the East Monroe County Water Users Public Water System (PWS). The Order requires Gilbert Bonner (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 doupnik.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), Consumer Confidence Report (CCR) Rule, and the Lead and Copper Rule (LCR).

Recently, EPA was informed by the Arkansas Department of Health (ADH) that the Respondent failed to do the following: 1) provide Public Notice for failing to submit an operation evaluation limit report for the months of October 2018 and December 2020; 2) provide Public Notice for exceeding the maximum contaminant level for total trihalomethanes in April-June 2019; 3) provide the Consumer Confidence Report (CCR) to customers for the calendar year 2020; 4) provide lead and copper sample results to customers at the locations from where the samples were collected during the monitoring period of June-September 2021; 5) provide Public Notice for failing to provide lead and copper sample results to customers following the monitoring period of June-September 2021; 6) provide public education information and materials to customers on ways to reduce their exposure to lead following a lead action level exceedance in the month of February 2022; and 7) provide Public Notice for failing to provide lead and copper public education to customers in the month of February 2022. Therefore, EPA is now ordering the Respondent to provide all public notifications for the violations stated, the CCR, and the lead and copper sample results and public education materials to customers, and to submit documentation to EPA and ADH through the issuance of this action.

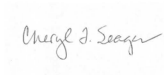
This Order does not assess a monetary penalty; however, it does require compliance with the PN rule as set forth in 40 C.F.R. § 141.201, the CCR rule as set forth in 40 C.F.R. § 141.151-141.155, and the LCR as set forth in 40 C.F.R. § 141.80-141.93. Please be aware that failure to comply with this Order may subject the Respondent to additional enforcement action by EPA, including the initiation of legal proceedings to seek monetary penalties.

Re: Gilbert Bonner d/b/a East Monroe County Water Users
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. John W. Martin, Monroe County Judge, as the appropriate local official.

Sincerely,

 Digitally signed by Seager,
Cheryl
Date: 2023.02.17 10:24:14
-06'00'

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
monroecountyjudge@gmail.com

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6

In the Matter of

Gilbert Bonner
d/b/a East Monroe County Water Users

Respondent

PWS ID #AR0000715

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Docket No. SDWA-06-2023-1225

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. Gilbert Bonner (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 Brinkley, Monroe County, Arkansas (facility), designated as PWS Identification Number AR0000715, and known as the East Monroe County Water Users.
3. 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.

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 Notification Rule as set forth in 40 C.F.R. § 141.201, the Consumer Confidence Report Rule as set forth in 40 C.F.R. § 141.151-141.155, and the Lead and Copper Rule as set forth in 40 C.F.R. § 141.80-141.93.
5. The Arkansas Department of Health (ADH) has primacy for the NPDWR. ADH referred this system to EPA for enforcement on August 30, 2022.
6. Pursuant to 40 C.F.R. § 141.626, Respondent must submit an operation evaluation limit report following an exceedance of the operational evaluation level of disinfection byproducts.
7. Respondent violated 40 C.F.R. § 141.626 by failing to submit an operation evaluation limit report following exceedance of the operational evaluation level of disinfection byproducts for the months of October 2018 and December 2020.
8. Pursuant to 40 C.F.R. § 141.620, Respondent must achieve compliance with maximum contaminant levels for disinfection byproducts, which include total trihalomethanes (TTHM). The maximum contaminant level for TTHM is 0.080 mg/L.
9. Respondent violated 40 C.F.R. § 141.620 by exceeding the maximum contaminant level for total trihalomethanes during the second quarter of 2019 (April-June 2019).
10. Pursuant to 40 C.F.R. § 141.151-141.155, Respondent must provide annual Consumer Confidence Reports to its customers.
11. Respondent violated 40 C.F.R. § 141.151-141.155 by failing to provide the Consumer Confidence Report to customers for the calendar year 2020.
12. Pursuant to 40 C.F.R. § 141.85, Respondent must provide lead and copper sample results to customers from where the samples were collected following each six (6) month monitoring period.
13. Respondent violated 40 C.F.R. § 141.85 by failing to provide lead and copper sample results to customers at the locations from where the samples were collected during the months of June through September 2021.

14. Pursuant to 40 C.F.R. § 141.85, Respondent must provide public education information and materials to customers on ways to reduce their exposure to lead following a lead action level exceedance.
15. Respondent violated 40 C.F.R. § 141.85 by failing to provide public education information and materials to customers following a lead action level exceedance in the month of February 2022.
16. Pursuant to 40 C.F.R. § 141.201, 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.
17. Respondent violated 40 C.F.R. § 141.201(a) by failing to provide public notification and submit a copy of the public notification to the ADH for violations specified in paragraphs 7, 9, 13, and 15.

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 violations specified in paragraphs 7, 9, 13, and 15 above, in accordance with 40 C.F.R. § 141.201. Respondent shall also provide a copy of all public notices and signed Certificates of Delivery to EPA and ADH within forty (40) days of this Order.
- B. Within thirty (30) days of receipt of this Order, Respondent shall provide the Consumer Confidence Report to its customers, EPA, and ADH in accordance with 40 C.F.R. § 141.151-141.155.
- C. Within thirty (30) days of receipt of this Order, Respondent shall provide lead and copper sample results to customers at the locations from where the samples were collected during the monitoring period of June-September 2021, in accordance with 40 C.F.R. § 141.85. Respondent shall also provide documentation to EPA and ADH within forty (40) days of this Order.

- D. Within thirty (30) days of receipt of this Order, Respondent shall provide public education information and materials to customers on ways to reduce their exposure to lead following a lead action level exceedance, in accordance with 40 C.F.R. § 141.85. Respondent shall also provide documentation to EPA and ADH within forty (40) days of this Order.
- E. 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
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.

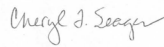
This Section 1414(g) Compliance Order does not constitute a waiver, suspension, or modification of the requirements of 40 C.F.R. Part 141 or other applicable federal and state requirements, which remain in full force and effect. Issuance of this Section 1414(g) Compliance Order is not an election by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

February 17, 2023

Date



Digitally signed by Seager,
Cheryl
Date: 2023.02.17 10:21:31
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Cheryl T. Seager, Director
Enforcement and
Compliance Assurance Division