



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1201 ELM STREET, SUITE 500
DALLAS, TEXAS 75270

May 11, 2021

CERTIFIED MAIL–RETURN RECEIPT REQUESTED:

Alan Fox
River Point Water System
1101 River Bend Rd,
Haughton, LA 71037

Re: PWS ID Number: LA1015030, River Point
Administrative Order: Docket Number: SDWA-06-2021-1284

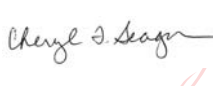
Dear Mr. Fox:

Enclosed is an Administrative Order (Order) issued to Alan Fox, 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 Environmental Protection Agency (EPA), Region 6 finds that Alan Fox (Respondent) owns or operates a public water system identified in the Order and is therefore subject to these regulations. The EPA requests that you immediately confirm receipt of this letter and the attached Order by a response e-mail to young.craig@epa.gov. This Order is effective immediately upon receipt.

This Order does not assess a monetary penalty; however, it does require compliance with the Ground Water Rule (GWR) treatment technique requirements pursuant to 40 C.F.R. § 141.403 and § 141.404. The Respondent failed to correct sanitary deficiencies identified in a sanitary survey conducted by the Louisiana Department of Health (LDH) on August 11, 2011. On July 29, 2015 EPA issued an Administrative Order for failure to address the deficiencies identified during the August 11, 2011 sanitary survey. To date, the deficiencies have not been fully addressed. 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.

EPA acknowledges that the COVID-19 pandemic may impact your community. If this is the case, please contact us regarding any specific issues you need to discuss. If you need assistance, or have questions regarding the Order, please contact Craig Young, of my staff, at (214) 665-2275.

Sincerely,


Digitally signed by CHERYL SEAGER
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Cheryl T. Seager, Director
Enforcement and
Compliance Assurance Division

Enclosure

cc: Silas Corkern, R.S.
silas.corkern@la.gov



U.S. ENVIRONMENTAL PROTECTION AGENCY - REGION 6
FINDINGS OF VIOLATION AND COMPLIANCE ORDER

In the Matter of River Point LA1015030
Owned/Operated by Alan Fox, Respondent
Docket No. SDWA-06-2021-1284

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. §§ 300g-3(g) and 300j-4. 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. Mr Alan Fox, (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 Haughton, Bossier Parish, Louisiana (facility), designated as PWS number LA1015030.
3. During the relevant time period, Respondent's PWS was a "community water system," as defined by Section 1401(16) of the Act, 42 U.S.C. § 300f(16).
4. During the relevant time period, Respondent's PWS was subject to the requirements of the Ground Water Rule as set forth in 40 C.F.R. §§ 141.400-141.405.
5. The Louisiana Department of Health (LDH) administers the Public Water Supply Supervision Program in Louisiana pursuant to Section 1413 of the Act. LDH had not yet obtained primary enforcement responsibility for the Groundwater Rule when some of the violations described within occurred; therefore, EPA has primary responsibility for enforcement of the Groundwater Rule in this case.
6. Systems that have at least 15 service connections or regularly serve at least 25 people per day at least 60 days per year or at least 25 year-round residents are subject to the requirements of the Act, 42 U.S.C. § 300g-1, and its implementing regulations, 40 C.F.R. Part 141.
7. Pursuant to 40 C.F.R. § 141.401, a sanitary survey inspection was conducted by LDH on August 11, 2011, to evaluate the source of water supply, pumps and pumping facilities, and management and operator qualifications. The following deficiencies by the PWS were identified:
 - a. Failure to have a PWS that is under the supervision and control of a duly certified operator as per requirements of the State Operator Certification Act, Act 538 of 1972, as amended;
 - b. Failure to record and measure the residual disinfectant concentration in water being delivered to the distribution system;
 - c. Failure to protect against potential cross connections by having a hose attached to the sample tap at the main plant;
 - d. Failure to properly vent well #2;
 - e. Failure to protect against open pits/holes/trenches at well #2 that can allow contamination of the source; and
 - f. Failure to have properly working pressure gauge on the discharge pipe of well #2.
8. In a letter dated September 9, 2011, LDH informed Respondent of the identified deficiencies and instructed Respondent to correct the deficiencies within sixty (60) days of receipt of the letter. If additional time was needed to complete the corrective actions, Respondent could provide a written request for LDH review and approval within sixty (60) days of receipt of the letter.
9. In violation of 40 C.F.R. § 141.404(a), Respondent did not complete corrective action in accordance with any applicable State plan review processes or other State guidance and direction, including State specified

interim actions and measures, nor did Respondent comply with a State-approved corrective action plan and schedule. Failure to meet these requirements is a violation of the Ground Water Rule treatment technique requirements.

10. On July 29, 2015, EPA issued an Administrative Order for failure to address the deficiencies described in paragraph 9. To date these deficiencies have not been fully corrected. Failure to meet these requirements is a violation of the Ground Water Rule treatment technique requirements.

11. Pursuant to 40 C.F.R. § 141.201(a), each owner or operator of a PWS that violates 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 provide public notice of the violation.

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 actions:

- a. Within thirty (30) days of receipt of this Order, Respondent shall address all significant deficiencies identified by LDH in the September 09, 2011 letter and by EPA in the July 29, 2015 Administrative Order. Respondent shall submit a report to EPA and LDH indicating what actions have been taken and how the deficiencies have been addressed. If Respondent is technically unable to correct all deficiencies within thirty days, Respondent shall submit to EPA, with a copy to LDH, a proposed plan including schedule to achieve compliance and address all identified deficiencies. The plan shall be submitted to EPA for review and approval.
- b. Within thirty (30) days of receipt of this Order, Respondent shall provide public notice of the violations specified in paragraph 9 above, by mail or other direct delivery to each customer receiving a bill from the PWS and any other method reasonably calculated to reach other persons regularly served by the PWS in accordance with 40 C.F.R. § 141.203(c)(1)(i). Respondent shall also provide a copy

of all public notices to EPA and LDH within forty (40) days of receipt of this Order.

- c. The reporting required by this Order must be provided by Respondent to EPA and LDH at the following addresses:

Mr. Craig Young
Water Resources Branch (6EN-WR)
Enforcement and Compliance Assurance
Division
U.S. EPA, Region 6
1201 Elm Street, Suite 500
Dallas, TX 75270-2102

And

Mr. Silas Corkern, R.S.
Enforcement Unit Administrator
LDH-OPH, Engineering Services
Enforcement Program
P.O. Box 4489, Bin #10, Box #5
Baton Rouge, LA 70821-4489

Alternatively, if submitted electronically, all electronic documentation submitted to EPA needs to be transmitted to Mr. Young at young.craig@epa.gov. All electronic documentation submitted to LDH needs to be transmitted to Mr Silas Corkern at silas.corkern@la.gov.

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 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 \$39,936 under Section 1414(g) of the Act, 42 U.S.C. § 300g-3(g), or a civil penalty of not more than \$57,317 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 11, 2021

Date



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Cheryl T. Seager, Director
Enforcement and
Compliance Assurance Division