



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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

OCT 13 2015

CERTIFIED MAIL--RETURN RECEIPT REQUESTED: 7005 1820 0003 7449 5751

Mr. Curtis Crane
d/b/a Peak Properties
P.O. Box 4952
Midland, TX 79704-4952

Re: PWS ID Number: TX1650043
Docket Number: SDWA-06-2012-1262

Dear Mr. Crane:

This letter acknowledges receipt by the U.S. Environmental Protection Agency (EPA) of the nitrate compliance plan and construction schedule submitted by you, as required by Administrative Order (Order) Docket Number SDWA-06-2012-1262 (hereinafter referred to as the "Original Order"), issued to you on June 15, 2012. EPA has determined that the plan and the schedule are a satisfactory response to Section D of the Original Order. The plan specifies how you will bring the water system into compliance with the maximum contaminant level (MCL) for nitrate. EPA's acceptance of the plan does not guarantee compliance with the Safe Drinking Water Act (SDWA); you remain solely responsible for compliance with the SDWA.

As a result of the terms and revised schedule specified in the plan, EPA has amended the Original Order to incorporate the schedule with the enclosed Amended Administrative Order (hereinafter referred to as the "Amended Order"). As specified in the Amended Order, you must achieve compliance with the nitrate MCL requirement by May 18, 2016.

While your nitrate compliance plan meets EPA requirements specified in the Original Order, you are 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 address referenced in paragraph I of the Original Order and all submittals must include the EPA Docket Number.

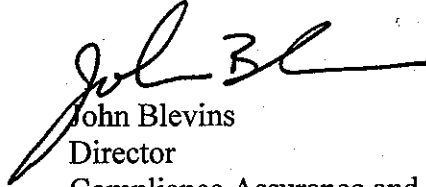
Please be aware that failure to comply with this Amended Order may subject you to additional enforcement action by EPA, including the initiation of legal proceedings to seek monetary penalties.

Re: Amended Administrative Order
Peak Properties

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

Sincerely,



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. Linda Brookins
Director, Water Supply Division
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

Mr. James F Prochaska, MS-PE
JNM Technologies, Inc.
P.O. Box 5667
Bryan, TX 77805-5667



7U.S. ENVIRONMENTAL PROTECTION AGENCY-REGION 6
FINDINGS OF VIOLATION AND COMPLIANCE ORDER
In the Matter of: Peak Properties Public Water System
Owned/Operated by Mr. Curtis Crane, d/b/a Peak Properties, Respondent
Docket No. SDWA-06-2012-1262, PWS ID # TX1650043

STATUTORY AUTHORITY

The following findings are made and an Amended Order ("Amended 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 Amended 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. Mr. Curtis Crane, doing business as Peak Properties ("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 Peak Properties water system, a public water system ("PWS"), as defined by Section 1401(4) of the Act, 42 U.S.C. § 300f(4), located in Midland, Midland County, Texas ("facility"), designated as PWS number TX1650043.

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).

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 nitrate maximum contaminant level ("MCL") as set forth in 40 C.F.R. § 141.62(b). Respondent monitored for nitrate in the last four quarters and reported a value of 13.6 mg/L which exceeded the nitrate MCL of 10 mg/L in violation of 40 C.F.R. § 141.62(b)(7).

7. Respondent is required to comply with the nitrate requirements of the Act, as set forth in Section 1412 of the Act, 42 U.S.C. § 300g-1.

8. On June 15, 2012, EPA issued Administrative Order Docket Number SDWA-06-2012-1262 ("Original Order") to Respondent for the nitrate MCL violations. The terms of the Original Order are hereby revised in this Amended Order.

9. In compliance with the Original Order, 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 MCL for nitrate; and
3) provided EPA with an initial progress report on the compliance activities. The terms of the plan and the revised compliance schedule are hereby incorporated with this Amended Order. The revised schedule contains a new deadline for the completion of construction and final inspections (see paragraph A, number 4, below).

SECTION 1414(g) COMPLIANCE ORDER

10. 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 the terms and schedule specified in the plan submitted to EPA. The project time shall be followed and completed as the Respondent submitted in the detailed plan:

1. Respondent shall proceed with construction drawings by November 6, 2015.
2. Respondent shall install an Evogua Nitrate Removal system in its facility by February 3, 2016.
3. Respondent shall complete testing protocol results of water treatment by April 18, 2016.
4. Respondent shall complete all construction and shall follow all standard testing requirements by May 18, 2016.

B. Respondent must achieve and maintain compliance with the nitrate MCL as set forth in 40 C.F.R. § 141.62(b)(7) by May 18, 2016.

C. Respondent shall provide EPA with quarterly progress reports regarding activities undertaken pursuant to the plan and shall notify EPA when all activities have been completed.

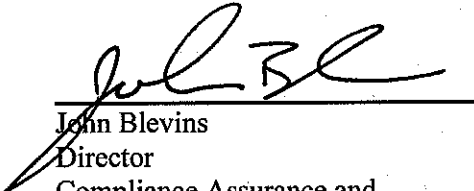
This Amended Order shall be binding on the PWS cited herein and all its successors and assignees. No change in ownership of the PWS shall alter the responsibility of the PWS under this Order.

SECTION 1445 INFORMATION DEMAND

D. The reporting required by this Amended Order must be provided by 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

10.13.15
Date


John Blevins
Director
Compliance Assurance and
Enforcement Division

GENERAL PROVISIONS

This Amended 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. Section 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).