



July 5, 2024

TRANSMITTED VIA E-MAIL:

The Honorable Timothy Turner
Mayor, Town of Newellton
PO Box 477
Newellton, LA 71357
townofnewellton@bellsouth.net

Re: Newellton Water System; PWS ID Number: LA1107003
Administrative Order: Docket Number: SDWA-06-2024-1225

Dear Mayor Turner:

Enclosed is an Administrative Order (Order) issued to Town of Newellton (Respondent), for violations 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 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 Surface Water Treatment Rule, Long Term 1 Enhanced Surface Water Treatment Rule, Long Term 2 Enhanced Surface Water Treatment Rule and the Disinfection Byproducts Rule pursuant to 40 C.F.R. §§ 141.70-141.73, 141.711-141.718, 141.551, 141.203, 141.64-141.65, and 141.135.

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. If you need assistance, or have questions regarding the Order, please contact Craig Young, of my staff, at (214) 665-2275.

Sincerely,

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

Enclosure

Re: Newellton Water System
Administrative Order SDWA 06-2024-1225

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ec: compliance@jcpmgt.com
mike@jcpmgt.com
caryn.benjamin@la.gov

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6

In the Matter of

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Town of Newellton

Docket No. SDWA-06-2024-1225

Respondent

PWS ID # LA1107003 §

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 (SDWA or 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 the Enforcement and Compliance Assurance Division.

FINDINGS

1. The Town of Newellton (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 Newellton, Tensas Parish, Louisiana (facility), designated as PWS Identification Number LA1107003, and known as the Newellton Water System. The PWS uses a combined filter system and as such is subject to state turbidity limits.
3. Respondent is a “supplier of water,” as defined by Section 1401(5) of the Act, 42 U.S.C. § 300f(f)(5).

4. During the relevant time period, Respondent's PWS provided water for human consumption and regularly served at least fifteen service connections used by year-round residents or regularly served at least twenty-five individuals year-round, and was a therefore a "community water system" (CWS), as defined by Section 1401(15) of the Act, 42 U.S.C. § 300f(15). Respondent was therefore subject to the requirements of the Act and the National Primary Drinking Water Regulations, 40 C.F.R. Part 141.
5. On June 29, 1989, EPA promulgated the Surface Water Treatment Rule (SWTR), 40 C.F.R. Part 141 Subpart H. SWTR applies to all PWSs using surface water or ground water under the direct influence of surface water. In order to protect consumers from microbial contaminants, Subpart H includes treatment technique requirements such as measuring the disinfectant residual within the distribution system, and maintaining a detectable disinfectant residual in the water throughout the distribution system.
6. On December 16, 1998, EPA promulgated the Stage 1 Disinfectants and Disinfection Byproducts Rule (Stage 1 DBPR), 40 C.F.R. Part 141, Subpart L. The Stage 1 DBPR was promulgated with the intention of protecting public health from exposure to potentially harmful disinfection byproducts. The Stage 1 DBPR established criteria under which community water systems and non-transient non-community water systems that add a chemical disinfectant to the water in any part of the drinking water treatment process must modify their practices to meet maximum contaminant levels ("MCL") for disinfection byproducts, 40 C.F.R. § 141.64, and maximum residual disinfectant levels, 40 C.F.R. § 141.65, and must meet the treatment technique requirements for the control of disinfection byproduct precursors listed in 40 C.F.R. § 141.135.
7. On May 4, 2000, EPA promulgated the Public Notification Rule (PNR), regulated under 40 C.F.R. Part 141, Subpart Q. The PNR was enacted to alert consumers of problems in the drinking water that may pose a risk to public health, including but not limited to, the failure to meet treatment technique requirements under the drinking water regulations.
8. On January 14, 2002, EPA promulgated the Long Term 1 Enhanced Surface Water Treatment Rule (LT1ESWTR), 40 C.F.R. Part 141 Subpart T. LT1ESWTR increases public health protection from microbial pathogens, particularly *Cryptosporidium*. LT1ESWTR builds upon existing treatment technique requirements established by the 1989 Surface Water Treatment Rule by requiring

systems using conventional or direct filtration to comply with strengthened turbidity standards and conduct continuous monitoring of individual filter effluent turbidity.

9. On January 5, 2006, EPA promulgated the Long Term 2 Enhanced Surface Water Treatment Rule (LT2ESWTR), 40 C.F.R. Part 141 Subpart W. The LT2ESWTR supplements existing microbial treatment and targets public water systems with higher potential risks from *Cryptosporidium* in their source water. The LT2ESWTR further protects public health from illness due to *Cryptosporidium* and other microbial pathogens in drinking water through risk-targeted treatment requirements based on the results of source water monitoring.
10. The Louisiana Department of Health (LDH) administers the Public Water Supply Supervision Program in Louisiana pursuant to Section 1413 of the SDWA, 42 U.S.C. § 300g-2. LDH is the primacy agency, as that term is defined in 40 C.F.R. § 141.151(f) and has primary enforcement responsibility for the SWTR, Stage 1 DBPR, PNR, LT1ESWTR, and LT2ESWTR. LDH and EPA have consulted regarding this Order, and it was agreed that EPA would initiate this enforcement action.
11. When EPA finds that a PWS does not comply with any “applicable requirement” or with any schedule or other requirement imposed thereto during a period in which the state has primary enforcement authority, EPA shall issue an administrative order under Section 1414(g) or commence a civil action under Section 1414(b) of the SDWA. 42 U.S.C. § 300g-3-(a)(1).
12. Under SDWA Section 1414(i), 42 U.S.C. § 300g-3(i), “applicable requirement” means:
 - a. any requirement of SDWA Sections 1412 (National Regulations), 1414 (enforcement of drinking water regulations), 1415 (variances), 1416 (exemptions), 1417 (prohibition on use of lead pipes, solder and flux), 1433 (community water system risk and resilience), 1441 (assurances of availability of adequate supplies of chemicals necessary for treatment of water, and 1445 (records and inspections);
 - b. any regulation promulgated under the sections cited above;
 - c. any schedule or requirement imposed pursuant to a section cited above; and

- d. any requirement of, or permit issued under, an applicable State program for which the EPA has made a determination that the requirements of Section 1413 of the SDWA have been satisfied, or an applicable State program approved under Section 1414.
13. Under the SWTR, each PWS that provides filtration treatment must provide disinfection treatment in accordance with the regulations. 40 C.F.R. § 141.72(b). Pursuant to 40 C.F.R. § 141.72(b)(2), the PWS is required to provide multibarrier treatment that reliably ensures at least the residual disinfectant concentration in the water delivered to the distribution system is not less than 0.2 mg/l for more than 4 hours. Failure to meet the disinfection requirements is considered a treatment technique violation. 40 C.F.R. § 141.72(b)(2).
 14. Under the SWTR, PWSs serving less than 10,000 persons must address *Cryptosporidium* and other microbial contaminants. The PWS is required to maintain the residual disinfectant concentration of not less than 0.5 mg/l free chlorine or 0.5 mg/l total chlorine in more than 5.0 percent of the samples collected each month from the distribution system for any two consecutive months. Failure to meet the disinfection requirements is considered a treatment technique violation. 40 C.F.R. §141.72(b)(3)(i).
 15. Under the Stage 1 DBPR, PWSs must achieve the minimum required percent reduction of total organic carbon (TOC) between the source water and the combined filter effluent in accordance with the regulations. 40 C.F.R. § 141.135. Pursuant to 40 C.F.R. § 141.135, the PWS is required to achieve a running annual average (RAA) removal ratio of 1.00 or greater in order to achieve the minimum required percent reduction of TOC. Failure to meet the minimum required percent reduction of TOC between the source water and the combined filter effluent is considered a treatment technique violation. 40 C.F.R. § 141.135.
 16. Under LT1ESWTR and LT2ESWTR, filtered water systems with high levels of *Cryptosporidium* are required to meet additional *Cryptosporidium* treatment. Pursuant to 40 CFR 141.715(b)(6) for combined filter performance, a system must meet 0.5-log credit for combined filter effluent turbidity less than or equal to 0.15 NTU in at least 95 percent of measurements each month. Failure to achieve treatment credit for combined filter effluent turbidity is a violation of the treatment technique requirement. 40 C.F.R. §§ 141.711(c), 141.715(b)(6), 141.718 and 141.551.

17. Under the LT1ESWTR, filtered water systems with high levels of Cryptosporidium are required to meet additional Cryptosporidium treatment. Pursuant to 40 CFR § 141.551(a) for combined filter performance, the turbidity of the combined filter effluent must not exceed 0.3 NTU of the 95th percentile turbidity value.
18. During the periods of September 2021, May 2022, December 2022, January 2023, and February 2023, Respondent failed to provide Tier 2 public notice for treatment technique violations. Respondent failed to provide a Tier 2 notice for the treatment technique violations no later than 30 days after it learned of the violation. This is a violation of 40 C.F.R. § 141.203.
19. During the period of December 1, 2022 – December 30, 2022, Respondent's treated water turbidity level exceeded 0.3 NTU in 15.4% of the treated water monthly measurements which is more than the allowed 5% percent of treated water samples. This is a violation of the LT1SWTR and LT2ESWTR. 40 C.F.R. §§ 141.551, 141.711(c), 141.715(b)(6), and 141.718.
20. During the periods of April 2 – 5, May 17, July 31, and December 14, 15, 24 and 26, 2022, the residual disinfectant concentration dropped below the minimum level of 0.2 mg/l free chlorine or 0.5 mg/l total chlorine for more than 4 hours in any 24-hour period at the point of entry to the water system in violation of the SWTR. Respondent failed to maintain a residual of 0.5 mg/ free chlorine or 0.5 mg/l total chlorine for more than 4 hours in any 24-hour period which is a violation of 40 C.F.R. § 141.72(b)(2).
21. During the named quarters, the RAA removal ratio of TOC was the following: 2nd calendar quarter of 2021 was 0.90, the 1st calendar quarter of 2022 was 0.90, 2nd calendar quarter of 2022 was 0.94, and 3rd calendar quarter of 2022 was 0.97. Respondent failed to meet the required RAA removal ratio of 1.00 or greater of TOC for these named quarters in violation of the Stage 1 DBPR, 40 C.F.R. § 141.135(b)(1).
22. During the periods of October 1, 2022 – October 31, 2022, November 1, 2022 – November 30, 2022, November 1, 2022 – November 30, 2022, and December 1, 2022 – December 31, 2022, the residual disinfectant was below 0.5 mg/l free chlorine or 0.5 mg/l total chlorine in more than 5.0 percent of samples in violation of the SWTR, 40 CFR § 141.72(b)(3)(i).

23. LDH issued notice of violation letters to the Respondent on, August 20, 2021, April 14, 2022, November 29, 2022, December 20, 2022, January 17, 2023, and January 24, 2023, for the violations of the SWTR, Stage 1 DBPR, PNR, LT1ESWTR, and LT2ESWTR listed above.
24. Respondent's failure to comply with the SDWA and the SWTR, Stage 1 DBPR, PNR, LT1ESWTR, and LT2ESWTR requirements listed above violated applicable requirements of the SDWA, as defined by Section 1414(i) of the SDWA, 42 U.S.C. § 300g-4(i).
25. On October 19, 2023, pursuant to Section 1414(a)(1)(A) of the SDWA, 42 U.S.C. § 300g-3(a)(1)(A), EPA issued a Notice of Violation (NOV) to Respondent due to its noncompliance with the SDWA and sent notice of the NOV's issuance to LDH.

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 the effective date of this Order, Respondent shall issue public notices for the violations of the SWTR, Stage 1 DBPR, LT1ESWTR, LT2ESWT in accordance with 40 C.F.R. §§ 141.203, 141.205, and LAC 51:XII. Chapter 19. Respondent shall provide copies of the public notices and certifications of public notification to EPA and LDH at the following addresses:

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
young.craig@epa.gov

Caryn Benjamin
Enforcement Unit Administrator
LDH-OPH, Engineering Services
628 N. Fourth Street
P.O. Box 4489
Baton Rouge, LA 70821
caryn.benjamin@la.gov

- B. Within thirty (30) days of the effective date of this Order, Respondent shall provide written confirmation to EPA that the violations cited herein have been corrected and Respondent is compliant

with the requirements of the SDWA, SWTR, Stage 1 DBPR, PNR, LT1ESWTR, LT2ESWT, and this Order. Respondent shall submit this written confirmation to EPA electronically via email to: young.craig@epa.gov.

GENERAL PROVISIONS

This Order is effective upon receipt by a representative of the PWS.

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

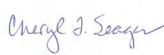
This Section 1414(g) Order does not constitute a waiver, suspension, or modification of the requirements of 40 C.F.R. Part 141 or other applicable federal and state requirements, which remain in full force and effect. Issuance of this Section 1414(g) Compliance Order is not an election by EPA to forego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

Violation of any term of this Section 1414(g) Order may subject Respondent to an administrative civil penalty under Section 1414(g) of the Act, 42 U.S.C. § 300g-3(g), or a civil penalty, 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.

July 5, 2024

Date



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Cheryl T. Seager, Director
Enforcement and
Compliance Assurance Division