



U.S. ENVIRONMENTAL PROTECTION AGENCY-REGION 6

FINDINGS OF VIOLATION AND COMPLIANCE ORDER

In the Matter of the Mayes CO RWD #5 Water System
Owned/Operated by the Mayes CO RWD #5, Respondent
Docket No. SDWA-06-2022-1268; PWS ID # OK3004616

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 Mayes CO RWD #5 (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 Adair, Mayes County, Oklahoma (facility), designated as PWS number OK3004616.
3. During the relevant time period, Respondent's PWS served more than 3,300 individuals year-round and is considered a "community water system" (CWS), as defined by Section 1401(15) of the Act, 42 U.S.C. § 300f(15). Respondent's CWS is subject to the requirements of the Act and its implementing regulations, 40 C.F.R. Part 141.
4. The Oklahoma Department of Environmental Quality (ODEQ) administers the Public Water Supply Supervision Program in Oklahoma pursuant to Section 1413 of the SDWA, 42 U.S.C. § 300g-2. ODEQ is the primacy agency, as that term is defined in 40 C.F.R. § 141.151(f). However, EPA has primary enforcement responsibility for Section 1433 of the SDWA, 42 U.S.C. § 300i-2.
5. On October 23, 2018, the SDWA was amended in accordance with the America's Water Infrastructure Act (AWIA) of 2018 (Public Law 115-270). Section 1433 of the SDWA is an "applicable requirement" as defined in Section 1414(i) of the SDWA, 42 U.S.C. § 300g-3(i), and, thus, may be enforced by EPA.
6. Section 1433(a) of the SDWA, 42 U.S.C. § 300i-2, requires a CWS serving more than 3,300 persons to conduct a Risk and Resilience Assessment (RRA) of its system, including:
 - a. an assessment of the risk to the system from malevolent acts and natural hazards;
 - b. the resilience of the pipes and constructed conveyances, physical barriers, source water, water collection and intake, pretreatment, treatment, storage and distribution facilities, electronic, computer, or other automated systems (including the security of such systems);
 - c. the monitoring practices of the system; the use, ban storage, or handling of various chemicals by the system; and
 - d. the operation and maintenance of the system.
7. Pursuant to Section 1433(a) of the SDWA, 42 U.S.C. § 300i-2, CWS serving communities with populations between 3,301 and 49,999 are required to conduct a RRA of its system and submit certification of its completion to EPA by June 30, 2021.
8. Pursuant to Section 1433(b) of the SDWA, 42 U.S.C. § 300i-2(b), the CWS is required to prepare or revise, where necessary, an emergency response plan (ERP) that incorporates the findings of the certified RRA by December 31, 2021.
9. Based on the information available to the EPA, Respondent failed to certify to EPA that the CWS conducted the RRA of its system and submit the certification of completion to EPA by June 30, 2021, in violation of Section 1433(a)(3)(A) of the SDWA, 42 U.S.C. § 300i-2.
10. Respondent failed to certify that an ERP was prepared and/or revised that incorporates the results of the RRA, which was not submitted to the EPA on or before December 31, 2021, in violation of Section 1433(b) of the SDWA, 42 U.S.C. § 300i-2(b).

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:

- A. By May 27, 2022, Respondent shall submit to EPA its certification of completion of the RRA and ERP, as required by Section 1433(a) of the SDWA, 42 U.S.C. § 300i-2(a) and Section 1433(b) of the SDWA, 42 U.S.C. § 300i-2(b), respectively. Respondent shall submit the certifications electronically using the following risk and resilience link at:

<https://www.epa.gov/waterriskassessment/conductdrinking-water-or-wastewater-utility-risk-assessment>

and ERP link at:

<https://www.epa.gov/waterutilityresponse/develop-or-update-emergency-response-plan>.

- B. By May 27, 2022, Respondent shall provide written confirmation to EPA, that the violations specified in paragraphs 9 and 10 have been corrected and that the Respondent has complied with the Order.
- C. Do not submit the RRA and ERP to the below address, only the above referenced confirmation shall be submitted electronically via email to:
jacintomoreno.anwar@epa.gov.

GENERAL PROVISIONS

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

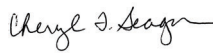
Respondents may seek federal judicial review of this Order pursuant to Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706.

This Section 1414(g) 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 Respondents to an administrative civil penalty of up to \$43,678 under Section 1414(g) of the Act, 42 U.S.C. § 300g-3(g), or a civil penalty of not more than \$62,689 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 3, 2022
Date

 Digitally signed by CHERYL SEAGER
Date: 2022.05.03 15:03:53 -05'00'

Cheryl T. Seager, Director
Enforcement and
Compliance Assurance Division