



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

1201 ELM STREET, SUITE 500
DALLAS, TEXAS 75270-2102

December 3, 2021

CERTIFIED MAIL-RETURN RECEIPT REQUESTED:

Tom Kiesling
Lubbock County Water Control Improvement District 1
9999 High Meadow Rd.
Lubbock, TX 79404-1913

Re: PWS ID Number: TX1520006
Administrative Order; Docket Number: SDWA-06-2022-1222

Dear Mr. Kiesling:

Enclosed is an Administrative Order (Order) issued by the United States Environmental Protection Agency, Region 6 (EPA) concerning the Lubbock County Water Control Improvement District 1 Public Water Supply (PWS). The Order requires Lubbock County Water Control Improvement District 1 (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 a PWS identified in the Order and is therefore subject to the Revised Total Coliform Rule (RTCR). The Order requires the Respondent to develop a RTCR site sampling plan and submit a copy of the plan to the Texas Commission on Environmental Quality (TCEQ) for review and approval.

This Order does not assess a monetary penalty; however, it does require compliance with the RTCR as set forth in 40 C.F.R. §§ 141.851-141.861. Please be aware that failure to comply with this Order may subject the PWS to additional enforcement action by EPA, including the initiation of legal proceedings to seek monetary penalties.

The EPA acknowledges that the COVID-19 pandemic may impact your operations. If this is the case, please contact us regarding any specific issues you need to discuss. If you need assistance, or have questions regarding this Order, please contact Sami Doupnik, of my staff, at (214) 665-7495.

Sincerely,

Digitally signed by CHERYL SEAGER
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Protection Agency, cn=CHERYL SEAGER,
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Date: 2021.12.03 14:36:36 -0600

Cheryl T. Seager, Director
Enforcement and
Compliance Assurance Division

Enclosure

ec: cari-michel.lacaille@tceq.texas.gov
steven.swierenga@tceq.texas.gov
megan.hamilton@tceq.texas.gov



U.S. ENVIRONMENTAL PROTECTION AGENCY-REGION 6

FINDINGS OF VIOLATION AND COMPLIANCE ORDER

In the Matter of Lubbock County WCID 1

Owned/Operated by Lubbock County WCID 1

Docket No. SDWA-06-2022-1222, PWS ID #TX1520006

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 the Enforcement and Compliance Assurance Division.

FINDINGS

1. Lubbock County Water Control Improvement District 1 (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 Lubbock, Lubbock County, Texas (facility), designated as PWS number TX1520006.
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 Revised Total Coliform Rule (RTCR) as set forth in 40 C.F.R. §§ 141.851-141.861.
5. The Texas Commission on Environmental Quality (TCEQ) administers the Public Water Supply Supervision Program in Texas pursuant to Section 1413 of the Act. TCEQ has not yet obtained primary enforcement responsibility for the RTCR; therefore, EPA has primary responsibility for enforcement of the RTCR.
6. Pursuant to 40 C.F.R. § 141.853, Respondent must develop a RTCR site sampling plan and submit plan to TCEQ for review and approval.
7. Respondent violated the monitoring requirements of 40 C.F.R. § 141.853 by failing to submit a copy of the site sampling plan for TCEQ review and approval.

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 develop a RTCR site sampling plan and submit a copy of the plan to the TCEQ for review and approval with a courtesy copy to EPA for review.
- B. The reporting required by this Order must be provided by Respondent to EPA at the following address:

Sami Doupnik
Water Resources Section (6ECD-WR)
EPA, Region 6
1201 Elm Street, Suite 500
Dallas, TX 75270-2102

- C. Alternatively, if submitted electronically, all electronic documentation submitted to EPA needs to be transmitted to Sami Doupnik at doupnik.sami@epa.gov.
- D. The reporting required by this Order must be provided by the Respondent to the TCEQ at the following addresses:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

and

Drinking Water Special Functions Section Manager
Water Supply Division, MC 155
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

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.

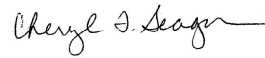
This Section 1414(g) Compliance Order does not constitute a waiver, suspension, or modification of the requirements of 40 C.F.R. Part 141 or other applicable federal and state requirements, which remain in full force and effect. Issuance of this Section 1414(g) Compliance Order is not an election by 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 \$41,120 under Section 1414(g) of the Act, 42 U.S.C. § 300g-3(g), or a civil penalty of not more than \$59,017 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.

December 3, 2021

Date



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