



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1201 ELM STREET, SUITE 500
DALLAS, TEXAS 75270

January 20, 2021

CERTIFIED MAIL-RETURN RECEIPT REQUESTED:

Mr. William Pulscher
Christian Mission Connection
dba Brookhaven Retreat Water System
748 County Road 3909
Hawkins, TX 75765-4003

Re: PWS ID Number: TX2500024
Administrative Order; Docket Number: SDWA-06-2021-1261

Dear Mr. Pulscher:

Enclosed is an Administrative Order (Order) issued by the United States Environmental Protection Agency, Region 6 (EPA) concerning the Brookhaven Retreat Water System. The Order requires the Christian Mission Connection (Respondent) to comply with the provisions set forth in the attached Order. The EPA requests that the Respondent immediately confirm receipt of this e-mail and the attached Order by a response e-mail to moore.jessica@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 Public Water System (PWS) identified in the Order and is therefore subject to the Revised Total Coliform Rule (RTCR). The Order requires the Respondent to provide public notification and to submit a copy of the public notification, with an accompanied signed Certificate of Delivery (COD) to the EPA and the Texas Commission on Environmental Quality (TCEQ) regarding the failure to conduct routine coliform monitoring.

Recently, EPA was informed by TCEQ that the Respondent failed to provide required public notification and submit a copy of the public notification, accompanied with a signed COD, to the TCEQ Executive Director regarding the failure to conduct routine coliform monitoring. The EPA is now issuing this Order to address these violations. The first compliance deadline is within thirty days of receipt of the Order.

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.

Re: PWS ID Number: TX2500024
Brookhaven Retreat Water System

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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 Jessica Moore, of my staff, at (214) 665-6495.

Sincerely,

Cheryl T. Seager, Director
Enforcement and
Compliance Assurance Division

Enclosure

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steven.swiereng@tceq.texas.gov



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

In the Matter of Brookhaven Retreat Water System
Owned/Operated by Christian Mission Connection
Docket No. SDWA-06-2021-1261, PWS ID # TX2500024

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 Sections 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. The Christian Mission Connection (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 Hawkins, Wood County, Texas (facility), designated as PWS number TX2500024.
3. During the relevant time period, Respondent's PWS served as a "non-community water system," as defined by Section 1401(16) of the Act, 42 U.S.C. § 300f(16) 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. The TCEQ has not yet obtained primary enforcement responsibility for the RTCR; therefore, the EPA has primary responsibility for enforcement of the RTCR.
6. Pursuant to 40 C.F.R. § 141.853-141.860, Respondent must perform routine coliform monitoring.
7. Respondent violated the monitoring requirements of 40 C.F.R. § 141.860(c) by failing to conduct routine coliform monitoring during the months of June 2018, July 2018, August 2018, June 2019, July 2019, August 2019, June 2020, and July 2020.
8. Pursuant to 40 C.F.R. § 141.201(a), each owner or operator of a PWS that has violated 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 give public notice of the violation.
9. Respondent violated 40 C.F.R. § 141.201(a) by failing to provide public notification and submit a copy of the public notification to the TCEQ regarding the failure to conduct routine coliform monitoring for the months of June 2018, July 2018, August 2018, June 2019, July 2019, and August 2019.

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), the EPA orders that the respondent immediately take the following actions:

1. Within thirty (30) days of receipt of this Order, Respondent shall give public notice of the violations specified in paragraph 9 above, in accordance with 40 C.F.R. 141.201(a). Respondent shall also provide a copy of the required public notice to EPA and TCEQ within forty (40) days of receipt of this Order.
2. The reporting required by this Order must be provided by Respondent to EPA at the following address.

Jessica Moore
Water Resources Section (6ECDWR)
EPA, Region 6
1201 Street, Suite 500
Dallas, TX 75270-2102
3. Alternatively, if submitted electronically, all electronic documentation submitted to EPA needs to be transmitted to Ms. Moore at moore.jessica@epa.gov.

4. The reporting required by this Order must be provided by the Respondent to 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 water system.

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 \$38,175.00 under Section 1414(g) of the Act, 42 U.S.C. § 300g-3(g), or a civil penalty of not more than \$54,787.00 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.

January 20, 2021

Date

Cheryl T. Seager, Director
Enforcement and
Compliance Assurance Division