



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

August 19, 2021

CERTIFIED MAIL - RETURN RECEIPT REQUESTED:

Elvan Chagnard Jr, Owner  
Crazy Al's Lounge  
2860 Chef Menteur Highway  
New Orleans, LA 70129

Re: Notice of Proposed Assessment of Civil Penalty  
Docket Number: SDWA-06-2021-1277  
PWS ID Number: LA2071116

Dear Mr. Chagnard:

Enclosed is an Administrative Complaint (Complaint) issued to Elvan Chagnard, Jr., doing business as Crazy Al's Lounge, for violation of the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300f *et seq.*, and its implementing regulations, 40 C.F.R. Part 141. Sanitary deficiencies were identified during a sanitary survey conducted by the Louisiana Department of Health (LDH) on February 12, 2016, at the Crazy Al's Lounge water system located in New Orleans, Louisiana. LDH conducted another sanitary survey on December 6, 2018 and found that many of the previous sanitary deficiencies had not been addressed. This is a violation of the Ground Water Rule (GWR), pursuant to 40 C.F.R. § 141.403 and § 141.404. EPA Region 6 issued an Administrative Order (AO) to the Crazy Al's Lounge water system on May 12, 2020, for failure to address the sanitary deficiencies identified by LDH. After the AO was issued, contact was made with the facility. After an explanation of the details of the AO, the facility made a public notice of the noncompliance, but did not correct all of the deficiencies cited during the sanitary survey. On May 10, 2021, EPA Region 6 issued another AO to Crazy Al's Lounge for failure to address the sanitary deficiencies identified in the May 2020 AO. To date, full compliance with the deficiencies identified in the AO has not been demonstrated.

You have the right to request a hearing regarding the violations alleged in the Complaint and the proposed administrative civil penalty. Please refer to the enclosed Part 22, "Consolidated Rules of Practice," for information regarding hearing and settlement procedures. Note that should you fail to request a hearing within thirty calendar days of your receipt of the Complaint, you will waive your right to such a hearing, and the proposed civil penalty of \$5,100.00 may be assessed against you without further proceedings.

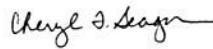
Whether or not you request a hearing, we invite you to confer informally with EPA. You may represent yourself or be represented by an attorney at any conference, whether in person or by telephone. EPA encourages all parties against whom it files a Complaint proposing assessment of a penalty to pursue the possibility of settlement as a result of an informal conference.

Re: Administrative Complaint  
Crazy Al's Lounge

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EPA is committed to ensuring compliance with the requirements of the National Primary Drinking Water regulations and my staff will assist you in any way possible. If you have questions or wish to discuss the possibility of a settlement of this matter, please contact Mr. Craig Young, of my staff, at (214) 665-2275.

Sincerely,



Digitally signed by CHERYL SEAGER  
DN: cn=US, o=U.S. Government,  
ou=Environmental Protection Agency,  
cn=CHERYL SEAGER,  
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Cheryl T. Seager, Director  
Enforcement and  
Compliance Assurance Division

Enclosures

cc: w/complaint - Regional Hearing Clerk

ec: Mr. Silas Corkern  
Enforcement Program Administrator  
Louisiana Department of Health  
P.O. Box 4489  
Baton Rouge, LA 70821-4489  
silas.corkern@la.gov

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UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY REGIONAL HEARING CLERK  
REGION 6 EPA REGION VI

In the Matter of	§ Docket No. SDWA-06-2021-1277
	§
	§
Elvan Chagnard, Jr.,	§
doing business as Crazy Al's Lounge	§
	§ Proceeding to Assess a Civil Penalty
	§ Under Section 1414(g)(3) of
	§ The Safe Drinking Water Act
Respondent	§
	§
	§ ADMINISTRATIVE COMPLAINT
PWS ID#: LA2071116	§

I. Statutory Authority

This Administrative Complaint (Complaint) is issued under the authority vested in the Administrator of the United States Environmental Protection Agency (EPA) by Section 1414(g)(3) of the Safe Drinking Water Act (Act), 42 U.S.C. § 300g-3(g)(3). The Administrator of EPA delegated the authority to issue this Complaint to the Regional Administrator of EPA Region 6, who delegated this authority to the Director of the Enforcement and Compliance Assurance Division of EPA, Region 6 (Complainant). This Complaint is issued in accordance with, and this action will be conducted under, the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits," including rules related to administrative proceedings not governed by Section 554 of the Administrative Procedure Act, 40 C.F.R. §§ 22.50 through 22.52.

Based on the following Findings, Complainant finds that Respondent violated the Act and the regulations promulgated under the Act and should be ordered to pay a civil penalty.

## II. Findings of Fact and Conclusions of Law

1. Elvan Chagnard, Jr., doing business as Crazy Al's Lounge, (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, Respondent owned or operated the Crazy Al's Lounge Public Water System (PWS), a public water system, as defined by Section 1401(4) of the Act, 42 U.S.C. § 300f(12), located in New Orleans, Orleans Parish, Louisiana (facility), and designated as PWS number LA2071116.

3. During the relevant time period, Respondent's PWS was a "non-community water system," as defined by Section 1401(16) of the Act, 42 U.S.C. § 300f(15).

4. During the relevant period, Respondent's PWS was subject to the requirements of the Ground Water Rule (GWR) as set forth in 40 C.F.R. § 141.851-141.861.

5. The Louisiana Department of Health (LDH) administers the Public Water Supply Supervision Program in Louisiana pursuant to Section 1413 of the Act. LDH had not yet obtained primary enforcement responsibility for the GWR when some of the violations described occurred; therefore, EPA has primary responsibility for enforcement of the GWR.

6. PWSs that have at least 15 service connections or regularly serve at least 25 people per day at least 60 days per year or at least 25 year-round residents are subject to the requirements of Section 1412 of the Act, 42 U.S.C. § 300g-1, and its implementing regulations, 40 C.F.R. Part 141.

7. As a PWS and a "supplier of water," the Crazy Al's Lounge Water System serves at least 25 people per day at least 60 days per year.

8. Pursuant to 40 C.F.R. § 141.401, a sanitary survey inspection was conducted by LDH on February 12, 2016 to evaluate the source of water supply, pumps and pumping facilities, and

management and operator qualifications. The following significant deficiencies were not sufficiently addressed by the water system:

- a. Failure to have a PWS that is under the supervision and control of a duly certified operator as per requirements of the State Operator Certification Act, Act 538 of 1972, as amended;
- b. Failure to record and measure the residual disinfectant concentration in water being delivered to the distribution system;
- c. Failure to provide chlorine residual data.

9. LDH informed Respondent of the identified deficiencies in a March 15, 2016 letter and instructed Respondent to correct the deficiencies by May 13, 2016. Respondent violated 40 C.F.R. § 141.403 by failing to address the significant deficiencies.

10. Pursuant to 40 C.F.R. § 141.401, an additional sanitary survey inspection was conducted by LDH on December 06, 2018, to evaluate the source of water supply, pumps and pumping facilities, and management and operator qualifications. The following significant deficiencies were noted by LDH pursuant to 40 C.F.R. § 141.403:

- a. Failure to have a PWS that is under the supervision and control of a duly certified operator as per requirements of the State Operator Certification Act, Act 538 of 1972, as amended;
- b. Failure to record and measure the residual disinfectant concentration in water being delivered to the distribution system;
- c. Failure to provide chlorine residual data

11. LDH informed Respondent of the identified deficiencies in a December 14, 2018 letter and instructed Respondent to correct the deficiencies by March 06, 2019. Respondent violated 40 C.F.R. § 141.403 by failing to address the significant deficiencies.



12. In violation of 40 C.F.R. § 141.404(a), Respondent did not complete corrective action in accordance with any applicable State plan review processes or other State guidance and direction, including State specified interim actions and measures, nor did Respondent comply with a State-approved corrective action plan and schedule. Failure to meet these requirements is a violation of the Ground Water Rule treatment technique requirements.

13. On May 12, 2020, EPA issued an Administrative Order, Docket Number SDWA-06-2020-1234 (Order) (Attached and incorporated herein at Attachment A) to Respondent, pursuant to EPA's authority under Section 1414(g) of the Act, 42 U.S.C. § 300g-3(g).

14. The issuance date of the Order was May 12, 2020, and the effective date of the Order was May 13, 2020.

15. On May 10, 2021, EPA issued an Administrative Order, Docket Number SDWA-06-2021-1283 (Order) (Attached and incorporated herein at Attachment A) to Respondent, pursuant to EPA's authority under Section 1414(g) of the Act, 42 U.S.C. § 300g-3(g), citing violation of the Ground Water Rule and ordered the following:

- a) Within thirty (30) days of receipt of this Order, Respondent shall address all significant deficiencies identified by LDH in the March 15, 2016 and December 14, 2018 letters and shall submit a report to EPA and LDH indicating what actions have been taken and how the deficiencies have been addressed. If Respondent is technically unable to correct all deficiencies within thirty days, Respondent shall submit to EPA, with a copy to LDH, a proposed plan including schedule to achieve compliance and address all identified deficiencies. The plan shall be submitted to EPA for review and approval.

16. The issuance date of the Order was May 10, 2021, and the effective date of the Order was May 10, 2021.

17. Respondent failed to comply with each Order requirement specified in paragraph 15 above and is therefore liable for a civil penalty pursuant to Section 1414(g) of the Act, 42 U.S.C. § 300g-3(g).

18. Pursuant to Section 1414(g) of the Act, 42 U.S.C. § 300f et seq., Respondent is liable for an administrative civil penalty in an amount not to exceed \$40,640.00 for violations of the Order.

### III. Proposed Penalty

19. Based on these Findings and Conclusions, having taken into account the serious nature of the violations, the population at risk, and other appropriate factors including with respect to the violator, ability to pay, the past history of such violations, degree of culpability, and other matters as justice may require, and pursuant to the authority of Section 1414(g)(3)(B) of the Act, 42 U.S.C. § 300g-3(g)(3)(B), EPA proposes to assess against Respondent a penalty of five thousand one hundred dollars (\$5,100.00).

20. Complainant has specified that the administrative procedures specified in 40 C.F.R. Part 22, Subpart I, shall apply to this matter, and the administrative proceedings shall not be governed by Section 554 of the Administrative Procedure Act.

### IV. Failure to File an Answer

21. If Respondent wishes to deny or explain any material allegation listed in the above Findings or to contest the amount of the penalty proposed, Respondent must file an Answer to this Complaint within thirty (30) days after service of this Complaint whether or not Respondent requests a hearing as discussed below.

22. The requirements for such an Answer are set forth at 40 C.F.R. § 22.15 (copy enclosed). Failure to file an Answer to this Complaint within thirty (30) days of service of the Complaint shall constitute an admission of all facts alleged in the Complaint and a waiver of the right to hearing. Failure to deny or contest any individual material allegation contained in the Complaint will constitute an admission as to that finding or conclusion under 40 C.F.R. § 22.15(d).

23. If Respondent does not file an Answer to this Complaint within thirty (30) days after service, a Default Order may be issued against Respondent pursuant to 40 C.F.R. § 22.17. A

Default Order, if issued, would constitute a finding of liability, and could make the full amount of the penalty proposed in this Complaint due and payable by Respondent without further proceedings thirty (30) days after a final Default Order is issued.

24. Respondent must send its Answer to this Complaint, including any request for a Hearing, and all other pleadings to:

Regional Hearing Clerk (6RC-D)  
U.S. EPA, Region 6  
1201 Elm Street, Suite 500  
Dallas, TX 75270-2102

25. Respondent shall also send a copy of its Answer to this Complaint to the following EPA attorney assigned to this case:

Mr. Efren Ordóñez (6RC-EW)  
U.S. EPA, Region 6  
1201 Elm Street, Suite 500  
Dallas, TX 75270-2102

26. The Answer must be signed by Respondent, Respondent's counsel, or other representative on behalf of Respondent and must contain all information required by 40 C.F.R. §§ 22.05 and 22.15, including the name, address, and telephone number of Respondent and Respondent's counsel. All other pleadings must be similarly signed and filed.

27. Respondent may request a hearing to contest any material allegation contained in this Complaint, or to contest the appropriateness of the amount of the proposed penalty, pursuant to Section 1414(g)(3)(A) of the Act, 42 U.S.C. § 300g-3(g)(3)(A). The procedures for hearings are set out at 40 C.F.R. Part 22, including 40 C.F.R. §§ 22.50 through 22.52.

28. Any request for hearing should be included in Respondent's Answer to this Complaint; however, as discussed above, Respondent must file an Answer meeting the requirements of 40 C.F.R. § 22.15 in order to preserve the right to a hearing or to pursue other relief.



## VI. Settlement

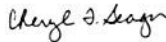
29. EPA encourages all parties against whom civil penalties are proposed to pursue the possibility of settlement through informal meetings with EPA. Regardless of whether a formal hearing is requested, Respondent may confer informally with EPA about the alleged violations or the amount of the proposed penalty. Respondent may wish to appear at any informal conference or formal hearing personally, by counsel or other representative, or both. To request an informal conference on the matters described in this Complaint, please contact Mr. Craig Young, of my staff, at (214) 665-2275.

30. If this action is settled without a formal hearing and issuance of an opinion by the Presiding Officer pursuant to 40 C.F.R. § 22.27, this action will be concluded by issuance of a Consent Agreement and Final Order (CAFO) pursuant to 40 C.F.R. § 22.18(b). The issuance of a CAFO would waive Respondent's right to a hearing on any matter stipulated therein or alleged in the Complaint. Any person who commented on this Complaint would be notified and given an additional thirty (30) days to petition EPA to set aside any such CAFO and to hold a hearing on the issues raised in the Complaint. Such a petition would be granted, and a hearing held only if the evidence presented by the petitioner's comment was material and was not considered by EPA in the issuance of the CAFO.

31. Neither assessment nor payment of a penalty in resolution of this action will affect Respondent's continuing obligation to comply with all requirements of the Act, the applicable regulations and permits, and any separate Compliance Order issued under Section 1414(g)(3)(B) of the Act, 42 U.S.C. § 300g-3(g)(3)(B).

August 20, 2021

Date



Digitally signed by CHERYL SEAGER  
DN: cn=U.S. Government,  
ou=Environmental Protection Agency,  
cn=CHERYL SEAGER,  
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Date: 2021.08.20 13:15:04 -0500

Cheryl Seager, Director  
Enforcement and  
Compliance Assurance Division

CERTIFICATE OF SERVICE

I certify that the foregoing Administrative Complaint was sent to the following persons,  
in the manner specified, on the date below:

Original hand-delivered: Regional Hearing Clerk (6RC-D)  
U.S. EPA, Region 6  
1201 Elm Street, Suite 500  
Dallas, TX 75270-2102

Copy by certified mail: Elvan Charnard, Jr., Respondent  
Crazy Al's Lounge  
816 Lake Arthur Ct  
Slidell, LA 70461

Copy by first class mail: Mr. Silas Corkern  
Enforcement Program Administrator  
Louisiana Department of Health  
P.O. Box 4489  
Baton Rouge, LA 70821-4489

Copy hand-delivered: Mr. Efren Ordóñez (6RC-EW)  
U.S. EPA, Region 6  
1201 Elm Street, Suite 500  
Dallas, TX 75270-2102

Dated: 8-31-21

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

In the Matter of Crazy Al's Lounge LA2071116  
Owned/Operated by Elvan J Chagnard Jr., Respondent  
Docket No. SDWA-06-2021-1283

**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 (the Act), 42 U.S.C. §§ 300g-3(g) and 300j-4. 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. Elvan J Chagnard Jr, (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 New Orleans, Orleans Parish Louisiana, (facility), designated as PWS number LA2071116.
3. During the relevant time period, Respondent's PWS was a "non-community water system," as defined by Section 1401(15) of the Act, 42 U.S.C. § 300f(15).
4. During the relevant time period, Respondent's PWS was subject to the requirements of the Ground Water Rule as set forth in 40 C.F.R. §§ 141.400-141.405.
5. The Louisiana Department of Health (LDH) administers the Public Water Supply Supervision Program in Louisiana pursuant to Section 1413 of the Act. LDH had not yet obtained primary enforcement responsibility for the Groundwater Rule when some of the violations described within occurred; therefore, EPA has primary responsibility for enforcement of the Groundwater Rule in this case.
6. Systems that have at least 15 service connections or regularly serve at least 25 people per day at least 60 days per year or at least 25 year-round residents are subject to the requirements of the Act, 42 U.S.C. § 300g-1, and its implementing regulations, 40 C.F.R. Part 141.
7. Pursuant to 40 C.F.R. § 141.401, a sanitary survey inspection was conducted by LDH on February 12, 2016, to evaluate the source of water supply, pumps and pumping facilities, and management and operator qualifications. The following deficiencies by the PWS were identified:
  - a. Failure to have a PWS that is under the supervision and control of a duly certified operator as per requirements of the State Operator Certification Act, Act 538 of 1972, as amended;
  - b. Failure to record and measure the residual disinfectant concentration in water being delivered to the distribution system; and
  - c. Failure to provide chlorine residual data.
8. LDH informed Respondent of the identified deficiencies and instructed Respondent to correct the deficiencies by May 13, 2016.
9. Pursuant to 40 C.F.R. § 141.401, an additional sanitary survey inspection was conducted by LDH on December 6, 2018, to evaluate the source of water supply, pumps and pumping facilities, and management and operator qualifications. The following significant deficiencies were identified by LDH pursuant to 40 C.F.R. § 141.403:
  - a. Failure to have a PWS that is under the supervision and control of a duly certified operator as per requirements of the State Operator Certification Act, Act 538 of 1972, as amended;
  - b. Failure to record and measure the residual disinfectant concentration in water being delivered to the distribution system.
10. LDH informed Respondent of the identified deficiencies and instructed Respondent to correct the deficiencies by March 6, 2019. Respondent violated



- 40 C.F.R. § 141.403 by failing to address the significant deficiencies.
11. In violation of 40 C.F.R. § 141.404(a), Respondent did not complete corrective action in accordance with any applicable State plan review processes or other State guidance and direction, including State specified interim actions and measures, nor did Respondent comply with a State-approved corrective action plan and schedule. Failure to meet these requirements is a violation of the Ground Water Rule treatment technique requirements.
12. On May 12, 2020 EPA issued an Administrative Order for failure to address the deficiencies described in paragraph 11. To date these deficiencies have not been fully corrected. Failure to meet these requirements is a violation of the Ground Water Rule treatment technique requirements.
13. Pursuant to 40 C.F.R. § 141.201(a), each owner or operator of a PWS that violates 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 provide public notice of the violation.

#### 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 address all significant deficiencies identified by LDH in the March 15, 2016, and December 14, 2018, letters and shall submit a report to EPA and LDH indicating what actions have been taken and how the deficiencies have been addressed. If Respondent is technically unable to correct all deficiencies within thirty days, Respondent shall submit to EPA, with a copy to LDH, a proposed plan including schedule to achieve compliance and address all identified deficiencies. The plan shall be submitted to EPA for review and approval.
- b. Within thirty (30) days of receipt of this Order, Respondent shall post public notice of the violations specified in paragraph 11 at conspicuous locations

throughout the distribution system frequented by persons served by the PWS in accordance with 40 C.F.R. § 141.204(c)(2). Respondent shall also provide a copy of all public notices to EPA and LDH within forty (40) days of receipt of this Order.

- c. The reporting required by this Order must be provided by Respondent to EPA and LDH at the following addresses:

Mr. 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

And

Mr. Silas Corkern, R.S.  
Enforcement Unit Administrator  
LDH-OPH, Engineering Services  
Enforcement Program  
P.O. Box 4489, Bin #10, Box #5  
Baton Rouge, LA 70821-4489

Alternatively, if submitted electronically, all electronic documentation submitted to EPA needs to be transmitted to Mr. Young at [young.craig@epa.gov](mailto:young.craig@epa.gov). All electronic documentation submitted to LDH needs to be transmitted to Mr Silas Corkern at [silas.corkern@la.gov](mailto:silas.corkern@la.gov).

#### GENERAL PROVISIONS

This 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.

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.

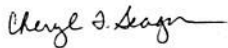


Violation of any term of this Section 1414(g) Compliance Order may subject Respondent to an administrative civil penalty of up to \$39,936 under Section 1414(g) of the Act, 42 U.S.C. § 300g-3(g), or a civil penalty of not more than \$57,317 per day per violation, assessed by an appropriate United States 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 10, 2021

Date



Digitally signed by CHERYL SEAGER  
DN: c=US, ou=U.S. Government, ou=Environmental Protection Agency,  
cn=CHERYL SEAGER, o=U.S. Government, ou=Environmental Protection Agency,  
Date: 2021.05.10 12:27:09 -05'00'

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Cheryl T. Seager, Director  
Enforcement and  
Compliance Assurance Division



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

In the Matter of Crazy Al's Lounge LA2071116  
Owned/Operated by Crazy Al's Lounge, Respondent  
Docket No. SDWA-06-2020-1234

**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 ("the Act"), 42 U.S.C. §§ 300g-3(g) and 300j-4. 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. Crazy Al's Lounge, ("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 New Orleans, Louisiana, Orleans Parish ("facility"), designated as PWS number LA2071116.
3. During the relevant time period, Respondent's PWS was a "non-community water system," as defined by Section 1401(15) of the Act, 42 U.S.C. § 300f (15).
4. During the relevant time period, Respondent's PWS was subject to the requirements of the Ground Water Rule as set forth in 40 C.F.R. §§ 141.400-141.405.
5. The Louisiana Department of Health ("LDH") administers the Public Water Supply Supervision Program in Louisiana pursuant to Section 1413 of the Act. LDH had not yet obtained primary enforcement responsibility for the Groundwater Rule when some of the violations described within occurred; therefore, EPA has primary responsibility for enforcement of the Groundwater Rule in this case.
6. Systems that have at least 15 service connections or regularly serve at least 25 people per day at least 60 days per year or at least 25 year-round residents are subject to the requirements of the Act, 42 U.S.C. § 300g-1, and its implementing regulations, 40 C.F.R. Part 141.
7. Pursuant to 40 C.F.R. § 141.401, a sanitary survey inspection was conducted by LDH on February 12, 2016, to evaluate the source of water supply, pumps and pumping facilities, and management and operator qualifications. The following deficiencies of the PWS were identified:
  - a. Failure to have a PWS that is under the supervision and control of a duly certified operator as per requirements of the State Operator Certification Act, Act 538 of 1972, as amended;
  - b. Failure to record and measure the residual disinfectant concentration in water being delivered to the distribution system; and
  - c. Failure to provide chlorine residual data.
8. LDH informed Respondent of the identified deficiencies in a March 15, 2016, letter and instructed Respondent to correct the deficiencies by May 13, 2016.
9. Pursuant to 40 C.F.R. § 141.401, an additional sanitary survey inspection was conducted by LDH on December 6, 2018, to evaluate the source of water supply, pumps and pumping facilities, and management and operator qualifications. The following significant deficiencies were identified by LDH pursuant to 40 C.F.R. § 141.403:
  - a. Failure to have a PWS that is under the supervision and control of a duly certified operator as per requirements of the State Operator Certification Act, Act 538 of 1972, as amended; and
  - b. Failure to record and measure the residual disinfectant concentration in water being delivered to the distribution system.
10. LDH informed Respondent of the identified deficiencies in a December 14, 2018, letter and instructed Respondent to correct the deficiencies by March 6, 2019. Respondent violated 40 C.F.R. § 141.403 by failing to address the significant deficiencies.
11. In violation of 40 C.F.R. § 141.404(a), Respondent did not complete corrective action in accordance with any applicable State plan review processes or other State guidance and direction, including State specified interim

actions and measures, nor did Respondent comply with a State-approved corrective action plan and schedule. Failure to meet these requirements is a violation of the Ground Water Rule treatment technique requirements.

12. Pursuant to 40 C.F.R. § 141.201(a), each owner or operator of a PWS that violates 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 provide public notice of the violation.

13. Respondent violated 40 C.F.R. § 141.201(a) by failing to issue public notifications regarding the failure to correct sanitary deficiencies defined in the March 15, 2016, and December 14, 2018 letters.

#### 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 address all significant deficiencies identified by LDH in the March 15, 2016, and December 14, 2018, letters and shall submit a report to EPA and LDH indicating what actions have been taken and how the deficiencies have been addressed. If Respondent is technically unable to correct all deficiencies within thirty days, Respondent shall submit to EPA, with a copy to LDH, a proposed plan including schedule to achieve compliance and address all identified deficiencies. The plan shall be submitted to EPA for review and approval.
- b. Within thirty (30) days of receipt of this Order, Respondent shall provide public notice of the violations specified in paragraphs 7, 9 and 11, in accordance with 40 C.F.R. § 141.201(a). Respondent shall also provide a copy of all public notices to EPA and LDH within forty (40) days of receipt of this Order.

- c. The reporting required by this Order must be provided by Respondent to EPA and LDH at the following addresses:

Mr. Craig Young  
Water Resources Branch (6EN-WR)  
Compliance Assurance and Enforcement  
Division  
U.S. EPA, Region 6  
1201 Elm Street, Suite 500  
Dallas, TX 75270-2102

And

Mr. Silas Corkern, R.S.  
Enforcement Unit Administrator  
LDH-OPH, Engineering Services  
Enforcement Program  
P.O. Box 4489, Bin #10, Box #5  
Baton Rouge, LA 70821-4489

Alternatively, if submitted electronically, all electronic documentation submitted to EPA needs to be transmitted to Mr. Young at [young.craig@epa.gov](mailto:young.craig@epa.gov). All electronic documentation submitted to LDH needs to be transmitted to Mr Silas Corkern at [Silas.Corkern@la.gov](mailto:Silas.Corkern@la.gov).

#### GENERAL PROVISIONS

This 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.

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.

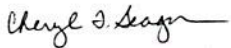


Violation of any term of this Section 1414(g) Compliance Order may subject Respondent to an administrative civil penalty of up to \$38,175 under Section 1414(g) of the Act, 42 U.S.C. § 300g-3(g), or a civil penalty of not more than \$54,787 per day per violation, assessed by an appropriate United States 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 12, 2020

Date



Digitally signed by CHERYL SEAGER  
DN: c=US, o=U.S. Government,  
ou=Environmental Protection Agency,  
cn=CHERYL SEAGER,  
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Date: 2020.05.11 16:06:26 -05'00'

Cheryl T. Seager, Director  
Enforcement and  
Compliance Assurance Division