



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TEXAS 75202-2733

AUG 01 2016

CERTIFIED MAIL - RETURN RECEIPT REQUESTED: 7005 1820 0003 7458 6978

Mr. Ricky Melancon, Board President
St. Martin Parish WW District 4
P.O. Box 9
St. Martinville, LA 70582

Re: Notice of Proposed Assessment of Safe Drinking Water Act Civil Penalty
Docket Number: SDWA-06-2016-1223
PWS ID Number: LA1099004

Dear Mr. Melancon:

Enclosed is an Administrative Complaint (Complaint) issued to St. Martin Parish WW District 4 for violation of the Safe Drinking Water Act, 42 U.S.C. § 300 f et seq., and its implementing regulations, 40 C.F.R. Part 141. The violations alleged are for Ground Water Rule violations that were cited during a sanitary survey conducted on September 16, 2013 and which were cited in a previously issued administrative order.

You, as the representative of St. Martin Parish WW District 4, 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 (30) days of your receipt of the Complaint, you will waive your right to such a hearing, and the proposed civil penalty of \$7,500.00 may be assessed against you without further proceedings.

Whether or not you request a hearing, we invite you to confer informally with the Environmental Protection Agency Region 6 (EPA). You may represent St. Martin Parish WW District 4, 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.

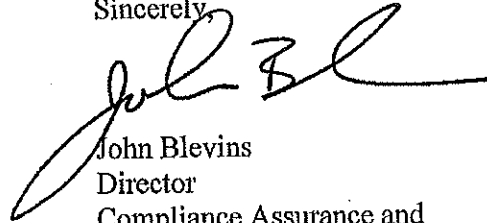
EPA is committed to ensuring compliance with the requirements of the National Primary Drinking Water regulations program and my staff will assist you in any way possible.

Re: St. Martin Parish WW District
Administrative Penalty Order

2

If you have any questions, or wish to discuss the possibility of a settlement of this matter, please contact Ms. Hannah Branning, of my staff, at (214) 665-7489.

Sincerely,



John Blevins
Director
Compliance Assurance and
Enforcement Division

Enclosure(s)

cc: w/complaint - Regional Hearing Clerk

Mr. Silas Corkern
Enforcement Program Administrator
Louisiana Department of Health and Hospitals
P.O. Box 4489
Baton Rouge, LA 70821-4489

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6

FILED

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REGIONAL HEARING CLERK
EPA REGION VI

In the Matter of

§ Docket No. SDWA-06-2016-1223

St. Martin Parish District 4,

§
§
§ Proceeding to Assess a Civil Penalty
§ Under Section 303g-3(g)(3) of the
§ Safe Drinking Water Act

Respondent

§
§
§ ADMINISTRATIVE COMPLAINT

PWS ID # LA1099004

§

I. Statutory Authority

This 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 administrative complaint (“Complaint”) to the Regional Administrator of EPA Region 6, who delegated this authority to the Director of the Compliance Assurance and Enforcement 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. St. Martin Parish (“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 St. Martin Parish WW District 4 Water System, a public water system as defined by Section 1401(4) of the Act, 42 U.S.C. § 300f(4), located in St. Martinville, St. Martin Parish, Louisiana ("facility"), and designated as PWS number LA1099004.

3. During the relevant time period, Respondent's PWS was a "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 Groundwater Rule ("GWR") as set forth in 40 C.F.R. § 141.403.

5. 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.

6. As a PWS and "supplier of water," the St. Martin Parish WW District 4 Water System serves approximately 3,000 people with 1,000 service connections.

7. The Louisiana Department of Health and Hospitals ("LDHH") administers the Public Water Supply Supervision Program in Louisiana pursuant to Section 1413 of the Act. LDHH has not yet obtained primary enforcement responsibility for the GWR; therefore, EPA has primary responsibility for enforcement of the GWR.

8. Pursuant to 40 C.F.R. § 141.401, a sanitary survey inspection was conducted by LDHH on September 16, 2013, to evaluate the source of water supply, pumps, and pumping facilities, and management and operator qualifications. The following federally enforceable significant deficiency was noted by LDHH:

- a) Failure to have a cross connection control policy or ordinance.

9. In a letter dated September 20, 2013, LDHH notified Respondent of all significant deficiencies and required Respondent to correct the significant deficiencies and provide written notification to LDHH of the completed corrective actions within sixty (60) days of receipt of the letter. If additional time was needed to complete the corrective actions, Respondent should provide a written request for LDHH review and approval within sixty (60) days of receipt of the letter.

10. Pursuant to 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 directions, including State-specified interim actions and measures nor is Respondent in compliance with a State-approved corrective action plan and schedule. Failure to meet these requirements is a violation of the ground water treatment technique requirements.

11. On March 28, 2014, EPA issued Administrative Order Docket No. SDWA-06-2014-1324 ("Order") to Respondent, pursuant to EPA's authority under Section 1414(g) of the Act, 42 U.S.C. § 300g-3(g), citing violations of the Ground Water Rule and ordered the following:

A. "Within thirty (30) days of receipt of this Order, Respondent shall provide EPA and LDHH a cross connection control program describing the water system's policies and procedures which will be used to implement the program."

12. The issuance and effective date of the Order was March 28, 2014.

13. Respondent failed to comply with the Order requirement specified in paragraph 11 above, and is therefore liable for a civil penalty pursuant to Section 1414(g) of the Act, 42 U.S.C. § 300g-3(g).

14. 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 \$37,500 for violations of the Order.

III. Proposed Penalty

15. 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 seven thousand five hundred dollars (\$7,500.00).

16. 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

17. 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.

18. 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).

19. 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.

20. 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
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

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

Ms. Ellen Chang-Vaughan (6RC-EW)
U.S. EPA, Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

22. 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.

V. Notice of Opportunity to Request a Hearing

23. 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)(B) of the Act, 42 U.S.C. § 300g-3(g)(3)(B). The procedures for hearings are set out at 40 C.F.R. Part 22, including 40 C.F.R. §§ 22.50 through 22.52.

24. 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.

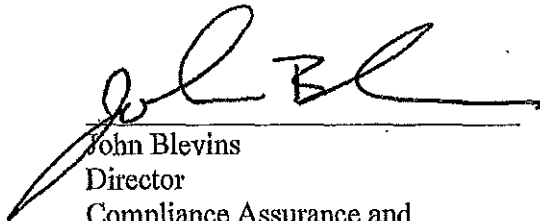
VI. Settlement

25. 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 Ms. Hannah Branning, of my staff, at (214) 665-7489.

26. 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.

27. 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).

8.1.16
Date



John Blevins
Director
Compliance Assurance and
Enforcement 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
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

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

Copy by certified mail: Mr. Ricky Melancon, Board President
St. Martin Parish WW District 4
P.O. Box 9
St. Martinville, LA 70582

Copy hand-delivered: Ms. Ellen Chang-Vaughan (6RC-EW)
U.S. EPA, Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

Dated: Aug. 3, 2016

Terri Jackson



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TEXAS 75202-2733

Mr. Silas Corkern
Enforcement Program Administrator
Louisiana Department of Health and Hospitals
P.O. Box 4489
Baton Rouge, LA 70821-4489

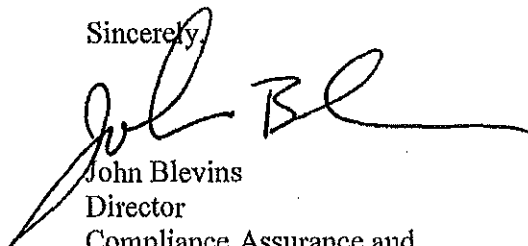
Re: Notice of Proposed Assessment of Safe Drinking Water Act Civil Penalty
Docket Number: SDWA-06-2016-1223
PWS ID Number: LA1099004

Dear Mr. Corkern:

Enclosed is a copy of the Administrative Complaint (Complaint) which the Environmental Protection Agency (EPA) is issuing to St. Martin Parish WW District 4 (Respondent), pursuant to Section 1414(g) of the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300g-3(g). EPA is issuing the Complaint to administratively assess an SDWA civil penalty of \$7,500,000 against the Respondent for violations of the Ground Water Rule. Because the violation has occurred in the State of Louisiana, I am offering you an opportunity to confer with us regarding the proposed penalty assessment.

You may request a conference within two weeks of receipt of this letter. The conference may be in person or by telephone and may cover any matters relevant to the proposed penalty assessment. If you wish to request a conference or if you have any comments or questions regarding the matter, please contact Ms. Hannah Branning, of my staff, at (214) 665-7489.

Sincerely,



John Blevins
Director
Compliance Assurance and
Enforcement Division