



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 6  
1201 ELM STREET, SUITE 500  
DALLAS, TEXAS 75270-2102

September 15, 2021

CERTIFIED MAIL - RETURN RECEIPT REQUESTED: 7005 1820 0003 7455 4250

Don Ramsey, President  
Leroy Tours Gerald Water Supply Corporation  
PO Box 22  
Leroy, TX 76654

Re: Notice of Proposed Assessment Civil Penalty  
Docket Number: SDWA-06-2021-1297  
PWS ID Number: TX1550027

Dear Mr. Ramsey:

Enclosed is an Administrative Complaint (Complaint) issued to Leroy Tours Gerald Water Supply Corporation (LTG WSC) 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. LTG WSC has been providing water above the Maximum Contaminant Level (MCL) for arsenic from 2006 to present. This is a violation of the Inorganic Contaminants Rule pursuant to 40 C.F.R. § 141.62. On July 9, 2019 EPA issued an Administrative Order to LTG WSC incorporating a schedule proposed by the water system to achieve compliance by November 30, 2020. To date, LTG WSC has failed to comply with the EPA Administrative Order and failed to comply with the MCL for arsenic resulting in the issuance of the Complaint.

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 days of your receipt of the Complaint, you will waive your right to such a hearing, and the proposed civil penalty of \$30,000 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.

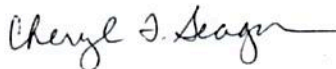


Re: Administrative Complaint  
Leroy Tours Gerald Water Supply Corporation

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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. If you have questions or wish to discuss the possibility of a settlement of this matter, please contact Ms. Jessica Moore of my staff, at (214) 665-6495.

Sincerely,



Digitally signed by CHERYL SEAGER  
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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

ecc: cari-michel.lacaille@tceq.texas.gov  
steven.swierenga@tceq.texas.gov  
megan.hamilton@tceq.texas.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-06-2021-1297

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§

Leroy Tours Gerald Water Supply Corporation

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§ Proceeding to Assess a Civil Penalty

§ Under Section 1414g-3(g)(3) of The

§ Safe Drinking Water Act

Respondent

§

§

§ ADMINISTRATIVE COMPLAINT

PWS ID#: TX1550027

§

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. Leroy Tours Gerald Water Supply Corporation, (Respondent) is a “person,” as defined by Section 1401(12) of the Act, 42 U.S.C. § 300f(12).

2. According to Section 1401(4) of the Act, 42 U.S.C. § 300f(4), a “public water system” (PWS) is a system that provides water to the public for human consumption if such system has at least fifteen (15) service connections or regularly serves at least twenty-five (25) individuals at least 60 days out of the year.

3. According to Section 1401(15) of the Act, 42 U.S.C. § 300f(15), a “community water system” means a public water system that serves at least 15 service connections used by year-round residents served by the system or that regularly serves at least 25 year-round residents.

4. According to Section 1401(5) of the Act, 42 U.S.C. § 300f(5), a “supplier of water” is a person who owns or operates a public water system.

5. At all times relevant to the violations alleged herein, Respondent owned or operated the Leroy Tours Gerald Water System, a PWS as defined by Section 1401(4) of the Act, 42 U.S.C. § 300f(12), located in Leroy, McLennan County, Texas (facility), and designated as PWS number TX1550027.

6. During the relevant time period, Respondent’s PWS served over 25 residents year-round and is therefore a “community water system,” as defined by Section 1401(15) of the Act, 42 U.S.C. § 300f(15).

7. As an owner or operator of a PWS, Respondent is a supplier of water pursuant to Section 1401(5) of the Act, 42 U.S.C. § 300f(5).

8. Respondent, as a supplier of water, and the facility, as a community water system, are subject to the regulations promulgated by EPA pursuant to Section 1412 of the Act, 42 U.S.C. § 300g-1, entitled National Primary Drinking Water Regulations (NPDWR).

9. Pursuant to Section 1413(a) of the Act, 42 U.S.C. Section 300g-2(a), the State of Texas, acting through the Texas Commission of Environmental Quality (TCEQ), has primary enforcement responsibility to ensure that suppliers of water within the State comply with the requirements of the Act.

10. TCEQ and EPA have enforcement authority for the PWS provisions of the Act in the State of Texas. TCEQ and EPA have consulted regarding this Order, and it has been agreed upon that EPA would initiate this enforcement action.

11. At all times relevant to the violations alleged herein, Respondent's facility was subject to the requirements regarding arsenic as set forth in 40 C.F.R. § 141.62.

12. During the relevant time period, Respondent's facility was required to conduct monitoring to determine compliance regarding arsenic. Respondent is required to comply with the Maximum Contaminant Level (MCL) of .010 mg/L for arsenic as specified in 40 C.F.R. § 141.62(b)(16).

13. Respondent monitored for arsenic during the 2<sup>nd</sup> quarter of 2018, the 3<sup>rd</sup> quarter 2018, the 4<sup>th</sup> quarter 2018, and the 1st quarter of 2019, resulting in a running annual average of 0.011 mg/L at sampling point "EP003" that exceeded the arsenic MCL of 0.010 mg/L in violation of 40 C.F.R. § 141.62(b)(16).

14. On July 19, 2011, EPA issued an Administrative Order, Docket Number SDWA-06-2011-1387 (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).

15. On July 9, 2019, EPA issued an Administrative Order, Docket Number SDWA-06-2019-1237 (Order) (Attached and incorporated herein at Attachment B) to Respondent, pursuant to EPA's authority under Section 1414(g) of the Act, 42 U.S.C. § 300g-3(g) regarding arsenic MCL violations and Ordered the following:

Respondent shall comply with the terms and schedule specified in the plan submitted to EPA. The project timeline shall be followed and completed as Respondent submitted in the detailed plan below:

- a) Revise design and project cost and submit to Rural Development, US Department of Agriculture (USDA) on June 13, 2019;
- b) Revise and complete preliminary Engineering report for Rural Development, USDA on September 30, 2019;
- c) Complete plans and specifications for construction on January 31, 2020;
- d) The bid package, bid advertisement, and bid award shall be completed by March 31, 2020;
- e) Construction shall begin by April 30, 2020, and
- f) Constructions shall be completed, and compliance attained by November 30, 2020.

16. The July 9, 2019, EPA Administrative Order further ordered Respondent to achieve and maintain compliance with the MCL for arsenic specified in 40 C.F.R. § 141.62(b)(16), by November 30, 2020.

17. Respondent monitored for arsenic the 3<sup>rd</sup> quarter of 2020, the 4<sup>th</sup> quarter 2020, the 1<sup>st</sup> quarter 2021, and the 2<sup>nd</sup> quarter of 2021, resulting in a running annual average of 0.011 mg/L at sampling point "EP003" that exceeded the arsenic MCL of 0.010 mg/L in violation of 40 C.F.R. § 141.62(b)(16).

18. The issuance date of the Order was July 9, 2019, and the effective date of the Order was August 9, 2019.

19. Respondent failed to comply with the Order requirement specified in paragraph(s) 15 and 16 above and is therefore liable for a civil penalty pursuant to Section 1414(g) of the Act, 42 U.S.C. § 300g-3(g).



20. 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 for violations of the Order.

### III. Proposed Penalty

21. 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 thirty-thousand dollars (\$30,000).

22. 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

23. 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.

24. 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).

25. 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.

26. 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 Street, Suite 500  
Dallas, TX 75270-2102

27. 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

28. 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.

29. 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.

30. 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

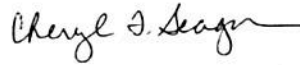
31. EPA encourages all parties against whom civil penalties are proposed to pursue the possibility of settlement through informal meetings with EPA. Regardless of whether a formal hearing is requested, Respondent may confer informally with EPA about the alleged violations or the amount of the proposed 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. Jessica Moore, of my staff, at (214) 665-6495.

32. 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.

33. 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).

September 15, 2021

Date



Digitally signed by CHERYL SEAGER  
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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: Don Ramsey, President  
Leroy Tours Gerald Water Supply Corporation  
PO Box 22,  
Leroy, TX 76654
- Copy by email: Megan Hamilton  
Manager, Drinking Water Section  
Enforcement Division  
Texas Commission on Environmental Quality  
megan.hamilton@tceq.texas.gov
- Copy hand-delivered: Mr. Efren Ordóñez (6RC-EW)  
U.S. EPA, Region 6  
1201 Elm Street, Suite 500  
Dallas, TX 75270-2102

Dated: \_\_\_\_\_

9/16/2021

  
Bryant Smalley

