

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6

FILED

22 JUN 22 PM 3:17

REGIONAL HEARING CLERK

In the Matter of	§	Docket No. SDWA-06-2021-1297
	§	
Leroy Tours Gerald Water Supply Corporation	§	Proceeding to Assess a Civil Penalty
	§	Under Section 1414g-3(g)(3) of The
Respondent	§	Safe Drinking Water Act
	§	
PWS ID# TX1550027	§	

**RESPONDENT LEROY TOURS GERALD WATER SUPPLY CORPORATION'S
FOURTH AGREED MOTION FOR EXTENSION TO ANSWER AND REQUEST A
HEARING**

TO THE REGIONAL HEARING CLERK (6RC-D):

Comes Now, Respondent Leroy Tours Gerald Water Supply Corporation ("LTG WSC"), P.O. Box 22, Leroy, Texas 76654, and files this Fourth Agreed Motion for Extension to Answer and Request a Hearing to the Administrative Complaint filed by the Director of the Enforcement and Compliance Assurance Division of EPA, Region 6 ("Complainant"), and in support thereof shows the following:

I.

The above referenced Administrative Complaint was served in the President of the LTG WSC by certified mail on September 22, 2021; therefore, LTG WSC's original Answer and deadline to Request a Hearing was October 22, 2021. This deadline was extended 30 days to November 22, 2021 by Order dated October 20, 2021, and has been extended twice more to June 22, 2022.

II.

Although work has been progressing since November, the USDA-RD loan application has still not been approved although it has submitted. At its June 16, 2022 meeting, KSA Engineers presented its status report to the Board of Directors. In particular, KSA Engineers

reported that it is finalizing the proposed operating budget for LTG WSC using the information provided by LTG WSC staff which includes a more detailed estimate of a proposed rate schedule. Further, KSA Engineers reported that it received the required information from USDA for a supplemental environmental for the work at Plant 1 and LTG office in mid-May, 2022. The request was a bit more involved than originally anticipated. KSA Engineers reported to LTG WSC that it would complete the USDA-RD required Preliminary Engineering Report revisions, application, revisions, and supplemental environmental by June 17, 2022.

Additionally, LTG WSC is providing additional environmental documents to USDA-RD due to notice of the availability for arsenic mitigation funding from McLennan County. McLennan County has set aside several million dollars for arsenic mitigation projects, and LTG WSC has submitted documentation to the County for a portion of these funds for this project. If LTG WSC is awarded funding for arsenic mitigation by the County, LTG WSC will apply these funds to the costs of project. LTG WSC is working with USDA-RD regarding the use of these additional funds as a "local contribution," and while USDA-RD has reported that this is allowable, USDA-RD is requiring additional information regarding a formal commitment from the County of these funds. Therefore, the USDA-RD application cannot be finalized until LTG WSC receives funding commitment documents from McLennan County. The next meeting regarding the disbursement of the arsenic mitigation funds by McLennan County is scheduled for June 28, 2022. LTG WSC has not been provided a timeline from McLennan County as to when the formal commitments of funding will be made.

LTG WSC has continued to keep EPA informed regarding the status of the USDA-RD Loan Application and the availability of arsenic mitigation funding from McLennan County.

EPA was consulted regarding this request and concurs.

For these reasons, Respondent respectfully requests that the fourth request for extension of time to answer and request a hearing be granted, and Respondent be given until August 15, 2022 to file an Answer and Request a Hearing, and for such other relief to which it shows itself to be entitled.

Respectfully submitted,

BY:



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ATTORNEY FOR RESPONDENT LTG WSC

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing Respondent's Agreed Motion for Extension to Answer has been served upon Complainant, as indicated below, on this the **21st** day of **June 2022**, as follows:

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