



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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

JUN 12 2013

CERTIFIED MAIL—RETURN RECEIPT REQUESTED: 7011 3500 0000 0359 9731

The Honorable Michael Ragusa  
Mayor, Town of Independence  
P.O. Box 35  
Independence, LA 70443

Re: Administrative Order, Docket Number: SDWA-06-2013-1280  
PWS ID Number: LA1105012

Dear Mayor Ragusa:

Enclosed is an Administrative Order (Order) issued to the Town of Independence water system 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 Environmental Protection Agency (EPA) finds that you own or operate the public water system identified in the Order and are therefore subject to these regulations.

This Order directs your compliance with the requirements of the Act and implementing regulations, including monitoring required by the Stage 2 Disinfectants and Disinfection Byproducts Rule, pursuant to 40 C.F.R. § 141.600(d). As described in the enclosed Order, the Town of Independence is required to conduct standard monitoring that meets the requirements set forth in 40 C.F.R. § 141.601. This Order also requires responses to certain information demands.

If you need assistance, or have questions regarding the Order, please contact Ms. Linda Hutchison, of my staff, at (214) 665-8416. Please be aware that failure to comply with this Order may subject you to additional enforcement action by EPA, including the initiation of legal proceedings to seek monetary penalties.

Sincerely,

A handwritten signature in black ink, appearing to read "John Blevins", written over a horizontal line.

John Blevins  
Director  
Compliance Assurance and  
Enforcement Division

Enclosure

Re: Administrative Order  
Town of Independence

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cc: Mr. McDonald Volentine  
Enforcement Program Administrator  
Louisiana Department of Health and Hospitals-  
Office of Public Health  
P.O. Box 4489  
Baton Rouge, LA 70821-4489

Ms. Amanda Laughlin  
Louisiana Department of Health and Hospitals-  
Engineering Services  
P.O. Box 4489  
Baton Rouge, LA 70821-4489

U.S. ENVIRONMENTAL PROTECTION AGENCY-REGION 6  
FINDINGS OF VIOLATION AND COMPLIANCE ORDER AND INFORMATION DEMAND  
In the Matter of Public Water System the Town of Independence (LA1105012)  
Owned/Operated the Town of Independence, Respondent  
Docket No. SDWA-06-2013-1280

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 Sections 1414(g) and Section 1445 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 further delegated such authority to the Director of the Compliance Assurance and Enforcement Division.

FINDINGS

1. Respondent, the Town of Independence, 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 the Town of Independence water system, a public water system ("PWS"), as defined by Section 1401(4) of the Act, 42 U.S.C. § 300f(4), located in Independence, Tangipahoa Parish, Louisiana, designated as PWS number LA1105012.

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 Stage 2 Disinfectants and Disinfection Byproducts Rule ("Stage 2 DBPR") promulgated at Section 1412 of the Act, 42 U.S.C. § 300g-1 and as set forth in 40 C.F.R. § 141.600.

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, and its implementing regulations, 40 C.F.R. Part 141.

6. As a PWS and a "supplier of water," the Town of Independence water system serves approximately 3,052 people with 763 service connections. Therefore, Respondent is subject to the Act, 42 U.S.C. § 300f, et seq., and its implementing regulations, 40 C.F.R. Part 141.

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. The LDHH has not yet obtained primary enforcement responsibility for the Stage 2 DBPR; therefore, the EPA has primary responsibility for enforcement of the Stage 2 DBPR.

8. Pursuant to the schedule listed in 40 C.F.R. § 141.600(c), Respondent was required to submit its Initial Distribution System Evaluation ("IDSE") report to the State by July 1, 2010.

9. Based on the information available to EPA, Respondent failed to submit the IDSE report to LDHH by July 1, 2010.

10. Pursuant to 40 C.F.R. § 141.601(a), Respondent was required to prepare and submit a standard monitoring plan to the State according to the schedule in 40 C.F.R. § 141.600(c).

11. Based on the information available to EPA, Respondent failed to submit a standard monitoring plan to LDHH in accordance with 40 C.F.R. § 141.601(a) and according to the schedule in 40 C.F.R. § 141.600(c). Respondent should have submitted a standard monitoring plan to LDHH by April 1, 2008 which Respondent failed to do.

12. Pursuant to 40 C.F.R. § 141.600(d), Respondent was required to conduct standard monitoring that meets the requirements of 40 C.F.R. § 141.601 in accordance with the schedule listed in 40 C.F.R. § 141.600(c). Respondent was required to conduct and complete the quarterly standard monitoring for total trihalomethanes ("TTHMs") and five haloacetic acids ("HAA5s") by March 31, 2010, at the location(s) which should have been identified in the state-approved Stage 2 DBPR monitoring plan.

13. Based on the information available to EPA, Respondent failed to conduct and complete the standard monitoring by March 31, 2010.

GENERAL PROVISIONS

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. Upon receipt of this Order, Respondent is required to comply with the Stage 2 DBPR requirements of the Act, as set forth in Section 1412 of the Act.
- b. Within fifteen (15) days upon approval of the monitoring plan from LDHH, Respondent shall conduct routine monitoring for TTHMs and HAA5s, and every ninety (90) days thereafter, in accordance with the requirements set forth at 40 C.F.R. § 141.621.

SECTION 1445 INFORMATION DEMAND

Based on these findings and pursuant to the authority of Section 1445 of the Act, 42 U.S.C. § 300j-4, Respondent is required to do the following:

- a. Within thirty (30) days of receipt of the Order, Respondent shall provide to the EPA and LDHH a monitoring plan in accordance with the requirements contained in 40 C.F.R. § 141.622.<sup>1</sup>
- b. Respondent shall submit a copy of the certified laboratory results for TTHMs and HAA5s to LDHH by the 10<sup>th</sup> of the month following each quarter.
- c. The reporting required by this Order must be provided by the Respondent to EPA and LDHH at the following addresses:

Ms. Linda Hutchison  
 Water Resources Section (6EN-WR)  
 U.S. EPA, Region 6  
 1445 Ross Avenue, Suite 1200  
 Dallas, TX 75202-2733

and

Mrs. Amanda Laughlin  
 LDHH, Engineering Services  
 P.O. Box 4489  
 Baton Rouge, LA 70821-4489

This Order is effective upon receipt by a representative of the violating 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. Section 706, which is set forth at <http://uscode.house.gov/download/pls/05C7.txt>, states the scope of such review.

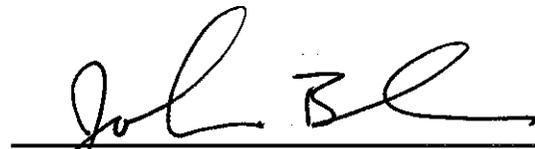
This Section 1414(g) Compliance Order and the Section 1445 Information Demand do not constitute a waiver, suspension, or modification of the requirements of 40 C.F.R. Part 141 or other applicable federal and state requirements, which remain in full force and effect. Issuance of this Section 1414(g) Compliance Order and the Section 1445 Information Demand 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 Order may subject Respondent to an administrative civil penalty of up to \$32,500 under Section 1414(g) of the Act, 42 U.S.C. § 300g-3(g), or a civil penalty of not more than \$37,500 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 heirs, successors, and assignees. No change in ownership of the PWS shall alter the responsibility of the PWS under this Order.

6.12.13

Date



John Blevins  
 Director  
 Compliance Assurance and  
 Enforcement Division

<sup>1</sup> Since the compliance date for submitting the IDSE plan has passed, in lieu of the IDSE plan, EPA is requiring the submittal of the Stage 2 monitoring plan