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

AUG 2 1 2013

CERTIFIED MAIL–RETURN RECEIPT REQUESTED: 7005 1820 0003 7458 8903

Mr. Greg Hunger
Ellinger Sewer and Water Supply Corporation
P.O. Box 130
Ellinger, TX 78938-0130

Re: PWS ID Number: TX0750014
Docket Number: SDWA-06-2011-1348

Dear Mr. Hunger:

This letter acknowledges receipt by the U.S. Environmental Protection Agency (EPA) of the arsenic compliance plan and construction schedule submitted by Ellinger Sewer and Water Supply Corporation, as required by Administrative Order (Order) Docket Number SDWA-06-2011-1348 (hereinafter referred to as the "Original Order"), issued to Ellinger Sewer and Water Supply Corporation on July 19, 2011. EPA has determined that the plan and the schedule are a satisfactory response to Section B of the Original Order. The plan specifies how Ellinger Sewer and Water Supply Corporation will bring the water system into compliance with the maximum contaminant level (MCL) for arsenic. EPA's acceptance of the plan does not guarantee compliance with the Safe Drinking Water Act (SDWA); Ellinger Sewer and Water Supply Corporation remains solely responsible for compliance with the SDWA.

As a result of the terms and revised schedule specified in the plan, EPA has amended the Original Order to incorporate the schedule with the enclosed Amended Administrative Order (hereinafter referred to as the "Amended Order"). As specified in the Amended Order, Ellinger Sewer and Water Supply Corporation must achieve compliance with the arsenic MCL requirement by September 1, 2014.

While your arsenic compliance plan meets EPA requirements specified in the Original Order, Ellinger Sewer and Water Supply Corporation is also responsible for compliance with all applicable Texas regulations in Title 30 Texas Administrative Code (TAC), Chapter 290, Subchapter D. Most treatment options require the submittal of engineering plans and specifications to the Texas Commission on Environmental Quality (TCEQ) for review and approval, as indicated in 30 TAC § 290.39(j). The engineering plans and specifications and any pilot study report must be prepared by a Texas licensed professional engineer as required in 30 TAC §§ 290.39(d)(1) and 290.42(g), respectively. Please send submittals to the TCEQ Public Drinking Water Section address referenced in paragraph G of the Original Order and all submittals must include the EPA Docket Number.

Please be aware that failure to comply with this Amended Order may subject Ellinger Sewer and Water Supply Corporation to additional enforcement action by EPA, including the initiation of legal proceedings to seek monetary penalties.

If you need assistance, or have questions regarding the Amended Order, please contact Mr. Mehdi Taheri, of my staff, at (214) 665-2298.

Sincerely,

John Blevins
Director
Compliance Assurance and
Enforcement Division

Enclosure

cc: Mr. Bryan Sinclair
Director, Enforcement Division
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

Ms. Linda Brookins
Director, Water Supply Division
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

Mr. Gene Kruppa, P.E., R.P.L.S.
BEFCO Engineering, Inc.
P.O. Box 615
La Grange, TX 78945

U.S. ENVIRONMENTAL PROTECTION AGENCY-REGION 6

FINDINGS OF VIOLATION AND COMPLIANCE ORDER

In the Matter of: Ellinger Sewer and Water Supply Corporation Public Water System Owned/Operated by the Ellinger Sewer and Water Supply Corporation, Respondent

Docket No. SDWA-06-2011-1348, PWS ID # TX0750014

STATUTORY AUTHORITY

The following findings are made and an Amended Order ("Amended 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 ("Act"), 42 U.S.C. § 300g-3(g). The Administrator delegated the authority to issue this Amended Order to the Regional Administrator of EPA Region 6, who delegated such authority to the Director of the Compliance Assurance and Enforcement Division.

FINDINGS

1. Ellinger Sewer and Water Supply Corporation ("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 Ellinger, Fayette County, Texas ("facility"), designated as PWS number TX0750014.

3. As a PWS and a "supplier of water," Respondent is 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").

4. 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).

5. The Texas Commission on Environmental Quality ("TCEQ") and the 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 that EPA would initiate this enforcement action.

6. Respondent monitored for arsenic during each of the four quarters in 2010, resulting in a running annual average of 0.022 mg/L that exceeded the arsenic maximum contaminant level ("MCL") of 0.010 mg/L in violation of 40 C.F.R. § 141.62(b)(16).

7. Respondent is required to comply with the arsenic requirements of the Act, as set forth in Section 1412 of the Act, 42 U.S.C. § 300g-1.

8. On July 19, 2011, EPA issued an Administrative Order, Docket Number SDWA-06-2011-1348 ("Original Order"), to Respondent for the arsenic MCL violations.

9. In compliance with the Original Order, Respondent has 1) provided public notice as required by 40.C.F.R. § 141.201; 2) submitted a plan to EPA detailing how Respondent will return the PWS to compliance with the MCL for arsenic; and 3) provided EPA with an initial progress report on the compliance activities. The terms of the plan and the revised compliance schedule are hereby incorporated with this Amended Order. The revised schedule contains a new deadline for the completion of construction and final inspections (see paragraph A, number 4, below).

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 Respondent to take the following actions:

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

1. Submit pilot testing to TCEQ for approval by October 31, 2013.
2. The plans and specifications shall be submitted to TCEQ for approval by February 15, 2014.
3. Construction shall start by August 1, 2014.
4. The construction closeout and final inspection shall be completed by September 1, 2014.

B. Respondent must achieve and maintain compliance with the arsenic MCL as set forth in 40 C.F.R. §§ 141.62 (b)(16) by September 1, 2014, the date specified in the plan submitted to EPA.

C Respondent shall provide EPA with quarterly progress reports regarding activities undertaken pursuant to the plan and shall notify EPA when all activities have been completed (by October 31, 2014).

SECTION 1445 INFORMATION DEMAND

D. The reporting required by this Amended Order must be provided by the Respondent to EPA at the following address:

Mr. Mehdi Taheri
Water Enforcement Branch (6EN-W)
U.S. EPA, Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

GENERAL PROVISIONS

This Amended Order is effective upon receipt by Respondent.

Respondent may seek federal judicial review of the Amended 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 Section 1414(g) Compliance Order and the Section 1445 Information Demand or the Act 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 Amended 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 Amended Order.

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Date

John Blevins
Director
Compliance Assurance and
Enforcement Division