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

JUN 14 2011

CERTIFIED MAIL - RETURN RECEIPT REQUESTED: 7099 3220 0001 4436 7140

Mr. Charles Kelly
Darbonne Water System North
P.O. Box 606
Bernice, LA 71222-0606

Re: PWS ID Number: LA1111024
Docket Number: SDWA-06-2011-1246

Dear Mr. Kelly:

Enclosed is an Administrative Order (Order) issued to the Darbonne Water System North Water System for violation of the Safe Drinking Water Act (Act), 42 USC § 300f, et seq., and its implementing regulations, 40 CFR 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 in 40 CFR § 141.600(d). As described in the enclosed Order, the Darbonne Water System North Water System is required to conduct standard monitoring that meets the requirements set forth in 40 CFR § 141.601.

If you need assistance, or have questions regarding the Order, please contact Mr. Hillol Ray, of my staff, at (214) 665-7502. 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,

John Blevins
Director
Compliance Assurance and
Enforcement Division

Enclosure

cc: Jake Causey, P.E., Chief Engineer
Louisiana Department of Health and Hospitals – Office of Public Health (LDHH-OPH)
Baton Rouge, LA

U.S. ENVIRONMENTAL PROTECTION AGENCY-REGION 6
FINDINGS OF VIOLATION AND COMPLIANCE ORDER
In the Matter of Public Water System: Darbonne Water System North
Owned/Operated by Mr. Charles Kelly, Respondent
Docket No. SDWA-06-2011-1246

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 Section 1414(g) of the Safe Drinking Water Act ("Act"), 42 U.S.C. § 300g–3(g). The Administrator has delegated the authority to issue this Order to the Regional Administrator of EPA Region 6 who has further delegated such authority to the Director of the Compliance Assurance and Enforcement Division.

FINDINGS

1. Respondent, Mr. Charles Kelly, is a "person," as defined by Section 1401(12) of the Act, 42 USC § 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 USC § 300f(4), located in Union Parish, Louisiana ("facility"), designated as PWS number LA1111024.

3. At all times relevant to the violations alleged herein, Respondent's PWS was a "community water system" as defined by Section 1401(15) of the Act, 42 USC § 300f(15).

4. At all times relevant to the violations alleged herein, Respondent's PWS was subject to the requirements of the Stage 2 Disinfectants and Disinfection Byproducts Rule ("Stage 2 DBPR") as set forth in 40 CFR § 141.600.

5. Pursuant to 40 CFR § 141.600(d), Respondent was required to conduct standard monitoring that meets the requirements of 40 CFR § 141.601(a). Based on the schedule listed in §141.600(c) Respondent must have completed the standard monitoring for trihalomethane ("TTHM") and haloacetic acid ("HAA5") on March 31, 2010, at the location identified in the Respondent's EPA-approved Stage 2 DBPR monitoring plan.

6. Based on information available to EPA, Respondent failed to conduct standard monitoring in accordance with 40 C.F.R. §141.601(b)(1) through (b)(4) and according to the schedule in 40 C.F.R. §141.600(c).

7. Pursuant to 40 C.F.R §141.601(c), Respondent was required to submit an Initial Distribution System Evaluation (IDSE) report to the EPA that includes the monitoring results and other elements as required in paragraphs §141.601(c)(1-4). Based on the schedule listed in §141.600 (c) Respondent must have submitted the report by July 1, 2010.

8. Based on information available to EPA, Respondent failed to submit an IDSE Report in accordance with the requirements contained in 40 CFR §141.601(c)(1) through (c)(4) and according to the schedule in 40 CFR §141.600 (c).

9. 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 USC § 300g-1, entitled "National Primary Drinking Water Regulations."

10. Pursuant to 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, 42 USC § 300g-1.

ORDER

Based on these findings and pursuant to the authority of Section 1414(g) of the Act, 42 U.S.C. § 300g-3(g) et seq., EPA orders that Respondent immediately take the following actions:

a. During the month of July 2011, Respondent shall comply with 40 CFR §141.600(d) by conducting standard monitoring for TTHM and HAA5, at location identified in the Respondent's approved monitoring plan, in accordance with 40 CFR §141.601. Respondent shall continue to conduct standard monitoring evey ninety (90) days thereafter for a total of four (4) monitoring periods.

b. Within thirty (30) days of receipt of the final monitoring results, Respondent shall provide to the EPA an IDSE report, including the sampling results for TTHM and HAA5, in accordance with the requirements contained in 40 CFR § 141.601(c)(1) through (c)(4).

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

Mr. Hillol Ray
Water Enforcement Branch (6EN-W)
Compliance Assurance and Enforcement Division
U.S. EPA, Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

GENERAL PROVISIONS

This Order is effective upon receipt by a representative of the violating water system.

This Order does not constitute a waiver, suspension, or modification of the requirements of 40 CFR Part 141 or other applicable federal and state requirements, which remain in full force and effect. Issuance of this Order 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 USC § 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 USC § 300g-3(g)(3)(A).

This Order shall be binding on the public water system cited herein and all its heirs, successors, and assignees. No change in ownership of the public water system shall alter the responsibility of the public water system under this Order.

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Date

John Blevins
Director
Compliance Assurance and
Enforcement Division