



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

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

August 30, 2012

CERTIFIED MAIL—RETURN RECEIPT REQUESTED: 7010 2780 0002 4356 3958

Mr. Robert Slovak  
Rural Bardwell Water Supply Corporation  
P.O. Box 129  
Bardwell, TX 75101-0129

Re: PWS ID Number: TX0700023  
Docket Number: SDWA-06-2011-1343

Dear Mr. Slovak:

This letter acknowledges receipt by the U.S. Environmental Protection Agency (EPA) of the fluoride compliance plan and construction schedule submitted by the Rural Bardwell Water Supply Corporation (Rural Bardwell WSC) as required by Administrative Order, Docket Number SDWA-06-2011-1343 (hereinafter referred to as the "Original Order"), issued to you on October 4, 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 Rural Bardwell WSC will bring its water system into compliance with the maximum contaminant level (MCL) for fluoride. EPA's acceptance of the plan does not guarantee compliance with the Safe Drinking Water Act (SDWA); Rural Bardwell WSC remains solely responsible for compliance with the SDWA.

As a result of the terms and schedule specified in the plan, EPA has amended the Original Order with the enclosed Amended Administrative Order (hereinafter referred to as the "Amended Order"). The compliance plan and the construction schedule are incorporated into the Amended Order. As specified in the Amended Order, Rural Bardwell WSC must achieve compliance with the fluoride MCL requirement by May 31, 2014.

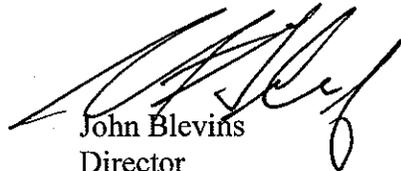
While your fluoride compliance plan meets EPA requirements specified in the Original Order, Rural Bardwell WSC is also responsible for compliance with all applicable Texas regulations in Title 30 Texas Administrative Code (TAC) Chapter 290, Subchapter D. Most treatment options require the submittal of 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 H of the Original Order and include the EPA Docket Number on all submittals.

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

Re: Amended Administrative Order 2  
Rural Bardwell Water Supply Corporation

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. Benjamin S. Shanklin, P.E.  
Childress Engineers  
Engineers & Consultants  
211 N. Ridgeway Drive  
Cleburne, TX 76033



U.S. ENVIRONMENTAL PROTECTION AGENCY-REGION 6  
FINDINGS OF VIOLATION AND COMPLIANCE ORDER  
In the Matter of Rural Bardwell Water Supply Corporation Water System  
Owned/Operated by the Rural Bardwell Water Supply Corporation, Respondent  
Docket No. SDWA-06-2011-1343, PWS ID # TX0700023

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 ("the Act"), 42 U.S.C. § 300g-3(g) and 300j-4. 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. Rural Bardwell 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 the Rural Bardwell Water Supply Corporation Water System, a public water system ("PWS"), as defined by Section 1401(4) of the Act, 42 U.S.C. § 300f(4), located in Bardwell, Ellis County; Texas ("facility"), and designated as PWS number TX0700023.

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 Amended Order, and it has been agreed that EPA would initiate this enforcement action.

6. During the relevant time period, Respondent's PWS was subject to NPDWR requirements for the fluoride maximum contaminant level ("MCL") as set forth in 40 C.F.R. § 141.62(b). Respondent monitored for fluoride in the last four quarters and reported values of 5.28 mg/L that exceeded the fluoride maximum contaminant level ("MCL") of 4.0 mg/L in violation of 40 C.F.R. § 141.62(b)(1).

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

8. On October 4, 2011, EPA issued Administrative Order Docket Number SDWA-06-2011-1343 ("Original Order") to Respondent for fluoride MCL violations. The terms of the Original Order are hereby revised in the Amended Order

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 fluoride; and 3) provided EPA with an initial progress report on the compliance activities. The terms of the plan and the compliance schedule are hereby incorporated into this Amended Order.

AMENDED 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. Respondent shall conduct a survey by October 2012;
2. the engineering design plan and specifications shall be completed by April 2013;
3. the environmental report shall be completed by April 2013;
4. all bidding, contract execution, and notice to proceed shall be completed by October 20, 2013;
5. the construction shall begin by December 2013; and
6. the plan project and testing shall be completed by May 2014.

B. Respondent must achieve and maintain compliance with the MCL for fluoride [40 C.F.R. § 141.62(b)(1)] by May 31, 2014.

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.

D. The reporting required by the Amended Order must be submitted 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 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 Amended Order does 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 Amended 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 Amended 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 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.

AUG 30 2012

Date

  
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John Blevins

Director

Compliance Assurance and  
Enforcement Division