



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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

JUN 08 2012

CERTIFIED MAIL—RETURN RECEIPT REQUESTED: 7005 1820 0003 7453 8144

Mr. Cesar Torres
Mrs. Graviella Torres
Cabaniss Rentals
324 North County Road 2850
Lubbock, TX 79403-7124

Re: PWS ID Number: TX1520257
Docket Number: SDWA-06-2012-1250

Dear Mr. and Mrs. Torres:

Enclosed is an Administrative Order (Order) issued to Mr. Cesar Torres and Mrs. Graviella Torres, doing business as Cabaniss Rentals, 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 (PWS) identified in the Order and are therefore subject to these regulations.

This Order requires immediate compliance with the requirements of the Act and implementing regulations, including the Maximum Contaminant Level (MCL) for nitrate as set forth in Section 1412 of the Act, 42 U.S.C. § 300g-1. If immediate compliance is not possible, you must submit a treatment alternative with a construction and/or repair schedule that will achieve compliance no later than eighteen (18) months from the effective date of the enclosed Order. Compliance with the MCL is based on a running annual average. As described in the enclosed Order, Cabaniss Rentals is required to comply with the requirements cited above to deliver drinking water that meets the national standard for nitrate and to conduct quarterly monitoring to ensure compliance with the MCL. 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.

EPA also wants you to be aware of a new process in Texas that was created to help facilities secure technical assistance and funding to address these types of issues. The Texas Water Infrastructure Coordination Committee (TWICC) was formed with representation from stakeholders, funding entities, and federal and state partners to identify water and wastewater infrastructure and compliance issues and to seek affordable, sustainable and innovative funding strategies for the protection of public health. If you feel your system could benefit from the TWICC, please let us know so that we can discuss the matter with you.

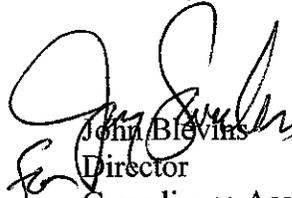
Re: Cabaniss Rentals
Administrative Order

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The PWS is also required to comply with all applicable Texas regulations in Title 30 Texas Administrative Code (TAC) Chapter 90, 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, respectively.

If you need assistance, or have questions regarding the 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

Ms. Linda Brookins
Director, Water Supply Division
Texas Commission on Environmental Quality



U.S. ENVIRONMENTAL PROTECTION AGENCY-REGION 6
FINDINGS OF VIOLATION AND COMPLIANCE ORDER

In the Matter of: Cabaniss Rentals Water System
Owned/Operated by Cesar and Graviella Torres, d/b/a Cabaniss Rentals, Respondents
Docket No. SDWA-06-2012-1250; PWS ID #: TX1520257

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 delegated the authority to issue this 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. Mr. Cesar Torres and Mrs. Graviella Torres, doing business as Cabaniss Rentals ("Respondents"), 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"), Respondents 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 Lubbock, Lubbock County, Texas ("facility"), designated as PWS number TX1520257.
3. As a PWS and a "supplier of water," Respondents are 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, Respondents' 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. During the relevant time period, Respondents' PWS was subject to NPDWR requirements for the nitrate maximum contaminant level ("MCL") as set forth in 40 C.F.R. § 141.62(b) and 40 C.F.R. § 141.23(d). Respondents monitored for nitrate in 2011, and reported values of 12 mg/L that exceeded the nitrate MCL of 10.0 mg/L in violation of 40 C.F.R. § 141.62(b)(7).

7. Respondents are required to comply with the nitrate requirements of the Act, as set forth in Section 1412 of the Act, 42 U.S.C. § 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), EPA orders Respondents to take the following actions:

- A. Respondents shall comply with 40 C.F.R. § 141.31(b) and notify both TCEQ and EPA within forty-eight (48) hours in the event of nitrate MCL violations.
- B. If Respondents have not provided public notice, as required by 40 C.F.R. § 141.201, regarding the violations specified in paragraph 6, the Respondents shall, within thirty (30) days of issuance of this Order, provide a public notice of the violations as set forth in 40 C.F.R. § 141.201. In the public notice, Respondents shall specify that pregnant women and children under six (6) months of age should not drink the water until notified by the PWS. Respondents shall submit a copy of the public notice to EPA and TCEQ within forty (40) days of the effective date of this Order.
- C. After the effective date of this Order, in the event that sampling results indicate Respondents are exceeding the MCL for nitrate, as specified in 40 C.F.R. § 141.62(b)(7), Respondents shall make available, within forty-eight (48) hours of the nitrate MCL violation, an alternative source of water to pregnant women and children under the age of six (6) months. Respondents shall continue to make available an alternative source of water for this population until sample results indicate that the nitrate level is within the MCL requirement. Respondents shall provide a written description to EPA and TCEQ within five (5) days of the violation describing how Respondents will make available drinking water to pregnant women and children under 6 months of age.
- D. Within one hundred and twenty (120) days of the effective date of this Order, Respondents shall submit to EPA a detailed plan to bring the System into compliance with the MCL for nitrate. The plan shall include: 1) a system modification proposal; 2) a cost analysis of system modifications; and 3) a construction schedule for the project.

GENERAL PROVISIONS

The schedule shall include specific milestone dates and a final compliance date that is no later than eighteen (18) months from the effective date of this Order. The plan must be submitted to EPA for approval before construction can commence.

E. The approved schedule for construction and completion of modifications will be incorporated and reissued in a future administrative order.

F. Respondents must achieve and maintain compliance with 40 C.F.R. § 141.62(b)(7) by the date specified in the approved plan, or not later than eighteen (18) months after the effective date of this Order.

G. Within sixty (60) days of the effective date of this Order, Respondents shall submit to EPA an initial report on the progress made to bring the PWS into compliance with the nitrate MCL. Following the initial report, a quarterly progress report shall be submitted to EPA within ten (10) days after the end of each calendar quarter. Respondents shall notify EPA when all improvements have been completed.

H. The reporting required by this Order must be provided by the Respondents 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

I. Regarding Parts A and B in the Order Section, Respondents shall submit a copy of the public notice to TCEQ at the following addresses:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

and

Public Drinking Water Section
Water Supply Division, MC 155
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

This Order is effective upon receipt by Respondents.

This 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 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 Respondents 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 successors and assignees. No change in ownership of the PWS shall alter the responsibility of the PWS under this Order.

June 8, 2012

Date

[Signature]

John E. Evans
Director
Compliance Assurance and
Enforcement Division