



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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

MAR 28 2013

CERTIFIED MAIL-RETURN RECEIPT REQUESTED: 7005 1820 0003 7453 7871

Ms. Barbara Whorton
Whorton Mobile Home Park
128 E. 86th Street
Lubbock, TX 79404-7810

Re: PWS ID Number: TX1520149
Docket Number: SDWA-06-2011-1380

Dear Ms. Whorton:

This letter acknowledges receipt by the U.S. Environmental Protection Agency (EPA) of the arsenic compliance plan and construction schedule submitted by Ms. Barbara Whorton, doing business as Whorton Mobile Home Park, as required by Administrative Order (Order) Docket Number SDWA-06-2011-1380 (hereinafter referred to as the "Original Order"), issued to you 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 you 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); you remain 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, you must achieve compliance with the arsenic MCL requirement by December 9, 2013.

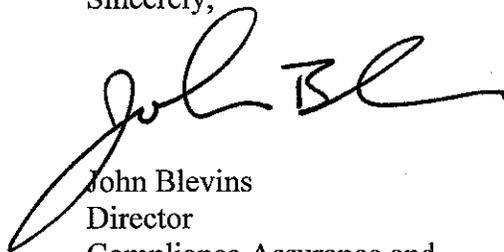
While your arsenic compliance plan meets EPA requirements specified in the Original Order, you are also responsible for compliance with all applicable Texas regulations in Title 30 Texas Administrative Code (TAC), Chapter 290, Subchapter D. Most treatment options require the submittal of engineering 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 you to additional enforcement action by EPA, including the initiation of legal proceedings to seek monetary penalties.

Re: Amended Administrative Order 2
Whorton Mobile Home Park

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. Fred Curnutt, P.E., Vice president
Enprotec / Hibbs & Todd, Inc.
6310 Genoa Avenue, Suite E
Lubbock, TX 79424



U.S. ENVIRONMENTAL PROTECTION AGENCY-REGION 6
FINDINGS OF VIOLATION AND COMPLIANCE ORDER
In the Matter of: Whorton Mobile Home Park Water System
Owned/Operated by the Barbara Whorton, Respondent
Docket No. SDWA-06-2011-1380, PWS ID # TX1520149

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. Ms. Barbara Whorton, doing business as Whorton Mobile Home Park ("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 Whorton Mobile Home Park water system, 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 TX1520149.
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. During the relevant time period, Respondent's PWS was subject to NPDWR requirements for the arsenic maximum contaminant level ("MCL") as set forth in 40 C.F.R. § 141.62(b). Respondent monitored for arsenic during each of the four quarters in 2010, resulting in a running annual average.

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-06-2011-1380 ("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 3, 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. The final design of the engineering plan shall be completed by April 12, 2013.
2. The bid package, bid advertisement and bid award shall be completed by August 15, 2013.
3. The construction, closeout and final inspection shall be completed by December 19, 2013.

B. Respondent must achieve and maintain compliance with the arsenic MCL as set forth in 40 C.F.R. §§ 141.62 (b)(7) by December 19, 2013, the date specified in the plan submitted to EPA.

C. Respondent shall provide EPA with quarterly progress reports (by July 15, 2013 and October 15, 2013) regarding activities undertaken pursuant to the plan and shall notify EPA when all activities have been completed (by January 15, 2014).

SECTION 1445 INFORMATION DEMAND

D. The reporting required by this 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 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 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 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.

3.28.13

Date



John Blevins
Director
Compliance Assurance and
Enforcement Division

