



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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

September 19, 2012

CERTIFIED MAIL – RETURN RECEIPT REQUESTED: 7010 1060 0002 1872 6452

Mr. Jose Beltran
Mrs. Maria Beltran
1017 Cafe Water System
P.O. Box 126
San Isidro, TX 78588-0126

Re: PWS ID Number: TX2140030
Administrative Order, Docket Number: SDWA-06-2012-1281

Dear Mr. Beltran and Ms. Beltran:

Enclosed is an Administrative Order (Order) issued to you, doing business as the 1017 Cafe Water System, 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 also requires certain actions and information demands.

This Order requires immediate compliance with 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, you are required 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.

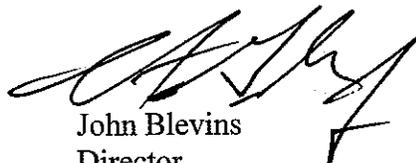
Re: 1017 Cafe Water System
Administrative Order

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The PWS is also required to comply with all applicable Texas regulations in Title 30 Texas Administrative Code (TAC) Chapter 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 engineering submittals to the TCEQ's Public Drinking Water Section address referenced in paragraph J of the Order and include the EPA Docket Number.

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
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



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

In the Matter of 1017 Cafe Water System
Owned/Operated by Mr. Jose Beltran and Mrs. Maria Beltran, Respondents
Docket No. SDWA-06-2012-1281, PWS ID # TX2140030

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 Sections 1414(g) and 1445 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 Order to the Regional Administrator of EPA Region 6 who further delegated such authority to the Director of the Compliance Assurance and Enforcement Division.

FINDINGS

1. Mr. Jose Beltran and Mrs. Maria Beltran, doing business as the 1017 Cafe Water System ("Respondents"), are "persons," 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 1017 Café Water System, a public water system ("PWS"), as defined by Section 1401(4) of the Act, 42 U.S.C. § 300f(4), located in San Isidro, Starr County, Texas ("facility"), designated as PWS number TX2140030.
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 served as a "non-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). Respondents monitored for nitrate during each of the last four quarters, and reported values of 13.05 mg/L that

exceeded the nitrate MCL of 10 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.

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 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. Respondents shall immediately comply with 40 C.F.R. § 141.62(b)(7) regarding the nitrate MCL. If immediate compliance is not technically feasible, then the Respondents must comply with D through K below.
- D. Respondents shall achieve and maintain compliance with the MCL for nitrate set forth at 40 C.F.R. § 141.62(b)(7) no later than eighteen (18) months after the effective date of this Order.
- E. 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.

SECTION 1445 INFORMATION DEMAND

Based on these findings and pursuant to the authority of Section 1445 of the Act, 42 U.S.C. § 300j-4, Respondents are required to do the following:

F. 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. 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.

G. The approved schedule for construction and completion of modifications will be incorporated and re-issued in a future administrative order.

H. 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.

I. 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

J. 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

K. Within fifteen (15) calendar days of the effective date of this Order, Respondents shall contact Mr. Mehdi Taheri, in writing, informing him whether Respondents will comply with the terms of this Order.

GENERAL PROVISIONS

This Order is effective upon receipt by Respondents.

Respondents 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 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 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.

SEP 19 2012

Date


John Blevins
Director
Compliance Assurance and
Enforcement Division