



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

ELECTRONIC MAIL
CONFIRMATION OF EMAIL RECEIPT REQUESTED

Bob Blackburn
Chairman of Coweta County Board of Commission
22 East Broad Street
Newnan, Georgia 30263
bblackburn@coweta.ga.us

Re: Notice of Noncompliance and Concerns Pursuant to Section 1414(a)(1)(A)
of the Safe Drinking Water Act, 42 U.S.C. § 300g-3(a)(1)(A), Coweta Water and Sewer Authority in
Newnan, Georgia. PWS ID Number: GA0770042

Dear Chairman Blackburn:

The U.S. Environmental Protection Agency is responsible for assuring public water systems (PWS) provide safe drinking water in accordance with the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300f et seq., and the regulations promulgated thereunder. According to the information in the EPA's Safe Drinking Water Information System, the Coweta Water and Sewer Authority (System) serves a population of approximately 69,803, with 24,463 service connections. Pursuant to Section 1401(15) of the SDWA, 42 U.S.C. § 300f (15), it is therefore a community water system. A community water system is subject to the requirements of the National Primary Drinking Water Regulations (NPDWRs), 40 C.F.R. Part 141, and Georgia Rules for Safe Drinking Water, promulgated pursuant to the Georgia Safe Drinking Water Act of 1977, Act No. 231 O.C.G.A. § 12-5-170 et seq.

Pursuant to SDWA Section 1413, 42 U.S.C. § 300g-2, the Georgia Environmental Protection Division (EPD) is the primary agency responsible for implementing and enforcing the public water supply program for Georgia. See O.C.G.A. § 12-5-171.

On December 13 through December 14, 2022, a drinking water inspection was conducted jointly by the EPA and EPD. The EPA subsequently sent an inspection report to the System on January 27, 2023 (Inspection Report), based on information supplied to the EPA by System representatives through interviews and written statements, observations made by the EPA inspection team, and records and reports maintained by the System. While the EPA commends the System for already addressing a number of observations noted in the Inspection Report, this Notice only addresses outstanding observations of alleged noncompliance and additional areas of concern.

Notice of Noncompliance

As detailed in the Inspection Report, the EPA alleges that the System is in noncompliance with the Georgia Rules for Safe Drinking water as described below:

1. Pursuant to the Georgia Rules for Safe Drinking Water 391-3-5.14 (12), Operation and Maintenance plans shall be developed accordance with the Division's "Guidance Manual for Preparing Public Water Supply System O&M Plans" latest edition ("O&M Plan"). Pursuant to O&M Plan, Section 3, Part A.3.2, maintenance procedures should be established for storage facilities and should include draining and cleaning at an established frequency (yearly). A concrete structure may require grouting and sealing of cracks (yearly) and, on a longer-term basis the application of a sealing material.

At the time of the inspection, the System staff indicated that the clearwell did not have a routine inspection protocol. The inspection team also observed water gathered around the base of the clearwell and the roof of the clearwell beginning to crack. Therefore, the System is in noncompliance with O&M Plan, Section 3, Part A.3.2 for inadequate maintenance of finished water storage.

2. Pursuant to O&M Plan, Section 3, Part A.3.1, a routine maintenance program for the distribution system includes valve operation and maintenance, such as checking packing glands for leakage, on an annual basis.

During the time of inspection, the EPA inspectors observed water flowing from high service pump #2. Therefore, the System is in noncompliance with O&M Plan, Section 3, Part A.3.1 for failure to check packing glands for leakage.

3. Pursuant to the Georgia Rules for Safe Drinking Water 391-3-5.05(3), planning and design of public water systems shall be in accordance with the EPD's latest edition of Minimum Standards for Public Water Systems ("Minimum Design Standards"). Pursuant to Minimum Design Standards, Part 10.5(e), the overflow shall be protected with a twenty-four mesh non-corrodible screen and/or flap valve. A mesh-fitted mechanical flap valve is acceptable provided the flapper is supplied with non-corroding and non-seizing hinges. The flap valve shall be spring loaded or counterweighted, so it closes and forms a tight seal after the overflow event.

During the time of the inspection, inspectors observed two tanks with inadequate overflow protection. The overflow at the Shenandoah tank did not have an attached flap valve or 24-mesh screen. The overflow at the Buddy West tank was submerged in water and the flap valve was unable to properly seal. Therefore, the System is in noncompliance with Minimum Design Standards Part 10.5(e), for failure to have proper protection on storage tank overflows.

4. Pursuant to Minimum Design Standards, Part 10.17, a suitable sampling tap should be provided on all storage structures and be protected from public access. Smooth-nosed sampling tap(s) shall be provided to facilitate collection of water samples for both bacteriological and chemical analyses. The sample tap(s) shall be easily accessible.

At the time of inspection, threaded sample taps were observed on the Highway 154 tank and Tommy Lee Cook #1 pump station. Therefore, the System is in noncompliance with Minimum Standards Part 10.17, for failure to have smooth-nosed sampling taps at the Tommy Lee Cook #1 pump station.

5. Pursuant to Minimum Design Standards, Part 10.10(a), when a fixed ladder is used in the System, the bottom shall be located at least 12 feet above ground (refer to OSHA standard) to prevent the entrance of unauthorized personnel.

At the time of inspection, inspectors observed a ladder attachment still connected at the Buddy West tank. Therefore, the System is in noncompliance with Minimum Design Standards Part 10.10(a), for failure to have the fixed ladder at the Buddy West tank located at least 12 feet above ground.

Consistent with Section 1414(a)(1)(A) of the SDWA, 42 U.S.C. § 300g-3(a)(1)(A), the EPA is hereby notifying the System of the noncompliance it observed during its inspection. This Notice of Noncompliance shall not be construed as a final agency action subject to judicial review under Section 1414(g) of the SDWA, 42 U.S.C. § 300g-3(g). Within **seven** calendar days of receiving of this letter, the System must contact this Office to arrange a meeting to show cause why the EPA should not initiate legal proceedings against the System for these alleged violations. In lieu of appearing in the EPA's offices for this meeting, a video or telephone conference may be scheduled. The System should be prepared to provide all relevant information with documentation pertaining to the above alleged violations. The System is encouraged to provide documentation of such actions to EPA upon receiving this letter, or at the arranged meeting. The EPA's legal counsel may also be present at this meeting. Accordingly, the System has the right to have its legal counsel present. Please be advised that if the System fails to contact the EPA within seven calendar days of receiving this letter to schedule a meeting/conference, the EPA may proceed with a formal enforcement action against the System without further notice.

The System may, if it so desires, assert a confidential business information (CBI) claim covering any, or all, the information furnished to the EPA in response to this letter. Every CBI claim must be made in a manner described in 40 C.F.R. § 2.203 and must be fully substantiated with documentary evidence which shows how the claim meets every criterion listed in 40 C.F.R. §§ 2.208 and 2.304. If no CBI claim accompanies the System's information when it is received by the EPA, it may be made available to the public by the EPA without further notice to the PWS. Further details, including how to make a business confidentiality claim, are included in Enclosure A.

If you have any questions regarding this matter and/or to schedule a show cause meeting, please contact Charlotte Bunch, EPA Drinking Water Enforcement Officer, at bunch.charlotte@epa.gov. For legal inquiries, please have your attorney(s) contact Jay Khuti, Assistant Regional Counsel, at (404) 562-8390, or at khuti.jay@epa.gov

Sincerely,

LARRY
LAMBERTH

Digitally signed by
LARRY LAMBERTH
Date: 2023.04.14
13:01:02 -04'00'

for

Carol L. Kemker
Director
Enforcement and Compliance Assurance Division

Enclosure

cc: Manny Patel, GA EPD
Jay Boren, CEO of Coweta Water and Sewer Authority
Michael Ballew, Plant Superintendent, Coweta Water and Sewer Authority

ENCLOSURE A

RIGHT TO ASSERT BUSINESS CONFIDENTIALITY CLAIMS

(40 C.F.R. Part 2)

Except for information which deals with the existence, absence, or level of contaminants in drinking water, you may, if you desire, assert a business confidentiality claim as to any or all of the information that the EPA is requesting from you. Applicable EPA regulations relating to business confidentiality claims are at 40 C.F.R. Part 2 and 40 C.F.R. § 2.304(e).

If you assert such a claim for the requested information, the EPA will only disclose the information to the extent and under the procedures set out in the cited regulations. If no business confidentiality claim accompanies the information, the EPA may make the information available to the public without any further notice to you.

40 C.F.R. § 2.203(b). **Method and time of asserting business confidentiality claim.** A business which is submitting information to the EPA may assert a business confidentiality claim covering the information by placing on (or attaching to) the information, at the time it is submitted to the EPA, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as “trade secret,” “proprietary,” or “company confidential.” Allegedly confidential portions of otherwise non-confidential documents should be clearly identified by the business and may be submitted separately to facilitate identification and handling by the EPA. If the business desires confidential treatment only until a certain date or until the occurrence of a certain event, the notice should so state.