



REGION 4

ATLANTA, GA 30303

ELECTRONIC MAIL **CONFIRMATION OF EMAIL RECEIPT REQUESTED**

Bowman Wiley, Jr.
Owner
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Re: Notice of Noncompliance and Concerns Pursuant to Section 1414(a)(1)(a) and Request for Information Pursuant to Section 1445(a)(1) of the Safe Drinking Water Act, 42 U.S.C. §§ 300g-3(a)(1)(A) and 300j-4(a)(1), Arlington Terrace Mobile Home Park, Graystone Village, Koinonia Forest Park, Koinonia Village, Southern Hills Subdivision, and Towerview Subdivision Public Water Systems in Americus, Sumter County, Georgia. PWS ID Numbers: GA2610036, GA2610045, GA2610013, GA2610017, GA2610039, and GA2610057.
Docket Number: SDWA-1445- 2024-08

Dear James Bowman Wiley, Jr.:

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, several PWSs that you operate (collectively "Systems") meet the requirements of a "community water system" pursuant to Section 1401(15) of the SDWA, 42 U.S.C. § 300f (15):

- The Arlington Terrace Mobile Home Park Public Water System (Arlington Terrace) serves a population of approximately 38, with 15 service connections;
- Graystone Village Public Water System (Graystone Village) serves a population of approximately 89, with 33 service connections;
- Koinonia Forest Park Public Water System (Koinonia Forest Park) serves a population of approximately 84, with 31 service connections;
- Koinonia Village Public Water System (Koinonia Village) serves a population of approximately 70, with 26 service connections;

- Southern Hills Subdivision Public Water System (Southern Hills) serves a population of approximately 149, with 55 service connections; and
- Towerview Subdivision Public Water System (Towerview) serves a population of approximately 57, with 21 service connections.

A community water system is subject to the requirements of the National Primary Drinking Water Regulations, 40 C.F.R. Part 141, and the Georgia Primary Drinking Water Regulations, 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 (GA EPD) is the primary agency responsible for implementing and enforcing the Public Water Supply Supervision Program for Georgia. See O.C.G.A. § 12-5-171.

On June 27, 2024, a Drinking Water Inspection (Inspection) was conducted by the EPA, Region 4 Drinking Water Enforcement Section. A Report based on the findings of the Inspection was provided to the Systems on July 19, 2024. A copy of this Inspection Report was also provided to the GA EPD.

On July 18, 2024, GA EPD performed a follow-up site visit to the Systems. A trip report based on the findings from the site visit was provided to the Systems on July 24, 2024. A copy of this trip report was also provided to the EPA.

Notice of Noncompliance

Based on information observed during and following the Inspection, the EPA alleges that the Systems are in noncompliance with the SDWA, the National Primary Drinking Water Regulations, and the Georgia Primary Drinking Water Regulations, as described below:

1. Pursuant to Ga. Comp. R. & Regs. R. 391-3-5-.14, the supplier of water must continuously chlorinate the water to maintain a detectable residual of free chlorine in all parts of the distribution system in the recommended amount of at least 0.2 parts per million.

At the time of the Inspection, the free chlorine residual at Arlington Terrace, Koinonia Village, Southern Hills, and Towerview PWSs was less than 0.2 parts per million.

At the July 18, 2024, site visit performed by GA EPD, the free chlorine residual at Graystone Village and Koinonia Forest Park PWSs was less than 0.2 parts per million.

Therefore, the Arlington Terrace, Koinonia Village, Southern Hills, Towerview, Graystone Village, and Koinonia Forest Park PWSs are in noncompliance with Ga. Comp. R. & Regs. R. 391-3-5-.14 for failure to continuously chlorinate the water to maintain a detectable residual of free chlorine of at least 0.2 parts per million.

2. Pursuant to Ga. Comp. R. & Regs. R. 391-3-5-.09(d), chemical feed equipment shall be of such design and capacity to accurately supply, at all times, the treatment chemicals required.

At the time of the Inspection, the chlorine pumps at Arlington Terrace, Koinonia Village, and Towerview PWSs were inoperable.

At the July 18, 2024, site visit performed by GA EPD, the chlorine pump at Koinonia Forest Park PWS was inoperable.

Therefore, the Arlington Terrace, Koinonia Village, Towerview, and Koinonia Forest Park PWSs are in noncompliance with Ga. Comp. R. & Regs. R. 391-3-5-.09(d) for failure to maintain chemical feed equipment of such design and capacity to accurately supply the treatment chemical required.

3. Pursuant to Ga. Comp. R. & Regs. R. 391-3-5-.07(11)(c), for submersible pump installations, the well casing shall be provided with a sealed cover plate and, when required by the Division, vented by a screened riser pipe so that the screened opening terminated downward at least twelve (12) inches above the top of the casing or ground level.

At the time of the Inspection, multiple holes in the sanitary seals of the submersible wells were observed.

- a. The screen vent riser pipe at Arlington Terrace PWS Well 102 (main well) was not in place and was laying on the ground, leaving a hole exposed through the sanitary seal. System personnel reinserted the screen vent riser pipe while the EPA inspectors were onsite, but it was not securely attached, nor did it seal the hole.
- b. A gap between the cover plate and discharge head at Arlington Terrace PWS Well 102 was observed.
- c. The cover plate of the Graystone Village PWS well had a hole, which damaged the sanitary seal.
- d. The cover plate of the Towerview PWS was improperly sealed.

Therefore, the Arlington Terrace, Graystone Village, and Towerview PWSs are in noncompliance Ga. Comp. R. & Regs. R. 391-3-5-.07(11)(c) for failure to provide a sealed cover plate on the well casing and for failure to vent the well with a screen riser pipe.

4. Pursuant to Ga. Comp. R. & Regs. R. 391-3-5-.07(3), each well must be protected from contamination by surface waters and other sources of contamination.

At the time of the Inspection, leaks were observed in the wells at the following locations.

- a. Pipe from Arlington Terrace PWS Well 102.
- b. Well casing at Koinonia Forest Park PWS.
- c. Pipe from Towerview PWS well near the well casing.
- d. Pipe from Towerview PWS well near the finished water sampling tap.

Leaks present an opportunity for contamination to enter the wells. Therefore, the Arlington Terrace, Koinonia Forest Park, and Towerview PWSs are in noncompliance with Ga. Comp. R. & Regs. R. 391-3-5-.07(3) for failure to protect the wells from surface waters and other sources of contamination.

5. Pursuant to Ga. Comp. R. & Regs. R. 391-3-5-.10(4), it is the responsibility of the supplier of water to maintain the distribution system to prevent contamination of the drinking water and to provide the required pressure and flow at all times.

At the time of the Inspection, a leak was observed in the pipe from the storage tank to the distribution system at Koinonia Forest Park PWS.

Leaks present an opportunity for contamination to enter the distribution system. Therefore, the Koinonia Forest Park PWS is in noncompliance with Ga. Comp. R. & Regs. R. 391-3-5-.10(4) for failure to maintain the distribution system to prevent contamination of drinking water.

6. Pursuant to Ga. Comp. R. & Regs. R. 391-3-5-.07(14), the pumping and water treatment equipment shall be protected from unauthorized entry and use by an enclosed shelter or enclosed by a fence. In addition, the water treatment equipment shall be enclosed in a weather-proof shelter.

Pursuant to Ga. Comp. R. & Regs. R. 391-3-5-.10(12), public water distribution network and its related components must be protected to prevent unauthorized tampering.

At the time of the Inspection, multiple opportunities for uncontrolled access to the Systems were observed.

- a. The door at Koinonia Forest Park PWS well was unlocked upon arrival at the System.
- b. The knee-high picket fence at Graystone Village PWS does not provide adequate site security, as it can be stepped over to gain entry to the PWS. The PWS is located in the front yard of a home where a dog remains chained and able to come within approximately 15 feet of the PWS.
- c. The door at Graystone Village PWS was unlocked upon arrival at the System.
- d. Towerview PWS lacks any fence to protect the System from unauthorized entry.

Therefore, the Koinonia Forest Park, Graystone Village, and Towerview PWSs are in noncompliance with Ga. Comp. R. & Regs. R. 391-3-5-.07(14) and Ga. Comp. R. & Regs. R. 391-3-5-.10(12) for failure to protect water treatment equipment and distribution components from unauthorized tampering.

7. Pursuant Ga. Comp. R. & Regs. R. 391-3-5-.05(3), beginning January 1, 1998, all new, additions, or extensions to public water systems shall be designed and constructed in accordance with the latest edition of the Division's "Minimum Standards for Public Water Systems."

Pursuant to “Minimum Standards for Public Water Systems” 6.1.e., the minimum effective storage volume of pressure tanks, in gallons, shall equal the peak demand, in gallons per minute, minus the pumping capacity, multiplied by 20.

At the time of the Inspection, the finished water storage at Koinonia Forest Park PWS did not meet the Minimum Standards requirement for storage capacity. The owner of the PWS was notified by GA EPD of the updated storage capacity requirement on October 26, 2022, and was given thirty days to submit plans and specifications for the modification of the storage. The PWS did not submit a plan within thirty days and has not met the Minimum Standards.

Therefore, the Koinonia Forest Park PWS is in noncompliance with the Minimum Standards for Public Water Systems for failure to have the minimum effective storage volume.

8. Pursuant to Ga. Comp. R. & Regs. R. 391-3-5-.09(1)(l), water sampling taps shall be placed in the water treatment facility, as may be required by the Division, for obtaining water samples to perform laboratory tests to ensure the proper functioning of the water treatment facility.

At the time of the Inspection, the finished water sample tap at Towerview PWS was downstream of the chlorine injection port. The chlorine injection port is the only treatment performed at the PWS.

Therefore, the Towerview PWS is in noncompliance with Ga. Comp. R. & Regs. R. 391-3-5-.09(1)(l) for failure to place the water sampling taps in a location to accurately test the functioning of the water treatment.

9. Pursuant to Ga. Comp. R. & Regs. R. 391-3-5-.07(11)(a), a concrete slab with a minimum thickness of six inches shall be constructed around the well casing and shall extend at least two feet in all directions, and slope away, from the casing.

Pursuant to Ga. Comp. R. & Regs. R. 391-3-5-.07(3), each well must be protected from contamination by surface waters and other sources of contamination.

At the time of the Inspection, the concrete slab at the Towerview PWS well was cracked. Cracks in the concrete slab can act as pathways for contamination to enter the raw water.

Therefore, the Towerview PWS is in noncompliance with Ga. Comp. R. & Regs. R. 391-3-5-.07(11)(a) for failure to maintain the concrete slab constructed around the well casing and Ga. Comp. R. & Regs. R. 391-3-5-.07(3) for failure to protect the well from contamination.

10. Pursuant to 40 C.F.R. § 141.33, any owner or operator of a public water system subject to the provisions of this part shall retain on its premises, or at a convenient location near its premises, the following records:

- a) Records of action taken by the system to correct violations of primary drinking water regulations shall be kept for a period not less than 3 years after the last action taken with respect to the particular violation involved.
- b) Copies of any written reports, summaries or communications relating to sanitary surveys of the system conducted by the system itself, by a private consultant, or by any local, State or Federal agency, shall be kept for a period not less than 10 years after completion of the sanitary survey involved.
- c) Records concerning a variance or exemption granted to the system shall be kept for a period ending not less than 5 years following the expiration of such variance or exemption.
- d) Copies of public notices issued pursuant to subpart Q of this part and certifications made to the primacy agency pursuant to § 141.31 must be kept for three years after issuance.
- e) Copies of monitoring plans developed pursuant to this part shall be kept for the same period of time as the records of analyses taken under the plan are required to be kept under paragraph (a) of this section, except as specified elsewhere in this part.

At the time of the Inspection, all six PWSs did not adhere to the required retention policy for records. Missing records include, but are not limited to, Stage 2 disinfection byproduct sampling plan, Stage 2 disinfection byproduct monitoring results, Consumer Confidence Reports, and bacteriological sample siting plan.

Therefore, the Arlington Terrace, Graystone Village, Koinonia Forest Park, Koinonia Village, Southern Hills, and Towerview PWSs are in noncompliance with 40 C.F.R. § 141.33 for failure to follow the records retention schedule as outline and for failure to maintain records on the premises.

11. Pursuant to 40 C.F.R. § 141.31, except where a shorter period is specified in this part, the supplier of water shall report to the State the results of any test measurement or analysis required by this part within
 - 1) The first ten days following the month in which the result is received, or
 - 2) the first ten days following the end of the required monitoring period as stipulated by the State, whichever of these is shortest.

At the time of the Inspection, the Monthly Operation Reports at all six PWSs were not available for review.

Therefore, the Arlington Terrace, Graystone Village, Koinonia Forest Park, Koinonia Village, Southern Hills, and Towerview PWSs are in noncompliance with 40 C.F.R. § 141.31 for failure to

report to the State the results of measurements and analyses within the first 10 days following the end of the month.

12. Pursuant to 40 C.F.R. § 141.85, all water systems must deliver a consumer notice of lead tap water monitoring results to persons served by the water system at sites that are tested, as specified in paragraph (d) of this section.

At the time of the Inspection, staff stated that the Lead and Copper Rule monitoring results for all six of the PWSs were not delivered to customers at sites that are tested.

Therefore, the Arlington Terrace, Graystone Village, Koinonia Forest Park, Koinonia Village, Southern Hills, and Towerview PWSs are in noncompliance with 40 C.F.R. § 141.85 for failure to provide the results of lead tap water monitoring to the customers served at the test sites.

Notice of Concerns

During the June 2024 Inspection, the EPA identified several areas of concern. An area of concern may include a defect in design, operation, and/or maintenance; or a failure or malfunction of the sources, treatment, storage, and/or distribution system that is causing, or has the potential for causing, the introduction of contamination into the water delivered to consumers.

The following areas of concern were noted in the Inspection Report, which the EPA recommends the System take immediate action to address:

1. At the time of Inspection, threaded taps were observed at all the wells at all six PWSs.

It is recommended that threaded taps be outfitted with backflow prevention devices or replaced with smooth-nosed sampling taps to eliminate the risk of cross-connections.

2. At the time of the Inspection, no backup power is available to power the wells at any of the six PWSs in the event of an outage.

It is recommended that all Systems have a form of backup power to continue operations in the event of a power outage.

3. The owner of the five Systems stated that the wells are visited once or twice a month by the certified operator and approximately once per week by the owner.

It is recommended that all Systems be monitored daily. A log should be kept documenting any information pertinent to the PWSs, including master meter reading, measured chlorine residual, and pressure. Daily checks will ensure that any issues in the operation of the Systems are caught and corrected expeditiously.

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 Systems 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). The EPA reserves its rights to take any appropriate enforcement action, which may include issuance of administrative compliance orders under Section 1414(g) of the SDWA, 42 U.S.C. § 300g-3(g) or commencement of civil judicial actions under Section 1414(b) of the SDWA, 42 U.S.C. § 300g-3(b).

Request for Information

Section 1445(a)(1) of the SDWA, 42 U.S.C. § 300j-4(a)(1), and 40 C.F.R. § 141.31 authorize the EPA to require the submittal of information to determine whether a public water system is in compliance with federal drinking water regulations. Pursuant to this authority, the EPA hereby requests that the Systems provide the EPA with documentation of any actions that the Systems has taken to address each instance of noncompliance alleged herein within 14 calendar days of receipt of this letter. Such documentation may include, but need not be limited to, contracts, scopes of work, additional capital improvement project plans and/or evidence of actions taken to address these observations.

The EPA encourages the submission of this information in electronic format to Whitney Buehler at buehler.whitney@epa.gov. If portions are too large or responsive documents are unavailable in electronic format, please notify Whitney Buehler in your electronic submission that additional information needs to be sent and to make arrangements for an alternative submission method.

Please be advised that, under Section 1445(c) of the SDWA, 42 U.S.C. § 300j-4(c), as amended by 40 C.F.R. § 19.4, Table 1 (Adjustment of Civil Monetary Penalties for Inflation), failure to provide the information required by this letter may result in a civil penalty of up to \$69,733. In addition, under SDWA Section 1414(g), 42 U.S.C. § 300g-3(g), failure to provide the information required by this letter may result in an order requiring compliance. Violation of such order may lead to sanctions under SDWA Section 1414, 42 U.S.C. § 300g-3(g)(3)(A) and 40 C.F.R. § 19.4, Table 1, which may include penalties of up to \$69,733 per day of violation. The information provided in response to this letter may be used by the United States in any enforcement proceeding related to this matter.


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.

Consistent with Sections 1414(a)(1) and 1445(a)(1)(B) of the SDWA, 42 U.S.C. §§ 300g-3(a)(1) and 300j-4(a)(1)(B), the EPA is also providing a copy of this Notice and Request for information to GA EPD.

If you have any questions, please contact Whitney Buehler, Drinking Water Enforcement Officer, at buehler.whitney@epa.gov or (404) 562-9739. For legal inquiries, please have your attorney(s) contact Bianca Jaikaran, Assistant Regional Counsel, at Jaikaran.bianca@epa.gov or (404) 562-9680.

Sincerely,

**KERIEMA
NEWMAN**

 Digitally signed by KERIEMA
NEWMAN
Date: 2024.09.11 12:49:24 -04'00'

Keriema S. Newman
Director
Enforcement and Compliance Assurance Division

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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 nonconfidential 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.