



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

**VIA ELECTRONIC MAIL**  
**CONFIRMATION OF EMAIL RECEIPT REQUESTED**

John Waddle  
President  
North Greene Utilities, Inc.  
6470 Horton Highway  
Greenville, Tennessee 37745  
johnwaddle1@msn.com

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), North Greene Utilities, Inc. Public Water System, Greenville, Tennessee, PWS ID Number: TN0000274

Dear John Waddle:

The U.S. Environmental Protection Agency is responsible for assuring public water systems (PWSs) 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. Based on information contained in the Safe Drinking Water Information System, the North Greene Utilities, Inc. Public Water System (North Greene PWS or System) serves a population of approximately 5,912, with 2,433 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 (NPDWR), 40 C.F.R. Part 141, and the Tennessee Primary Drinking Water Regulations (TPDWR), promulgated pursuant to the Tennessee Safe Drinking Water Act of 1983, Tennessee Code § 68-221-701.

Pursuant to SDWA Section 1413, 42 U.S.C. § 300g-2, the Tennessee Department of Environmental Quality (TDEC) has primary responsibility for the implementation and enforcement of the public water supply program in Tennessee. See T.C.A. § 0400-45-01-.02(1).

**Notice of Noncompliance**

Based on information observed during a drinking water inspection conducted jointly by the EPA and TDEC on June 5-6, 2023, the EPA alleges that the North Greene PWS is in noncompliance with the SDWA, the NPDWR and TPDWR, as described below:

1. Pursuant to 40 C.F.R. § 141.86(b)(2), each first-draw tap sample for lead and copper shall have stood motionless in the plumbing system of each sampling site for at least six hours. First-draw tap samples may be collected by the System, or the System may allow residents to collect first

draw samples after instructing the residents of the sampling procedures specified in 40 C.F.R. § 141.86(b)(2).

During the time of the inspection, it was observed that the System's 2015 Lead and Copper Rule customer collection forms were missing the following required information: time of last use; date and time of collection; and signature of sampler. Without having the written required information on the form, it is not possible for the System to determine if a sample has been collected properly. Therefore, the System is in noncompliance with 40 C.F.R. § 141.86(b)(2), for failure to ensure that Lead and Copper Rule samples were appropriately collected.

2. Pursuant to T.C.A. Title 400, Chapter 45, Section 01-.20(a), (f), and (h), any owner or operator of a public water system subject to the provisions of these rules shall retain on its premises or at a convenient location near its premises the following records:

Section 01-.20 (a): Records of bacteriological analysis made pursuant to these rules shall be kept for not less than five years. Records of chemical analyses made pursuant to these rules shall be kept for not less than ten years.

Section 01-.20 (f): Records of turbidity analysis shall be maintained for not less than five years. These records shall include daily worksheets, calibration data and strip charts. The strip charts shall be labeled each day the system operates with the date, time, place of collection, operator's initials, and the operating scale of the instrument.

Section 01-.20 (h): Cross-connection plans and inspection records, complaint logs, facility maintenance records, and storage tank inspection records shall be kept for five years.

At the time of the inspection, System staff were unable to produce all bacteriological, turbidity, and cross-connection records outlined above. While TDEC confirmed some of the required documentation, System staff had a difficult time producing records and were not able to locate several required records during the time of the inspection. Therefore, the System is in noncompliance with T.C.A. Title 400, Chapter 45, Section 01-.20 (a), (f), and (h) for failure to retain relevant records related to bacteriological analysis, turbidity, and cross-connection plans.

3. Pursuant to T.C.A. Title 400, Chapter 45, Section 01-.17(a), all buildings and equipment used in and for the production and distribution of water (to include chemical and other storage buildings) must be well maintained and be reliable and fit for the purpose for which they are used. This includes, but is not limited to:

Section 01-.17 (a): When a water treatment plant (WTP) is not producing water and an operator is not in attendance, plant entrances must be locked.

During the inspection, it was observed that a section of the fence surrounding the System was removed due to construction. In addition, the gate to the System's intake was found open during the inspection. Therefore, the System is in noncompliance with T.C.A. Title 400, Chapter 45, Section 01-.17(a), for failure to lock entrances around the System and at the intake gate.

4. Pursuant to T.C.A. Title 400, Chapter 45, Section 01-.17(b), equipment such as chemical feeders, pumps, turbidimeters, pumpage meters, alarm systems, and air tanks shall be maintained and in good working condition. Pumps, tanks, hoses, and other equipment used by system personnel

shall be disinfected and dedicated, to its use, if it comes into contact with water that may be consumed by humans.

During the time of the inspection, it was observed that the sedimentation basin split port and baffled area had excessive bio-growth. In addition, the inspection team observed an excessive amount of vegetative growth around the baffled areas. The team also observed excessive leakage at both pumps in the Pine Grove Pump Station. At the time of the inspection, neither of the pumps were operating. Therefore, the System is in noncompliance with T.C.A. Title 400, Chapter 45, Section 01-.17(b), for failure to maintain the sedimentation basin split port and baffled area clean and free of bio-growth buildup and vegetation. The System is also in noncompliance with T.C.A. Title 400, Chapter 45, Section 01-.17(b) for failure to maintain the Pine Grove Pump Station pumps in good working condition.

5. Pursuant to T.C.A. Title 400, Chapter 45, Section 01-.17(3), all water quality tests shall be made in accordance with methods acceptable to TDEC. Laboratory tests pertinent to proper operation shall be prescribed by TDEC for each community water system. TDEC's Drinking Water Monitoring Program requires that the System complete daily monitoring testing.

The System's 2023 Daily Data Records, as reviewed by the inspection team, were missing daily monitoring measurements on several dates for the months of February, March, and May. Therefore, the System is in noncompliance with T.C.A. Title 400, Chapter 45, Section 01-.17(3), for failure to complete daily monitoring testing as required by the Drinking Water Monitoring Program provided by TDEC.

6. Pursuant to T.C.A. Title 400, Chapter 45, Section 01-.17(33), all public water systems shall properly maintain their distribution system, finished water storage tanks, and clearwells.

During inspection of the distribution system assets, the inspection team noted the following at each tank:

- a) Pine Grove Tank
  - a. Tank premises were not mowed.
  - b. Adjacent tree branches extended to the top of the tank.
  - c. Level indicator on tank was not functioning properly.
- b) Golf Course Tank
  - a. Premises around the tank had tall grass that had not been mowed.
  - b. The 2019 Tank Inspection Report, conducted by a professional engineer, noted that the tank had lead paint on the interior and exterior of the tank and recommended abatement and repainting as soon as possible. During the June 2023 Inspection, the inspection team asked System staff for an update on this observation, and System staff stated they were unaware of the 2019 finding. The abatement and repainting of the tank has not been completed by the System.
- c) Hawkins Lane Tank
  - a. Premises around the tank had tall grass that had not been mowed.
  - b. Tank had vines growing on it.

- d) Mosheim Tank
  - a. Screen in overflow was not in place.

Therefore, the System is in noncompliance with T.C.A. Title 400, Chapter 45, Section 01.17(33), for failing to properly maintain the System's finished water storage tanks.

### **Notice of Concerns**

During the June 2023 inspection, the inspection team 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 EPA recommends North Greene PWS take immediate action to address the following areas of concern noted in the Inspection Report:

1. The inspection team noticed that System staff had difficulty accessing some of the System's assets because they either had an incorrect key or the keys did not work.

It is recommended that System staff keep and accurately label/tag keys to easily access System assets for regular inspection visits and maintenance.

2. The inspection team noticed a lack of regular housekeeping throughout the System. Observations included:
  - a. The Locust Springs Booster Station had a lot of debris.
  - b. The Hallway to access the clearwell hatch had lots of tubing on the floor, which can create a tripping hazard.
  - c. The inspection team observed paint and cleaning products being stored near the chlorine tanks.

It is recommended that the System's assets are kept clean and free of debris. The WTP floor should be kept clear of tripping hazards. Paint and cleaning products should be stored away from chemicals used in the treatment of drinking water. Incompatible chemicals can create toxic conditions when mixed, which could occur at the WTP if there were a spill.

3. The 2019 Emergency Response Plan had outdated information.

It is recommended that the System update the Emergency Response Plan when changes to the System or staff take place.

4. The inspection team noted that System staff did not disinfect the portable sample tap attachment used to collect bacteriological samples.

It is recommended that System staff disinfect bacteriological sampling equipment between sampling points to avoid cross contamination.

5. The System lacks emergency power at the WTP and distribution system and both operators shared different versions of the process to follow during emergencies.

It is recommended that the System develop a protocol to ensure emergency power can be secured during emergencies. All System staff should be aware of proper protocols to follow in the event of an emergency.

6. A flushing program has not been developed by the System and flushing records were not available for review during the inspection.

It is recommended for the System to develop a flushing program with a schedule to ensure all System's dead ends are flushed properly and routinely, and reduce water age across the distribution system. Additionally, it is recommended that the System maintain records for all flushing events.

7. A valve exercising program has not been developed by the System.

It is recommended that the System develop a valve exercising program with a schedule to ensure all valves are operational when needed.

8. A Capital Improvement Plan (CIP) has not been developed by the System.

It is recommended that the System develop a CIP. When utilized properly, a CIP will provide the System a comprehensive outline to guide the allocation of funds for significant infrastructure projects. The CIP should be developed to plan for the community's infrastructure needs.

9. During the inspection, the inspection team became aware that routine inspections of tanks are not being conducted by System staff. It was estimated that the tanks had not been visited in a year, which was confirmed by the lack of maintenance on the tank grounds.

It is recommended that the System conduct routine inspections on a daily to weekly basis. A routine visual inspection schedule to monitor tank conditions is recommended to allow for the prompt identification and remediation of any issues that may occur.

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 such noncompliance. 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 receipt 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 it for these 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 violations. The EPA's legal counsel may also be present at this meeting. Accordingly, the System has the right to have its legal counsel present.

The System may assert a confidential business information (CBI) claim covering any, or all 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 System. Further details on how to make a CBI claim are included in Enclosure A.

If you have any questions regarding this matter or to schedule a show cause meeting, please contact Rebecca Quiñones, the EPA Drinking Water Senior Enforcement Officer, at (404) 562-9282 or [quinones.rebecca@epa.gov](mailto:quinones.rebecca@epa.gov). For legal inquiries, please have your attorneys contact Jay Khuti, Assistant Regional Counsel, at (404) 562-8390 or [khuti.jay@epa.gov](mailto:khuti.jay@epa.gov). Please be advised that if the System fails to contact Rebecca Quiñones within seven calendar days of receiving this letter to schedule a meeting/conference, the EPA may proceed with formal enforcement against the System without further notice.

Sincerely,

**KIMBERLY**  
**BINGHAM**  
Digitally signed by  
KIMBERLY  
BINGHAM  
Date: 2023.08.08  
13:29:31 -04'00'

*for* Keriema S. Newman  
Acting Director  
Enforcement and Compliance Assurance Division

Enclosure

cc: Jessica Murphy, TDEC  
[Jessica.murphy@tn.gov](mailto:Jessica.murphy@tn.gov)

## 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.