



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

ELECTRONIC MAIL
CONFIRMATION OF EMAIL RECEIPT REQUESTED

The Honorable Ronnie Ridley
Chairman and CEO
155 Van Wert Street
Buchanan, Georgia 30113
ronnieridley@haralsoncountyga.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): Haralson County Water Authority Public Water System in Tallapoosa, Georgia. PWS ID Number: GA1430007

Dear Chairman Ridley:

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 Haralson County Water Authority Public Water System (Haralson County PWS or System) serves a population of approximately 12,000, with 5,500 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 at 40 C.F.R. Part 141, and the Georgia Primary Drinking Water regulations, promulgated pursuant to the Georgia Safe Drinking Water Act of 1997, GA. Act No. 231 O.C.G.A. Section 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 the State of Georgia. *See* GA. Administrative Code § 391-3-5-.37 On December 15, 2022, a drinking water inspection was conducted by the EPA and EPD. The EPA subsequently sent an inspection report to Haralson County on January 12, 2023. The inspection report was based on observations made by the EPA inspection team, records and reports maintained by the System. This Notice only addresses observations of alleged noncompliance and additional areas of concern that remain unaddressed following the inspection.

Notice of Noncompliance

As detailed in the inspection report, the EPA alleges that the System is in noncompliance with the SDWA, the National Primary Drinking Water regulations, and the Georgia Primary Drinking Water regulations, as described below:

1. Pursuant to 40 C.F.R. § 141.853(a)(1), Systems must develop a written sample siting plan that identifies sampling sites and a sample collection schedule that are representative of water throughout the distribution system.

The System did not have a complete Stage 2 Disinfection Byproducts (DBP) sampling plan or complete Bacteriological sampling plan onsite at the time of inspection. The partial plans included a list of sampling locations but were missing the monitoring frequencies. Therefore, the System is in noncompliance with 40 C.F.R. § 141.853(a)(1) for not obtaining complete Stage 2 DBP and Bacteriological sampling plans.

2. Pursuant to Ga. Comp. R. & Regs. 391-3-5-.05(3), Systems must be designed and constructed in accordance with the “GA Minimum Design Standards for Public Water Systems” (hereinafter, “Minimum Design Standards”) Pursuant to Minimum Design Standard 5.2.1(c)(2), wells must be protected from contamination by surface waters and other sources of contamination.

During the inspection, EPA inspectors observed significant holes in the casing of both Sims wells #2 and #3. Additionally, the Sims well #2 casing did not lay flush on the piping. Therefore, the System is in noncompliance with GA Minimum Design Standards 5.2.1(c)(2) for inadequate well protection.

3. Pursuant to Minimum Design Standard 7.7(a)(1), fluoride chemicals should be isolated from other chemicals to prevent contamination.

During the inspection, the EPA, inspectors observed the fluoride being pumped and stored in the same room as the aluminum sulfate and phosphate. Therefore, the System is in noncompliance with Minimum Design Standard 7.7 (a)(1) for not isolating fluoride from other chemicals.

4. Pursuant to Minimum Design Standard 8.6(e), chemicals shall be located, and protective curbing provided (containment), so that chemicals from equipment failure, spillage or accidental drainage shall not enter the water through conduits, treatment, storage basins, or result in hazardous or unpermitted discharge.

During the inspection, the EPA inspectors observed the flouride, aluminum sulfate, and phosphate chemicals without proper secondary containment. Therefore, the System is in noncompliance with Minimum Design Standard 8.6(e) for inadequate containment of chemicals.

5. Pursuant to Minimum Design Standard 10.2(b), fencing, locks on access manholes, and other necessary precautions shall be provided to possibly prevent trespassing, vandalism, and sabotage.

During the inspection, the EPA inspectors observed an unlocked lid at the Sim’s tank clearwell. Therefore, the System is in noncompliance with Minimum Design Standard 10.2(b) for inadequate protection of finished water storage.

6. Pursuant to Minimum Design Standards 10.5(e) overflows shall be protected with twenty-four mesh non-corrodible screen and/or flap valve.

During the inspection, the EPA inspectors observed finished water storage tanks with inadequate overflow protection at the front storage tank and Sims clearwell. Additionally, the overflows at all observed finished water storage tanks did not contain a twenty-four mesh screen. Therefore, the System is in noncompliance with Minimum Design Standard 10.5(e) for inadequate overflow protection.

7. Pursuant to GA. Comp. R. & Regs. 391-3-5-.14(12), all Systems under the direct influence of surface water must develop an Operations and Maintenance Plan in accordance with the “Georgia Operation and Maintenance Plan - Guidance Manual for Preparing Public Water Supply System O&M Plans” (hereinafter, “O&M Plan”). Pursuant to O&M Plan 3.2, finished water storage 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.

During the inspection, System staff indicated that the basement concrete clearwell and back concrete clearwell do not have a routine inspection protocol. Therefore, the System is in noncompliance with GA Operation and Maintenance Plan 3.2 for inadequate maintenance of finished water storage.

8. Pursuant to Minimum Design Standard 9.12.7, smooth-nosed sampling taps shall be provided for control purposes. Taps shall be located on each raw water source.

During the inspection, the EPA inspectors observed threaded sample taps at Sims wells #2 and #3. Therefore, the System is in noncompliance with Minimum Design Standard 9.12.7 for having incorrect sampling taps on the wells.

9. Pursuant to O&M Plan 3.1, a routine maintenance program for the distribution system would be valve operation and maintenance, such as checking packing glands for leakage.

During the inspection, the EPA inspectors noticed significant leaks at the Tallapoosa distribution pumps #1 and #2, and the Budapest booster station pump #2. Therefore, the System is in noncompliance with O&M Plan 3.1 for inadequate maintenance of distribution pumps.

10. Pursuant to O&M Plan 2.1(b)(6), the flocculation basins should be drained approximately every six months to check the condition of the paddles or blades, to remove any accumulation of settled material, and to check on the condition of the basin's structure.

During the inspection, the EPA inspectors observed a buildup of moss and vegetation in the flocculation basins. Therefore, the System is in noncompliance with GA Operation and Maintenance Plan 2.1(b)(6) for inadequate maintenance of the flocculation basins.

11. Pursuant to GA Comp. R. & Regs. 391-3-5-.13(6), a System shall require that all backflow prevention assemblies be field tested following installation, repair, relocation and at least annually thereafter.

The backflow protection devices are not being tested yearly. Therefore, the System is in noncompliance with GA Rule 391-3-5-.13(6) for failing to test its backflow protection devices annually.

Notice of Concerns

During the December 2022 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 following areas of concern were noted in the Inspection Report, which the EPA recommends Haralson County Water Authority PWS take immediate action to address:

1. During the inspection, the EPA inspectors observed staffing shortages that lead to increased use of overtime for operators.

The System should consider methods to obtain additional personnel to ensure the treatment plant is adequately staffed and all required tasks can be completed.

2. During the inspection, the EPA inspectors observed a large ant hill buildup near the garage door of Sim's well #3. This resulted in the door being incapable of fully closing.

The garage door should be free of obstructions so that it can close and lock properly. This action may possibly prevent tampering.

3. During the inspection, the EPA inspectors observed numerous pumps throughout the water treatment plant and distribution system that did not contain pump shaft guards.

Unprotected pump shafts represent a safety hazard for System personnel. Pump shafts should be adequately guarded to prevent harm or injury.

4. During the inspection, the EPA inspectors observed a leak and alum crystallization forming around alum feed pump #1.

Leaks may indicate that a pump is not operating as intended and buildup of crystallized alum may inhibit the function of the chemical pump. The System staff should perform maintenance on the pump to ensure that the pump continues to operate as intended.

5. During the inspection, the EPA inspectors observed a significant amount of corrosion throughout the System.

Components should be kept free of corrosion. Corrosion can prevent the safe handling and operation of the equipment.

6. During the inspection, the Budapest finished water storage tank had vegetation growth on and over tank security fencing.

Tank fences should be kept free of vegetation to ensure the integrity of the fencing and to possibly prevent unauthorized access over the fence.

7. During the inspection, the EPA inspectors observed feed lines in the chemical rooms that were not labeled.

The System should labeled all chemical feed lines to help avoid confusion among operators.

8. When reviewing records, the EPA inspectors noticed that the flushing records did not contain chlorine residuals nor the number of times flushing occurred.

The System should include the chlorine residuals and time flushed on the data log sheets. This information can help the System make educated modifications to their flushing protocol as needed.

9. When reviewing records, the EPA inspectors were verbally told that the generators are run weekly but there was no record of the generator activity.

The System should record each time the generator is run or tested. This measure validates that proper preventative maintenance of the generator is being performed.

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 County 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 receipt of this letter, the County must contact the EPA to arrange a meeting to show cause why the Agency should not initiate legal proceedings against the County 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 County should be prepared to provide all relevant information with documentation pertaining to the above alleged violations. The County is encouraged to provide documentation of such actions to the EPA upon receiving this letter, or at the arranged meeting. The EPA's legal counsel may also be present at this meeting. Accordingly, the County has the right to have its legal counsel present.

The County 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 that shows how the claim meets every criterion listed in 40 C.F.R. §§ 2.208 and 2.304. If no CBI claim accompanies the County'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. Details, including how to make a business confidentiality claim, are included in Enclosure A.

If you have any questions regarding this matter or to schedule a show cause meeting, please contact Brianna LaPapa, EPA Drinking Water Enforcement Officer, at (404) 562-8165, or lapapa.brianna@epa.gov. For legal inquiries, please have your attorney(s) contact Paula Feldmeier, Associate Regional Counsel, at (404) 562-8276, or at feldmeier.paula@epa.gov.

Please be advised that if the county fails to contact Brianna LaPapa within **seven** calendar days of receiving this letter to schedule a meeting/conference, the EPA may proceed with a formal enforcement action against the county without further notice.

Sincerely,

LARRY LAMBERTH Digitally signed by LARRY LAMBERTH
Date: 2023.04.14
13:11:01 -04'00' for

Carol L. Kemker
Director
Enforcement and Compliance Assurance Division

Enclosure

Cc: Ricky Hicks, Water Treatment Plant Operator 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.