REGION 4
ATLANTA, GA 30303

ELECTRONIC MAIL
CONFIRMATION OF EMAIL RECEIPT REQUESTED

Roy L. Perry
President of Wilk-Amite Water Association
1803 S Captain Drive,
Gloster, Mississippi 39638
wilkamitewater@gmail.com

Re: Notice of Noncompliance and Concerns and Request for Information Pursuant to Section 1445(a)(1) Pursuant to Sections 1414(a)(1)(A) and 1445(a)(1) of the Safe Drinking Water Act, 42 U.S.C. §§ 300g-3(a)(1)(A) and 1445(a)(1), Wilk-Amite Water Association, Gloster, Mississippi, PWS ID Number: MS0030007

Dear Roy L. Perry:

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 Wilk-Amite Water Association Public Water System (Wilk-Amite PWS or System) serves a population of 2,125 with 800 service connections and is therefore a community water system, pursuant to Section 1401(15) of the SDWA, 42 U.S.C. § 300f (15).

A community water system is subject to the requirements of the National Primary Drinking Water Regulations (NPDWRs), 40 C.F.R. Part 141, and the Mississippi Primary Drinking Water Regulations (MPDWRs), promulgated pursuant to the Mississippi Safe Drinking Water Act of 1997, Miss. Code Ann. § 46-21-1 et. seq. Pursuant to SDWA Section 1413, 42 U.S.C. § 300g-2, the Mississippi Department of Health (MSDH) has primary responsibility for the implementation and enforcement of the public water supply program in Mississippi.

On June 1, 2023, a Drinking Water Inspection (Inspection) was conducted jointly by the EPA and the MSDH. An Inspection Report based on the findings of the Inspection was provided to the System on August 8, 2023. A copy of this Inspection Report was also provided to MSDH.

Notice of Noncompliance

Based on information observed during the Inspection, the EPA alleges that the System is in noncompliance with the SDWA, the NPDWRs, and the MPDWRs, as described below:

1. Pursuant to 40 C.F.R § 141.91, any system subject to the requirements of this subpart shall retain on its premises original records of all sampling data and analyses, reports, surveys, letters, evaluations, schedules, State determinations, and any other information required by 40 C.F.R. §§ 141.81 through 141.88. Each water system shall retain the records required by this section for no fewer than 12 years.

   Although currently under an order with MSDH due to violations of the Lead and Copper Rule (LCR) requirements, at the time of the Inspection, the System was still unable to provide copies of its LLCR customer collection forms. Therefore, the System is in noncompliance with 40 C.F.R § 141.91 for failure to keep relevant records.

2. Pursuant to the MPDWRs Rule 1.8.1, no person shall install, permit to be installed or maintain any cross connection between a public water system and any other nonpublic water system or a line from any container of liquids or other substances, except as specifically authorized by this regulation, unless a backflow prevention assembly is installed between the public water system and the source of contamination.

   During the Inspection, the EPA Inspection Team identified threaded sampling taps at Well #1 and Well #2. Threaded sampling taps create connections that can cause backflow and contamination. Therefore, the System is in noncompliance with MPDWRs Rule 1.8.1 for failure to install suitable backflow prevention devices to prevent contamination of the water supply.

Notice of Concerns

During the Inspection, the EPA's Inspection Team identified one area 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 area of concern was noted in the Inspection Report, which the EPA recommends the System take immediate action to address:

1. At the time of the Inspection, the EPA inspectors observed that the Wilk-Amite PWS did not have a Stage 2 Disinfection By-Product (DBP) Plan onsite.

   It is recommended that the System maintain sampling plans that are readily available for onsite review.

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 Wilk-Amite PWS of the noncompliance observed during the 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 System provide the EPA with documentation of any actions that the System 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 Arturo Arzón, Drinking Water Enforcement Officer, at arzon.arturo@epa.gov. If portions are too large, or responsive documents are unavailable in electronic format, please notify Arturo Arzón 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 2 (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 $67,544. 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 2, which may include penalties of up to $67,544 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 MSDH.

If you have any questions regarding this matter and/or to schedule a meeting to discuss, please contact Arturo Arzón, Drinking Water Enforcement Officer, at arzon.arturo@epa.gov or (404) 562-9276.
For legal inquiries, please have your attorneys contact Jay Khuti, Assistant Regional Counsel, at (404) 562-8390 or khuti.jay@epa.gov.

Sincerely,

KERIEMA NEWMAN Digitally signed by KERIEMA NEWMAN
Date: 2023.12.13 14:34:42 -05'00'

Keriema S. Newman
Acting Director
Enforcement and Compliance Assurance Division

Enclosure

cc: Mr. William (Bill) Moody, MSDHMSDH

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 CFR § 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.