



**REGION 4**

ATLANTA, GA 30303

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

The Honorable Donald Mobelini  
Mayor  
City of Hazard  
P.O. Box 420  
700 Main Street  
Hazard, Kentucky 41701  
donald.mobelini@hazard.kyschools.us

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), Hazard Water Department in Hazard, Perry County, Kentucky, PWS ID Number: KY0970184, Docket Number: SDWA-1445-2024-02

Dear Mayor Mobelini:

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 Hazard Water Department Public Water System (System) serves a population of approximately 26,730, with 9,000 service connections. Pursuant to Section 1401(15) of the SDWA, 42 U.S.C. § 300f (15), the System 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 Kentucky Primary Drinking Water Regulations (KPDWRs), promulgated pursuant to the Kentucky Administrative Regulations, Title 401, Ch. 8 (401 KAR 8).

Pursuant to SDWA Section 1413, 42 U.S.C. § 300g-2, the Kentucky Energy and Environment Cabinet's Department of Environmental Protection (KDEP) is the primary agency responsible for implementing and enforcing the Public Water Supply Supervision Program for Kentucky. See 401 KAR 8:010. Although the KDEP administers the Public Water Supply Supervision Program for Kentucky pursuant to Section 1413 of the SDWA, the EPA retained primary enforcement authority over Section 1433 of the SDWA.

See 42 U.S.C. § 300g-3(g)(1) (granting the EPA administrative enforcement authority over “applicable requirements,” as defined at Section 1414(i), 42 U.S.C. § 300g-3(i)).

On October 24-25, 2023, the EPA conducted a drinking water inspection of the System. An inspection report was subsequently issued to the System on January 3, 2024 (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. A copy of this Inspection Report was also provided to the KDEP.

### **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 Kentucky Primary Drinking Water Regulations, as described below:

1. Pursuant to 40 C.F.R. § 141.74(c)(1), “Turbidity measurements as required by § 141.73 must be performed on representative samples of the system's filtered water every four hours (or more frequently) that the system serves water to the public. A public water system may substitute continuous turbidity monitoring for grab sample monitoring if it validates the continuous measurement for accuracy on a regular basis using a protocol approved by the State.”

Facility representatives stated that individual filter effluent (IFE) turbidity was monitored using in-line turbidity meters, but that combined filter effluent (CFE) turbidity was monitored by collecting manual grab samples. The System lacked a written SOP for either process. It was unclear how often CFE samples were being taken, and where they were being taken from.

Therefore, the System is in noncompliance with 401 KAR 8, Regulation 020, Section 3.6, for failure to provide adequate verification of grab sample location and frequency.

2. Pursuant to Section 1433(b) of the SDWA, 42 U.S.C. § 300i-2(b), “Each community water system serving a population greater than 3,300 shall prepare or revise, where necessary, an emergency response plan that incorporates findings of the [risk and resiliency] assessment conducted under subsection (a) for such system (and any revisions thereto).” The Risk and Resiliency Assessment (RRA) must include, among other things, an assessment of the operation and maintenance of the system. See 42 U.S.C. § 300i-2(a)(1)(A)(vi). The EPA interprets this requirement to include an identification of resources, including personnel to be contacted in an emergency, to be an integral part of the RRA and ERP. See generally “Community Water System Emergency Response Plan Template and Instructions,” EPA-816-B-19-003 (July 2019).

The System’s Risk and Resiliency Assessment (RRA) and Emergency Response Plan’s (ERP) emergency contact information were not up to date, and System representatives indicated that many of the people listed in the plans were no longer employed by the System.

Therefore, the System is in noncompliance with 42 U.S.C. § 300i-2, for failure maintain an RRA representative of the system and update contacts within the ERP.

3. Pursuant to 401 KAR 8, Regulation 020, Sections 3.12(b), “(b) The operation and maintenance manual shall be updated as necessary, but not less than annually, and shall be available for inspection by the cabinet.”

The System’s operation and maintenance (O&M) manual (which also contained sampling methods) was not updated to reflect current treatment practices. A note written on the inner cover of the manual indicated that the manual was last reviewed and updated in 2019, and that no changes were made since 2018. The O&M manual contained general guidance such as plant start-up procedures, daily operating procedures, testing procedures, and plant shut-down procedures, but the guidance is not always followed by the operators. For example, the plant start-up procedures indicate that the operator logs should be checked and updated at the start of every shift, but System representatives stated that the operators were not using daily logbooks. Additionally, the System lacked a written process control approach or control plan or any current written standard operating procedures (SOPs) for water treatment or the maintenance of the Plant’s equipment. The sampling procedures listed in the O&M manual were outdated and did not reflect current processes at the Plant. The System also lacked current written SOPs for routine maintenance or key performance indicators (KPIs). The System had guidance on how to operate various components of the System, but a representative stated that operators relied on institutional knowledge to operate the System.

Therefore, the System is in noncompliance with 401 KAR 8, Regulation 020, Sections 3.12(a) and (b), for failure maintain updated operation and maintenance manuals.

4. Pursuant to 401 KAR 8, Regulation 020, Section 3.6, “The owner or operator of a public water system shall operate and maintain the facilities and systems of treatment, intake, and distribution to comply with the provisions of 401 KAR Chapter 8 including effective performance; preventive maintenance.”

In regard to the operation and maintenance of the plant, as well as process control monitoring and preventative maintenance, the EPA Inspection Team observed the following:

- a. The System lacked operator logs which track daily activities such as corrective and preventative maintenance, routine Plant inspections, and sampling activities. System representatives stated operators walk through the treatment plant daily, but observations were not formally written down and there was no formal debriefing process between shifts.
- b. The System lacks a SCADA system for the treatment plant, and therefore are not programming operational setpoints or alarms related to the treatment process. Chemical dosing rates, equipment failures, and operational status of various equipment at the treatment plant are not monitored remotely. Pumps are operated in “hand” mode.
- c. The System utilizes a SCADA system for various distribution system assets. The SCADA system monitors parameters such as tank levels, pump activity, and intrusion alarms, and allows for the remote operating of pumps.

- d. However, the SCADA system was experiencing communication issues with pumps at multiple pump stations in the distribution system. The pumps that were experiencing the issues were set to “hand” mode and would only activate if an operator turned them on locally.
- e. At the time of the inspection, the System lacked a formal approach or management system (e.g., work order system or maintenance management system) to track maintenance activities for the water treatment plant. The System lacked a work order or asset management system for the treatment plant. In general, ongoing maintenance activities are not tracked. One operator maintains a partial logbook for maintenance activities that he performs at the plant, but this is not required of all operators. The System has backup equipment such as high service pumps and chemical injection pumps in a warehouse, but the System lacks a formal inventory of spare parts that they have on hand. A work order system for assets in the distribution system is utilized, but those assets are not formally tracked in an inventory either. The location of valves and lines, as well as unique attributes for the valves and lines (i.e., size, material, repairs that have been made, etc.) are not formally mapped or maintained in an inventory, and operators stated that they rely on institutional knowledge to repair assets in the distribution system.
- f. The screens on the intake tower were damaged and were not covering multiple openings leading into the intake tower. Trash/debris was present in various locations throughout the tower. There was no mechanism to remove trash/debris from the raw water prior to entering plant, and there was no form of secondary protection for the pumps.
- g. A full container of non-food-safe gear lubricant was stored approximately three feet from the uncovered rapid mix chamber inside of the treatment plant. The label on the container identified the lubricant as “Mobilube HD 85W-140.” Multiple containers of used oil were within several feet of the open rapid mix chamber.
- h. System representatives stated that the plant had experienced challenges with polyaluminum chloride lines that feed into the rapid-mix chamber becoming clogged and failing. The polyaluminum chloride lines extend outside of the building and therefore are exposed to outdoor elements such as cold/hot weather conditions and direct sunlight (refer to). There were three black chemical feed lines on the ground adjacent to the sedimentation tanks that ultimately led to the rapid mix chamber. Only one of the lines that was connected to the rapid-mix chamber was in use during the inspection, and System representatives indicated that the other two had failed at some point.
- i. Multiple structure failures were present in the concrete structure on which the polyaluminum chloride storage tank was stored. It appeared that cinder blocks had been stacked beneath the tank next to a cracked/failing concrete pillar that was supporting the weight of the tank.

- j. The coagulant storage tank contained approximately 1,300 gallons of polyaluminum chloride (the coagulant used by the System in the water treatment process), and System representatives stated approximately 100-150 gallons of coagulant are used per day. The tank had a total capacity of approximately 8,000 gallons. System representatives stated that they had expected a coagulant delivery on the first day of the inspection, but the truck never arrived.
- k. There was substantial concrete failure occurring along the sides of one of the sedimentation basins at the water treatment plant. There was vegetation growing through the cracks in the concrete wall, and rusted structural rebar was visible. The damage was present on both the interior and exterior of the basin, and cracks in the basin structure could be seen from the road next to the treatment plant, as well as from the riverside.
- l. The sludge removal system for the sedimentation basins was inoperable at the time of the inspection and there was a buildup of sludge in the tube settlers. System representatives stated operators were unable to use the designed sludge drains at the bottom of the sedimentation basins to remove settled solids because they were not functioning properly. They also stated that there was no regular schedule for removing all the solids from the basins.
- m. Filter backwash cycles are operated in “hand” mode rather than being programmed through local PLC. Operators manually backwash each filter for a nonspecific amount of time. Filter backwashes, as well as the uniqueness of each backwashing event, are not recorded in an operator log or via any other format.
- n. Immediately following the backwash of Filter No. 2, the Plant Manager re-opened the filter effluent valve. At this time (approximately 1:45 p.m.), the IFE in Filter No. 2 was approximately 0.182 NTU. Ten minutes later (1:55 p.m.), the IFE in Filter No. 2 was approximately 0.079 NTU. The plant O&M manual contained an SOP for backwashing the filters, but did not indicate a specific amount of time to indicate when to end the backwash and re-open the filter effluent valve. The SOP states, “Backwash until effluent in backwash trough is visibly clear” and does not cite a specific turbidity measurement as a key performance indicator.
- o. The actuator on the effluent valve for Filter No. 5 was experiencing a communication failure and therefore could not open/close the valve automatically during backwash cycles. The valve had to be opened/closed by hand during backwashing.
- p. The IFE turbidimeter for Filter No.6 was displaying turbidity readings that were approximately three times higher than the other filters (approximately 0.150 NTU). System representatives stated that the readings were inaccurate and attributed the high values to a failing turbidity sensor. System representatives stated that maintenance was scheduled for the turbidity sensor to try to resolve the issue. The paper wheel chart for the turbidity meter for Filter No. 6 also displayed higher values than the other filters.

System representatives were unsure of the calibration method between the values on the paper wheel chart and the values on the digital readouts. The paper wheel chart records turbidity as a percentage, but the System lacked written records stating how the two values were correlated.

- q. The exterior concrete wall of Filter No. 4 contained cracks, moisture, and bio growth adjacent to the filter to waste line. There was heavy corrosion/metal loss on the flange and bolts of the line.
- r. The check valve for one of the two high service pumps (Pump No. 1) had failed due to heavy corrosion. The valve cannot be opened fully, and the pump can only pump at approximately one third of its total design capacity. Therefore, the second high service pump (Pump No. 2) was the only pump in use at the time of the inspection. System representatives stated that the System did not have a spare pump on hand in the event that the functional high service Pump No. 2 failed. There was also heavy corrosion throughout the Pump No. 1 suction and discharge lines.

Therefore, the System is in noncompliance with 401 KAR 8, Regulation 020, Section 3.6, for failure to maintain the facilities and systems of treatment, intake, and distribution including effective performance and preventive maintenance.

- 5. Pursuant to 401 KAR 8, Regulation 020, Section 3.13, Flushing, states, "Each community water system shall establish and maintain a flushing program that ensures that: (a) Dead end and low usage mains shall be flushed periodically; (b) Drinking water standards shall be met; (c) Sediment and air shall be removed; and (d) Disinfectant residuals established in 401 KAR 8:150, Section 1 shall be maintained."

The System lacked a formal hydrant flushing program for the distribution system, including a schedule for flushing dead end lines, meeting drinking water standards, removing sediment and air, and achieving disinfectant residuals. System representatives stated that the Hazard Fire Department was responsible for flushing the hydrants, and that each hydrant was flushed twice yearly. However, the System did not have any documentation from the fire department that would have satisfied any of the program requirements listed above.

Therefore, the System is in noncompliance with KAR Title 401, Chapter 008, Regulation 020, Section 3.13, for failure to maintain a formal flushing program.

- 6. Pursuant to 401 KAR 8, Regulation 020, Section 3.2(d), "Every public water system shall determine if or where a cross-connection exists and shall immediately eliminate it."

The System did not have a formal cross-connection control plan that was available for review at the time of the inspection. System representatives stated that they had a plan at one point, but they were unsure of where it was located, and they were in the process of creating an updated one.

Therefore, the System is in noncompliance with 401 KAR 8, Regulation 020, Section 3.2(d), for failure to maintain a cross-connection control program verifying the identification and removal of cross-connections.

7. Pursuant to 401 KAR 8, Regulation 020, Section 3.12(a) requires that a public or semipublic water system have on the premises, or readily accessible to cabinet staff inspecting the system, an up-to-date map of the distribution system which shows line size, cutoff valves, and type of piping material in the distribution system and its location.”

Horizontal assets in the distribution system such as lines and their associated valves are not formally tracked or mapped. The locations of valves and lines are memorized by operators who have been employed by the system for the longest (i.e., the System relied on the institutional knowledge of operators for this information).

Therefore, the System is in noncompliance with 401 KAR 8, Regulation 020, Section 3.12(a), for failure maintain an up-to-date map of the distribution system.

### **Notice of Concerns**

During the October 2023 Inspection, the EPA inspectors 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, the entry hatch to the larger clearwell (400,000-gallon capacity) lacked a sanitary seal and a shoebox style cover/hatchway structure. The cover to the hatchway was not securely shut and contained a void around the edge, providing direct access to the clearwell. There was also heavy corrosion on the inner rim of the hatchway, and it appeared that paint/metal material had chipped off in some places. Additionally, the hatch could not be fully opened due to a pipe above the hatchway.

It is recommended that the system install a cover/hatchway structure for the clearwell. The structure should be equipped with adequate sanitary seal and interior paint/metal repaired to prevent further degradation.

2. At the time of Inspection, a threaded hose tap without backflow prevention was present next to the 400,000-gallon clearwell. The purpose of the threaded hose tap was unclear. Additionally, multiple threaded hose taps were present throughout the distribution system.

It is recommended that the system install backflow prevention devices at all potential cross connection sources around the treatment plant.

3. At the time of Inspection, internal tank inspection reports dated August 2020 for the Jacklot and Liberty Tanks documented both tanks to be in overall “poor condition.” It was unclear to the EPA Inspection Team if any repairs/maintenance have been conducted on the interior of these two tanks since the tank inspections were conducted in August 2020.

The following observations were made by the divers at the Jacklot Tank:

- a. The interior ladder was missing.
- b. There was heavy rust/coating loss on the man entries.
- c. The interior walls had medium staining and were beginning to show coating loss. The report recommended recoating “immediately.”
- d. The overflow was heavily rusted and in need of replacement.
- e. The coating on the ceiling of the tank was starting to rust and bubble, and the report recommended replacement.
- f. There were 4 inches of sediment on the bottom of the tank.
- g. The floor had approximately 40% paint loss, and the report recommended recoating.
- h. The report also recommended that the interior of the tank be scheduled for coatings “as soon as possible.”

The following observations were made by the divers at the Liberty Tank:

- a. The interior ladder was in poor condition and the supports had rusted away. The report recommended replacing the ladder.
- b. The man entry to the tank was functional but “extensively rusted.”
- c. The coating on the ceiling was heavily rusted and in “bad condition.”
- d. The interior walls were in “critical condition,” and were heavily corroded. The process was stopped before completion. On page 33 of the report it stated, “It was not safe to continue” wall inspection.
- e. The report stated that the “walls need to be repaired immediately or the tank needs to be taken off-line.”
- f. 70% of the interior area of the tank was rusted, and 90% of the area was experiencing paint loss.
- g. The floor of the tank was in “serious condition,” and the paint on the floor was bubbling.
- h. There was approximately 6 inches to 1 foot of sediment at the bottom of the tank. The sediment included debris such as rust chips and paint chips.
- i. In regard to the overall condition of the tank, the report stated that “The tank is in bad condition; it needs to be repaired or taken off-line.”
- j. The report stated that “Repairs are so extensive that it would require taking the tank off-line.”

A report outlining the most recent round of external water storage tank inspections that were conducted in March 2021 by Nesbitt Engineering cited numerous observations in regard to the condition of the tanks (refer to Appendix 2, Exhibit 5). The most common observations were the following:

- a. Multiple tanks lacked security fencing or locked gates.
- b. Multiple tank ladders were covered with brush/vegetation.
- c. Multiple tank ladders lacked barriers (i.e., ladder guards) to deny access.
- d. Portions of multiple access roads leading to the tanks were washed out/contained heavy rutting.
- e. Debris had fallen down the hill slopes behind multiple tanks and struck the tank wall.
- f. Heavy vegetation and trees were growing in close proximity to multiple tanks and on perimeter fences surrounding the tanks.
- g. Multiple tank shells had peeling paint/external damage.
- h. Multiple tank shells had vines growing on them.
- i. Multiple tank valve boxes were covered by plywood rather than a secure hatch.

It is recommended that the system correct all observations and recommendations provided on the most recent tank inspection reports.

4. At the time of inspection, the EPA inspection team observed that the following tanks had overflow pipes with screens larger than 24-mesh or did not contain adequate overflow protection:
  - a. Leatherwood Tank
  - b. Delphia Tank
  - c. Little Leatherwood Tank
  - d. Hall Mountain Tank
  - e. Grapevine Tank
  - f. Flat Gap Tank

It is recommended that the system screen all tank overflows with 24-mesh non-corrodible screen. A mesh-filtered mechanical flap valve is acceptable provided the flapper is supplied with non-corroding and non-seizing hinges. The flap valve should spring loaded, or counterweighted, so it closes and forms a tight seal after the overflow event.

5. At the time of the inspection, the EPA Inspection Team observed the following at the Liberty Tank:
  - a. The Liberty Tank site lacked a security fence, and there was graffiti on the tank exterior.
  - b. The ground next to the tank at the base of the hill slope was muddy/wet, and it appeared that water drained and collected at this location.
  - c. The tank was positioned at the base of a steep/rocky hill slope, and a rock was resting against the side of the tank. It appeared that the rock had rolled down the hill slope and struck the side of the tank.
  - d. The end of the overflow pipe was partially covered with sediment/debris, and it appeared that the flap valve would not be able to open in the event of an overflow.

It is recommended that the System construct a means of security around the tank, provide proper drainage to standing water around the tank, repair any structural damage caused by the boulder that struck the tank, and remove sediment/debris covering the overflow.

6. At the time of the inspection, the EPA Inspection Team observed the following at the ARH (Hospital) Tank:

- a. A tree was rubbing against the tank exterior.
- b. There was excessive vegetation growing around the sides of the tank.
- c. There was a threaded hose tap without backflow prevention extending off the fill line in the valve vault next to the tank.

It is recommended that the System remove tree branches within the vertical plane of the tank, remove excessive vegetation around the tank, and install a proper backflow prevention device on the threaded hose bib.

7. At the time of the inspection, the EPA Inspection Team observed the following at the Leatherwood Tank:

- a. A locked security fence surrounded the Leatherwood Tank site, but the doors of the fence were wide enough apart that a person could get through even when the chain was locked.
- b. The grout surrounding the base of the tank was heavily deteriorated and was missing in some places.
- c. Vegetation was growing through small cracks in the foundation beneath the tank, and a vine was growing on the side of the tank.
- d. The local level indicator was not functional on the side of the tank.

It is recommended that the System reduce the size of the gap between the fences doors, repair the deteriorated grout at the base of the tank, remove any vegetation within the foundation/exterior of the tank, and repair the level indicator.

8. At the time of the inspection, the EPA Inspection Team observed the following at the Pratt Mountain Tank:

- a. The local level indicator on the side of the tank was not functional.
- b. Both the security fence at the tank site and the valve box inside the fence line were unlocked.
- c. There was excessive vegetation growing on the fence surrounding the tank, as well as inside of the fence line. Operators stated that the person who owned the property around the tank didn't allow the System to cut the grass/vegetation.
- d. The EPA Inspection Team was unable to locate the terminus of the overflow line for the Pratt Mountain water tank.

It is recommended that the System repair the level indicator, lock both fences and valve box, remove excessive vegetation around the tank, identify the overflow pipe and ensure that it has adequate overflow protection.

9. At the time of the inspection, the EPA Inspection Team observed the following at the Hall Mountain Tank:

- a. The local level indicator on the side of the Hall Mountain water tank was not functional.
- b. There were tree branches brushing the side of the tank.
- c. A vine was growing on the side of the tank.

It is recommended that the System repair the level indicator, remove tree branches within the vertical plane of the tank, and remove vegetation growing on the tank.

10. At the time of the inspection, the EPA Inspection Team observed the following at the Grapevine Tank:

- a. There were gunshot marks in the tank's shell paint.
- b. There was a tree and heavy grassy vegetation surrounding the tank.
- c. A tree had fallen within 10 feet of the tank shell.
- d. The valve vault at the tank was cracked open for a communication wire.
- e. The communication box inside the tank's valve vault contained debris.
- f. A vine was growing on the side of the tank.
- g. The caulking protecting the bottom plate was missing in areas.

It is recommended that the System ensure adequate security around the tank and repair any damage to the tank's shell, remove excessive vegetation and debris on or around the tank, ensure proper seal at the valve vault, remove debris inside the valve vault, and repair caulking around the bottom plate.

11. At the time of the inspection, the EPA Inspection Team observed the following at the Flat Gap Tank:

- a. The perimeter security fence had been cut in the back corner fence line at the Flat Gap Tank.
- b. An approximately 1-inch gap was present between the flapper valve and end of the overflow pipe.

It is recommended that the System repair the damaged fence around the tank and repair the flapper valve so that forms a tight seal.

12. At the time of the inspection, the EPA Inspection Team observed the following at the Bulan Tank:

- a. The fence had been cut on the front gate.

- b. The overflow pipe and the flapper valve were located in heavy vegetation and its ability to open and close properly was unclear to the EPA Inspection Team.
- c. There was a threaded hose tap without backflow prevention inside of the valve vault.

It is recommended that the System repair the damaged fence gate, remove vegetation around overflow pipe and ensure that it has adequate overflow protection, and install a proper backflow prevention device on the threaded hose bib.

13. At the time of the inspection, the EPA Inspection Team observed the following at the Lotts Creek Tank:

- a. The ladder on the tank was overgrown with vegetation.
- b. There were two impact scars on the tank's shell that dented the shell and removed exterior coating.
- c. Multiple rocks were near or adjacent to the tank shell.
- d. There were multiple areas of paint loss and rust on the shell of the tank.
- e. There was a threaded hose tap without backflow prevention inside of the valve vault.

It is recommended that the System remove vegetation growing on ladder of the tank, assess damage at impact scars and repair as necessary, remove rocks/debris around the tank, address areas paint loss and rust around the shell of the tank, and install a proper backflow prevention device on the threaded hose bib.

14. At the time of the inspection, the EPA Inspection Team observed the following at the ARH (Hospital) Pump Station:

- a. The station's pressure release line drained in close proximity to a new backup generator pad and electrical conduit that were being installed outside of the pump station.
- b. There was a threaded hose tap without backflow prevention extending off the main water line inside of the pump station.

It is recommended that the System ensure proper drainage away from electrical conduits and install a proper backflow prevention device on the threaded hose bib.

15. At the time of the inspection, the EPA Inspection Team observed the following at the Grapevine Pump Stations Nos. 1 and 2:

- a. There was a hose off the distribution system line without backflow protection at the Grapevine No. 1 Pump Station.
- b. The screening covering the end of the pressure release line at the Grapevine No. 2 Pump Station had a bee's nest covering approximately 10% of the opening.

It is recommended that the System install a proper backflow prevention device on the threaded hose bib and remove the nest at the pressure release line.

16. At the time of the inspection, the EPA Inspection Team observed the following at the Hardburley Pump Stations Nos. 1 and 2:

- a. There were threaded hose taps without backflow prevention at both pump stations.
- b. Some areas of piping were rusted at Hardburley Pump Station #2.

It is recommended that the System install a proper backflow prevention device on all threaded hose bibs and sand/repaint any rusted piping components to prevent further degradation.

17. At the time of the inspection, the EPA Inspection Team observed threaded hose taps without backflow prevention at the Delphia Pump Station and Elk Run Pump Station.

It is recommended that the System install a proper backflow prevention device on all threaded hose bibs.

18. At the time of the inspection, approximately 20 bags of high-calcium hydrated lime were being stored in the liquid copper sulfate injection room. System representatives stated they no longer used lime in the treatment process and did not plan to resume the use of lime in the future. Multiple bags of powder activated carbon (PAC) were also stored in this room, and some of the bags were split open causing PAC to spill. System representatives stated that they were no longer using PAC in the treatment process.

It is recommended that the System dispose of or remove all chemicals that are no longer used from the treatment plant.

19. At the time of the inspection, the EPA Inspection Team observed that the chlorination building vents directly toward a playground that is onsite at the water treatment plant.

It is recommended that the System relocate the playground or relocate the vent location.

20. At the time of the inspection, the EPA Inspection Team observed a white stain was present outside on the pavement next to the chlorination building at the water treatment plant. Several containers of liquid sodium hypochlorite were being stored outdoors next to the stained asphalt.

It is recommended that the System store sodium hypochlorite containers in a secured and covered location.

21. At the time of the inspection, the work orders reviewed for distribution system maintenance were not detailed, and the protocol for generating work orders was unclear to the EPA Inspection Team. The work orders contained a date, but did not state whether the date was the day that the complaint was called in, or the date that the maintenance occurred. System representatives also indicated that they were recording the material of the lines that were worked on to help inform the Lead and Copper Inventory that will be required of all public water systems in October 2024. The work orders that were reviewed by the EPA Inspection Team did not list the material of the lines that were repaired/replaced.

It is recommended that the System develop a formal standard operating procedure for generating work orders. The work orders should be detailed in process, maintenance performed, material used/identified, and completion date.

22. At the time of the inspection, operators were unable to unlock the doors and hatchways to multiple pump stations due to damaged/malfunctioning locks. The EPA Inspection Team was unable to observe the inside of the Leatherwood Pump Station and the Hall Mountain Pump Station #2, and the operator could not lock the hatchway leading to the Hall Mountain Pump Station #1 after unlocking it during the inspection.

It is recommended that the System install functional locking mechanisms at the pump stations.

1) At the time of the inspection, logbooks inside each pump station were mostly blank. Operators stated that the logbooks were no longer used and that iPads were used during weekly inspections of the pump stations. The iPads were not available for the EPA Inspection Team to review during the inspection.

It is recommended that the System maintain accurate maintenance and inspection records of the pump stations.

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). 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.

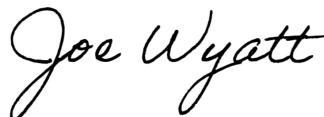
The EPA encourages the submission of this information in electronic format to Zach Shulman at [shulman.zachary@epa.gov](mailto:shulman.zachary@epa.gov). If portions are too large or responsive documents are unavailable in electronic format, please notify Zach Shulman in your electronic submission that 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 \$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 2, 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 KDEP. If you have any questions regarding this matter and/or to schedule a meeting to discuss, please contact Zach Shulman, Drinking Water Enforcement Officer, at [shulman.zachary@epa.gov](mailto:shulman.zachary@epa.gov) or (404) 562-8553. For legal inquiries, please have your attorney(s) contact Bianca Jaikaran, Associate Regional Counsel, at [jaikaran.bianca@epa.gov](mailto:jaikaran.bianca@epa.gov) or (404) 562-9680.

Sincerely,



Joe Wyatt

Acting Director

Enforcement and Compliance Assurance Division

Enclosure

cc: Alicia Jacobs  
Kentucky Department of Environmental Protection  
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Tony Eversole, City Manager  
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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 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.