



REGION 4

ATLANTA, GA 30303

ELECTRONIC MAIL

CONFIRMATION OF EMAIL RECEIPT REQUESTED

Louis Hand
General Manager
South Central Water Association
P.O. Box 1228
Raymond, Mississippi 39154
Mdhand17@aol.com

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), South Central Water Association Public Water System in Terry, Hinds County, Mississippi. PWS ID Number: MS0250022.
Docket Number: SDWA-1445-2024-09

Dear Louis Hand:

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 South Central Water Association (SCWA) Public Water System serves a population of approximately 12,218 with 4,628 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, 40 C.F.R. Part 141, and the Mississippi Primary Drinking Water Regulations, 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) is the primary agency responsible for implementing and enforcing the Public Water Supply Supervision Program for Mississippi. See Miss. Code Ann. § 41-26-5.

On June 5, 2024, a Drinking Water Inspection (Inspection) was conducted by the EPA, Region 4 Drinking Water Enforcement Section. An Inspection Report based on the findings of the Inspection was provided to the System on July 9, 2024. A copy of this Inspection Report was also provided to the MSDH.

Notice of Noncompliance

Based on information observed during the Inspection, the EPA alleges that the System is in noncompliance with the SDWA, the National Primary Drinking Water Regulations, and the Mississippi Primary Drinking Water Regulations, 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).

At the time of the Inspection, the EPA inspectors observed that, during the 2021 Lead and Copper Rule compliance period, the System was accepting incomplete customer collection forms that were missing critical sampling information such as the date/time the faucet was last used and the date/time of collection. Without collecting this information from each customer, it is not possible for the System determine if a first-draw tap sample has stood motionless for six hours or more.

Therefore, the System is in noncompliance with 40 C.F.R. § 141.86(b)(2), for failure to ensure that samples were collected according to Lead and Copper Rule requirements.

2. Pursuant to Miss. Admin. Code § 15-20-72-1.1.6, planning and design of public water systems shall be in accordance with the MSDH's current version of the "Minimum Design Criteria for Public Water Supplies." Part VIII Safety and Security, Section A of the Minimum Design Criteria requires that "all finished wells, treatment facilities, pumping structures, and water storage tanks shall be protected from trespassing, unauthorized access, and vandalism. All permanent water system facilities shall have a security fence around the perimeter."

At the time of the Inspection, the perimeter fence around Well 2 was falling down in one location. This defect in the perimeter fence may provide an uncontrolled access point into the well site.

Therefore, the System is in noncompliance with Miss. Admin. Code § 15-20-72-1.1.6 and the Minimum Design Criteria for Mississippi Public Water Supplies, Part VIII, Section A, for failure to protect the well site from unauthorized access.

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 the Inspection, the EPA inspectors observed that unused 150-pound chlorine cylinders were being stored at Plant 1 without restraints to keep the cylinders upright.

MSDH Minimum Design Criteria for Public Water Supplies, Part IV B.6., states that 100 and 150-pound chlorine cylinders must be secured in an upright position.

It is recommended that the System secure the 150-pound chlorine cylinder in an upright position for the safety of System staff and the surrounding area.

2. At the time of Inspection, the System did not have a written valve exercising program.

It is recommended by MSDH Public Water Supply Operations Manual, "Required Regulatory and Operational Recommendations" #4, that systems "create a valve and hydrant operation schedule to help ensure that regularly scheduled maintenance occurs for the system."

It is recommended that the System create a valve and hydrant operation schedule to help ensure regularly scheduled maintenance.

3. At the time of the Inspection, the EPA inspectors observed threaded taps in the chlorine room at Plant 1 and at the Midway Road elevated storage tank.

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.

4. At the time of the Inspection, the EPA inspectors observed tree limbs crossing over the vertical plane of the fence and approaching the tank structures at the Midway Road and Dixon Road elevated storage tanks.

It is recommended that the System trim the limbs to preserve tank security and integrity of the fence structure.

5. At the time of the Inspection, the EPA inspectors observed that the generators used by the System were being exercised weekly, but not under load.

It is recommended that the generators be exercised under load regularly to ensure that the generators are capable of supporting the necessary System load in an emergency.

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 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.

The EPA also requests that, within 14 calendar days of receipt of this letter, the System contact the EPA to arrange a meeting to discuss additional concerns identified during the Inspection. In lieu of appearing in the EPA's offices for this meeting, a video or telephone conference may be scheduled. The EPA's legal counsel may also be present at this meeting and the System has the right to have its legal counsel present, accordingly.

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 MSDH.

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 Jay Khuti, Assistant Regional Counsel, at khuti.jay@epa.gov or (404) 562-8390.

Sincerely,

**KERIEMA
NEWMAN**

 Digitally signed by KERIEMA
NEWMAN
Date: 2024.09.18 13:43:21 -04'00'

Keriema S. Newman
Director
Enforcement and Compliance Assurance Division

cc: Bill Moody, Director
Bureau of Public Water Supply, MSDH
william.moody@msdh.ms.gov

Louis K. Hand
South Central Water Association 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.