



REGION 4

ATLANTA, GA 30303

ELECTRONIC MAIL

CONFIRMATION OF EMAIL RECEIPT REQUESTED

The Honorable Billy Knight
Mayor of the City of Moss Point
4320 McInnis Avenue
Moss Point, Mississippi 39563
billy.knight@cityofmosspoint.org

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), City of Moss Point in Moss Point, Mississippi. PWS ID Number: MS0300008. Docket Number: SDWA 1445-2024-07

Dear Mayor Billy Knight:

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 City of Moss Point Public Water System (Moss Point PWS or System) serves a population of approximately 14,997, with 7,383 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 (NPDWRs), promulgated at 40 C.F.R. Part 141; and 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 Section 1413 of the SDWA, 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 February 28-29, 2024, a drinking water inspection was conducted by the EPA. The EPA subsequently sent an Inspection Report to the System on April 22, 2024. The Inspection Report was 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 the Inspection Report was also provided to the MSDH.

Notice of Noncompliance

As detailed in the Inspection Report, the EPA alleges that the System is in noncompliance with the SDWA, the NPDWRs, and the MPDWRs, as described below:

1. Pursuant to Miss. Code Ann. § 41-26-14, Rule 1.10.1 of the MPDWR establishes that all public water supplies shall adopt and enforce a cross-connection control policy or ordinance establishing a cross-connection control program consisting of the following:
 - i. Locating and eliminating unprotected cross-connections
 - ii. Preventing the occurrence of new cross-connections with the public water system; and
 - iii. Maintaining records pertaining to the location of existing backflow prevention assemblies, type and size of each assembly and results of all tests of backflow prevention assemblies by a tester certified by the Department.

At the time of the Inspection, the System was unable to demonstrate implementation of an ongoing cross-connection control program.

Therefore, the System is in noncompliance with Miss. Code Ann. § 41-26-14 and Rule 1.10.1 of the MPDWRs for failure to demonstrate implementation of an ongoing cross-connection control program.

2. Pursuant to Miss. Admin. Code § 15-20-72-1.1.6(11), operations of the public water supply shall be governed by the applicable provisions of the Federal and State Safe Drinking Water Acts and the Public Water Supply Operations Manual as outlined in the current edition of the “Public Water System Operations Manual” published by MSDH.

Pursuant to the Public Water Supply Operations Manual, Capacity Assessment Operational Duties, systems should develop a written set of standard operating procedures for the public water system. The Public Water Supply Operations Manual states:

The public water system should develop these procedures in sufficient detail and routinely update them to identify all activities required to efficiently operate and maintain all components of the water system. The responsible official/management of the public water system should review and approve this set of standard operating procedures. The system should maintain the standard operating procedure in the official records of the water system so that it will be available for use by system personnel.

At the time of the Inspection, the System did not have sufficient written procedures for the operation of the groundwater system.

Therefore, the System is in noncompliance with Miss. Admin. Code § 15-20-72-1.1.6(11) and the Public Water Supply Operations Manual, Capacity Assessment Operational Duties, for lack of written procedures for the operation of the groundwater system.

3. Pursuant to Miss. Admin. Code § 15-20-72-1.1.6, a system must be designed and constructed consistent with the current version of MSDH’s “Minimum Design Criteria for Public Water Supplies” (hereinafter, “Minimum Design Criteria”). Pursuant to Part III – Wells, H.5(b)(v), of the Minimum Design Criteria, a master meter shall be provided for all public water supply wells. It shall be installed downstream of the check valve according to the manufacturer’s recommendations and be properly sized to accurately determine well capacity and amount of water pumped.

At the time of the Inspection, the flow meter at Palmetto well was inoperable. System staff estimated flow based on runtime and past usage.

Therefore, the System is in noncompliance with Miss. Admin. Code § 15-20-72-1.1.6 and Part III – Wells, H.5(b)(v) of the Minimum Design Criteria for failure to maintain an operable flow meter on the Palmetto well.

4. Pursuant to Miss. Admin. Code § 15-20-72-1.1.6, a system must be designed and constructed consistent with the Minimum Design Criteria. Pursuant to Part IV – Water Treatment, B.6, of the Minimum Design Criteria, 100- and 150-pound chlorine cylinders must be secured in an upright position.

At the time of the Inspection, inspectors observed rusted and unattached holding chains for gaseous chlorine cylinders.

Therefore, the System is in noncompliance with Miss. Admin. Code § 15-20-72-1.1.6 and Part III – Wells, H.5(b)(v) of the Minimum Design Criteria for failure to secure 100- and 150-pound chlorine cylinders in an upright position.

Notice of Concerns

During the February 2024 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, inspectors observed tree limbs growing into tank supports at the Dantzer tank.

It is recommended that Moss Point PWS trim the limbs growing into tank supports to maintain the structural integrity of the tank.

2. At the time of Inspection, inspectors observed vegetation on fence lines surrounding the Nease and Highway 613 elevated storage tanks and the Hubert Street well.

It is recommended that the vegetation on the fence lines be removed to maintain the structural integrity of the fencing.

3. At the time of Inspection, inspectors observed abandoned water lines in flooded vaults at tank sites. Moss Point PWS staff could not definitively say what the lines were connected to or if they were fully out of service.

It is recommended that Moss Point PWS accurately document the active lines in the distribution system. This will aid in system operations and prevent confusion in the future.

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 Moss Point PWS 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 Charlotte Bunch at bunch.charlotte@epa.gov. If portions are too large or responsive documents are unavailable in electronic format, please notify Charlotte Bunch 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 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 regarding this matter, please contact Charlotte Bunch, Drinking Water Enforcement Officer, at bunch.charlotte@epa.gov or (404) 562-9304. For legal inquiries, please have your attorney(s) contact Samantha Kloc, Associate Regional Counsel, at kloc.samantha@epa.gov or (404) 562-9468.

Sincerely,

KERIEMA NEWMAN Digitally signed by KERIEMA NEWMAN
Date: 2024.08.02 15:55:12 -04'00'

Keriema S. Newman
Director
Enforcement and Compliance Assurance Division

cc: William Moody
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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.