



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

ATLANTA FEDERAL CENTER

61 FORSYTH STREET

ATLANTA, GEORGIA 30303-8960

ELECTRONIC MAIL
CONFIRMATION OF EMAIL RECEIPT REQUESTED

Craig Porter
Superintendent
Muhlenberg County Water District
301 Dean Road
Greenville, Kentucky 42345
firechief@logantele.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), Muhlenberg County Water District Public Water System in Greenville, Kentucky. PWS ID Number: KY0890302

Dear Craig Porter:

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 Muhlenberg County Water District Public Water System (Muhlenberg PWS or System) serves a population of approximately 16,845, with 5,672 service connections. Pursuant to Section 1401(15) of the SDWA, 42 U.S.C. § 300f(15), the Muhlenberg PWS 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 the Kentucky Primary Drinking Water Regulations at 401 Ky. Admin. R. Ch. 8. Pursuant to SDWA Section 1413, 42 U.S.C. § 300g-2, the Kentucky Energy and Environment Cabinet's Department of Environmental Protection is the primary agency responsible for implementing and enforcing the public water supply program for Kentucky.

Notice of Noncompliance

Based on information observed during the drinking water inspection conducted on March 13, 2023, 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. §141.853(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 not later than March 31, 2016. These plans are subject to State review and revision. Systems must collect total coliform samples according to the written sample siting plan.

Muhlenberg PWS utilizes a sampling site list that combines both Lead and Copper Rule (LCR) sample sites and total coliform sample sites. The sampling list does not clearly indicate which sites are to be used for total coliform sampling or LCR. In addition, the System's sample siting plan does not include a sample collection schedule for total coliforms. Therefore, the System is in noncompliance with 40 CFR §141.853(a)(1) for failure to maintain a written sample siting plan that accurately identifies sample sites for total coliforms and LCR. The System is also in noncompliance with 40 CFR §141.853(a)(1) for failure to include and follow a sample collection schedule for total coliforms.

2. 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).

The System does not collect information regarding the date and time that the faucet was last used as well as date and time of sample collection. Without this information provided by the sampler, it is impossible for the System to determine if a first-draw tap sample stood motionless for six hours or more. Therefore, the System is in noncompliance with 40 C.F.R. §141.86 for failure to ensure that samples are collected according to LCR requirements.

3. Pursuant to 401 KAR 8:020(17), water treatment chemicals and system components, chemical additives and protective materials, such as paints and linings, may be used by a water system if they meet the requirements established in the *Recommended Standards for Water Works, A Report of the Water Supply Committee of the Great Lakes-Upper Mississippi River Board of State Public Health and Environmental Managers' Recommended Standards for Water Works, 2012*. Pursuant to the *Recommended Standards for Water Works* Part 5.1.9.d.2, liquid chemical storage tanks shall have an overflow and a receiving basin capable of receiving accidental spills or overflows without uncontrolled discharge. A common receiving basin may be provided for each group of compatible chemicals, which provides sufficient containment volume to prevent accidental discharge in the event of failure of the largest tank.

During the time of inspection, the chlorine bulk storage tank at Powderly pump station was observed as lacking a receiving basin to hold the chemical in case of an accidental spill. Therefore, the System is in noncompliance with *Recommended Standards for Water Works* Part 5.1.9.d.2 for failure to install a receiving basin capable of containing accidental spills or overflows without uncontrolled discharge at the Powderly pump station chlorine bulk storage tank.

Notice of Concerns

During the March 2023 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 Muhlenberg PWS take immediate action to address:

1. Muhlenberg PWS utilizes a sample site list that has both LCR sample sites and total coliform sample sites. The sampling list does not clearly indicate which sites are for total coliform sampling and which sites are for LCR sampling.

It is recommended that the System maintain separate sample site lists for LCR and total coliform samples. Because there are different monitoring periods, sampling requirements, and locations for each pollutant a combined sampling list may create confusion and lack of consistency in sampling protocol.

2. The inspection team observed overflows that lacked size 24-mesh screening at Powderly tank, Nelson Creek Tank, TVA tank, Lake Malone tank, and Nebo tank.

It is recommended that the System install non-corrosive 24-mesh on all tank overflows to ensure that finished water is safeguarded against contamination by insects, which can compromise the quality and safety of the finished water.

3. The inspection team observed that the chlorine bulk storage tank at Powderly pump station was not labeled with its chemical name and the National Sanitation Foundation (NSF) certification.

It is recommended that the System properly label the chlorine bulk storage tank. Unlabeled chemical containers can lead to confusion, lack of consistency in plant operation, and potentially cross-contamination.

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 Muhlenberg 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 requests that within seven calendar days of receipt of this letter, the Muhlenberg PWS contact the EPA to arrange a meeting to show cause why the Agency should not initiate legal proceedings against the Muhlenberg PWS 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 Muhlenberg PWS should be prepared to provide all relevant information with documentation pertaining to the above alleged violations. The Muhlenberg PWS 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 Muhlenberg PWS has the right to have its legal counsel present.

The Muhlenberg PWS 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 Muhlenberg PWS'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. If you have any questions regarding this matter or to schedule a show cause meeting, please contact Whitney Buehler, EPA Drinking Water Enforcement Officer, at (404) 562-9739 or buehler.whitney@epa.gov. For legal inquiries, please have your attorney(s) contact Jay Khuti, Assistant Regional Counsel, at (404) 562-8390, or at khuti.jay@epa.gov. Please be advised that if the System fails to contact Whitney Buehler within seven calendar days of receiving this letter to schedule a

meeting/conference, the EPA may proceed with a formal enforcement action against the Muhlenberg PWS without further notice.

Sincerely,

KIMBERLY
BINGHAM

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KIMBERLY
BINGHAM
Date: 2023.08.16
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for Keriema S. Newman
Acting Director
Enforcement and Compliance Assurance Division

Enclosure

cc: Alicia Jacobs, Kentucky DEP

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.