



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 4  
SAM NUNN ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

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

The Honorable John F. Morrissey  
Mayor of St. Marys  
418 Osborne Street  
St. Marys, Georgia 31558  
John.morrissey@stmarysga.gov

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): Saint Mary's Public Water System in Saint Marys, Georgia. PWS ID Number: GA0390001

Dear Mayor Morrissey:

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 Saint Mary's Public Water System (Saint Mary's PWS or System) serves a population of approximately 19,408, with 7,558 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 at 40 C.F.R. Part 141, and the Georgia Primary Drinking Water regulations, promulgated pursuant to the Georgia Safe Drinking Water Act of 1997, GA. Act No. 231 O.C.G.A. Section 12-5-170 *et seq.*

Pursuant to SDWA Section 1413, 42 U.S.C. § 300g-2, the Georgia Environmental Protection Division (GA EPD) is the primary agency responsible for implementing and enforcing the public water supply program for the State of Georgia. *See* Ga. Admin. Code § 391-3-5-.37

On August 1, 2023, a drinking water inspection was conducted jointly by the EPA and GA EPD. The EPA subsequently sent an inspection report to Saint Mary's on August 16, 2023. The report was based on observations made by the EPA inspection team, and review of records and reports maintained by the System. This Notice only addresses observations of alleged noncompliance and additional areas of concern that remain unaddressed following the Inspection.

**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 Georgia Primary Drinking Water regulations, as described below:

1. Pursuant to Ga. Minimum Design Standards for Public Water Systems § 5.2.1 (c)(2), wells must be protected from contamination by surface waters and other sources of contamination.

At the time of inspection, the EPA inspectors observed a leaking check valve at well #3, located at the Jefferson water treatment plant (WTP). Openings in well components can allow for possible well contamination. Therefore, the System is in noncompliance with Ga. Minimum Design Standards § 5.2.1(c)(2) for inadequate well protection.

2. Pursuant to Ga. Minimum Design Standards for Public Water Systems § 10.17, smooth-nosed sampling tap(s) shall be provided to facilitate collection of water samples. A suitable sampling tap should be provided on all storage structures and be protected from public access.

At the time of the Inspection, the EPA inspectors observed threaded sample taps on the clearwells located at the Jefferson, Mission Trace, and Dandy WTPs. Therefore, the System is in noncompliance with Ga. Minimum Design Standard § 10.17 for having incorrect sampling taps on the clearwells.

3. Pursuant to Ga. Comp. R. & Regs. § 391-3-5-.13 (2), a System has the responsibility to prevent water from unapproved sources or any contaminants from entering the public water system.

At the time of the Inspection, the EPA inspectors observed a leaking backflow prevention device, located at the Mission Trace WTP. Therefore, the System is in noncompliance with Ga. Comp. R. & Regs. § 391-3-5-.13 (2), for inadequate backflow prevention.

4. Pursuant to Ga. Comp. R. & Regs. § 391-3-5-.13(6), a System shall require that all backflow prevention assemblies be field tested following installation, repair, or relocation and at least annually thereafter.

Pursuant to Ga. Comp. R. & Regs. § 391-3-5-.13(4), a System shall develop a control program for the elimination and prevention of all cross-connections. When the plan is approved by GA EPD, the System shall implement the program immediately.

At the time of the Inspection, the System noted that backflow protection devices are not being tested yearly. Additionally, the cross-connection control plan was dated 1994. Therefore, the System is in noncompliance with Ga. Comp. R. & Regs. § 391-3-5-.13(6) and Ga. Comp. R. & Regs. § 391-3-5-.13(4) for inadequate backflow protection device testing and an outdated cross connection control program.

### **Notice of Concerns**

During the August 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 Saint Mary's PWS take immediate action to address:

1. At the time of the Inspection, System staff indicated that they had not established routine inspection protocols for any of the concrete clearwells at the WTPs.

The System should establish a routine inspection protocol for all of the clearwells. The structural integrity of the clearwells is essential to ensure the quality of the finished water is maintained.

2. At the time of the inspection, the EPA inspectors observed vegetation and tree limbs crossing over the vertical plane of the fence at the Dandy WTP. Additionally, vegetation was touching the elevated storage tank located at the Cumberland booster station.

The System should remove the vegetation at both the Dandy and Cumberland WTPs to preserve tank security and integrity of the structures.

3. At the time of the inspection, the inspectors found that neither the Jefferson nor Dandy WTPs were equipped with two chlorine pumps.

The System should install secondary backup chlorine pumps at both WTPs to ensure chlorine treatment remains operational in case of pump failure.

4. At the time of the inspection, the System could not locate the most recent lead and copper sampling event's customer chain of custody forms. The EPA inspectors were unable to determine if the samples were collected properly. Additionally, the System could not confirm if there is an established rejection policy for incomplete forms.

The System should submit the most recent customer chain of custody forms to EPA for review. Additionally, a rejection policy should be developed by the System to identify samples that need to be invalidated and resampled. Results from samples that have been improperly collected cannot be used by the System.

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 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). Within seven calendar days of receipt of this letter, the System must contact the EPA to arrange a meeting to show cause why the EPA should not initiate legal proceedings against the System for these alleged violations. Please be advised that if the System fails to contact the EPA within seven calendar days of receiving this letter to schedule a meeting/conference, the EPA may proceed with a formal enforcement action against the System without further notice. In lieu of appearing in the EPA's offices for this meeting, a video or telephone conference may be scheduled. The System should be prepared to provide all relevant information with documentation pertaining to the above alleged violations. The System 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 System has the right to have its legal counsel present.

The System may 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.

If you have any questions regarding this matter or to schedule a show cause meeting, please contact Brianna LaPapa, EPA Drinking Water Enforcement Officer, at (404) 562-8165, or via email at Lapapa.Brianna@epa.gov. For legal inquiries, please have your attorney(s) contact Suzanne K. Armor, Associate Regional Counsel, at (404) 562-9701, or via email at Armor.Suzanne@epa.gov.

Sincerely,

**KERIEMA NEWMAN**

Digitally signed by KERIEMA

NEWMAN

Date: 2023.09.12 08:02:40 -04'00'

Keriema S. Newman  
Acting Director  
Enforcement and Compliance Assurance Division

Enclosure

cc: Bobby Marr, Public Works Director  
bmarr@stmarysga.gov

Robert Horton, City Manager  
rhorton@stmarysga.gov

Josh Martin, Regulatory Compliance Officer  
josh.martin@clearwatersol.com

Joe Stoops, Vice President of EHS  
joe.stoops@clearwatersol.com

Manny Patel, Drinking Water Program Manager  
manny.patel@dnr.ga.gov

## 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.