



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 4

ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

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

The Honorable James Perkins, Jr.  
Selma Water Works & Sewer Board  
P.O. Box 326  
Selma, Alabama 36701  
[selmacityof@bellsouth.net](mailto:selmacityof@bellsouth.net)

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), Selma Water Works & Sewer Board System in Selma, Alabama. PWS ID Number: AL0000490

Dear Mayor Perkins:

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 EPA's Safe Drinking Water Information System, the Selma Water Works & Sewer Board System (Selma PWS or System) serves a population of 21,834, with 7,278 service connections and is therefore a community water system, pursuant to Section 1401(15) of the SDWA, 42 U.S.C. § 300f (15).

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 Alabama Department of Environmental Management Water Division – Water Supply Program Division Rules, Chapter 335-7. Pursuant to SDWA Section 1413, 42 U.S.C. § 300g-2, the Alabama Department of Environmental Management (ADEM) is the primary agency responsible for implementing and enforcing the public water supply program for Alabama, in accordance with Title 22 of the Code of Alabama, 1975. With the exception of the noncompliance item listed in this document, ADEM will take enforcement lead on the observations listed in the inspection report provided to the Selma PWS on December 19, 2022.

**Notice of Noncompliance**

Based on information observed during the drinking water inspection conducted by the EPA Region 4 Office, EPA contractors, and ADEM on October 18-19, 2022, the EPA alleges that the System is in noncompliance with the SDWA and the National Primary Drinking Water Regulations (NPDWRs), as described below:

Section 2013 of the America's Water Infrastructure Act ("AWIA") of 2018 (Public Law 115-270), as codified at Section 1433 of the SDWA, 42 U.S.C. § 300i-2, requires community water systems serving more than 3,300 people to conduct risk and resilience assessments; prepare or revise emergency response plans; and certify to the U.S. Environmental Protection Agency that this work has been completed.

The EPA inspection team observed the System's inability to produce a readily-available Emergency Response Plan (ERP) for review at the time of the inspection. The Selma PWS had certified completion of an ERP per EPA's online records accessed via <https://www.epa.gov/waterresilience/americas-water-infrastructure-act-section-2013-compliance-data>.

Therefore, the Selma PWS is in noncompliance with Section 1433 of the SDWA, 42 U.S.C. § 300i-2, for failure to provide an Emergency Response Plan upon request during the inspection.

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 Selma PWS of the noncompliance 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 Selma PWS must contact this office to arrange a meeting to show cause why the EPA should not initiate legal proceedings against the Selma PWS for these violations. In lieu of appearing in the EPA's offices for this meeting, a video or telephone conference may be scheduled. The Selma PWS should be prepared to provide all relevant information with documentation pertaining to the above violations. The EPA's legal counsel may also be present at this meeting and the Selma PWS has the right to have its legal counsel present, accordingly. Please be advised that if the Selma PWS fails to contact Pamela Riley, EPA Enforcement Officer, at 404-562-9419 or via email at [riley.pamela@epa.gov](mailto:riley.pamela@epa.gov) to schedule a meeting/conference, the EPA may proceed with formal enforcement against the Selma PWS without further notice.

The Selma 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 Selma 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 and/or to schedule a show cause meeting to discuss, please contact Pamela Riley at the phone number or email provided above. For legal inquiries, please have your attorneys contact Suzanne Armor, Associate Regional Counsel, at (404) 562-9701 or via email at [armor.suzanne@epa.gov](mailto:armor.suzanne@epa.gov).

Sincerely,

LARRY LAMBERTH Digitally signed by LARRY LAMBERTH  
Date: 2023.03.31  
14:19:12 -0400 for

Carol L. Kemker  
Director  
Enforcement and Compliance Assurance Division

Enclosure

cc: Aubrey White, ADEM

## 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 CFR § 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.