



**REGION 4**

ATLANTA, GA 30303

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

Honorable Kenny Holloway  
Mayor of City of Ocean Springs  
1018 Porter Avenue  
Ocean Springs, Mississippi 39564  
kholloway@oceansprings-ms.gov

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 Ocean Springs Public Water System in Ocean Springs, Jackson County, Mississippi. PWS ID Number: MS0300005. Docket Number: SDWA-1445-2024-03

Dear Mayor Holloway:

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 Ocean Springs Public Water System serves a population of approximately 26,168, with 8,766 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 February 26, 2024 through February 27, 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 April 1, 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 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 the Bureau of Public Water Supply (hereinafter, “Public Water System Operations Manual”).

Pursuant to the Public Water Supply Operations Manual, Capacity Assessment Operational Duties, #2, systems must: “develop a written set of standard operating procedures for the public water system. 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 procedures 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 was unable to produce a written set of standard operating procedures for its operation and maintenance.

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 #2, for failure to develop a written set of standard operating procedures for the operation of the System.

2. Pursuant to the Public Water Supply Operations Manual, Operational Requirements of Class D Systems #3, systems must: “test and record the disinfection residual [two] days a week on the discharge of the treatment facilities along with periodic checks on the distribution system.”

At the time of the Inspection, the chlorine analyzers measuring chlorine residual at all wells were improperly calibrated and did not give accurate readings of the chlorine residual leaving the treatment facilities.

Therefore, the System is in noncompliance with Miss. Admin. Code § 15-20-72-1.1.6(11) and the Public Water Supply Operations Manual, Operational Requirements of Class D Systems #3, for failure to accurately test and record the disinfection residual on the discharge from its treatment facilities.

3. Pursuant to Miss. Admin Code. § 20-72-1.10(1), all public water supplies shall adopt and enforce a cross-connection control policy or ordinance that consists of the following:
  - a. Locating and eliminating unprotected cross-connections;
  - b. Preventing the occurrence of new cross connections with the public water system; and
  - b. 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.

Pursuant to the Public Water Supply Operations Manual, Capacity Assessment Operational Duties #3, systems must: “develop and implement an ongoing cross connection control program by: (1) identifying and tracking all existing cross-connections on the water system; (2) ensuring that each existing cross-connection is isolated from the water system by the correct type of cross-connection control assembly; (3) evaluating all new connections to the water system to ensure that cross-connection control devices are installed where needed; and (4) developing a written program to track each cross-connection control device on the water system to ensure that each device is tested each year by an MSDH approved and licensed backflow device tester. Failure to maintain adequate program can lead to the citing of a deficiency requiring a compliance response.”

At the time of the Inspection, the System was unable to produce a written cross-connection control program. System staff stated that, while the owner of each backflow device is required to get their device tested by an approved MSDH tester and submit records to MSDH, the System does not maintain records or ensure the backflow devices are being tested annually.

Therefore, the System is in noncompliance with Miss. Code Ann. § 41-26-14.1.10(1) and the Public Water Supply Operations Manual, Capacity Assessment Operational Duties #3, for failure to implement an ongoing cross-connection control policy with the required elements, including failure to maintain records of the cross-connection control program.

4. 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” (hereinafter “Minimum Design Criteria”). Part III Wells, Section H.2.d. of the Minimum Design Criteria, requires that, if well casings are used as casing vents, they must be screened.

At the time of the Inspection, the City Hall, Handy, and Halstead well casing vent screens were not screened.

Therefore, the System is in noncompliance with Miss. Admin. Code § 15-20-72-1.1.6 and the Minimum Design Criteria, Part III, Section H.2.d., for failure to properly screen well casing vents.

5. Pursuant to Part VIII Safety and Security, Section A (Protection of Water System Facilities) of the Minimum Design Criteria, “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 the City Hall well did not enclose the well site off from an adjacent building. A door from the adjacent building, a local senior center, opened directly 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 treatment facilities and pump structure from trespassing and unauthorized access.

6. Pursuant to 40 C.F.R. § 141.623(a), Subpart V – Stage 2 Disinfection Byproducts requirements, groundwater systems that qualify for reduced monitoring and serve a population between 10,000 and 49,999 are required to monitor at the following frequency and locations:

<b>Source water type</b>	<b>Population size category</b>	<b>Monitoring Frequency</b>	<b>Distribution system monitoring location total per monitoring period</b>
<i>Ground water:</i>	<i>10,000–99,999</i>	<i>per year</i>	<i>Two dual sample sets: one at the location and during the quarter with the highest total trihalomethanes (TTHM) single measurement, one at the location and during the quarter with the highest haloacetic acids (HAA5) single measurement.</i>

Pursuant to 40 C.F.R. § 141.629(b), systems must retain any Subpart V monitoring plans and Subpart V monitoring results as required by 40 C.F.R. § 141.33.

Pursuant to 40 C.F.R. § 141.33, any owner or operator of a public water system subject to the provisions of this part shall retain on its premises or at a convenient location near it premises the following records:

- (a) ...Records of chemical analyses made pursuant to this part shall be kept for not less than 10 years; and
- (f) Copies of monitoring plans developed pursuant to this part shall be kept for the same period of time as the records of analyses taken under the plan are required to be kept under paragraph (a) of this section, except as specified elsewhere in this part.

At the time of the Inspection, the System was only sampling for Disinfection Byproducts at one location. In addition, the System was unable to produce subpart V monitoring plans.

Therefore, the System is in noncompliance with 40 C.F.R. § 141.623(a) for failure to monitor Disinfection Byproducts at two locations annually. The System is also in noncompliance with 40 C.F.R. § 141.629(b) and 40 C.F.R. § 141.33 for failure to retain subpart V monitoring plans onsite.

### **Notice of Concerns**

During the February 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 Inspection, the System did not have a written valve exercising program. It is recommended by the Public Water Supply Operations Manual that systems create a valve operation schedule to help ensure regularly scheduled maintenance.
2. At the time of the Inspection, the blow off pipe for the Pabst well was not screened with size-24 mesh.

It is recommended that the System screen the blow off pipe with size-24 mesh to keep insects and other vectors for disease and contamination from entering the water supply.

3. At the time of the Inspection, System personnel performed chlorine cylinder change-outs alone and without respiratory protection equipment. The EPA also observed that the rooms that stored chlorine cylinders were not outfitted with crash bar exits on the doors. It is recommended by Part IV Water Treatment, Section B. Disinfection, Part 11, of the Minimum Design Criteria that, for the safety of water system personnel, respiratory protection equipment meeting the requirements of the National Institute for Occupational Safety and Health should be available where chlorine gas is handled, and should be stored at a convenient heated location, but not inside any room where chlorine is used or stored. It is suggested that the units use compressed air, have at least a 30-minute capacity, and be compatible with or exactly the same as units used by the fire department responsible for the plant. It is recommended that System personnel perform chlorine cylinder change-outs in pairs and with the proper respiratory protection equipment. It is also recommended that crash bar exits be installed on all doors for easy exit in an emergency scenario.
4. At the time of the Inspection, the chlorine analyzers located at Civic Center tank, which record chlorine residuals for the Pabst and Deana wells, were unlabeled and did not identify which well each analyzer reported for.

It is recommended that the System label each chlorine analyzer with the corresponding well name to limit confusion and improper readings of chlorine residuals.

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](mailto: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.

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](mailto:buehler.whitney@epa.gov) or (404) 562-9739. For legal inquiries, please have your attorney(s) contact Jay Khuti, Associate Regional Counsel, at [khuti.jay@epa.gov](mailto:khuti.jay@epa.gov) or (404) 562-8390.

Sincerely,

**KERIEMA NEWMAN**

Digitally signed by KERIEMA  
NEWMAN

Date: 2024.07.29 15:50:55 -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](mailto:william.moody@msdh.ms.gov)

Allan Ladnier - City of Ocean Springs Public Works Director  
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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.