



REGION 4

ATLANTA, GA 30303

December 7, 2023

ELECTRONIC MAIL
CONFIRMATION OF EMAIL RECEIPT REQUESTED

The Honorable Quordiniah Lockley
Mayor of the City of McComb
122 East Michigan Avenue
McComb, Mississippi 39648
qlockley@mccomb-ms.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), City of McComb Public Water System in McComb, Mississippi. PWS ID Number: MS0570004

Dear Mayor Lockley:

The U.S. Environmental Protection Agency is responsible for assuring public water systems (PWSs) 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 McComb Public Water System (McComb PWS or System) serves a population of 12,413, with 6,636 service connections, and is therefore a community water system (CWS) 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 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 SDWA Section 1413, 42 U.S.C. § 300g-2, the Mississippi Department of Health (MSDH) has primary responsibility for the implementation and enforcement of the public water supply program in Mississippi.

On June 13, 2023, a Drinking Water Inspection (Inspection) was conducted by the EPA with participation by MSDH. An Inspection Report based on the findings of the Inspection was provided to the System on August 1, 2023. A copy of this Inspection Report was also provided to MSDH.

Notice of Noncompliance

Based on information observed during the Inspection, the EPA alleges that the System is in noncompliance with the SDWA, the NPDWRs, and the MPDWRs, as described below:

1. Section 1433(a)(1)(A) of the SDWA requires CWSs serving more than 3,300 persons to conduct a Risk and Resilience Assessment (RRA) of its system, including an assessment of:
 - i. the risk to the system from malevolent acts and natural hazards;
 - ii. the resilience of the pipes and constructed conveyances, physical barriers, source water, water collection and intake, pretreatment, treatment, storage and distribution facilities, electronic, computer, or other automated systems (including the security of such systems);
 - iii. the monitoring practices of the system;
 - iv. the financial infrastructure of the system;
 - v. the use, storage, or handling of various chemicals by the system; and
 - vi. the operation and maintenance of the system.

Additionally, a CWS serving a population of more than 3,300 persons is required to maintain copies of its RRA (including any revisions thereto) for five years after the date on which the certification (s) of such RRA was submitted to the EPA. See Section 1433(d) of the SDWA, 42 U.S.C. § 300i-2(d).

During the inspection, the EPA inspection team requested that the System produce its RRA, which it was required to maintain pursuant to Section 1433(d) of the SDWA. Despite having certified to the EPA on March 18, 2021, that it had completed an RRA, the System was unable to produce the RRA during the inspection. Therefore, the System failed to comply with Section 1433(a) and Section 1433(d) of the SDWA, 42 U.S.C. § 300i-2(a), by not conducting the required RRA.

2. Pursuant to Mississippi Primary Drinking Water Regulations Rule 1.8.1., no person shall install, permit to be installed or maintain any cross connection between a public water system and any other non-public water system or a line from any container of liquids or other substances, except as specifically authorized by this regulation, unless a backflow prevention assembly is installed between the public water system and the source of contamination. Direct connections between a public water supply and sewer or storm sewer are prohibited.

At the time of the inspection, the EPA inspectors observed threaded hose-bib sample taps that allow for cross connection at the following sites: ground storage tank (east), ground storage tank (west), aerator, Well #2, Well #6, and Well #8. A backflow prevention assembly was not installed. Therefore, the System failed to comply with MPDWR Rule 1.8.1.

3. Pursuant to 40 C.F.R. § 141.86, each water system shall identify a pool of targeted sample sites based on the service line inventory conducted in accordance with §141.84(a), which ensure that the water system can collect the number of lead and copper tap samples required.

At the time of the inspection, the EPA inspectors observed that the McComb PWS did not have a Lead and Copper Sampling Plan onsite. Therefore, the System failed to comply with 40 C.F.R. § 141.86.

4. Pursuant to Mississippi Primary Drinking Water Regulations Rule 1.1.6, planning and design of improvements for existing PWSs shall be in accordance with MSDH's current version of the "Minimum Design Criteria for Public Water Supplies." MSDH/BPWS Design Criteria (Part VIII- Safety and Security, A.6.), requires that all finished wells, treatment facilities, pumping structures, and water storage tanks be protected from trespassing, unauthorized access and vandalism. Protection measures may include, but are not limited to, physical barriers to entrance of ladders.

At the time of the inspection, the EPA inspectors observed the Empson Drive tank missing a ladder lock. Therefore, the System failed to comply with MPDWRs Rule 1.1.6.

Notice of Concern

During the Inspection, the EPA's 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 the System take immediate action to address:

1. At the time of the inspection, the EPA inspectors observed a rusted portable straight ladder used to access the top of the ground storage (east) tank.

It is recommended that fixed ladders are properly installed to help prevent accidents such as shifting and slipping.

2. At the time of the inspection, the EPA inspectors observed the McComb PWS did not have a written flushing program. Flushing is conducted based on known dead-end lines and annual system-wide hydrant flushing conducted by the fire department.

Water flushing programs are recommended to improve overall water quality throughout the distribution system.

3. At the time of the inspection, the EPA inspectors observed missing screens on the overflows at the tanks. Debris was also observed inside the South Tank overflow.

It is recommended that 24-mesh screens are applied to overflows to prevent insects and other debris from entering the overflow.

4. At the time of the inspection, the EPA inspectors observed vegetation growth on and near various tank sites.

It is recommended that tank fences be kept free of vegetation to ensure the integrity of the fencing and to prevent unauthorized access over the fence.

5. At the time of the inspection, the EPA inspectors observed the McComb PWS has no scheduled valve exercise program. Valves are exercised by the distribution crew when line breaks occur.

It is recommended that McComb PWS implement a valve exercise program as valve exercising is pertinent to maintain water quality and ensure functionality of valves throughout the system.

6. At the time of the inspection, the EPA inspectors observed corrosion on the finished water pumps inside the pump building.

It is recommended that McComb PWS address the corrosion on the water pumps as corrosion can contribute to premature equipment failure and performance issues.

7. At the time of the inspection, maintenance records for generators and distribution system were not readily available for review.

It is recommended that the McComb PWS staff perform weekly generator tests and maintain written records of the testing.

8. At the time of the inspection, the EPA inspectors observed unlabeled service pumps.

It is recommended that service pumps are labeled to avoid confusion among operators and contractors that perform maintenance on the pumps.

9. At the time of the inspection, the EPA inspectors observed the Well #4 well opening was not protected.

Although sampling is required prior to returning the well back in service, best practices should be developed for procedures when wells are out of service.

10. At the time of the inspection, the EPA inspectors observed a missing lock on the hatch of the ground storage (east) tank.

It is recommended that locks be installed on the hatch to prevent unauthorized access inside the ground storage tank.

11. At the time of the inspection, the EPA inspectors observed the McComb PWS lacked a written record of Standard Operating Procedures (SOPs).

It is important for SOPs to be developed to provide clear direction for those operating the system. SOPs should be used as a tool to ensure institutional knowledge of the System is not lost or unavailable if staff retires or is unable to work.

12. At the time of the inspection, the EPA inspectors observed that the McComb PWS did not have a Stage 2 Disinfection By-Product (DBP) Plan onsite. The McComb PWS also informed EPA inspectors that required Stage 2 DBP monitoring is only conducted at the water treatment plant, and no sampling is conducted within the distribution system.

It is recommended that sampling plans are maintained and are readily available for onsite review. MSDH has a system in place to maintain records; however, the McComb PWS was unaware of the process at the time of the inspection.

13. At the time of the inspection, the EPA inspectors observed the fluoride drum did not have secondary containment. In the event of a spill, the chemical may drain straight into the storm drain. Additionally, the fluoride was not housed in a separate room from the other chemicals.

It is recommended that secondary containment is employed to help prevent chemicals from entering the storm drain. It is also recommended that fluoride is housed in a separate room from other chemicals to help prevent hazardous chemical interactions.

14. At the time of the inspection, the EPA inspectors observed an opening at the ground storage (east) tank where previous telemetry was installed. The air vent was also heavily corroded and broken, allowing loose particles to enter finished water. In addition, EPA inspectors observed missing seal gaskets on the access hatches on both the east and west ground storage tanks.

It is recommended that procedures are implemented to ensure any breach in the storage tank is repaired to help prevent precipitation, debris, and waterborne pathogens from entering the water storage.

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 McComb 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). 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 Arshasmine Tellis, Drinking Water Enforcement Officer, at tellis.arshasmine@epa.gov. If portions are too large, or responsive documents are unavailable in electronic format, please notify Arshasmine Tellis 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 2 (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 \$67,544. 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 2, which may include penalties of up to \$67,544 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 and/or to schedule a meeting to discuss, please contact Arshasmine Tellis, Drinking Water Enforcement Officer, at tellis.arshasmine@epa.gov or (404) 562-9680.

For legal inquiries, please have your attorneys contact Bianca Jaikaran, Assistant Regional Counsel, at (404) 562-9680 or jaikaran.bianca@epa.gov.

Sincerely,

KERIEMA NEWMAN

Digitally signed by KERIEMA
NEWMAN

Date: 2023.12.13 14:38:26 -05'00'

Keriema S. Newman
Acting Division Director
Enforcement and Compliance Assurance Division

Enclosure

cc: William (Bill) Moody, MSDH
Eric Spurlock, City of McComb PWS

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.