



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

The Honorable Chokwe A. Lumumba
Mayor of City of Jackson
219 South President Street
Jackson, Mississippi 39205

Re: Notice of Noncompliance Pursuant to Section 1414(a)(1)(A) of the Safe Drinking Water Act, 42 U.S.C. § 300g-3(a)(1)(A), City of Jackson Public Water System, Jackson, Mississippi, PWS ID No. MS0250008

Dear Mayor Lumumba:

The U.S. Environmental Protection Agency is responsible for assuring public water systems 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. Based on information contained in the Safe Drinking Water Information System, the City of Jackson Public Water System (System) has approximately 71,486 service connections, serves approximately 173,514 persons, and is owned and/or operated by the City of Jackson, Mississippi (hereinafter, the City). Pursuant to Section 1401(15) of the SDWA, 42 U.S.C. § 300f(15), it is therefore a community water system. As a community water system, the Jackson Public Water System (PWS) 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.

Based on information provided to the EPA by the Mississippi Department of Health (MSDH)¹ and the City of Jackson, the EPA finds 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:²

- Pursuant to Miss. Admin. Code 15-20-72.1.1.6(11), a PWS shall be operated in accordance with the *Public Water System Operations Manual (Manual)* published by MSDH. As a PWS, legally responsible official(s) must ensure that those minimal operation standards are performed by the certified waterworks operator and applicable public water supply staff for the safety and welfare

¹ The MSDH is the entity in the State of Mississippi with primary enforcement authority over the SDWA, pursuant to SDWA Section 1413, 42 U.S.C. § 300g-2.

² The violations contained herein are in addition to those violations alleged in the Emergency Administrative Order, Docket No. SDWA-04-2020-2300, issued by the EPA to the City on March 27, 2020; in the Notice of Noncompliance issued by the EPA to the City on May 11, 2020; and in the Notice of Noncompliance issued by the EPA to the City on April 27, 2021.

of the public water supply's facilities and customer. The *Manual* recommends that a PWS maintain an adequate inventory of supplies, chemicals and equipment to properly operate the System.

Pursuant to Miss. Admin. Code 15-20-72.1.4.1, a PWS shall, upon receipt of the sanitary survey report, provide a written response to all significant deficiencies identified in the report to the MSDH within 45 days of receipt of the report. In this written response, the PWS shall outline its plan to correct the significant deficiencies identified in the survey report.

A fire at the electrical panel at the O.B. Curtis Water Treatment Plant (WTP) on April 30, 2021 caused all five of the high-service pumps at the O.B. Curtis WTP to be unavailable for service. During a November 8, 2021 inspection of the PWS by MSDH, the pumps remained out of service, with no target date by the City to put the pumps back into service. The loss of the pumps has caused multiple elevated tanks to be low or empty and has caused certain areas of the distribution system to have sustained low pressure.

Low-pressure and loss of pressure in a drinking water distribution system may cause a net movement of water from outside the pipe to the inside through cracks, breaks, or joints in the distribution system that are common in all water systems. Backsiphonage occurs when pressure is lost in pipes, creating a negative pressure and a partial vacuum, which pulls water from a contaminated source outside the pipe into the treated, potable water inside the pipe. This creates a suitable environment for bacteriological contamination and other disease-causing organisms, including *E. coli*, to enter the water distribution system downstream of the WTPs, which then is delivered to users.

MSDH issued the City a significant deficiency report on December 14, 2021, identifying this as a significant deficiency, and requiring the City to provide MSDH with a written response identifying corrective actions and timeframes by January 14, 2022. MSDH's report requires that the City's corrective actions be complete within 120 days of receipt of the report, or no later than April 14, 2022. (See Enclosure A).

As of the date of this Notice, the City has not repaired or replaced the electrical panel to restore the pumps to service, nor has the City provided MSDH and/or the EPA with a corrective action plan to correct the significant deficiency by the deadline of April 14, 2022.

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 City of such noncompliance, and the EPA remains committed to working with and providing technical assistance to the City, as appropriate, in order to bring the System into compliance. This Notice 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).

Therefore, within 10 calendar days of receipt of this Notice of Noncompliance, the City must contact this office to arrange a meeting to show cause why the EPA should not initiate legal proceedings against the City for these violations. In lieu of appearing in the EPA's offices for this meeting, a telephone conference may be scheduled. The City 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. Accordingly, the City has the right to have its legal counsel present.

To arrange the particulars of this meeting or to arrange for a telephone conference, please contact Mr. Bryan Myers at (404) 562-9603 or Myers.Bryan@epa.gov. If the City fails to attend the scheduled meeting/telephone conference or to contact Mr. Myers prior to the meeting/conference date, the EPA may proceed with formal enforcement against the City without further notice.

As the EPA has previously informed the City, the City may, if it so desires, assert a confidential business information claim covering any or all information furnished to the EPA in response to this letter. Further details on how to make a business confidentiality claim are included in Enclosure B.

If you have any questions regarding this matter, please contact Mr. Myers at the phone number or email listed above. For legal inquiries, please have your attorneys contact Suzanne K. Armor, Associate Regional Counsel, at (404) 562-9701 or Armor.Suzanne@epa.gov.

Sincerely,

Carol L. Kemker
Director
Enforcement and Compliance Assurance Division

Enclosures

cc: Dr. Charles Williams, Director
City of Jackson Department of Public Works

Lester Herrington, Director
Office of Environmental Health, MSDH

ENCLOSURE A

MSDH Significant Deficiency Report (Dec. 14, 2021)

ENCLOSURE B

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.