

NOTICE OF INTENT TO FILE CITIZEN SUIT

**Safe Drinking Water Act, 42 U.S.C. § 300j-8
Floyd County Water System — PWSID GA1150001**

August 14, 2026

Given by:

Steven Lane Ray, Floyd County Resident
210 Boulder Road, Kingston, GA 30145-1212

To:

Jeff Cown, in his official capacity as Director
Georgia Environmental Protection Division
2 Martin Luther King Jr. Drive SE, Suite 1456, East Tower, Atlanta, GA 30334

Lee Zeldin, in his official capacity as Administrator
United States Environmental Protection Agency
1200 Pennsylvania Avenue NW, Washington, DC 20460

Copies To — Required Recipients Under 40 C.F.R. § 135.11(a)(2), (a)(3), and (b):

Kevin J. McOmber, Regional Administrator
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street SW, Atlanta, GA 30303

Todd Blanche, Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue NW, Washington, DC 20530

Chris Carr, Attorney General
State of Georgia, Department of Law
40 Capitol Square SW, Atlanta, Georgia 30334

Manner of service: Served by certified mail, return receipt requested, upon each recipient named above, pursuant to 40 C.F.R. § 135.11(a)(2), (a)(3), and (b).

This notice is given under 42 U.S.C. § 300j-8(b)(1)(A) and § 300j-8(b)(2), and under 40 C.F.R. Part 135, Subpart B, which is issued under section 1449 of the Safe Drinking Water Act. Its contents are stated to the requirements of 40 C.F.R. § 135.12(a) and (b).

The complete documentary record supporting every allegation stated below has been in the possession of the EPA Office of Inspector General since February 2026 under complaint reference number 2026-1143, supplemented on multiple occasions through July 17, 2026, and includes audit tests stating pass and fail conditions fixed in writing in advance of the outcomes they measure. Argument, evidentiary detail, and supporting exhibits are omitted from this notice deliberately. Any recipient seeking the basis for any allegation stated below may obtain it from that record.

I. Person giving notice

Steven Lane Ray, 210 Boulder Road, Kingston, Georgia 30145-1212. Telephone 706-584-1260. Electronic mail Enfysus@protonmail.com. Mr. Ray is a resident of Floyd County, Georgia and a customer of Floyd County Water System, PWSID GA1150001.

Designated channel for correspondence. All correspondence responsive to this notice, including any response, request for clarification, or tender of cure, is requested to be directed to enfysus@protonmail.com. Correspondence sent to that address will be treated as received on the date sent. The postal address stated above is given as required by 40 C.F.R. § 135.12(a) and (b) and remains available, but electronic delivery is preferred and is sufficient for every purpose of this notice.

Identification of counsel under 40 C.F.R. § 135.12(c): the person giving notice is not represented by counsel.

II. Persons responsible for the alleged violations

Jeff Cown, Director of the Georgia Environmental Protection Division, the primacy agency for public water systems in Georgia operating under a primacy delegation from EPA pursuant to 42 U.S.C. § 300g-2 and 40 C.F.R. Part 142. Named under 42 U.S.C. § 300j-8(a)(1) as a person alleged to be in violation of requirements prescribed under the subchapter, and solely in his official capacity, for prospective declaratory and injunctive relief concerning the ongoing administration of Georgia's primacy program. Counts 1 and 2.

GA EPD is described throughout this notice as a factual matter. The judicial relief sought against the state-side defendant is directed against Director Cown in his official capacity only, consistent with *Ex parte Young*, 209 U.S. 123 (1908), which permits prospective relief against state officials for ongoing violations of federal law, and with the Eleventh Amendment limitation preserved at 42 U.S.C. § 300j-8(a)(1)(B). Each claim against Director Cown is grounded exclusively in federal law — 40 C.F.R. § 142.16(f)(2), 40 C.F.R. § 142.14(a) and (g), 40 C.F.R. § 141.155(c) as codified on July 1, 2023 and made applicable by § 141.152(a), and the federal statutory conditions on primary enforcement responsibility at 42 U.S.C. § 300g-2(a)(1), (a)(2), and (a)(3), and 40 C.F.R. § 142.10 — and therefore falls within *Ex parte*

Young's authorization of prospective relief to enforce federal obligations, and is not barred by *Pennhurst State School & Hospital v. Halderman*, 465 U.S. 89 (1984). No relief is sought against any state official on the basis of state law. References in this notice to Georgia's approved primacy program, to Georgia Open Records Act request W2026-573, and to GA EPD's own statements are made as evidence of conduct, not as independent state-law claims.

The Administrator of the U.S. Environmental Protection Agency, named under 42 U.S.C. § 300j-8(a)(1) as a person alleged to be in violation of a requirement prescribed under the subchapter, and under 42 U.S.C. § 300j-8(a)(2) for failure to perform acts and duties that are not discretionary. Counts 3 and 4. The United States is expressly within the class of persons subject to suit under § 300j-8(a)(1).

Named officials and successors. Lee Zeldin is named as EPA Administrator, Kevin J. McOmber as EPA Region 4 Regional Administrator, Todd Blanche as Attorney General of the United States, and Chris Carr as Attorney General of Georgia, each as of the date of this notice. Pursuant to Fed. R. Civ. P. 25(d), any successor is automatically substituted without further order of court.

III. Location

Floyd County Water System, PWSID GA1150001, Floyd County, Georgia. The Georgia Environmental Protection Division primacy program, statewide. EPA Region 4, Atlanta, Georgia.

IV. Counts

COUNT 1 — Jeff Cown, in his official capacity

Requirement alleged to have been violated: 40 C.F.R. § 142.16(f)(2); 40 C.F.R. § 142.14(a) and (g); 40 C.F.R. § 141.155(c) as codified on July 1, 2023 and made applicable to this reporting period by 40 C.F.R. § 141.152(a). Records subject to these provisions are the copy and the certification required to be submitted under § 141.155(c).

Pleaded in the alternative, and grounded in federal law: primary enforcement responsibility is conditioned under 42 U.S.C. § 300g-2(a) and 40 C.F.R. § 142.10 on the State having adopted drinking water regulations no less stringent than the national primary drinking water regulations, § 300g-2(a)(1); having "adopted and is implementing adequate procedures for the enforcement of such State regulations," § 300g-2(a)(2); and keeping "such records and making such reports with respect to its activities under paragraphs (1) and (2) as the Administrator may require by regulation," § 300g-2(a)(3). The recordkeeping condition on primacy is statutory. To the extent Georgia's approved primacy program during the relevant period continued to incorporate the record retention requirement formerly codified at 40 C.F.R. § 142.16(f)(3) — superseded at the federal level effective June 24, 2024, with States required by 40 C.F.R. § 142.16(f)(1) to adopt the revised subpart O requirements no later than May 25, 2026 — the failure to implement that component of the approved program is alleged as a failure of the federal condition on primacy, and not as a violation of Georgia law. Relief is sought on that ground only to the extent it is available as enforcement of a federal requirement.

Activity alleged to constitute the violation: 40 C.F.R. § 142.16(f)(2) requires each State with primary enforcement responsibility to make reports submitted under § 141.155(c) available to the public upon request. GA EPD has not made available, cannot identify, and has not produced the Consumer Confidence Report copy or the certification required to be submitted by Floyd County Water System for reporting year 2024, or the records of the State's determinations regarding that submission required to be maintained and made available under § 142.14(a) and (g). No produced record identifies which 2024 CCR artifact GA EPD accepted as the § 141.155(c) submission.

Dates: The 2024 CCR was required to be distributed by July 1, 2025 under 40 C.F.R. § 141.152(b). Under 40 C.F.R. § 141.155(c), as codified on July 1, 2023, the system was required to provide a copy of the report to the primacy agency no later than the date it was required to distribute the report to its customers — July 1, 2025 — followed within three months, no later than October 1, 2025, by a certification that the report had been distributed to customers and that the information is correct and consistent with the compliance monitoring data previously submitted to the primacy agency. The failure has been continuous from July 1, 2025 as to the copy and from October 1, 2025 as to the certification, through the date of this notice.

GA EPD stated in writing, in response to Georgia Open Records Act request W2026-573, that it does not require submission of that level of detail.

COUNT 2 — Jeff Cown, in his official capacity

Requirement alleged to have been violated: 40 C.F.R. § 142.14(a) and (g); the primacy conditions of 42 U.S.C. § 300g-2 and 40 C.F.R. § 142.10.

Activity alleged to constitute the violation: GA EPD has not retained or produced the records of its investigation, determination, and closure of complaints CTS 114137 and CTS 115383, which are records of program administration required to be maintained in reviewable form and made available to the Regional Administrator. Specifically absent from the produced record are: (a) the October 8, 2025 communication referenced within CTS 114137 as an attachment; (b) the analytical reports and chain-of-custody documentation for the sampling relied upon to close CTS 114137; (c) the closure criteria applied and the documented basis for closure; and (d) the investigation and disposition records for CTS 115383.

Dates: CTS 114137 opened September 26, 2025 and closed December 12, 2025. CTS 115383 opened February 9, 2026 and closed February 26, 2026. The failure has been continuous from those dates through the date of this notice.

COUNT 3 — The Administrator, U.S. Environmental Protection Agency

Provisions creating the duties alleged not to have been performed: 42 U.S.C. § 300g-3(a)(1)(A) and (a)(1)(B); 42 U.S.C. § 300g-2 and 40 C.F.R. § 142.10. Notice is given under 42 U.S.C. § 300j-8(a)(2) and 40 C.F.R. § 135.12(b).

Action not taken — enforcement backstop, 42 U.S.C. § 300g-3(a)(1)(B). EPA Region 4 has had notice of the Floyd County Consumer Confidence Report defects since September 26, 2025.

On February 10, 2026, Brian Smith, Deputy Director, Water Division, EPA Region 4, notified the Georgia Environmental Protection Division in writing that the Floyd County Water System's 2024 Consumer Confidence Report remained defective. The notification identified the specific defect — the copper action level expressed in different units in two tables, with the detection range not updated in the second table — and identified the specific corrective step required, stating that Floyd County still needed to "sharpen their pencil on this CCR by converting the units." That communication is a finding of continued noncompliance, and the corrective instruction accompanying it is the advice and technical assistance that 42 U.S.C. § 300g-3(a)(1)(A) contemplates. Its sufficiency as the notification that provision requires is addressed below.

Alternative allegations, both grounded in nondiscretionary duties. 42 U.S.C. § 300g-3(a)(1)(A) provides that whenever the Administrator finds, during a period of State primary enforcement responsibility, that a public water system does not comply with an applicable requirement, "he shall so notify the State and such public water system" and provide such advice and technical assistance to the State and the system as may be appropriate to bring the system into compliance by the earliest feasible time. The February 10, 2026 communication is a finding of continued noncompliance. It is addressed to the Georgia Environmental Protection Division. The produced record does not show that the Floyd County Water System was notified.

First alternative. If the Administrator notified both the State and the public water system as § 300g-3(a)(1)(A) requires, the thirtieth day after that notification was March 12, 2026. Georgia did not commence appropriate enforcement action within that period. The Administrator's duty under 42 U.S.C. § 300g-3(a)(1)(B) to issue an order under § 300g-3(g) or to commence a civil action under § 300g-3(b) attached no later than March 13, 2026, and 154 days have elapsed as of the date of this notice. The produced record does not show that either has occurred.

Second alternative. If the Administrator notified the State but did not notify the Floyd County Water System, then the notification required by § 300g-3(a)(1)(A) has not been performed. That provision is cast in mandatory terms — the Administrator "shall so notify" — and the duty attaches upon the finding. The finding was made no later than February 10, 2026. The produced record does not show that the required notification to the system has been given at any time since.

Either the duty at § 300g-3(a)(1)(B) attached and has gone unperformed for 154 days, or the notification duty at § 300g-3(a)(1)(A) has itself gone unperformed since February 10, 2026. Both are acts the Act requires and neither is discretionary. Cure of one does not answer the other.

The revised Consumer Confidence Report discovered posted on March 30, 2026 and bearing "Rev. 3/2026" is not an enforcement action and did not bring the system into compliance. It reports a fluoride value above the range stated in the same row, defines MRDL and MRDLG incorrectly, and lists chlorine as a volatile organic contaminant.

Action not taken — following identification of exceedances. On April 2, 2026 Region 4 compiled an internal spreadsheet whose worksheet is titled "GA UCMR 5 PWSs, PFOA, PFOS 4+," identifying 44 Georgia public water systems with PFOA or PFOS results at or above the 4 ppt Maximum Contaminant Level, and transmitted it to GA EPD on April 3, 2026. The produced record does not show any oversight, verification, or corrective action taken with respect to any system on that list.

The highest PFOS result on that list, 56 ppt, is recorded under LaFayette, PWSID GA2950002, at Facility ID 14632, the interconnection through which LaFayette purchases surface water from Walker County Water Authority, PWSID GA2950003. LaFayette operates no surface water source of its own; Georgia EPD classifies its source as purchased surface water. The 2025 Consumer Confidence Report for that water discloses PFOS at 1.8 ppt and identifies the system under an Illinois public water system identifier. The result is recorded under the purchasing system's identifier because the purchasing system took the sample.

Floyd County Water System, PWSID GA1150001, appears on the same list at PFOA 11.1 ppt, collected June 10, 2025 at the Rome facility, and PFOS 9.2 ppt, collected September 24, 2025 at the Kingston Road Well Plant.

Action not taken — primacy conditions, 42 U.S.C. § 300g-2 and 40 C.F.R. § 142.10. GA EPD has stated in writing that it does not retain or require the documentation described in Count 1. The produced record does not show that EPA has taken any action to bring GA EPD's practices into conformance with 40 C.F.R. § 142.14, notwithstanding notice from September 26, 2025 forward.

COUNT 4 — The Administrator, U.S. Environmental Protection Agency

Requirement alleged to have been violated, and act alleged not to have been performed: 40 C.F.R. § 142.17(a)(1). The provision of the Act under which that requirement was promulgated, and which conditions primary enforcement responsibility on continuing compliance, is 42 U.S.C. § 300g-2. Notice is given under 42 U.S.C. § 300j-8(a)(1) and (a)(2) and 40 C.F.R. § 135.12(a) and (b). 40 C.F.R. § 142.17(a)(1) is a requirement prescribed under the subchapter within the meaning of § 300j-8(a)(1), and the review it directs is an act within the meaning of § 300j-8(a)(2). The United States is expressly within the class of persons subject to suit under § 300j-8(a)(1).

The requirement. 40 C.F.R. § 142.17(a)(1) provides that at least annually the Administrator shall review, with respect to each State determined to have primary enforcement responsibility, the compliance of the State with the requirements set forth in 40 C.F.R. Part 142, Subpart B, and the approved State primacy program. The State record requirements at 40 C.F.R. § 142.14 and the special primacy requirements at 40 C.F.R. § 142.16, including the Consumer Confidence Report provisions at § 142.16(f), are within Subpart B and are therefore among the requirements the annual review is directed to reach.

Activity alleged to constitute the violation, and the act not performed. The annual review instrument contains no component that examines the accuracy of any Consumer Confidence Report. Records released July 30, 2026 in FOIA 2026-EPA-06002 comprise the FY2024 Annual Program Reviews for seven Region 4 States. Read together with Georgia's, eight parallel exemplars of the same instrument, prepared in the same fiscal year under the same guidance, contain no such component. The Consumer Confidence Report appears in the instrument only as a date entry in a rule-adoption table and, in one State's file review, as a certification received-date discrepancy. At no point does the instrument examine the content of any report.

The discretion conferred by § 142.17(a)(1) is discretion as to the manner of review. It is not discretion to omit a subject the provision directs the Administrator to review. Eight documents establish omission rather than method.

The instrument identified the defect at issue and the assurance denied it. Region 4's FY2024 Annual Program Review of Georgia's primacy program, at page 17 of 20 of the signed final report, lists among areas for improvement "timeliness of violation reporting, especially in relation to Tier 3 PN." Tier 3 public notification under 40 C.F.R. § 141.207 is the duty Region 4 set out in writing on October 8, 2025, and the twelve-month window for the October 14, 2025 UCMR5 results closes October 14, 2026. On February 10, 2026, Region 4 cited that same review to the person giving this notice as the basis for stating that "as of our 2024 review, we identified no significant concerns," in response to a complaint concerning the accuracy of a Consumer Confidence Report and Tier 3 public notification. The review flagged the subject. The assurance denied it. The instrument does not examine the accuracy of the report.

The development record of the instrument. Records produced in FOIA 2026-EPA-05077 establish that the methodology for calculating and presenting health-based violation counts in Annual Program Reviews was revised during the FY2025 cycle. Records released July 23, 2026 establish that the reviewing team proceeded without the governing headquarters guidance, recorded on February 25, 2026 as "not yet been released," in order "to avoid delaying the process"; that the data source was changed from third-quarter to fourth-quarter data; and that Georgia was the pilot State for the revised process, with a dry run conducted February 19, 2026. Records released August 5, 2026 establish that the revised guidance and report template were transmitted to regional program managers on March 3, 2026 with the statement that the versions were "finalized and available for use in this fiscal year's reporting cycle." Both documents were withheld in their entirety under Exemption 5 of the Freedom of Information Act by determination transmitted August 5, 2026. Whether the revised instrument contains any component verifying the accuracy of Consumer Confidence Reports cannot be determined from the produced record, because the documents that would answer the question are withheld.

Evidence that the instrument is not performing the review it recites. The following are stated as evidence bearing on the allegations above, not as separate claims.

Region 4's FY2024 Annual Program Review of Georgia states, in Table 2 at page 6 of the signed final report, that Georgia's result for community water systems in continuous noncompliance with health-based standards is one system, and states in the narrative at page 13 of the same signed document that Georgia accounts for two. Written inquiry was made to five named Region 4 officials on May 20, 2026. The

response of May 21, 2026 attributed the discrepancy to a system that returned to compliance during the year but did not identify the system or the date of return to compliance. A same-day written request for that identifying information has not been answered as of the date of this notice.

All eight FY2024 Annual Program Reviews print an identical Region 4 result of four community water systems in continuing health-based noncompliance since March 31, 2021. The eight States' own reported figures sum to five. That measure is a Long-Term Performance Goal under the GPRA Modernization Act, stated at page 60 of EPA's FY2022–2026 Strategic Plan. No Georgia FY2024 file review appears in any of the eight documents; six of the seven other States have one, dated.

Relief sought under this Count is limited to Georgia. The seven other States' Annual Program Reviews are pleaded as evidence that the omission is a property of the instrument rather than of any single document. No relief is sought with respect to any State other than Georgia.

V. Notice and failure to cure

The matters described above have been the subject of continuous written notice to Floyd County Water System, GA EPD, and EPA Region 4 since September 26, 2025, when the initiating complaint itemizing the 2024 Consumer Confidence Report defects was transmitted to all three and logged by GA EPD as CTS 114137 the same day.

That notice includes, without limitation: the October 10, 2025 records preservation notice to Director Cown; the February 17, 2026 final request to GA EPD for the CCR primacy artifacts required under 40 C.F.R. § 142.14, or a described-search statement that none exist; the March 31, 2026 written notice to the Office of the Regional Administrator that the CCR control environment remained materially deficient and created a foreseeable risk of another defective public disclosure, receipt of which was acknowledged the same day; the April 6, 2026 notice of uncured default to GA EPD; the certified Notice of Intent transmitted May 11, 2026; the May 28, 2026 enumeration of five specific conditions that would ripen into violations if the July 1 posting did not cure them; correspondence to the Administrator dated June 24 and August 3, 2026; and correspondence to the Governor of Georgia dated August 10, 2026.

On July 1, 2026, Floyd County Water System posted a 2025 Consumer Confidence Report defective in each of the five respects enumerated on May 28, 2026.

The violations identified above remain uncured.

VI. Cure

The initiating complaint itemizing the Floyd County 2024 Consumer Confidence Report defects was transmitted to the Georgia Environmental Protection Division and to EPA Region 4 on the same day, September 26, 2025, and was logged by GA EPD as CTS 114137 that morning. As of the date of this notice, each agency has had **322 days** of documented written notice of the matters described above. Each of the items below was capable of being produced or performed on any one of those days.

The following will be accepted as cure. Each item states the artifact required and the condition on which it will be treated as satisfied. Those conditions are fixed by this notice and will not be revised after the fact.

General conditions applicable to every item. Cure requires delivery in writing to the person giving notice, by electronic mail to the designated address in Section I or by postal mail to the address stated there, within the sixty-day period provided by 40 C.F.R. § 135.13. Partial performance of any item does not cure that item. Cure of any Count does not cure any other Count. A representation that an obligation has been met is not cure; the artifact is. Silence within the sixty-day period will be treated as uncured.

Where a required record does not exist. For Counts 1 and 2, a statement that a record cannot be located does not cure. The obligations at 40 C.F.R. §§ 142.14 and 142.16(f)(2) presuppose the record's existence and availability, and its absence is the condition alleged rather than an answer to it. Where GA EPD states that a record does not exist or cannot be located, cure requires in addition: (i) a described-search statement identifying custodians, systems, date ranges, and search terms; (ii) a written determination stating whether the record was required, whether it was received, and whether it was retained; and (iii) a documented corrective action, with an effective date, bringing GA EPD's practice into prospective conformance with the provision at issue.

Count 1. Produce the Consumer Confidence Report copy and the certification submitted by Floyd County Water System for reporting year 2024 under 40 C.F.R. § 141.155(c) as codified on July 1, 2023, together with the records of GA EPD's determinations regarding that submission under § 142.14(a) and (g).

Satisfied when: the copy and the certification are produced as separate identified artifacts, the certification bears a date, and GA EPD identifies in writing which 2024 CCR version it accepted as the § 141.155(c) submission. Production of a CCR without the certification does not satisfy this item. If no certification exists, the conditions above apply.

Count 2. Produce, for CTS 114137 and CTS 115383: (a) the October 8, 2025 communication referenced within CTS 114137 as an attachment; (b) the analytical reports and chain-of-custody documentation for the sampling relied upon to close CTS 114137; (c) the closure criteria applied and the documented basis for closure; and (d) the investigation and disposition records for CTS 115383.

Satisfied when: each of items (a) through (d) is produced or separately addressed under the conditions above. A closure record that states a conclusion without the analytical data and closure criteria underlying it does not satisfy items (b) or (c).

Count 3. Issue an order under 42 U.S.C. § 300g-3(g) or commence a civil action under 42 U.S.C. § 300g-3(b) with respect to the Floyd County Water System Consumer Confidence Report violations. In the alternative, and only as to the second alternative allegation, produce the notification given to the Floyd County Water System under 42 U.S.C. § 300g-3(a)(1)(A), identifying its date and recipient.

Satisfied when: the order is issued or the action is commenced. As to the second alternative allegation only, production of a dated notification to the system, addressed to the owner or operator, satisfies that allegation and does not satisfy the first. No records item satisfies the duty at § 300g-3(a)(1)(B). Separately, and not as cure, the Administrator is asked to state in writing what oversight, verification, or corrective action followed the April 2, 2026 compilation with respect to any system identified on it.

Count 4. State in writing whether the Annual Program Review instrument contains any component that examines the accuracy of a Consumer Confidence Report, identifying that component by document, page, and section if it exists; and produce the FY26 APR Report Guidance and the FY26 APR Report Template, or a record-level segregability determination for each portion withheld.

Satisfied when: the instrument is produced and either (i) the CCR-accuracy component is identified by page and section, or (ii) the Administrator states that no such component exists and provides a written commitment, with a date, to include one in the annual review of Georgia's primacy program for the next review cycle. A statement that the review is adequate, or that CCR accuracy is addressed elsewhere in the program, does not satisfy this item absent identification of the component in the instrument itself.

Additionally, and as a records item rather than cure: identify by PWSID and date of return to compliance the systems described in the FY2024 Annual Program Review at Table 2, page 6 and in the narrative at page 13.

VII. Sixty-day period

No action will be commenced under 42 U.S.C. § 300j-8(a)(1) or (a)(2) until sixty days after each appropriate party has been given notice, as required by 40 C.F.R. § 135.13. Under 40 C.F.R. § 135.11(c), notice served by mail is deemed given on the date noted on the return receipt card. Suit will be filed upon expiration of that period if the violations identified above remain uncured.

I certify that this document is the version transmitted for service on the date shown, that it is preserved in fixed form for service, archival, and verification purposes, and that no edits were made after certification.

Steven Lane Ray
08/14/2026

Steven Lane Ray

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**Steven
Lane Ray**

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