



MISSISSIPPI STATE DEPARTMENT OF HEALTH

February 28, 2020

Ms. Amanda Driskell
U.S. EPA – Region IV
Drinking Water Section
61 Forsyth Street
Atlanta, GA 30303

RE: City of Jackson – MS0250008, Compliance and Enforcement with the Lead and Copper Rule

Dear Ms. Driskell:

As you are aware, the Mississippi State Department of Health's Bureau of Public Water Supply (Bureau) has been monitoring the progress of the City of Jackson (City) in returning to compliance with the various provisions of the Lead and Copper Rule (LCR) of the Safe Drinking Water Act (SDWA). By December 29, 2019, the City was scheduled to have completed treatment modifications at both O.B. Curtis (Curtis) and J.H. Fewell (Fewell) treatment plants that were previously outlined in their corrosion control study. The approved study outlined their specific plans along with the required water quality parameters (WQPs). Treatment plant modifications at the Curtis plant have been completed. Modifications at the Fewell plant have been put on hold by the City pending a proposed amendment to the previous corrosion control study. It is our understanding an amended corrosion control study will offer that the previously proposed treatment plant modifications at Fewell will be unnecessary, and new WQPs will be established supporting this change. As of the date of this letter, no corrosion control study amendment has been offered to the Bureau.

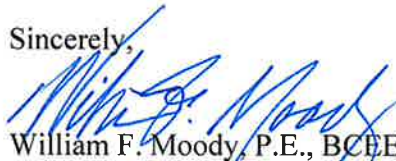
While the City mentioned an amendment to the previous corrosion control study for Fewell later in 2019, it is our understanding from recent correspondence a new study won't be started until April 2020. In conjunction with observations during a recent inspection by the National Enforcement Investigation Center (NEIC) of the EPA and Representatives of Region IV Enforcement as well as additional information that has more recently come to our attention in documentation from the City, the BPWS has additional concerns regarding the City's long term viability. Recent individual disinfection residual exceedances as well as surface water treatment rule violations associated with filter turbidities have further illustrated there are systemic problems at the treatment facilities particularly with asset management. In response to the filter turbidity violations, the Bureau requested filter profile data for both Curtis and Fewell treatment facilities. The data further indicates the filters at both facilities are in urgent need of rehabilitation/replacement which could prevent further excursions of increased levels of turbidity (frequency and duration).

In light of the multiple ongoing violations issued to the City and the continued simultaneous compliance challenges of the various rules of the SDWA, the Department believes it would be prudent for the Enforcement Division of the EPA to take the lead in the enforcement process with the City. While the Bureau recognizes the City has had an extra burden with ongoing issues related to its billing software and may not have had ready access to unlimited fee collections, the City has had ongoing

access to Drinking Water Revolving Loan Funds. Additionally, there could be other concerns associated with simultaneous compliance with the Clean Water Act (CWA) and the SDWA; therefore, the Bureau believes to best assist the City in protecting both the health of its consumers and the environment, the most prudent course would be for EPA to assume the lead role for any formal enforcement related to the most recent NEIC inspection. This action would also allow both EPA and the City to create consistency between any new Consent Decree and the current Consent Decree for wastewater. In the same way the MS Department of Environmental Quality maintains a partnership and supporting enforcement role with EPA regarding the City's compliance with wastewater provisions of the CWA, the Bureau stands ready to assist Region IV with the ongoing drinking water SDWA enforcement case.

If there are any questions regarding this enforcement referral request, or if additional information is needed, please feel free to contact me at 601-576-7518.

Sincerely,



William F. Moody, P.E., BCCE, Director
Bureau of Public Water Supply

Enclosures

cc: Mr. Robert Burns, EPA Regional Contact – Region IV
Mrs. Karen Walters, Deputy Director, Bureau of Public Water Supply
Mr. Lester Herrington, Director, Office of Health Protection
Mr. James Craig, Senior Deputy and Director, Office of Health Protection