

**Uy?STATE OF GEORGIA
DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION DIVISION**

IN RE: Alapaha Plantation Subdivision Water System)
327 North Ashley St)
3rd Floor)
Valdosta, GA 31601) ORDER NO. EPD-WP-9549
Lowndes County)
C/O Bill Slaughter, Chairman)

CONSENT ORDER

Authority

WHEREAS, The Lowndes County Board of Commissioners (the “Respondent”) was issued Permit Number CG1850274 (the “Permit”), in 2016, to operate the Alapaha Plantation Subdivision Water System, WSID Number GA1850274 (hereinafter referred to as the “System”) located in Lowndes County, Georgia; and

WHEREAS, the Director (the “Director”) of the Environmental Protection Division of the Georgia Department of Natural Resources (“EPD”) administers and enforces the Georgia Safe Drinking Water Act of 1977, as amended, O.C.G.A. §12-5-170 *et seq.* (hereinafter referred to as the “Act”); and

WHEREAS, EPD administers and enforces the Rules for Safe Drinking Water, GA. COMP. R. AND REGS. 391-3-5-.01 to .55 (hereinafter referred to as the “Rules”), which were promulgated and are in effect pursuant to the Act; and

WHEREAS, the Act and the Rules make it unlawful for any person to own or operate a public water system, except in such a manner as to conform and comply with all rules, regulations, Orders and permits established under the provisions of the Act and applicable to the water system involved; and

Civil Penalty

WHEREAS, O.C.G.A. § 12-5-192 provides that for any public water system serving fewer than 10,000 individuals, any person violating any provision of the Act or any permit condition or limitation established pursuant to the Act or, negligently or intentionally, failing or refusing to comply with any final order of the Director shall be liable for a civil penalty not to exceed \$1,000.00 for the first day of each violation and a subsequent additional civil penalty not to exceed \$500.00 per violation per day; and

Background

WHEREAS, Rule 391-3-5-.18(7)(a) of the Rules sets the Maximum Contaminant Level for Total Trihalomethanes (TTHM) as 0.080 milligrams per liter (mg/L); and

WHEREAS, Rule 391-3-5-.18(7)(a) of the Rules sets the Maximum Contaminant Level for Haloacetic Acids (HAA5) as 0.060 milligrams per liter (mg/L); and

WHEREAS, on April 09, 2020, the EPD sent the Respondent a Notice of Violation due to a TTHM and HAA5 Maximum Contaminant Level exceedances for the third quarter of 2019, fourth quarter of 2019 and first quarter of 2020 requesting that the Respondent publish a Public Notice in accordance with the Act and Rules and submit certification to the EPD of the same; and

WHEREAS, on May 06, 2020, the Respondent sent the EPD the Public Notice and Certification of Public Notice requested by EPD; and

WHEREAS, on July 23, 2020, the EPD received a corrective action plan (CAP) from the Respondent; and

WHEREAS, on July 21, 2020, the EPD sent the Respondent a Notice of Violation due to a TTHM and HAA5 Maximum Contaminant Level exceedances for the second quarter of 2020, requesting that the Respondent publish a Public Notice in accordance with the Act and Rules and submit certification to the EPD of the same; and

WHEREAS, on August 10, 2020, the Respondent sent the EPD the Public Notice and Certification of Public Notice requested by EPD; and

WHEREAS, on October 26, 2020, the EPD sent the Respondent a Notice of Violation due to a TTHM and HAA5 Maximum Contaminant Level exceedances for the third quarter of 2020, requesting that the Respondent publish a Public Notice in accordance with the Act and Rules and submit certification to the EPD of the same; and

WHEREAS, on December 07, 2020, the Respondent sent the EPD the Public Notice and Certification of Public Notice requested by EPD; and

WHEREAS, on January 15, 2021, the EPD sent the Respondent a Notice of Violation due to a TTHM and HAA5 Maximum Contaminant Level exceedances for the fourth quarter of 2020, requesting that the Respondent publish a Public Notice in accordance with the Act and Rules and submit certification to the EPD of the same; and

WHEREAS, on February 19, 2021, the Respondent sent the EPD the Public Notice and Certification of Public Notice requested by EPD; and

WHEREAS, on March 17, 2021, an enforcement meeting between the EPD and the Respondent took place regarding the current progress of the CAP and compliance timeline and an updated CAP was requested; and

WHEREAS, on April 27, 2021, the EPD received a revised CAP from the Respondent; and

WHEREAS, on April 28, 2021, the EPD approved the CAP; and

WHEREAS, on May 12, 2021, the EPD sent the Respondent a Notice of Violation due to a TTHM and HAA5 Maximum Contaminant Level exceedances for the first quarter of 2021, requesting that the Respondent publish a Public Notice in accordance with the Act and Rules and submit certification to the EPD of the same; and

WHEREAS, on May 28, 2021, the Respondent sent the EPD the Public Notice and Certification of Public Notice requested by EPD; and

WHEREAS, on July 21, 2021, the EPD sent the Respondent a Notice of Violation due to a TTHM and HAA5 Maximum Contaminant Level exceedances for the second quarter of 2021, requesting that the Respondent publish a Public Notice in accordance with the Act and Rules and submit certification to the EPD of the same; and

WHEREAS, on August 10, 2021, the Respondent sent the EPD the Public Notice and Certification of Public Notice requested by EPD; and

WHEREAS, on September 10, 2021, Consent Order EPD-WP-9091 was issued to the Respondent; and

WHEREAS, on October 26, 2021, the EPD sent the Respondent a Notice of Violation due to a TTHM and HAA5 Maximum Contaminant Level exceedances for the third quarter of 2021, requesting that the Respondent publish a Public Notice in accordance with the Act and Rules and submit certification to the EPD of the same; and

WHEREAS, on November 23, 2021, the Respondent sent the EPD the Public Notice and Certification of Public Notice requested by EPD; and

WHEREAS, on January 21, 2022, the EPD sent the Respondent a Notice of Violation due to a TTHM and HAA5 Maximum Contaminant Level exceedances for the fourth quarter of 2021, requesting that the Respondent publish a Public Notice in accordance with the Act and Rules and submit certification to the EPD of the same; and

WHEREAS, on February 17, 2022, the Respondent sent the EPD the Public Notice and Certification of Public Notice requested by EPD; and

WHEREAS, on April 11, 2022, the EPD sent the Respondent a Notice of Violation due to a TTHM and HAA5 Maximum Contaminant Level exceedances for the first quarter of 2022, requesting that the Respondent publish a Public Notice in accordance with the Act and Rules and submit certification to the EPD of the same; and

WHEREAS, on May 05, 2022, the Respondent sent the EPD the Public Notice and Certification of Public Notice requested by EPD; and

WHEREAS, on August 04, 2022, the EPD sent the Respondent a Notice of Violation due to a TTHM and HAA5 Maximum Contaminant Level exceedances for the second quarter of 2022, requesting

that the Respondent publish a Public Notice in accordance with the Act and Rules and submit certification to the EPD of the same; and

WHEREAS, on August 25, 2022, the Respondent sent the EPD the Public Notice and Certification of Public Notice requested by EPD; and

WHEREAS, on October 21, 2022, the EPD sent the Respondent a Notice of Violation due to a TTHM and HAA5 Maximum Contaminant Level exceedances for the third quarter of 2022, requesting that the Respondent publish a Public Notice in accordance with the Act and Rules and submit certification to the EPD of the same; and

WHEREAS, on November 10, 2022, the Respondent sent the EPD the Public Notice and Certification of Public Notice requested by EPD; and

WHEREAS, on February 1, 2023, the EPD sent the Respondent a Notice of Violation due to TTHM and HAA5 Maximum Contaminant Level exceedances for the fourth quarter of 2022, requesting that the Respondent publish a Public Notice in accordance with the Act and Rules and submit certification to EPD of the same; and

WHEREAS, on February 24, 2023, the Respondent sent the EPD the Public Notice and Certification of Public Notice requested by EPD; and

WHEREAS, on April 12, 2023, the EPD sent the Respondent a Notice of Violation due to TTHM and HAA5 Maximum Contaminant Level exceedances for the first quarter of 2023, requesting that the Respondent publish a Public Notice in accordance with the Act and Rules and submit certification to EPD of the same; and

WHEREAS, on April 28, 2023, the Respondent sent the EPD the Public Notice and Certification of Public Notice requested by EPD; and

WHEREAS, on August 16, 2023, the EPD sent the Respondent a Notice of Violation due to TTHM Maximum Contaminant Level exceedances for the second quarter of 2023, requesting that the Respondent publish a Public Notice in accordance with the Act and Rules and submit certification to EPD of the same; and

WHEREAS, on September 05, 2023, the Respondent sent the EPD the Public Notice and Certification of Public Notice requested by EPD; and

WHEREAS, on October 11, 2023, an enforcement meeting between the EPD and the Respondent took place regarding the current progress of the CAP and compliance timeline and an updated CAP was requested; and

WHEREAS, on November 01, 2023, the EPD received a revised CAP from the Respondent; and

WHEREAS, on November 27, 2023, the EPD sent the Respondent a Notice of Violation due to TTHM and HAA5 Maximum Contaminant Level exceedances for the third quarter of 2023, requesting

that the Respondent publish a Public Notice in accordance with the Act and Rules and submit certification to EPD of the same; and

WHEREAS, on December 21, 2023, the Respondent sent the EPD the Public Notice and Certification of Public Notice requested by EPD; and

WHEREAS, on December 22, 2023, the EPD received a revised CAP with updated timeline from the Respondent; and

WHEREAS, on February 28, 2024, the EPD sent the Respondent a Notice of Violation due to TTHM and HAA5 Maximum Contaminant Level exceedances for the fourth quarter of 2023, requesting that the Respondent publish a Public Notice in accordance with the Act and Rules and submit certification to EPD of the same; and

WHEREAS, on March 6, 2024, the EPD approved the most recent CAP; and

WHEREAS, on March 20, 2024, the Respondent sent the EPD the Public Notice and Certification of Public Notice requested by EPD; and

WHEREAS, on April 15, 2024, an enforcement meeting between the EPD and the Respondent took place regarding the current progress of the CAP and compliance timeline and an updated CAP was requested; and

WHEREAS, on April 19, 2024, the EPD received a revised CAP from the Respondent; and

WHEREAS, on June 5, 2024, the EPD approved the CAP; and

WHEREAS, on June 18, 2024, the EPD sent the Respondent a Notice of Violation due to TTHM and HAA5 Maximum Contaminant Level exceedances for the first quarter of 2024, requesting that the Respondent publish a Public Notice in accordance with the Act and Rules and submit certification to EPD of the same; and

WHEREAS, on July 3, 2024, the Respondent sent the EPD the Public Notice and Certification of Public Notice requested by EPD; and

WHEREAS, on October 16, 2024, the EPD sent the Respondent a Notice of Violation due to TTHM and HAA5 Maximum Contaminant Level exceedances for the second quarter of 2024, requesting that the Respondent publish a Public Notice in accordance with the Act and Rules and submit certification to EPD of the same; and

WHEREAS, on November 11, 2024, the Respondent sent the EPD the Public Notice and Certification of Public Notice requested by EPD; and

WHEREAS, on November 15, 2024, the EPD sent the Respondent a Notice of Violation due to TTHM and HAA5 Maximum Contaminant Level exceedances for the third quarter of 2024, requesting

that the Respondent publish a Public Notice in accordance with the Act and Rules and submit certification to EPD of the same; and

WHEREAS, on December 23, 2024, the Respondent sent the EPD the Public Notice and Certification of Public Notice requested by EPD; and

WHEREAS, upon execution by the Director this Consent Order shall replace and supersede all prior Consent Orders regarding the System; and

Alleged Violations

WHEREAS, during reviews of sample analysis results in the Safe Drinking Water Information System, the EPD determined that the Respondent's System had Total Trihalomethanes (TTHM) levels which exceeded the Maximum Contaminant Level of 0.080 milligrams per liter (mg/L), from the third quarter of 2019 to the fourth quarter of 2024 compliance periods; and

WHEREAS, during reviews of sample analysis results in the Safe Drinking Water Information System, the EPD determined that the Respondent's System had Haloacetic Acid (HAA5) levels which exceeded the Maximum Contaminant Level of 0.060 milligrams per liter (mg/L), from the third quarter of 2019 to the fourth quarter of 2024 compliance periods; and

WHEREAS, the Locational Running Annual Average for HAA5 detected at the System during the third quarter of 2019 at sampling point 501 was 0.062 mg/L, in violation of Rule 391-3-5-.18(7)(a); and

WHEREAS, the Locational Running Annual Average for HAA5 detected at the System during the third quarter of 2019 at sampling point 502 was 0.068 mg/L, in violation of Rule 391-3-5-.18(7)(a); and

WHEREAS, the Locational Running Annual Average for TTHM detected at the System during the third quarter of 2019 at sampling point 502 was 0.088 mg/L, in violation of Rule 391-3-5-.18(7)(a); and

WHEREAS, the Locational Running Annual Average for HAA5 detected at the System during the fourth quarter of 2019 at sampling point 501 was 0.080 mg/L, in violation of Rule 391-3-5-.18(7)(a); and

WHEREAS, the Locational Running Annual Average for HAA5 detected at the System during the fourth quarter of 2019 at sampling point 502 was 0.101 mg/L, in violation of Rule 391-3-5-.18(7)(a); and

WHEREAS, the Locational Running Annual Average for TTHM detected at the System during the fourth quarter of 2019 at sampling point 501 was 0.092 mg/L, in violation of Rule 391-3-5-.18(7)(a); and

WHEREAS, the Locational Running Annual Average for TTHM detected at the System during the fourth quarter of 2019 at sampling point 502 was 0.126 mg/L, in violation of Rule 391-3-5-.18(7)(a); and

WHEREAS, the Locational Running Annual Average for HAA5 detected at the System during the first quarter of 2020 at sampling point 501 was 0.110 mg/L, in violation of Rule 391-3-5-.18(7)(a); and

WHEREAS, the Locational Running Annual Average for HAA5 detected at the System during the first quarter of 2020 at sampling point 502 was 0.126 mg/L, in violation of Rule 391-3-5-.18(7)(a); and

WHEREAS, the Locational Running Annual Average for TTHM detected at the System during the first quarter of 2020 at sampling point 501 was 0.122 mg/L, in violation of Rule 391-3-5-.18(7)(a); and

WHEREAS, the Locational Running Annual Average for TTHM detected at the System during the first quarter of 2020 at sampling point 502 was 0.150 mg/L, in violation of Rule 391-3-5-.18(7)(a); and

WHEREAS, the Locational Running Annual Average for HAA5 detected at the System during the second quarter of 2020 at sampling point 501 was 0.128 mg/L, in violation of Rule 391-3-5-.18(7)(a); and

WHEREAS, the Locational Running Annual Average for HAA5 detected at the System during the second quarter of 2020 at sampling point 502 was 0.134 mg/L, in violation of Rule 391-3-5-.18(7)(a); and

WHEREAS, the Locational Running Annual Average for TTHM detected at the System during the second quarter of 2020 at sampling point 501 was 0.139 mg/L, in violation of Rule 391-3-5-.18(7)(a); and

WHEREAS, the Locational Running Annual Average for TTHM detected at the System during the second quarter of 2020 at sampling point 502 was 0.150 mg/L, in violation of Rule 391-3-5-.18(7)(a); and

WHEREAS, the Locational Running Annual Average for HAA5 detected at the System during the third quarter of 2020 at sampling point 501 was 0.155 mg/L, in violation of Rule 391-3-5-.18(7)(a); and

WHEREAS, the Locational Running Annual Average for HAA5 detected at the System during the third quarter of 2020 at sampling point 502 was 0.157 mg/L, in violation of Rule 391-3-5-.18(7)(a); and

WHEREAS, the Locational Running Annual Average for TTHM detected at the System during the third quarter of 2020 at sampling point 501 was 0.172 mg/L, in violation of Rule 391-3-5-.18(7)(a); and

WHEREAS, the Locational Running Annual Average for TTHM detected at the System during the third quarter of 2020 at sampling point 502 was 0.167 mg/L, in violation of Rule 391-3-5-.18(7)(a); and

WHEREAS, the Locational Running Annual Average for HAA5 detected at the System during the fourth quarter of 2020 at sampling point 501 was 0.183 mg/L, in violation of Rule 391-3-5-.18(7)(a); and

WHEREAS, the Locational Running Annual Average for HAA5 detected at the System during the fourth quarter of 2020 at sampling point 502 was 0.176 mg/L, in violation of Rule 391-3-5-.18(7)(a); and

WHEREAS, the Locational Running Annual Average for TTHM detected at the System during the fourth quarter of 2020 at sampling point 501 was 0.192 mg/L, in violation of Rule 391-3-5-.18(7)(a); and

WHEREAS, the Locational Running Annual Average for TTHM detected at the System during the fourth quarter of 2020 at sampling point 502 was 0.169 mg/L, in violation of Rule 391-3-5-.18(7)(a); and

WHEREAS, the Locational Running Annual Average for HAA5 detected at the System during the first quarter of 2021 at sampling point 501 was 0.202 mg/L, in violation of Rule 391-3-5-.18(7)(a); and

WHEREAS, the Locational Running Annual Average for HAA5 detected at the System during the first quarter of 2021 at sampling point 502 was 0.196 mg/L, in violation of Rule 391-3-5-.18(7)(a); and

WHEREAS, the Locational Running Annual Average for TTHM detected at the System during the first quarter of 2021 at sampling point 501 was 0.187 mg/L, in violation of Rule 391-3-5-.18(7)(a); and

WHEREAS, the Locational Running Annual Average for TTHM detected at the System during the first quarter of 2021 at sampling point 502 was 0.175 mg/L, in violation of Rule 391-3-5-.18(7)(a); and

WHEREAS, the Locational Running Annual Average for HAA5 detected at the System during the second quarter of 2021 at sampling point 501 was 0.217 mg/L, in violation of Rule 391-3-5-.18(7)(a); and

WHEREAS, the Locational Running Annual Average for HAA5 detected at the System during the second quarter of 2021 at sampling point 502 was 0.199 mg/L, in violation of Rule 391-3-5-.18(7)(a); and

WHEREAS, the Locational Running Annual Average for TTHM detected at the System during the second quarter of 2021 at sampling point 501 was 0.188 mg/L, in violation of Rule 391-3-5-.18(7)(a); and

WHEREAS, the Locational Running Annual Average for TTHM detected at the System during the second quarter of 2021 at sampling point 502 was 0.170 mg/L, in violation of Rule 391-3-5-.18(7)(a); and

WHEREAS, the Locational Running Annual Average for HAA5 detected at the System during the third quarter of 2021 at sampling point 501 was 0.223 mg/L, in violation of Rule 391-3-5-.18(7)(a); and

WHEREAS, the Locational Running Annual Average for HAA5 detected at the System during the third quarter of 2021 at sampling point 502 was 0.189 mg/L, in violation of Rule 391-3-5-.18(7)(a); and

WHEREAS, the Locational Running Annual Average for TTHM detected at the System during the third quarter of 2021 at sampling point 501 was 0.169 mg/L, in violation of Rule 391-3-5-.18(7)(a); and

WHEREAS, the Locational Running Annual Average for TTHM detected at the System during the third quarter of 2021 at sampling point 502 was 0.150 mg/L, in violation of Rule 391-3-5-.18(7)(a); and

WHEREAS, the Locational Running Annual Average for HAA5 detected at the System during the fourth quarter of 2021 at sampling point 501 was 0.203 mg/L, in violation of Rule 391-3-5-.18(7)(a); and

WHEREAS, the Locational Running Annual Average for HAA5 detected at the System during the fourth quarter of 2021 at sampling point 502 was 0.163 mg/L, in violation of Rule 391-3-5-.18(7)(a); and

WHEREAS, the Locational Running Annual Average for TTHM detected at the System during the fourth quarter of 2021 at sampling point 501 was 0.148 mg/L, in violation of Rule 391-3-5-.18(7)(a); and

WHEREAS, the Locational Running Annual Average for TTHM detected at the System during the fourth quarter of 2021 at sampling point 502 was 0.129 mg/L, in violation of Rule 391-3-5-.18(7)(a); and

WHEREAS, the Locational Running Annual Average for HAA5 detected at the System during the first quarter of 2022 at sampling point 501 was 0.199 mg/L, in violation of Rule 391-3-5-.18(7)(a); and

WHEREAS, the Locational Running Annual Average for HAA5 detected at the System during the first quarter of 2022 at sampling point 502 was 0.170 mg/L, in violation of Rule 391-3-5-.18(7)(a); and

WHEREAS, the Locational Running Annual Average for TTHM detected at the System during the first quarter of 2022 at sampling point 501 was 0.173 mg/L, in violation of Rule 391-3-5-.18(7)(a); and

WHEREAS, the Locational Running Annual Average for TTHM detected at the System during the first quarter of 2022 at sampling point 502 was 0.140 mg/L, in violation of Rule 391-3-5-.18(7)(a); and

WHEREAS, the Locational Running Annual Average for HAA5 detected at the System during the second quarter of 2022 at sampling point 501 was 0.211 mg/L, in violation of Rule 391-3-5-.18(7)(a); and

WHEREAS, the Locational Running Annual Average for HAA5 detected at the System during the second quarter of 2022 at sampling point 502 was 0.180 mg/L, in violation of Rule 391-3-5-.18(7)(a); and

WHEREAS, the Locational Running Annual Average for TTHM detected at the System during the second quarter of 2022 at sampling point 501 was 0.198 mg/L, in violation of Rule 391-3-5-.18(7)(a); and

WHEREAS, the Locational Running Annual Average for TTHM detected at the System during the second quarter of 2022 at sampling point 502 was 0.153 mg/L, in violation of Rule 391-3-5-.18(7)(a); and

WHEREAS, the Locational Running Annual Average for HAA5 detected at the System during the third quarter of 2022 at sampling point 501 was 0.218 mg/L, in violation of Rule 391-3-5-.18(7)(a); and

WHEREAS, the Locational Running Annual Average for HAA5 detected at the System during the third quarter of 2022 at sampling point 502 was 0.182 mg/L, in violation of Rule 391-3-5-.18(7)(a); and

WHEREAS, the Locational Running Annual Average for TTHM detected at the System during the third quarter of 2022 at sampling point 501 was 0.220 mg/L, in violation of Rule 391-3-5-.18(7)(a); and

WHEREAS, the Locational Running Annual Average for TTHM detected at the System during the third quarter of 2022 at sampling point 502 was 0.172 mg/L, in violation of Rule 391-3-5-.18(7)(a); and

WHEREAS, the Locational Running Annual Average for HAA5 detected at the System during the fourth quarter of 2022 at sampling point 501 was 0.232 mg/L, in violation of Rule 391-3-5-.18(7)(a); and

WHEREAS, the Locational Running Annual Average for HAA5 detected at the System during the fourth quarter of 2022 at sampling point 502 was 0.193 mg/L, in violation of Rule 391-3-5-.18(7)(a); and

WHEREAS, the Locational Running Annual Average for TTHM detected at the System during the fourth quarter of 2022 at sampling point 501 was 0.242 mg/L, in violation of Rule 391-3-5-.18(7)(a); and

WHEREAS, the Locational Running Annual Average for TTHM detected at the System during the fourth quarter of 2022 at sampling point 502 was 0.188 mg/L, in violation of Rule 391-3-5-.18(7)(a); and

WHEREAS, the Locational Running Annual Average for HAA5 detected at the System during the first quarter of 2023 at sampling point 501 was 0.233 mg/L, in violation of Rule 391-3-5-.18(7)(a); and

WHEREAS, the Locational Running Annual Average for HAA5 detected at the System during the first quarter of 2023 at sampling point 502 was 0.179 mg/L, in violation of Rule 391-3-5-.18(7)(a); and

WHEREAS, the Locational Running Annual Average for TTHM detected at the System during the first quarter of 2023 at sampling point 501 was 0.229 mg/L, in violation of Rule 391-3-5-.18(7)(a); and

WHEREAS, the Locational Running Annual Average for TTHM detected at the System during the first quarter of 2023 at sampling point 502 was 0.191 mg/L, in violation of Rule 391-3-5-.18(7)(a); and

WHEREAS, the Locational Running Annual Average for HAA5 detected at the System during the second quarter of 2023 at sampling point 501 was 0.215 mg/L, in violation of Rule 391-3-5-.18(7)(a); and

WHEREAS, the Locational Running Annual Average for HAA5 detected at the System during the second quarter of 2023 at sampling point 502 was 0.168 mg/L, in violation of Rule 391-3-5-.18(7)(a); and

WHEREAS, the Locational Running Annual Average for TTHM detected at the System during the second quarter of 2023 at sampling point 501 was 0.276 mg/L, in violation of Rule 391-3-5-.18(7)(a); and

WHEREAS, the Locational Running Annual Average for TTHM detected at the System during the second quarter of 2023 at sampling point 502 was 0.248 mg/L, in violation of Rule 391-3-5-.18(7)(a); and

WHEREAS, the Locational Running Annual Average for HAA5 detected at the System during the third quarter of 2023 at sampling point 501 was 0.241 mg/L, in violation of Rule 391-3-5-.18(7)(a); and

WHEREAS, the Locational Running Annual Average for HAA5 detected at the System during the third quarter of 2023 at sampling point 502 was 0.197 mg/L, in violation of Rule 391-3-5-.18(7)(a); and

WHEREAS, the Locational Running Annual Average for TTHM detected at the System during the third quarter of 2023 at sampling point 501 was 0.263 mg/L, in violation of Rule 391-3-5-.18(7)(a); and

WHEREAS, the Locational Running Annual Average for TTHM detected at the System during the third quarter of 2023 at sampling point 502 was 0.235 mg/L, in violation of Rule 391-3-5-.18(7)(a); and

WHEREAS, the Locational Running Annual Average for HAA5 detected at the System during the fourth quarter of 2023 at sampling point 501 was 0.219 mg/L, in violation of Rule 391-3-5-.18(7)(a); and

WHEREAS, the Locational Running Annual Average for HAA5 detected at the System during the fourth quarter of 2023 at sampling point 502 was 0.206 mg/L, in violation of Rule 391-3-5-.18(7)(a); and

WHEREAS, the Locational Running Annual Average for TTHM detected at the System during the fourth quarter of 2023 at sampling point 501 was 0.253 mg/L, in violation of Rule 391-3-5-.18(7)(a); and

WHEREAS, the Locational Running Annual Average for TTHM detected at the System during the fourth quarter of 2023 at sampling point 502 was 0.229 mg/L, in violation of Rule 391-3-5-.18(7)(a); and

WHEREAS, the Locational Running Annual Average for HAA5 detected at the System during the first quarter of 2024 at sampling point 501 was 0.210 mg/L, in violation of Rule 391-3-5-.18(7)(a); and

WHEREAS, the Locational Running Annual Average for HAA5 detected at the System during the first quarter of 2024 at sampling point 502 was 0.210 mg/L, in violation of Rule 391-3-5-.18(7)(a); and

WHEREAS, the Locational Running Annual Average for TTHM detected at the System during the first quarter of 2024 at sampling point 501 was 0.250 mg/L, in violation of Rule 391-3-5-.18(7)(a); and

WHEREAS, the Locational Running Annual Average for TTHM detected at the System during the first quarter of 2024 at sampling point 502 was 0.219 mg/L, in violation of Rule 391-3-5-.18(7)(a); and

WHEREAS, the Locational Running Annual Average for HAA5 detected at the System during the second quarter of 2024 at sampling point 501 was 0.219 mg/L, in violation of Rule 391-3-5-.18(7)(a); and

WHEREAS, the Locational Running Annual Average for HAA5 detected at the System during the second quarter of 2024 at sampling point 502 was 0.212 mg/L, in violation of Rule 391-3-5-.18(7)(a); and

WHEREAS, the Locational Running Annual Average for TTHM detected at the System during the second quarter of 2024 at sampling point 501 was 0.183 mg/L, in violation of Rule 391-3-5-.18(7)(a); and

WHEREAS, the Locational Running Annual Average for TTHM detected at the System during the second quarter of 2024 at sampling point 502 was 0.159 mg/L, in violation of Rule 391-3-5-.18(7)(a); and

WHEREAS, the Locational Running Annual Average for HAA5 detected at the System during the third quarter of 2024 at sampling point 501 was 0.196 mg/L, in violation of Rule 391-3-5-.18(7)(a); and

WHEREAS, the Locational Running Annual Average for HAA5 detected at the System during the third quarter of 2024 at sampling point 502 was 0.197 mg/L, in violation of Rule 391-3-5-.18(7)(a); and

WHEREAS, the Locational Running Annual Average for TTHM detected at the System during the third quarter of 2024 at sampling point 501 was 0.198 mg/L, in violation of Rule 391-3-5-.18(7)(a); and

WHEREAS, the Locational Running Annual Average for TTHM detected at the System during the third quarter of 2024 at sampling point 502 was 0.174 mg/L, in violation of Rule 391-3-5-.18(7)(a); and

WHEREAS, the Locational Running Annual Average for HAA5 detected at the System during the fourth quarter of 2024 at sampling point 501 was 0.210 mg/L, in violation of Rule 391-3-5-.18(7)(a); and

WHEREAS, the Locational Running Annual Average for HAA5 detected at the System during the fourth quarter of 2024 at sampling point 502 was 0.187 mg/L, in violation of Rule 391-3-5-.18(7)(a); and

WHEREAS, the Locational Running Annual Average for TTHM detected at the System during the fourth quarter of 2024 at sampling point 501 was 0.211 mg/L, in violation of Rule 391-3-5-.18(7)(a); and

WHEREAS, the Locational Running Annual Average for TTHM detected at the System during the fourth quarter of 2024 at sampling point 502 was 0.187 mg/L, in violation of Rule 391-3-5-.18(7)(a); and

Conditions

WHEREAS, the Director has determined that an amicable disposition of the alleged violations set forth herein is in the best interest of the citizens of the State of Georgia.

NOW THEREFORE, before the taking of any testimony and without adjudicating the merits of the parties' positions, the parties hereby resolve the allegations in this matter upon order of the Director and consent of Respondent as follows:

1. The Respondent shall complete the Reverse Osmosis Pilot Study no later than April 30, 2025.
2. The Respondent shall submit design plans and specifications for the permanent Reverse Osmosis System to the GA EPD Southwest District for approval no later than June 29, 2025.
3. The Respondent shall complete the installation of two new raw water wells no later than December 31, 2025.
4. The Respondent shall complete the installation of the permanent Reverse Osmosis System no later than May 05, 2026.
5. The Respondent shall submit written updates regarding the progress of the implementation of the above conditions to the GA EPD on a quarterly basis no later than March 31, 2025, June 30, 2025, September 30, 2025, December 31, 2025, and March 31, 2026.
6. The Respondent shall provide a notification of completion of all required conditions to GA EPD no later than May 05, 2026.

Deadlines

Time is of the essence in this Consent Order. Compliance with any deadline that falls on a Saturday, Sunday or state-recognized holiday shall be by the next business day.

Addresses

All notices, correspondence, etc., from the Director and EPD to Respondent relating to this Consent Order shall be sent to:

Alapaha Plantation Subdivision Water System

Bill Slaughter, Chairman
Alapaha Plantation Subdivision Water System
327 North Ashley St.
3rd Floor
Valdosta, GA 31601

Respondent shall submit address changes to EPD in written notice sent by certified mail; such notice shall include this Order number.

All correspondence from Respondent to EPD relating to this Consent Order shall be sent to:

Georgia Environmental Protection Division
Floyd Towers East, Suite 1052
2 Martin Luther King, Jr. Dr., SE
Atlanta, GA 30334
ATTN: Drinking Water Compliance Unit Manager

Public Notice

This Consent Order may be subject to public notice and comment.

Required Submissions

Upon the submission of any reports, plans, schedules, or other information required by any Condition(s) of this Consent Order, EPD shall review the submission to determine its completeness. If EPD determines that the submission is complete, EPD shall notify Respondent in writing that the submission is approved.

If EPD determines that the submission is incomplete, it shall provide Respondent with written notice of the deficiencies. Respondent shall have fifteen (15) days from issuance of EPD's notice of deficiency to submit a corrected submission.

All submissions required by this Consent Order are, upon approval by EPD, incorporated by reference into, and made part of, this Consent Order. Any noncompliance with an approved submission shall be deemed noncompliance with this Consent Order.

Approval by EPD of any submission required by this Consent Order is not an agency determination that compliance with any state laws, regulations and/or permits, licenses, etc., will thereby be achieved, but is strictly limited to the completeness of the technical aspects of the submission with regards to the requirements of this Consent Order.

Force Majeure

Failure of Respondent to complete the requirement(s) of any Condition(s), other than payment obligations, by the deadline(s) specified therein may be excused by EPD if 1) Respondent's failure was caused by a force majeure event, and 2) Respondent complies with all notification requirements in this section. Respondent shall have the burden of proving to EPD that it was rendered unable, in whole or part, by the force majeure event to meet the deadline(s).

The term “force majeure event” as used herein shall be limited to the following: an act of war (whether declared or not), including an invasion, act of foreign enemies, or terrorism; a strike, lockout, or other labor or industrial blockade or embargo which is not attributable to any unreasonable action or inaction on the part of Respondent; public riot; specific incidents of exceptional adverse weather conditions or natural disasters such as a hurricane, flood, or earthquake; a fire or explosion affecting the Respondent’s operations; failure to secure timely and necessary federal, state, or local approvals or permits, provided approvals or permits have been timely and diligently sought; and any other occurrence caused by unforeseeable circumstances beyond the reasonable control of Respondent, as determined by EPD in its sole discretion.

Within two (2) business days of learning of any force majeure event that may reasonably be expected to cause a deadline to be missed, Respondent shall notify EPD verbally or in writing. Within seven (7) business days of learning of any force majeure event that may reasonably be expected to cause a deadline to be missed, Respondent shall submit written notice to EPD of the force majeure event, the possible effects and the anticipated length (if known) of any delay. EPD shall review the submission and negotiate with Respondent regarding the length of the proposed extension of deadlines, if any. The Respondent shall exercise due diligence and adopt all reasonable measures to avoid or minimize any delay.

Effect of Order

Respondent consents and the Director executes this Consent Order solely for the purpose of addressing the alleged violations set forth herein. This Consent Order does not relieve Respondent of any obligations or requirements of any statute, rules, permit, or other matter administered by EPD except as specifically authorized herein, which authorization shall be strictly construed. This Consent Order is not a finding, determination, or adjudication of a violation of any state laws, rules, standards and/or requirements, nor does Respondent by consenting to this Consent Order make any admission with respect to any factual allegation contained in this Consent Order or to any liability to any third party.

Unless modified or terminated by a subsequent order, or otherwise specified in writing by the Director, this Order shall be deemed satisfied and terminated upon full, complete, and timely performance of each and every condition set forth herein.

Further Enforcement

Failure by Respondent to comply with any provision of this Consent Order may result in further enforcement action. Issuance of this Consent Order does not waive the Director’s right to use the violation(s) alleged herein, upon sufficient evidence, to show past violations in any subsequent enforcement proceeding.

Finality

For the purpose of enforcement, this Consent Order constitutes a final order of the Director in accordance with applicable Georgia law. By agreement of the parties, this Consent Order shall be final and effective immediately upon execution by the Director, shall not be appealable, and Respondent does hereby waive all administrative proceedings and judicial hearings on the terms and conditions of this Consent Order.

Electronic Signatures

The parties agree that any electronic signatures on this Consent Order constitute original, valid signatures pursuant to the Uniform Electronic Transactions Act, O.C.G.A. § 10-12-1 *et seq.*

It is so ORDERED and CONSENTED TO on the following date _____.

For the Georgia Environmental Protection Division:

By: _____

Jeffrey W. Cown, Director

For Respondent: Alapaha Plantation Subdivision Water
System

By: _____

Printed
Name: _____

Title: _____