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December 9, 2011

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RETURN RECEIPT REQUESTED

City of Denmark
Attn: Dr. Gerald Wright, Mayor
4768 Carolina Highway
Denmark, SC 29042

91 7108 2133 3938 7371 0453

RE: Consent Order 11-072-DW
City of Denmark
Public Water System No. 0510002 (PWS)
Bamberg County

Dear Mayor Wright:

Please find enclosed a copy of the fully executed Department of Health and Environmental Control (Department) Consent Order 11-072-DW for your records. This Order was executed on December 6, 2011. All timelines are as indicated in the Order.

If you have any questions concerning the requirements of this Order, please contact me at (803) 898-4430 or email me at malonzds@dhec.sc.gov.

Sincerely,

Daniel S. Malonza
Drinking Water Protection Division
Bureau of Water

Enclosure

cc: EQC Region 5, Aiken

THE STATE OF SOUTH CAROLINA
BEFORE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

IN RE: CITY OF DENMARK
PUBLIC WATER SYSTEM NO. 0510002
BAMBERG COUNTY

CONSENT ORDER
11-072-DW

The City of Denmark (Respondent) owns and is responsible for the proper operation and maintenance of the public water system No. 0510002 (PWS) that serves the customers of the City of Denmark located in Bamberg County, South Carolina.

Inspections of the PWS by South Carolina Department of Health and Environmental Control (Department) staff revealed that the Respondent failed to properly operate and maintain the PWS.

Based on discussions with the Respondent's representatives on October 27, 2011, the parties have agreed to the issuance of this Order to include the following Findings of Fact and Conclusions of Law. This Consent Order will replace and supersede Consent Order 10-001-DW.

FINDINGS OF FACT

1. The City of Denmark (Respondent) owns and is responsible for the proper operation and maintenance of the public water system No. 0510002 (PWS) that serves the customers of the City of Denmark located in Bamberg County, South Carolina.
2. The PWS consists of four (4) wells (G05109 – Well 2 Vorhees, G05160 – Well 4 Cox Mill, G05162 – Well 5 Acacia Street and G05163 - Well 6 West Voorhees Road), three (3) elevated storage tanks (City Hall, Nibco and Voorhees), one thousand five hundred

one (1,501) taps, serves a population of approximately three thousand eight hundred (3,800) and is classified by the Department as a Community PWS.

3. On January 25, 2010, the Department issued Consent Order 10-001-DW to the Respondent that required the Respondent to correct all of the deficiencies listed in the November 9, 2009 sanitary survey report. The deficiencies that still have not been corrected are Water Quality; Valve/hydrant Maintenance; Flushing Program, and Leak Detection and Repair.

4. On September 9, 2011, Department staff conducted a sanitary survey of the PWS which resulted in an "unsatisfactory" rating due to the following deficiencies:

   A. Chemical Feed was rated "unsatisfactory" in that the chemical feed lines were not labeled and the current water treatment operators were unfamiliar with the function of the HaloSan iron bacteria removal system. ✓

   B. Chemical Storage and Handling was rated "unsatisfactory" in that the gaseous chlorine alarm at Well 4 was not functioning because the electric supply to Well 4 had been disrupted. ✓

   C. Water Quality was rated "needs improvement" in that there was periodic discoloration of water and there was no detailed flushing program. This deficiency was documented and the item rated "unsatisfactory" during the June 24, 2009 sanitary survey and "needs improvement" during the August 18, 2010 sanitary survey.

   D. Cross Connection Control was rated "unsatisfactory" in that several testable backflow prevention devices had not been tested within the past year or failed initial testing and had not been repaired. ✓ tests fixed to Anker?

   E. Valve/Hydrant Maintenance was rated "needs improvement" in that there was no proper documentation of valve/hydrant maintenance. This deficiency was

documented and the item rated "unsatisfactory" during the June 24, 2009 sanitary survey and "needs improvement" during the August 18, 2010 sanitary survey. – Map being updated

F. Flushing Program was rated "unsatisfactory" in that there was no detailed and comprehensive flushing program available for review. This deficiency was documented and the item rated "needs improvement" during the June 24, 2009 and August 18, 2010 sanitary surveys. – developed

G. Leak Detection and Repair was rated "unsatisfactory" in that there was no water audit available for review and a preliminary calculation showed an approximate water loss of fifty-two (52) percent. This deficiency was documented and the item rated "unsatisfactory" during the June 24, 2009 sanitary survey and "needs improvement" during the August 18, 2010 sanitary survey. Sept audit – 42.28% LD&P being developed with Rural Water

H. Storage Maintenance was rated "needs improvement" in that the Town Hall elevated storage tank was out service and had not been disconnected from the distribution system, the concrete pad at the base of the Voorhees elevated storage tank was deteriorated, and the most recent tank inspection reports had not been submitted to the Department. – capped & disconnected grouted done – inspection

I. Operation and Control was rated "unsatisfactory" in that there was a high water loss, inadequate record keeping, the treatment system at Well 4 was not being properly monitored, gaseous chlorine was not being stored in a safe manner and there was lack of a proactive approach in system operation and maintenance.

J. Sample Siting Plan was rated "needs improvement" in that there was no detailed sample siting plan available for review. – being done

K. Monitoring/Record Keeping was rated "unsatisfactory" in that there was not adequate documentation of flushing and valve/hydrant maintenance, and a water audit had not been completed.

L. Corrections from Previous Survey was rated "unsatisfactory" in that deficiencies from the previous sanitary surveys had not been corrected.

M. Procedures Manual was rated "unsatisfactory" in that there was no organized procedures manual identifying current procedures.

N. Staffing was rated "unsatisfactory" in that the PWS failed to continuously manage the system proactively, adhere to established maintenance schedules and provide appropriate and organized documentation of system operations.

At least one (1) of the above noted deficiencies constitutes a significant deficiency under the Ground Water Rule.

5. On October 27, 2011, Department staff held an enforcement conference with the Respondent's representatives, Heyward Robinson (City Administrator, City of Denmark), Timothy Freeman (Water Treatment & Distribution Operator, City of Denmark) and Jimmie Shepherd (Maintenance, City of Denmark) to discuss the violations. The possibility of a Consent Order was discussed.

CONCLUSIONS OF LAW

Based upon the above Findings of Fact, the Department, pursuant to the State Safe Drinking Water Act, S.C. Code Ann. §§ 44-55-10 to 44-55-120 (2002 & Supp. 2010), reaches the following Conclusions of Law:

1. The Respondent violated the State Primary Drinking Water Regulations, 24A S.C. Code Ann. Regs. 61-58.7 (Supp. 2010), in that it failed to properly operate and maintain the PWS.

2. The State Safe Drinking Water Act, S.C. Code Ann. § 44-55-90(B) (2002), provides for a civil penalty not to exceed five thousand dollars ($5,000.00) a day per violation for any person violating the Act.

NOW, THEREFORE, IT IS ORDERED, CONSENTED TO AND AGREED, pursuant to the State Safe Drinking Water Act, S.C. Code Ann. §§ 44-55-10 to 44-55-120 (2002 & Supp. 2010), that the Respondent shall:

1. Within forty-five (45) days of the execution date of this Order, pay to the Department a civil penalty in the amount of three thousand dollars ($3,000.00).
2. Within ninety (90) days of the execution date of this Order, correct the deficiencies listed in item three (3) A - N of the Findings of Fact on pages two (2), three (3), and four (4), and contact the Department's Region 5 Aiken Environmental Quality Control office at (803) 641-7670 to schedule an inspection to verify the completed work.

IT IS FURTHER ORDERED, CONSENTED TO AND AGREED that this Consent Order incorporates by reference all of the findings of fact and the conclusions of law contained in Consent Order 10-001-DW. Further, the requirements of this Consent Order supersede and replace the requirements in Consent Order 10-001-DW.

THE PARTIES FURTHER STIPULATE that the Respondent shall pay an additional civil penalty of nine thousand dollars ($9,000.00) should it fail to comply with any requirement pursuant to this Consent Order, including any implementation schedule approved by the Department. Such penalties shall be due and payable upon written notice to the Respondent. The Department's determination that a requirement has been missed shall be final. All penalties due under this paragraph shall be made payable to the South Carolina Department of Health and Environmental Control within thirty (30) days of notification by the Department. The stipulated penalties set forth above shall be in addition to any other remedies or sanctions which may be available to the Department by reason of the Respondent's failure to comply with the requirements of this Order. The Department's determination that the requirements have not been met shall be final.

PURSUANT TO THIS ORDER, communications regarding this Order and its requirements are to include the Order number and shall be addressed as follows:

Daniel S. Malonza
S.C. Department of Health and Environmental Control
Bureau of Water- Drinking Water Protection Division
Drinking Water Enforcement Section
2600 Bull Street
Columbia, S.C. 29201

THE PARTIES UNDERSTAND that this Consent Order governs only the liability to the Department for civil sanctions arising from the matters set forth herein and constitutes the entire agreement between the Department and the City of Denmark with respect to the resolution and settlement of these matters. The parties are not relying upon any representations, promises, understandings, or agreements except as expressly set forth within this Order.

IT IS FURTHER ORDERED AND AGREED that failure to comply with any provisions of this Order shall be grounds for further enforcement action pursuant to the State Safe Drinking Water Act, S.C. Code Ann. § 44-55-80(A) (2002), to include the assessment of additional civil penalties.

[Signature Page Follows]

FOR THE SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

Robert W. King, Jr., P.E.
Deputy Commissioner
Environmental Quality Control

Date: 12/6/11

David E. Wilson, Jr., P.E., Chief
Bureau of Water

Date: 12-1-11

Douglas B. Kinard, P.E., Director
Drinking Water Protection Division
Bureau of Water

Date: 11/30/11

Reviewed by:

Attorney
Office of General Counsel

Date: 12/1/11

FOR THE CITY OF DENMARK

Signature

Date: Nov. 22, 2011

Gerald E Wright, Mayor
Print or type name and title

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