



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

ELECTRONIC MAIL
CONFIRMATION OF EMAIL RECEIPT REQUESTED

The Honorable Mayor Rick Osbon
Mayor of the City of Aiken
111 Chesterfield Street South
Aiken, South Carolina 29801
ROsbon@CityofAikenSC.gov

Re: Notice of Noncompliance and Concerns Pursuant to Section 1414(a)(1)(A) of the Safe Drinking Water Act, 42 U.S.C. § 300g-3(a)(1)(A), City of Aiken Public Water System in Aiken, South Carolina. PWS ID Number: SC0210001

Dear Mayor Osbon:

The U.S. Environmental Protection Agency is responsible for assuring public water systems (PWS) 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. According to the information in the EPA's Safe Drinking Water Information System, the City of Aiken Public Water System (System) serves a population of approximately 45,090, with 20,292 service connections. Pursuant to Section 1401(15) of the SDWA, 42 U.S.C. § 300f (15), it is therefore a community water system.

A community water system is subject to the requirements of the National Primary Drinking Water Regulations (NPDWRs), 40 C.F.R. Part 141, and South Carolina State Primary Drinking Water Regulations, promulgated pursuant to the South Carolina State Safe Drinking Water Act of 1976, South Carolina Code of Laws § 44-55-10 et seq. Pursuant to SDWA Section 1413, 42 U.S.C. § 300g-2, the South Carolina Department of Health, and Environmental Control (DHEC) is the primary agency responsible for implementing and enforcing the public water supply program for South Carolina. See S.C. Code of Laws § 44-55-20(1).

On February 13 through February 14, 2023, a drinking water inspection was conducted jointly by the EPA and DHEC. The EPA subsequently sent an inspection report to the System on April 6, 2023, (Inspection Report), based on information supplied to the EPA by System representatives through interviews and written statements, observations made by the EPA inspection team, and records and reports maintained by the System. While the EPA commends the System for already addressing a number of observations noted in the Report, this Notice only addresses outstanding observations of alleged noncompliance and additional areas of concern.

Notice of Noncompliance

As detailed in the Inspection Report, the EPA alleges that the System is in noncompliance with the South Carolina Regulation (Regulation) 61-58 as described below:

1. Pursuant to Regulation 61-58.7.C.10, flocculation and sedimentation basins and clarifiers shall be cleaned as often as necessary to keep settled material and algae growth to a minimum.

At the time of the inspection, inspectors observed an inoperable isolation valve in the flocculation basin at the surface water treatment plant. Without a functioning isolation valve, the basin cannot be isolated for cleaning. Therefore, the System is in noncompliance with Regulation 61-58.7.C.10 for failure to clean flocculation basins as necessary.

2. Pursuant to Regulation 61-58.3.E.g.v, tanks shall be properly labeled to designate the chemical contained.

During the time of inspection, the EPA inspectors observed an unlabeled alum day tank. Therefore, the System is in noncompliance with Regulation 61-58.3.E.g.v for failure to properly label tanks to designate the chemical contained.

3. Pursuant to Regulation 61-58.3.E.h.iii, feed lines shall be color-coded and labeled.

At the time of inspection, inspectors observed an unlabeled alum feed line at the surface water treatment plant. Therefore, the System is in noncompliance with Regulation 61-58.3.E.h.iii for failure to color-code and label feed lines.

4. Pursuant to Regulation 61-58.2.D.2c.iii.A, if the chlorine room is large enough for a person to enter, the room shall be constructed such that it has a ventilating fan with a capacity which provides one complete air change per minute.

At the time of inspection, inspectors observed that the temporary chlorine room at the Shiloh Springs treatment plant lacked proper ventilation. Therefore, the System is in noncompliance with Regulation 61-58.2.D.2c.iii.A for failure to provide a ventilation fan in a chlorine room.

5. Pursuant to Regulation 61-58.23.C.5, taps shall be consistent with sampling needs and shall not be of the petcock type. Taps used for obtaining samples for bacteriological analysis shall be of the smooth-nosed type without interior or exterior threads.

At the time of inspection, inspectors observed a threaded sample tap at the Chesterfield tank. Therefore, the System is in noncompliance with Regulation 61-58.23.C.5 for failure to have a sampling tap of smooth-nosed type.

6. Pursuant to Regulation 61-58.7.E.9, valves and hydrants shall be exercised and maintained in accordance with the system's valve and hydrant maintenance program to ensure operability. Any valves or hydrants that malfunction shall be repaired promptly. Records shall be kept on this maintenance program.

At the time of inspection, the System did not have a written valve exercise program. Therefore, the System is in noncompliance with Regulation 61-58.7.E.9.

7. Pursuant to Regulation 61-58.2.B.3.a.i, the location of the public well shall be at least one hundred (100) feet from all potential pollution sources except where the professional engineer or professional geologist can justify a lesser distance based in part on hydrogeological conditions or special well techniques or where the pollution sources is designed in such a manner as to prevent the release of contaminants to the environment.

At the time of inspection, inspectors observed that the radius around Woodside well contained piles of garbage, including egg cartons and food scraps. Therefore, the System is in noncompliance with Regulation 61-58.2.B.3.a.i...

8. Pursuant to Regulation 61-58.7.D.5, the check valve and blow-off on the well head piping shall be maintained.

At the time of inspection, inspectors observed a failing check valve at Douglas Road well. The new valve had been ordered but not installed. Therefore, the System is in noncompliance with Regulation 61-58.7.D.5 for failure to maintain check valves.

Notice of Concerns

During the February 2023 inspection, the inspection team identified several areas of concern. An area of concern may include a defect in design, operation, and/or maintenance; or a failure or malfunction of the sources, treatment, storage, and/or distribution system that is causing, or has the potential for causing, the introduction of contamination into the water delivered to consumers.

The following areas of concern were noted in the inspection report, which the EPA recommends the System take immediate action to address:

1. At the time of inspection, the EPA inspectors observed a large amount of corrosion and deteriorating assets at the surface water treatment plant. The system is planning to build a new surface water treatment plant, but construction has not yet begun. It is recommended that components be maintained in good operating condition to ensure compliance until the new plant is in operation.
2. At the time of inspection, the EPA inspectors observed chemical storage that lacked secondary containment measures. In some instances, floor drains were ineffective at routing chemical releases to secondary containment. At the Pine Log Well treatment plant, it was observed that an overflow of the fluoride hopper had inundated the building with the chemical solution and showed no sign of drainage. Chemicals should be properly contained to prevent releases in the event of an overflow or spill.
3. At the time of inspection, the EPA inspectors observed chemicals stored in close proximity to one another. In the event of a spill, incompatible chemicals could dangerously mix and create

health and safety concerns to operators and nearby residents. Care should be taken to ensure incompatible chemicals are not stored together or in close proximity.

4. At the time of inspection, the EPA inspectors observed a leak on the Regen filtration system's filtered water pressure valve. Valves should be maintained in good operating condition to ensure the maximum lifetime of the component is reached.
5. At the time of inspection, the EPA inspectors observed that High Service Pumps at Shiloh Springs intake pump station lacked a drain for excess water leaking from packing. Water should be drained away from pump components to prevent corrosion.
6. At the time of inspection, the EPA inspectors observed trees growing into one of the storage tanks at the Pine Log Well treatment plant. Inspectors also observed overgrown vegetation growing through/over the perimeter fence at multiple storage tank locations. Overgrown vegetation should be maintained to prevent both damage to the tank and unauthorized access by non-system personnel.
7. The EPA inspectors observed water in the pit at the interconnection between the City of Aiken and New Ellenton. Enough water had gathered that the valve and piping could not be seen. System staff expressed that the interconnect is not regularly checked. It is recommended that interconnects are visited on a regular interval to confirm the condition of equipment.

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 System of the noncompliance it observed during its inspection. This Notice of Noncompliance 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). Within seven calendar days of receiving this letter, the System must contact this Office to arrange a meeting to show cause why the EPA should not initiate legal proceedings against the System for these alleged violations. In lieu of appearing in the EPA's offices for this meeting, a video or telephone conference may be scheduled. The System should be prepared to provide all relevant information with documentation pertaining to the above alleged violations.

The System is encouraged to provide documentation of such actions to the EPA upon receiving this letter, or at the arranged meeting. The EPA's legal counsel may also be present at this meeting. Accordingly, the System has the right to have its legal counsel present. Please be advised that if the System fails to contact the EPA within seven calendar days of receiving this letter to schedule a meeting/conference, the EPA may proceed with a formal enforcement action against the System without further notice.

The System may, if it so desires, assert a confidential business information (CBI) claim covering any, or all, the information furnished to the EPA in response to this letter. Every CBI claim must be made in a manner described in 40 C.F.R. § 2.203 and must be fully substantiated with documentary evidence which shows how the claim meets every criterion listed in 40 C.F.R. §§ 2.208 and 2.304. If no CBI claim accompanies the System's information when it is received by the EPA, it may be made available to the public by the EPA without further notice to the PWS. Further details, including how to make a business confidentiality claim, are included in Enclosure A.

If you have any questions regarding this matter and/or to schedule a show cause meeting, please contact Charlotte Bunch, EPA Drinking Water Enforcement Officer, at bunch.charlotte@epa.gov. For legal inquiries, please have your attorney(s) contact, Associate Regional Counsel, Bianca Jaikaran at (404) 562-9680, or at Jaikaran.bianca@epa.gov.

Sincerely,

KIMBERLY
BINGHAM

Digitally signed by
KIMBERLY
BINGHAM
Date: 2023.08.18
15:42:19 -04'00'

for Keriema S. Newman

Acting Director

Enforcement and Compliance Assurance Division

Enclosure

cc: Richard Welch Jr. P.E., SCDHEC; welchra@dhec.sc.gov
Doug Kinard, SCDHEC; kinarddb@dhec.sc.gov
Mike Przybylowicz, City of Aiken; mprzyby@cityofaikensc.gov
Keith Lowe, City of Aiken; KLowe@CityofAikenSC.gov

ENCLOSURE A

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 C.F.R. § 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.