REGION 3
PHILADELPHIA, PA 19103

VIA Electronic Mail

Municipal Water Authority of Aliquippa
c/o Robert Bible, General Manager
140 Bet-Tech Drive
Aliquippa, Pennsylvania 15001
robertbible@aliquippawater.com

RE: Notice of Violation
Municipal Water Authority of Aliquippa
PWS ID No. PA5040006
Docket # SDWA-03-2024-002-VS

Dear Mr. Bible:

This Notice of Violation ("Notice") is being issued pursuant to Section 1414(a) of the Safe Drinking Water Act ("SDWA" or "the Act"), 42 U.S.C. § 300g-3(a). Based on our records, the United States Environmental Protection Agency ("EPA") finds that the Municipal Water Authority of Aliquippa ("MWAA") Public Water System has violated certain provisions of the SDWA, 42 U.S.C. §§ 300f-300j-26, and the National Primary Drinking Water Regulations ("NPDWR") found in 40 C.F.R. Part 141. Based on information we possess:

1. The Municipal Water Authority of Aliquippa ("MWAA" or "Respondent") is a supplier of water and owner/operator of the Municipal Water Authority of Aliquippa Public Water System Identification Number PA5040006 ("System").

2. Respondent is a "person" as defined by Section 1401(12) of the Safe Drinking Water Act, 42 U.S.C. § 300(f)(12) and 40 C.F.R. § 141.2.

3. The System is a public water system ("PWS") that serves a population of approximately 15,685 persons with piped water for human consumption year-round and has 6,154 service connections. Therefore, the System is a "community water system" ("CWS") as defined by Section 1401(15) of the SDWA, 42 U.S.C. § 300f(15) and 40 C.F.R. § 141.2.

4. On April 12th to 13th, 2022, EPA Region 3 conducted an announced inspection of the System ("inspection") to determine compliance with the SDWA as well as Pennsylvania drinking water regulations. The inspection was conducted under the authority of Section 1445 of the SDWA, 42 U.S.C. § 300j-4.

5. The System is a public water system that provides water from a ground water source.

6. In accordance with the Pennsylvania Safe Drinking Water Regulations, 25 Pa. Code § 109.4(3), the System is required to "Provide and effectively operate and maintain public water system facilities."

7. During the inspection, EPA Region 3 observed the following:
    a. At Davidson Heights Tank #2, the vertical beams, likely used to transfer the load from the roof of the tank to the foundation, were breaking away and separating at the bottom of the tank; and
    b. At Davidson Heights Tank #3, water was observed around the base of the tank indicating a leak may be present.

8. The Respondent's failure to maintain Davidson Heights Tank #2 and Davidson Heights Tank #3 is a violation of 25 Pa. Code § 109.4(3).

Based on information currently available, the EPA finds that the Respondent is in violation of certain provisions of 25 Pa. Code § 109. This Notice of Violation directs you to resolve any outstanding compliance issues.

If the System has not complied with 25 Pa. Code § 109 after thirty (30) days from the date of this notice, EPA is authorized either to issue an Administrative Order under Section 1414(g) requiring the System to comply, or to commence a civil action under Section 1414(b). However, prior to initiating such an action, EPA is providing the Respondent the opportunity to confer to show cause as to any reason why EPA should not pursue a formal enforcement for the aforementioned violations and to show that the System is in compliance with 25 Pa. Code § 109.

Please contact Sara Calcinore at (215) 814-2043 or calcinore.sara@epa.gov within ten (10) business days of receipt of this letter if you would like to confer and/or to discuss your plans to return to compliance. **If you do not respond to EPA's offer within thirty (30) days of receiving this letter, EPA reserves the right to pursue an enforcement action to address any violations which EPA determines have been committed without further notice to you.**

In the event that your System may be a "small business" under the Small Business Regulatory Enforcement Fairness Act, the "Information for Small Businesses"[1] provides information on contacting the Small Business Regulatory Enforcement Fairness Act Ombudsman to comment on federal enforcement and compliance activities and provides information on compliance assistance. As noted in the sheet, any decision to participate in such program or to seek compliance assistance does not relieve you of your obligation to respond in a timely manner to an EPA request or other enforcement action, does not create any new rights or defenses under law, and will not affect EPA's decision to pursue any potential enforcement actions. To preserve your legal rights, you must comply with all rules governing the administrative enforcement process. The Ombudsman and fairness boards do not participate in the resolution of EPA's enforcement actions.

[1] https://www.epa.gov/sites/production/files/2017-06/documents/smallbusinessinfo.pdf

If you have any information relating to the above violations, or questions regarding any of the above, please contact Sara Calcinore, Safe Drinking Water Act and Wetlands Section, at (215) 814-2043 or calcinore.sara@epa.gov.

Sincerely,

KAREN MELVIN Digitally signed by KAREN MELVIN
Date: 2024.06.17 08:06:06 -04'00'

Karen Melvin
Director
Enforcement and Compliance Assurance Divison

cc: Dawn Hissner, Pennsylvania Department of Environmental Protection (PA DEP) (dhissner@pa.gov)
Jeff Allgyer, PA DEP (jallgyer@pa.gov)
Renne Diehl, PA DEP (rediehl@pa.gov)