



REGION 4

ATLANTA, GA 30303

ELECTRONIC MAIL
CONFIRMATION OF EMAIL RECEIPT REQUESTED

The Honorable Mayor Andre Laws
Mayor of the Town of Lynchburg
P.O. Box 147
Lynchburg, South Carolina 29080
lynchburg@ftc-i.net

Re: Notice of Noncompliance and Concerns Pursuant to Section 1414(a)(1)(A) and Request for Information Pursuant to Section 1445(a)(1) of the Safe Drinking Water Act, 42 U.S.C. sections 300g-3(a)(1)(A) and 300j-4(a)(1), Town of Lynchburg in Lynchburg, South Carolina.
PWS ID Number: SC3110002. Docket Number: SDWA 1445-2024-06

Dear Mayor Laws:

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. section 300f et seq., and the regulations promulgated thereunder. According to the information in the EPA's Safe Drinking Water Information System, the Town of Lynchburg Public Water System (System) serves a population of approximately 378, with 265 service connections. In accordance with Section 1401(15) of the SDWA, 42 U.S.C. section 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 Primary Drinking Water Regulations (SCPDWR), promulgated pursuant to the South Carolina State Safe Drinking Water Act of 1976, South Carolina Code of Laws section 44-55-10 et seq.

In accordance with SDWA Section 1413, 42 U.S.C. section 300g-2, the South Carolina Department of Health and Environmental Control is the primary agency responsible for implementing and enforcing the Public Water Supply Supervision Program for South Carolina. See S.C. Code of Laws section 44-55-20(1).

On November 2, 2023, a drinking water inspection of the System was conducted by the EPA. The EPA issued an inspection report to the System on January 11, 2024 (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. A copy of this Inspection Report was also provided to the DHEC.

Notice of Noncompliance

As detailed in the Inspection Report, the EPA alleges that the System is in noncompliance with the SDWA, the National Primary Drinking Water Regulations, and the South Carolina Primary Drinking Water Regulations, as described below:

1. Pursuant to South Carolina Regulation - 61-58.2.B(1)(a), “[a] minimum of two (2) independent sources of groundwater shall be provided for all community water systems serving fifty (50) or more taps or one hundred fifty (150) or more people. Systems with an additional source (Surface Water Plant or Master Meter) will not be required to have two groundwater sources.”

At the time of inspection, well #1 was inoperable. A review of daily logs showed that well #1 had been offline for several months.

Therefore, the System is in noncompliance with South Carolina Regulation - 61-58.2.B(1)(a), for failure to maintain two independent sources of groundwater.

2. Pursuant to South Carolina Regulation - 61-58.2.D(2)(c)(i), “[c]hlorine gas feed equipment shall be enclosed and separated from other operating areas. Concrete, wood, and other construction materials shall be sealed to prevent the escape of chlorine gas from the chlorine building. The chlorine room shall be provided with a shatter resistant inspection window installed in an interior wall or an inspection window in the door. It shall be constructed in such a manner that all openings between the chlorine room and the remainder of the plant are sealed and shall be provided with doors ensuring ready means of exit and opening only to the building exterior.”

At the time of inspection, inspectors observed gas chlorine cylinders housed in the old treatment building in a room without a door.

Therefore, the System is in noncompliance with South Carolina Regulation - 61-58.2.D(2)(c)(i) - (i), for failure to enclose chlorine gas feed equipment.

3. Pursuant to South Carolina Regulation - 61-58.3.C(5), sample “[t]aps 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. Taps shall not be of the mixing type, and shall not have a screen, aerator, or other such appurtenances.”

At the time of inspection, inspectors observed a threaded sample tap on the elevated tank.

Therefore, the System is in noncompliance with South Carolina Regulation - 61-58.3.C(5), for failure to maintain smooth-nosed sampling taps.

4. Pursuant to South Carolina Regulation – 61-58.7.B(18), “security shall be provided and maintained for all intake, treatment, storage, and pumping facilities so as to prevent the entrance of unauthorized persons.”

Inspectors observed poor condition of perimeter fencing. The entire fence condition could not be evaluated due to excessive vegetation growth.

Therefore, the System is in noncompliance with South Carolina Regulation – 61-58.7.B(18), for failure to maintain security around System assets.

5. Pursuant to South Carolina Regulation 61-58.7.D(6), adequate freeze protection for the well head piping shall be maintained.

Inspectors observed a lack of insulation on both wells.

Therefore, the System is in noncompliance with South Carolina Regulation 61-58.7.D(6), for failure to maintain freeze protection on well head piping.

6. Pursuant to South Carolina Regulation - 61-58.7.D(9), all wells shall be maintained so the sanitary seal, the casing, the screened vent, and the concrete pad are in good repair and can prevent the entrance of contamination into the well.

At the time of inspection, inspectors observed open capped poles at well #1 and well #2, protruding from the well pads.

Therefore, the System is in noncompliance with South Carolina Regulation - 61-58.7.D(9), for failure to maintain the wells and well pad in good repair.

Notice of Concerns

During the November 2023 Inspection, the EPA inspectors 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, inspectors observed deterioration of the ceiling and walls in the chemical room around chlorine feed lines.

It is recommended that structures be maintained in good condition, so they continue to operate as intended.

2. At the time of Inspection, inspectors observed excessive amounts of rust and paint deterioration on piping around filters and in chemical room.

It is recommended that piping be maintained free of rust and in good condition, so that piping components continue to operate as intended.

3. At the time of Inspection, System representatives stated that the ground storage tank listed on the operating permit and past sanitary surveys was not in service and could not provide a date for when the System stopped using the tank.

It is recommended that records be maintained for the distribution system assets. This will ensure pertinent information regarding the tank such as status, location, and size are not lost over time.

4. At the time of Inspection, the onsite generator did not run in automatic. In the event of an emergency, the generator must be operated manually to supply power to the System.

It is recommended that to restore the automatic switch-over function on the generator to provide a seamless transition of power should an emergency effect power supply to the wells and treatment building.

5. At the time of Inspection, the System lacked a written capital improvement plan.

It is recommended that the System develop a written capital improvement plan to provide a big picture look at what the System will need in the next five to ten years. A capital improvement plan will aide in prolonging the lifetime of the System by planning for future System needs.

6. At the time of Inspection, unused treatment equipment was stored in the filter building.

It is recommended that the treatment building be kept free of clutter and out of use equipment to prevent confusion and injury.

7. At the time of Inspection, the System was unsure if the previous treatment building was fully disconnected from the current piping onsite.

It is recommended that the System verify that the old treatment building is fully disconnected from the current piping. Additionally, accurate schematics should be maintained illustrating this separation.

Consistent with Section 1414(a)(1)(A) of the SDWA, 42 U.S.C. section 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. section 300g-3(g). The EPA reserves its rights to take any appropriate enforcement action, which may include issuance of administrative compliance orders under Section

1414(g) of the SDWA, 42 U.S.C. section 300g-3(g) or commencement of civil judicial actions under Section 1414(b) of the SDWA, 42 U.S.C. section 300g-3(b).

Request for Information

Section 1445(a)(1) of the SDWA, 42 U.S.C. section 300j-4(a)(1), and 40 C.F.R. section 141.31(e) authorizes the EPA to require the submittal of information to determine whether a public water system is compliant with federal drinking water regulations. Pursuant to this authority, the EPA hereby requests that the System provide the EPA with documentation of any actions that the System has taken to address each instance of noncompliance alleged herein within 14 calendar days of receipt of this letter. Such documentation may include, but need not be limited to, contracts, scopes of work, additional capital improvement project plans and/or evidence of actions taken to address these observations.

The EPA encourages the submission of this information in electronic format to Charlotte Bunch at bunch.charlotte@epa.gov. If portions are too large or responsive documents are unavailable in electronic format, please notify Charlotte Bunch in your electronic submission that additional information needs to be sent and to arrange an alternative submission method.

Please be advised that, under Section 1445(c) of the SDWA, 42 U.S.C. section 300j-4(c), as amended by 40 C.F.R. section 19.4, Table 2 (Adjustment of Civil Monetary Penalties for Inflation), failure to provide the information required by this letter may result in a civil penalty of up to \$69,733. In addition, under SDWA Section 1414(g), 42 U.S.C. section 300g-3(g), failure to provide the information required by this letter may result in an order requiring compliance. Violation of such order may lead to sanctions under SDWA Section 1414, 42 U.S.C. section 300g-3(g)(3)(A) and 40 C.F.R. section 19.4, Table 2, which may include penalties of up to \$67,544 per day of violation. The information provided in response to this letter may be used by the United States in any enforcement proceeding related to this matter.

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. section 2.203 and must be fully substantiated with documentary evidence which shows how the claim meets every criterion listed in 40 C.F.R. sections 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 System. Further details, including how to make a business confidentiality claim, are included in Enclosure A.

Consistent with Sections 1414(a)(1) and 1445(a)(1)(B) of the SDWA, 42 U.S.C. sections 300g-3(a)(1) and 300j-4(a)(1)(B), the EPA is also providing a copy of this Notice of Noncompliance and Request for information to DHEC.

If you have any questions regarding this matter, please contact Charlotte Bunch, Drinking Water Enforcement Officer, at bunch.charlotte@epa.gov or (404) 562-9304. For legal inquiries, please have

your attorney(s) contact Paula Feldmeier, Associate Regional Counsel, at feldmeier.paula@epa.gov or (404) 562-8276.

Sincerely,

KERIEMA NEWMAN

Digitally signed by KERIEMA
NEWMAN
Date: 2024.07.10 08:09:36 -04'00'

Keriema S. Newman
Director
Enforcement and Compliance Assurance Division

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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.