



Bureau of Water
July 3, 2019

CERTIFIED MAIL 9214 8969 0099 9790 1415 2515 58
RETURN RECEIPT REQUESTED

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

RE: **Consent Order No. 19-016-DW**
City of Denmark
Public Water System No. 0510002 (PWS)
Bamberg County

Dear Mayor Wright:

I have enclosed a copy of the executed South Carolina Department of Health and Environmental Control Consent Order No. 19-016-DW (Order) for your records. The execution date of the Order is July 2, 2019.

If you have any questions or wish to discuss any matters in reference to the Order requirements, please contact me by e-mail at teraokjc@dhec.sc.gov or by telephone at (803) 898-3926.

Sincerely,

A handwritten signature in blue ink that reads "Jaime Teraoka". The signature is written in a cursive, flowing style.

Jaime Teraoka
Drinking Water Enforcement Section

Enclosure

cc: Midlands BEHS Aiken office

**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

19 - 016 - DW

The City of Denmark (Owner) 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.

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

Based on discussions with the Owner's representatives on May 7, 2019, the parties have agreed to the issuance of this Order to include the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. The City of Denmark (Owner) 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 three (3) permanent wells (Well 2 Voorhees - G05109, Well 5 Acacia Street - G05162, and Well 6 W. Voorhees - G05163), one (1) source of purchased groundwater that serves as an emergency connection (Bamberg Public Works), three (3) elevated storage tanks (Nibco, Voorhees, and Bamberg County Industrial Park), one

thousand five hundred two (1,502) taps, serves a population of approximately five thousand six hundred (5,600), and is classified by the Department as a community water system. Additionally, there are two (2) wells that are disconnected from the PWS (Well 1 Brooker Center - G05108 and Well 3 Legare Street - G05110), and one (1) well that has been valved off from the PWS (Well 4 Cox Mill - G05160).

3. On April 2, 2019, Department staff conducted a sanitary survey of the PWS which resulted in an "unsatisfactory" rating due to the following deficiencies:

- A. Cross Connection Control was rated "unsatisfactory" in that annual testing of backflow prevention devices had not been conducted in 2018 and 2019 at the following locations: Subway Station, Olar-Denmark Middle School, and Voorhees College; and there was no replacement schedule for non-testable backflow prevention devices. This deficiency was documented and the item rated "needs improvement" during the January 15, 2019 sanitary survey.
- B. Valve & Hydrant Maintenance was rated "needs improvement" in that malfunctioning hydrants identified during the fire flow testing completed in November and December 2018 had not been repaired or replaced.
- C. Flushing Program was rated "needs improvement" in that a flushing program had not been developed and implemented in the Voorhees College master-metered distribution area. This deficiency was noted during the January 15, 2019 sanitary survey.
- D. Storage Maintenance was rated "unsatisfactory" in that a plan had not been submitted to the Department by March 4, 2019 to address the recommendations from the April 19, 2018 Voorhees elevated storage tank inspection report and the April 20, 2018 Nibco elevated storage tank inspection report; and the recommendations from these reports as well as the recommendations from the

March 29, 2019 elevated storage tank inspection reports for the Voorhees and Nibco tanks had not been addressed. Additionally, a plan and schedule to address the maintenance deficiencies of the Bamberg County Industrial Park elevated storage tank had not been submitted to the Department, and the tank had not been incorporated into the Owner's operating procedures. This deficiency was documented and the item rated "unsatisfactory" during the February 23, 2018 and January 15, 2019 sanitary surveys.

- E. Corrections From Previous Survey was rated "unsatisfactory" in that deficiencies noted during the February 23, 2018 and January 15, 2019 sanitary surveys had not been addressed.

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

4. On May 7, 2019, Department staff held an enforcement conference with the Owner's representatives, Dr. Gerald E. Wright (Mayor – City of Denmark), Heyward Robinson (Administrator – City of Denmark), and Charles M. Shugart (Public Works Director – City of Denmark) to discuss the violation. The possibility of a Consent Order was also discussed.
5. On June 11, 2019, the Department received an email from the Owner stating that, after reviewing pressure test data with their engineers on June 10, 2019, they have determined that removing the Bamberg County Industrial Park elevated storage tank from service should not interfere with the PWSs ability to maintain adequate pressure. The letter also stated that the Owner's representatives would be meeting with Bamberg County Council on July 1, 2019, to request ownership of the tank, and all rehabilitation and repairs to the tank would be included in the Rural Development tank project if the request was

approved. The letter further stated that if the request is not approved, the Owner will cease use of the tank.

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 (Rev. 2018), reaches the following Conclusions of Law:

1. The Owner violated the State Primary Drinking Water Regulation, 4 S.C. Code Ann. Regs. 61-58.7 (2011 & Supp. 2018), 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) (Rev. 2018), 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 (Rev. 2018), that the Owner shall:

1. Within thirty (30) days of the execution date of this Order, pay to the Department a civil penalty in the amount of four thousand dollars (\$4,000.00).
2. Within thirty (30) days of the execution date of this Order, valve off the Bamberg County Industrial Park elevated storage tank from the distribution system. The Owner understands and agrees that if the Bamberg County Industrial Park elevated storage tank is ever to be placed back in service, the Owner must notify Department staff immediately of their intent; and an inspection of the interior and exterior of the tank must be conducted by a professional tank servicing company, all of the recommended repairs must be completed per the report, and a final report from the contractor verifying the completed work must be submitted to the Department prior to placing the tank in service.

3. Within thirty (30) days of the execution date of this Order, submit to the Department for review and approval a written request of the intended use of Well 4 Cox Mill Well - G05160. If the request is not approved by the Department, then Well 4 shall be properly abandoned by a South Carolina certified well driller in accordance with Reg. 61-58.2.B(15), and the Water Well Record Form 1903 for the abandonment submitted to the Department within sixty (60) days of the date of notification by the Department.
4. Within one hundred eighty (180) days of the execution date of this Order, have Well 1 Brooker Center - G05108 and Well 3 Legare Street - G05110 properly abandoned by a South Carolina certified well driller in accordance with Reg. 61-58.2.B(15), and submit to the Department the Water Well Record Form 1903s for the abandonments.
5. Within one hundred eighty (180) days of the execution date of this Order, survey the PWS to identify all cross connections; ensure that all proper backflow prevention devices are installed, tested, and added to the inventory for annual testing of all cross connections; and submit the updated cross connection program with the test results to the Department for review and approval. The cross connection program must include a schedule for replacement of all non-testable devices and state how the system intends to identify existing cross connections and prevent new ones from being created. The program must also clearly state the system's policy for selection, installation, and annual testing of Double Check Valve Assemblies and Reduced Pressure Backflow Preventers.
6. Within one hundred eighty (180) days of the execution date of this Order, submit to the Department for review and approval an updated Valve and Hydrant Maintenance Program, and repair or replace all malfunctioning hydrants identified on the November and December 2018 fire flow testing report.
7. Within one hundred eighty (180) days of the execution date of this Order, submit to the Department for review and approval an updated system map to include, but not be limited

to, identifying all of the wells, water plants, storage tanks, valves, hydrants, line locations, line sizes, and master meter connections.

8. Within one hundred eighty (180) days of the execution date of this Order, submit to the Department for review and approval a revised procedures manual with updated programs that accurately reflect the current configuration of the PWS.
9. Within one hundred eighty (180) days of the execution date of this Order, complete all of the recommended repairs to the Voorhees and Nibco elevated storage tanks per the March 29, 2019 elevated storage tank inspection reports, and submit to the Department a final report from the contractor verifying the completed work.

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

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

IT IS FURTHER ORDERED AND AGREED that this Consent Order governs only the civil 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 civil 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) (Rev. 2018), to include the assessment of additional civil penalties.

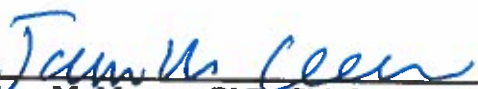
THE PARTIES UNDERSTAND that the execution date of the Order is the date the Order is signed by the Director of Environmental Affairs.

FOR THE SOUTH CAROLINA DEPARTMENT
OF HEALTH AND ENVIRONMENTAL CONTROL




Myra C. Reece
Director of Environmental Affairs

Date: 7/2/2019



James M. Marcus, PhD, Chief
Bureau of Water


Date: 7-2-19



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

Date: 7-2-19


Reviewed by:



Attorney
Office of General Counsel

Date: 7/2/2019

FOR THE CITY OF DENMARK



Signature

Date: June 26, 2019

Gerald E. Wright, Mayor
Print or type name and title