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*Promoting and protecting the health of the public and the environment*

January 26, 2010

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**CERTIFIED MAIL 91 7108 2133 3935 6143 4265**  
**RETURN RECEIPT REQUESTED**

91 7108 2133 3935 6143 4265

City of Denmark  
Attn: Heyward Robinson  
4768 Carolina Highway  
Denmark, SC 29042


RE: Consent Order 10-001-DW  
City of Denmark  
Public Water System No. 0510002  
Bamberg County

Dear Mr. Robinson:

Please find enclosed a copy of the fully executed Department of Health and Environmental Control (Department) Consent Order 10-001-DW for your records. This order was executed on January 25, 2010. 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](mailto:malonzds@dhec.sc.gov)

Sincerely,

  
Daniel S. Malonza  
Drinking Water Protection Division  
Bureau of Water

Enclosure

Cc: Region 5 EQC, Aiken

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

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

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**CONSENT ORDER  
10-001-DW**

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The City of Denmark (Respondent) owns and is responsible for the proper operation and maintenance of 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 upon discussions with the Respondent's representatives on December 16, 2009, 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 (Respondent) owns and is responsible for the proper operation and maintenance of 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, one thousand five hundred one (1,501) taps, serves a population of approximately five thousand eight hundred sixty-four (5,864) persons and is classified by the Department as a Community PWS.

3. On June 24, 2009, Department staff conducted a sanitary survey of the PWS which resulted in an "unsatisfactory" rating due to the following deficiencies:
- A. Protection from Contamination was rated "unsatisfactory" in that test results from the Brooker Center well indicated elevated levels of tetrachloroethylene and the Legare Street/Clark Street well showed contamination with trichloroethylene. Both wells had been taken off-line at the time of the sanitary survey.
  - B. Water Quality was rated "unsatisfactory" in that there were customer complaints due to discolored water.
  - C. Valve/Hydrant Maintenance was rated "unsatisfactory" in that there was no valve/hydrant maintenance program available for review.
  - D. Flushing Program was rated "needs improvement" in that there was no flushing program available for review.
  - E. Leak Detection and Repair was rated "unsatisfactory" in that there was no leak detection and repair program available for review.
  - F. System Map was rated "needs improvement" in that there was no up to date system map available for review.
  - G. Storage Appurtenances was rated "needs improvement" in that the Voorhees tank overflow pipe needed to be extended and the level indicator needed to be repaired.
  - H. Operation and Control was rated "unsatisfactory" in that there was no adequate record keeping, no line flushing and valves and hydrants were improperly located and operated.
  - ✓ I. Procedures Manual was rated "needs improvement" in that there was no updated procedures manual available for review.

4. On November 9, 2009, Department staff conducted a sanitary survey of the PWS which resulted in an "unsatisfactory" rating due to the following deficiencies:
- A. Water Quality was rated "unsatisfactory" in that there were customer complaints due to discolored water. ✓
  - B. Valve/Hydrant Maintenance was rated "unsatisfactory" in that there was no valve/hydrant maintenance program available for review and approximately twenty (20) hydrants needed to be replaced. ✓
  - C. Flushing Program was rated "unsatisfactory" in that there was no flushing program available for review. ✓
  - D. Leak Detection and Repair was rated "unsatisfactory" in that there was no water audit report available for review. ✓ *needs water loss calculation.*
  - E. System Map was rated "needs improvement" in that there was no up to date system map available for review. ✓
  - F. Storage Appurtenances was rated "unsatisfactory" in that the Voorhees tank overflow pipe was not fully extended and the level indicator was not repaired.
  - G. Operation and Control was rated "unsatisfactory" in that there was no adequate record keeping, no line flushing and valves and hydrants were improperly located and operated.
  - H. Correction from Previous Survey was rated "unsatisfactory" in that deficiencies from the previous survey were not corrected.
  - I. Procedures Manual was rated "needs improvement" in that there was no updated procedures manual available for review.

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

5. On December 16, 2009, Department staff held an enforcement conference with the Respondent's representatives, Gerald Wright, Mayor, City of Denmark; Heyward Robinson, City Administrator; James Preacher, water operator; and Mavice Isaac, water operator. The issuance 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. 2009), 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. 2009), 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. 2009), that the Respondent shall:

1. Within thirty (30) days of the execution date of this Order, pay to the Department a civil penalty in the amount of one thousand two hundred dollars (\$1,200.00).
2. Within six (6) months of the execution date of this Order, correct the deficiencies listed in item four (4) A - I of the Findings of Fact on page three (3), 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.

**THE PARTIES FURTHER STIPULATE** that the Respondent shall pay an additional civil penalty of six thousand eight hundred dollars (\$6,800.00) 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

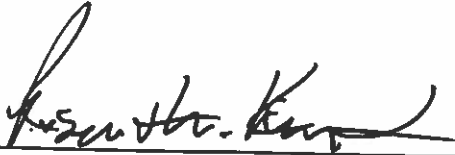
**IT IS FURTHER ORDERED AND AGREED** that this Consent Order governs only the City of Denmark's liability to the Department for civil sanctions arising from the matters set forth herein and constitutes the entire agreement between the Department and the City of Denmark with respect to the resolution and settlement of the matters set forth herein. 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: 1/25/10



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

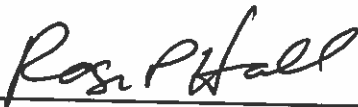
Date: 1-22-10



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

Date: 1/21/10

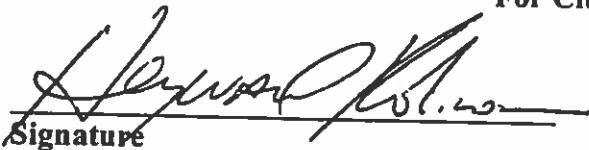
Reviewed by:



DHEC Legal Counsel

Date: 1/25/10

For City of Denmark

  
Signature

Date: 13 January 2010

Heyward Robinson  
Denmark City Administrator  
Print or type name and title