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

JAN 3 2013

CERTIFIED MAIL 7012 1010 0001 8097 3352
RETURN RECEIPT REQUESTED

City of Lancaster
Attn: Mr. Mack McDonald
Director, Utility Services Department
216 South Catawba Street
P.O. Box 1149
Lancaster, South Carolina 29721-1149

Re: Information Request and Notice of Opportunity to Show Cause
National Pollutant Discharge Elimination System Permit No. SC0046892
Lancaster Catawba River Wastewater Treatment Plant

Dear Mr. McDonald:

On February 25, 2005, the U.S. Environmental Protection Agency, Region 4 sent a Letter of Violation (LOV), issued pursuant to Section 309 of the Clean Water Act (CWA), 33 U.S.C. § 1319, to the City of Lancaster (Lancaster) regarding Lancaster's Sanitary Sewer Overflows (SSO) as a part of the EPA, Region 4's *Management, Operations and Maintenance Programs Project* (MOM Programs). In addition, the EPA issued the National Pollutant Discharge Elimination System (NPDES) permit to Lancaster on or about September 30, 2005, after the EPA objected to the draft NPDES permit issued by the State of South Carolina Department of Health and Environmental Control (SDHEC). Subsequently, the EPA had direct implementation compliance and enforcement authority until SDHEC reissued the NPDES permit to Lancaster on or about October 25, 2010. The EPA has reviewed Lancaster's progress in implementing adequate MOM Programs and eliminating SSOs as outlined in its February 25, 2005, LOV.

Upon review of information submitted by Lancaster, pursuant to the NPDES permits, the following violations have been identified:

1. Lancaster has allowed at least 96 SSOs to occur from February 2008 through July 2012, totaling at least 206,600 gallons of untreated sewage that either directly or indirectly affected waters of the U.S. in violation of the CWA and/or in violation of Part II, Section B.1. and Part II.E. (Proper Operation and Maintenance) of Lancaster's NPDES permits, issued to Lancaster on or about September 30, 2005, by the EPA, with an effective date of December 1, 2005, and issued to Lancaster on or about October 25, 2010, by the SDHEC, with an effective date of December 1, 2010, respectively.

2. The effluent limit exceedances listed below are a violation of Lancaster's NPDES permits.
   - pH (Maximum) – August 2011 and February 2012

- Total Phosphorus (mg/L; Monthly Avg.) – July 2009, August 2009 and October 2010
- Total Phosphorus (lbs/day; Monthly Avg.) – July 2009, June 2010 and October 2010

Such violations are subject to enforcement action pursuant to Section 309 of the CWA. This Section provides for the issuance of compliance orders, administrative actions to assess penalties and/or the initiation of civil or criminal actions.

Pursuant to Section 308 of the CWA, 33 U.S.C. § 1318, the EPA hereby requests Lancaster to provide the information set forth in Enclosure A regarding the wastewater treatment plant noted above and its associated sanitary sewer collection system. Lancaster is required to respond to this information request within 30 days of its receipt of this letter. The response should be directed to:

Mr. Brad Ammons, Enforcement Officer
U.S. Environmental Protection Agency, Region 4
Clean Water Enforcement Branch
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

Lancaster's response to this information request should specifically reference the particular section and number of the request and should be organized for the purpose of clarity. In addition, all information submitted must be accompanied by the following certification signed by a responsible City official in accordance with 40 C.F.R. § 122.22:

> "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Failure to comply with this information request may result in enforcement proceedings under Section 309 of the CWA, 33 U.S.C. § 1319, which could result in the judicial imposition of civil or criminal penalties or the administrative imposition of civil penalties. In addition, there is potential criminal liability for the falsification of any response to the requested information.

Lancaster shall preserve, until further notice, all records (either written or electronic), which exist at the time of receipt of this letter that relate to any of the matters set forth in this letter. The term "records" shall be interpreted in the broadest sense to include information of every sort. The response to this information request shall include assurance that these record protection provisions were put in place, as required. No such records shall be disposed of until written authorization is received from the Chief of the Clean Water Enforcement Branch at the U.S. EPA, Region 4.

If you believe that any of the requested information constitutes confidential business information, you may assert a confidentiality claim with respect to such information except for effluent data. Further details, including how to make a business confidentiality claim, are found in Enclosure B.

To resolve the identified violations and discuss the EPA's possible enforcement actions, including the assessment of appropriate civil penalties, we request that representatives of Lancaster contact Mr. Brad Ammons at (404) 562-9769 or via email at ammons.brad@epa.gov, within five (5) business days of Lancaster's submittal of the required information requested above to make arrangements for a conference.

In lieu of appearing in the EPA's offices for this meeting, a telephone conference may be scheduled. Lancaster's representatives should be prepared to provide all relevant information with documentation, pertaining to the above violations including, but not limited to, any financial information, which may reflect Lancaster's ability to pay a penalty. You have the right to be represented by legal counsel. Failure to appear may result in an immediate enforcement action against you or your facilities. The EPA may consider information provided during the meeting or telephone conference in any enforcement proceeding related to this matter.

Sincerely,

Denisse D. Diaz, Chief
Clean Water Enforcement Branch
Water Protection Division

Enclosures

cc: Mr. Glenn Trofatter
South Carolina Department of Health and Environmental Control

ENCLOSURE B

RIGHT TO ASSERT BUSINESS CONFIDENTIALITY CLAIMS
(40 C.F.R. Part 2)

Except for effluent data, you may, if you desire, assert a business confidentiality claim as to any or all of the information that EPA is requesting from you. The EPA regulation relating to business confidentiality claims is found at 40 C.F.R. Part 2.

If you assert such a claim for the requested information, 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, 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 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 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 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.