



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

RECEIVED

DEC 27 2017

NEXSEN PRUET, LLC
COLUMBIA

DEC 19 2017

CERTIFIED MAIL 7017 1450 0000 7913 0919
RETURN RECEIPT REQUESTED

Mr. Joseph D. Jaco
Director, Utilities & Engineering
City of Columbia
P.O. Box 147
Columbia, South Carolina 29217

Re: Building Backups and Number of SSOs Reported
City of Columbia Consent Decree
Civil Action No.: 3:13-2429-TLW

Dear Mr. Jaco:

The U.S. Environmental Protection Agency Region 4 and the South Carolina Department of Health and Environmental Control (DHEC) are in receipt of your letter dated March 31, 2017 indicating that building backups in the City of Columbia's (City) service area have not been reported as required in the above Consent Decree (CD).

The information presented in your letter as well as material gathered from our telephone conversation on June 1, 2017, involved the quarterly and annual reports the has City submitted up to the EPA/DHEC pursuant to Section IX Paragraphs 39 (a) and 39 (c). The Consent Decree requires that these reports include information relating to sanitary sewer overflows, which are defined in the Consent Decree to include building backups. Due to inaccuracies in these reports, the EPA finds that the terms of the CD have been violated and that remedial actions are required to bring Columbia into compliance with the Consent Decree.

In order to remedy these violations, Columbia should resubmit its quarterly and annual reports to correct the errors outlined in your March 31, 2017 letter. In addition, we recommend that Columbia revise its Sewer Overflow Response Plan to add language specifying how building backups will be addressed in a manner that ensures an appropriate response and accurate reporting, as required by the Consent Decree. In addition, the City should revise its data collection system used to track building backups in a manner so as to capture start and end times (among other data) of reported building backups, so that all data that is required to be included in quarterly and annual reports is maintained. We request that your corrected reports be submitted to the EPA within 60 days of your receipt of this letter.

Pursuant to Section X, Paragraphs 45 and 47(b) of the CD, the United States and/or the State of South Carolina may assess a stipulated penalty of \$500 (for 1 – 30 days beyond submittal date) or \$1,000 (for more than 30 days beyond submittal date) for each instance of a Failure to Timely Submit a Deliverable. Stipulated penalties could thus be assessed for these failures to timely submit a deliverable, because

these quarterly and annual reports did not meet applicable requirements of the Consent Decree, as required under Paragraph 45 of the Consent Decree.

Pursuant to Paragraph 50 of the Consent Decree, the United States may, in its discretion, reduce or waive stipulated penalties otherwise due under this Consent Decree. Based on our review of the circumstances of these violations, and the fact that the City voluntarily brought the violations to the attention of the EPA, the EPA and DHEC have decided to exercise their enforcement discretion to waive the stipulated penalties that could be assessed for these violations. Therefore, stipulated penalties for the above-described violations are waived. The United States and DHEC's waiver of stipulated penalties at this time in no way releases the City from its obligations under the CD or from future stipulated penalties or enforcement actions should additional violations of the Consent Decree occur.

Should you have any questions regarding this matter, please contact Mr. Richard Elliott, at (404) 562-8691 or via email at elliott.richard@epa.gov.

Sincerely,



Maurice L. Horsey, IV, Chief
Municipal & Industrial Enforcement Section
NPDES Permitting and Enforcement Branch

cc: See Attached Mailing List

Mailing List

Ms. Paul Schwartz, Office of Water Legal Support
U.S. Environmental Protection Agency, Region

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