THE OFFICE OF REGULATORY STAFF

DIRECT TESTIMONY AND EXHIBITS

OF

D. TRACEY WILKES

DOCKET NO. 2005-110-WS

Petition of the Office of Regulatory Staff to Request Forfeiture of the Bond and to Request Authority to Petition the Circuit Court for Appointment of a Receiver

1

2 **TESTIMONY OF D. TRACEY WILKES**

3 **FOR**

4 **THE OFFICE OF REGULATORY STAFF**

5 **DOCKET NO. 2005-110-W/S**

6 **IN RE: PINEY GROVE UTILITIES, INC.**

7

8 **Q. PLEASE STATE YOUR NAME, BUSINESS ADDRESS AND**
9 **OCCUPATION.**

10 A. My name is Dona Tracey Wilkes, and my business address is 8500 Farrow Rd.,
11 Columbia, South Carolina 29147. I am employed by the South Carolina
12 Department of Health and Environmental Control ("DHEC" or "the Department")
13 – Region III Environmental Quality Control Columbia office as an Environmental
14 Health Manager II (Facilities Evaluator & Team Leader of the Wastewater
15 section).

16 **Q. CAN YOU DESCRIBE YOUR RESPONSIBILITY AS ENVIRONMENTAL**
17 **HEALTH MANAGER II – FACILITIES EVALUATOR AND TEAM**
18 **LEADER OF THE WASTEWATER SECTION?**

19 A. As an Evaluator, I perform routine inspections on private and public, industrial
20 and domestic wastewater treatment systems in four counties for the conformance
21 of state and federal regulations. These inspections include operations and
22 maintenance evaluations, compliance and sampling evaluations, facility sampling,
23 and complaint investigations. As a team leader, I work with other wastewater

1 section personnel on scheduling, sampling, inspecting, and investigating
2 complaints. I review compliance sampling and agriculture inspection reports
3 performed by others and give guidance and training when needed.

4 **Q. PLEASE STATE YOUR EDUCATIONAL BACKGROUND AND**
5 **EXPERIENCE.**

6 A. I am a South Carolina Wastewater "A" Biological Operator and a "C" Water
7 Operator, licensed by the S.C. Department of Labor, Licensing, and Regulation. I
8 began my profession in the private sector in 1987 as a water and wastewater
9 Operator and Laboratory technician; I then progressed to an Operator of Record
10 and Laboratory Director, and then a Project Manager of a water and wastewater
11 system. In 1997, I began my career with DHEC as a Natural Resource Technician
12 II in the Bureau of Air Quality. In 1999, I became an Environmental Health
13 Manager I in the district office performing duties as a Wastewater Facilities
14 Evaluator. I then progressed to my current position as Environmental Health
15 Manager II, Team leader and SCDHEC Emergency Responder.

16 My professional affiliations are as a member of the Water Environment
17 Association of South Carolina and District 3 - Capital District. I am currently
18 serving on the State and District Executive Committees and have served as
19 Capital District Chair and Laboratory Committee Chair, as well as serving on
20 many other committees since 1989 and was a member of the Water Environment
21 Federation.
22

1 **Q. HAVE YOU COMPLETED ADDITIONAL TRAINING AND/OR**
2 **EDUCATION SINCE YOUR GRADUATION FROM HIGH SCHOOL?**
3 A. Yes, I have completed many certificate courses from 1987 to present, as well as
4 various reviews and continuing professional education courses as a Certified
5 Environmental Operator and SCDHEC Emergency Responder.
6 **Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY INVOLVING PINEY**
7 **GROVE UTILITIES, INC. FOR THIS PROCEEDING?**
8 A. The purpose of my testimony is to set forth my findings relative to inspections
9 and review of the utility as part of my role as the DHEC wastewater evaluator for
10 Piney Grove Utilities, Inc. ("PGU" or "the Utility") and the on-site evaluations.
11 Specifically, I will focus on the facility's environmental compliance requirements,
12 operations and maintenance of the facility and collection system, complaints,
13 responsiveness of PGU and reporting requirements.
14 **Q. HOW LONG HAVE YOU BEEN INSPECTING PINEY GROVE**
15 **UTILITIES, INC.'S SEWER SYSTEMS LOCATED AT THE**
16 **LLOYDWOOD AND FRANKLIN PARK SUBDIVISIONS?**
17 A. Since 1999.
18 **Q. ARE YOUR FINDINGS SET FORTH IN YOUR TESTIMONY AND**
19 **ATTACHED EXHIBITS?**
20 A. Yes.
21 **Q. PLEASE EXPLAIN HOW YOU COMPILED INFORMATION FOR YOUR**
22 **REVIEW OF PINEY GROVE.**

A. I used information provided by customers of PGU through their complaints to DHEC about problems with the sewer system, information gathered through routine on-site evaluations and sampling along with on-site visits associated with complaints. I also consulted with and used information from other DHEC staff, wastewater treatment facility operators, plumbing companies, PGU's NPDES permits and discharge monitoring reports, and facility reports.

Q. PLEASE DESCRIBE YOUR UNDERSTANDING OF THE SEWER SYSTEMS THAT ARE OWNED BY PINEY GROVE UTILITIES, INC.

A. PGU owns two sewer systems in the Central Midlands area. One system is located in the Lloydwood subdivision in Lexington County. PGU owns another sewer system in Richland County that serves customers in the Franklin Park subdivision. The sewer system in the Lloydwood subdivision is composed of a gravity flow collection system that feeds to a single wet well or duplex lift station located at the wastewater treatment facility ("WWTF"). The lift station pumps the collected wastewater into an aeration lagoon. The wastewater then flows by gravity into a chlorine contact chamber. From there, the wastewater flows into a polishing pond. The wastewater is then discharged into a flow-monitoring chamber. The wastewater effluent from the flow-monitoring chamber then is discharged between two homes in the subdivision via a ditch. From there, the effluent travels through a culvert into the storm drain along Old Plantation Drive. The effluent then travels underneath Old Plantation Drive and through a culvert on the other side of the street beside another house. The effluent flow is then commingled with the surface water drainage flow of an open ditch immediately behind this house.

1 The sewer system in the Franklin Park subdivision is composed of a gravity flow
2 collection system that feeds into a very large treatment lagoon. The wastewater
3 from the treatment lagoon flows out of the lagoon through a piping system to a
4 contact chamber where it is chlorinated and then dechlorinated before discharging
5 into an open ditch.

6 **Q. WHAT HAVE BEEN SOME OF THE COMPLAINTS THAT YOUR**
7 **OFFICE HAS RECEIVED CONCERNING THE SEWER SYSTEM AT**
8 **THE LLOYDWOOD SUBDIVISION?**

9 A. In summary, frustrated residents in the subdivision have filed complaints with our
10 office asking for assistance due to sewer backups in homes, reports of children
11 playing in sewage on the road, clean-outs overflowing in yards, manholes
12 overflowing, sewage entering storm drains, sink holes in yards, very strong odors
13 in the neighborhood from the wastewater facility, not being able to reach PGU,
14 and, if reached, poor response from PGU and sometimes no response at all.
15 **Exhibit DTW 1** is a letter from Piney Grove Utilities, Inc. to the Department
16 dated June 1, 2001, stating the change in contact and contact names and numbers.
17 **Exhibit DTW 2** is a complaint received on May 21, 2001, about a sewer main
18 backing up causing an overflow. The Complainants contacted DHEC's
19 emergency response number.
20 **Exhibit DTW 3** is a complaint received on August 16, 2001, regarding a sewage
21 smell in the neighborhood behind the Complainant's home. The complaint
22 alleged that the problem had been going on for three to four months. DHEC

1 requested that the Complainant contact PGU. DHEC also notified PGU of the
2 complaint.
3 **Exhibit DTW 4** is a Wastewater Treatment Facility Operation and Maintenance
4 Evaluation Report. DHEC performed an inspection on August 17, 2001, on the
5 Lloydwood wastewater system due to the previous complaint described in Exhibit
6 DTW 3. DHEC gave the system an unsatisfactory rating due to poor maintenance
7 at the facility which resulted in odors. DHEC requested a response from PGU
8 within 10 days; however, no response was received.
9 **Exhibit DTW 5** is a complaint that was received by the Department on August
10 27, 2001. The customer complained of raw sewage smell coming from
11 wastewater treatment plant in the neighborhood. The Complainant stated he had
12 noticed it for 3 months, and that the odor was bad in the evening and was
13 continually getting worse.
14 **Exhibit DTW 6** is a Field Inspection Report conducted by DHEC on August 29,
15 2001, due to an odor complaint. DHEC confirmed the presence of odors and
16 made contact with the owner and the operator of the facility. DHEC further
17 emailed its findings to DHEC enforcement.
18 **Exhibit DTW 7** is a letter dated August 31, 2001, from the Department to Mr.
19 Reece Williams concerning deficiencies noted during the field inspection that was
20 performed on August 29, 2001. The Department requested corrective actions and
21 a response, however, DHEC did not receive any response.
22 **Exhibit DTW 8** consists of DHEC files concerning a complaint that was received
23 on January 15, 2002, stating there were bad odors from the Lloydwood sewer

1 plant. DHEC made a site visit and walked the receiving stream collecting
2 samples. The investigation confirmed that odors were present at the facility,
3 duckweed had not been removed, and the drainage ditch had white film from the
4 discharge.

5 **Exhibit DTW 9** is a complaint filed with the Department on April 1, 2002,
6 concerning a bad sewer odor in the Complainant's home due to the wastewater
7 plant. DHEC performed a site visit and confirmed the presence of odors.
8 Additionally, on April 15, 2002, the Complainant stated that the owner of the
9 sewer system informed the customer that the system needed upgrading which
10 would cost the residents $3,000 each. The complaint alleged that the owner also
11 indicated that the sewer bill would increase.

12 **Exhibit DTW 10** are complaints received by DHEC on April 9 & April 23, 2002,
13 concerning bad sewer odors and rotten egg odors lingering in the Complainants'
14 homes. The Complainants stated that they have been dealing with this problem for
15 five years; however, it became worse when a new person took over ownership of
16 the system.

17 **Exhibit DTW 11** is a complaint the Department received concerning a sewage
18 back up. PGU reported it had sent out a crew to jet the lines and that the problem
19 had been resolved. Based upon information received from Complainant, it is
20 DHEC's understanding that PGU never returned the Complainant's call.

21 **Exhibit DTW 12** is a complaint received by the Department on November 7,
22 2002, concerning sewage backing up into the house and yard. The Complainant
23 stated that he had hired a plumber, who was unable to fix the problem. DHEC

1 conducted an investigation which revealed that the utility's main line was blocked
2 causing overflow from the manhole and backup into the home. DHEC made two
3 calls to PGU on November 8; however, DHEC received no response. On January
4 17, 2003, DHEC mailed a certified letter to PGU requesting immediate actions.
5 Another complaint was filed on December 12, 2002, with DHEC concerning the
6 same problems identified above and by the same Complainant. Based upon
7 conversations with the Complainant, DHEC had reason to believe that the clean-
8 out is still overflowing. DHEC's investigation showed that PGU did not clean up
9 the previous sewer overflow in the yard. Further, the Complainant alleged that he
10 calls PGU all the time, but is unable to get a response. The investigation also
11 revealed that PGU did have a plumbing company sent to the problem site;
12 however, it was not clear what actions were taken. On December 13, 2002, PGU
13 finally called DHEC and said that they had people working on the problem.
14 DHEC requested that PGU provide a response within three days of taking
15 corrective actions, but no response was ever received. DHEC confirmed with
16 PGU's plumbing company that they responded to this address on November 27,
17 2002, and unstopped the main line blockage of grease.
18 Another complaint was filed on December 17, 2002, regarding the same problems
19 as reported herein. The Complainant reported that the clean-out is still
20 overflowing. DHEC mailed a certified letter to PGU on December 17, 2002,
21 requesting a report on any corrective actions and the maintenance records.

1 PGU sent a letter to DHEC dated December 20, 2002, in response to DHEC's
2 December 17, 2002, certified letter. The response from PGU did not take
3 responsibility for the problems alleged.
4 **Exhibit DTW 13** is another complaint filed on December 31, 2002, concerning
5 the above described matter, the same clean-out overflowing again. The
6 Complainant indicated he cannot get in touch with PGU.
7 **Exhibit DTW 14** is a complaint received by the Department on April 22, 2003,
8 regarding the sewer backing up into a home due to problems with PGU's sewer
9 line. DHEC contacted PGU which stated the backup was the homeowner's
10 problem, but they would call their plumber out to fix it. PGU stated they would
11 also supply a copy of the work order to the Department. No report was ever
12 received. The Complainant stated the plumbing company jet rodded the lines and
13 the problem was resolved.
14 A complaint was also filed on April 28, 2003, by the same Complainant due to the
15 line backing up again in his and other homes. The blockages were located at the
16 tap and mainline; therefore, DHEC attempted to contact PGU and requested that
17 the tap be renewed. DHEC was never contacted by PGU.
18 A certified letter was mailed from the Department to PGU in regards to these
19 complaints. PGU received the letter and called DHEC stating that the tap would
20 be replaced. Upon follow-up, the Complainant confirmed that the tap was
21 renewed. This complaint was on-going from November 2003 to May 2004 before
22 it was resolved.

1 **Exhibit DTW 15** is a complaint filed on September 12, 2003 with the Department
2 concerning sewer backing up at a manhole and coming from a clean-out. The
3 Utility was contacted by DHEC. The Utility stated it wasn't their problem, but
4 that they would fix it anyway.
5 **Exhibit DTW 16** is a description of an incident observed by DHEC personnel on
6 January 13, 2004. The staff member observed a manhole overflow in the
7 subdivision running into the storm drain system. DHEC requested that PGU
8 unclog the line and clean up the areas and the storm drain.
9 **Exhibit DTW 17** is a description of DHEC's follow-up on January 14, 2004,
10 regarding the overflow described in Exhibit DTW 16. The follow-up showed that
11 the area had been cleaned up and the Department requested that PGU submit a
12 Sanitary Sewer Overflow Report. As of this date, no report has been received.
13 **Exhibit DTW 18** consists of files relating to a complaint submitted to DHEC on
14 January 19, 2004, regarding a homeowner's complaint of sewage backing up into
15 his home. PGU contacted DHEC in response to this complaint and assured the
16 Department that they had responded four times. On January 20, 2004, the
17 Complainant called DHEC with details of the clean-out overflowing and the
18 utility not responding. The Utility called back the same day indicating they would
19 have the line checked with a video camera. On January 29, 2004, nine days later,
20 the Utility called DHEC and informed the Department that the problem was in the
21 service line. The Utility stated that they have a work order, that they did video the
22 line and that the problem was roots. PGU stated they knew they had problems
23 with flow being slow in the line, and knew they had major problems. Further,

1 PGU informed DHEC that they had cleared the homeowner's line too. On follow-
2 up, the Complainant stated that no one had been on site since January 23, 2004,
3 and that debris was still in the yard. The Complainant told DHEC that he had to
4 clean up sewer debris in the yard, and that, on January 26, 2004, the clean-out
5 overflowed again. The complainant stated that other residences have had
6 problems as well. On January 30, 2004, the plumbing company that PGU uses
7 was located by DHEC personnel at a different location in the subdivision and was
8 questioned about this complaint. The plumbing company stated they were not
9 aware of the problem; however, they stated they had rodded PGU's line out at
10 PGU's clean-out. PGU was on site and stated again that they would camera the
11 line; however, no proof of video was provided to DHEC.
12 **Exhibit DTW 19** Complainant contacted DHEC on February 11, 2004, about
13 sewage overflowing in their front yard. Complainant stated he tried to contact
14 PGU but said it was impossible.
15 **Exhibit DTW 20** is an April 8, 2004, complaint received by the Department
16 stating that a fenced-in field was covered in raw sewage and was giving off a bad
17 sewer odor. The file indicates the caller noticed children playing in the field of
18 sewage. DHEC's investigation showed the property is owned by PGU. The
19 complaint alleged that the Utility told the Complainant that money is a problem in
20 getting the problems fixed. DHEC further verified that the fenced-in field is the
21 sewage lagoon. The Complainant stated that PGU has been informed that
22 overflows often occurred, but the Utility stated they couldn't fix the problem lines

unless they raised the amount of money that everyone pays for their sewer service.

Exhibit DTW 21 is a complaint filed with the Department on August 17, 2004, concerning a smell of raw sewage coming from a storm drain. DHEC's investigation confirmed that this storm drain was receiving the effluent from the Lloydwood treatment facility. A fecal coliform test indicated that the water collected had a fecal coliform count of 3,000/100 ml. The facility's daily maximum limit is 400/100ml and their monthly average of 200/100ml.

Exhibit DTW 22 is a complaint filed with the Department on September 2, 2004, concerning the presence of sewage on the roadway for two days. The complaint stated that the caller was unsuccessful in getting in touch with Utility. DHEC made several attempts to contact Utility. PGU called DHEC on September 3, 2004.

Exhibit DTW 23 is a complaint filed with DHEC on September 10, 2004, concerning a manhole overflowing and sewage entering the storm drain. The Department followed up on this call on September 13, 2004, and the problem had been corrected by Utility. PGU had performed some clean up, but the area needed additional cleaning.

Exhibit DTW 24 is a complaint received by DHEC on November 19, 2004, concerning a clean-out overflowing. The Complainant informed DHEC that his plumber said the problem was at the tap or in the main line. The complaint further alleged that this was a recurring problem. PGU had a contractor repair the line;

1 however, the Utility's attorney had to be called by the BOW enforcement section
2 before any action was taken.
3 **Exhibit DTW 25** is a complaint received by the Department on December 27,
4 2004, concerning a clean-out overflowing. The Complainant informed DHEC
5 that he had called a plumber who stated that it was a problem with the utility line.
6 Further, the Complainant stated that he was unable to get the Utility to respond.
7 The Department observed that one manhole was flowing and that one was
8 partially blocked. After contacting PGU, the Utility stated the line was a
9 homeowner's line. The Utility ultimately cleaned the line.
10 **Exhibit DTW 26** is a complaint received by DHEC on December 28, 2004,
11 concerning a manhole overflowing for about a week. DHEC contacted the Utility
12 and received a response on the same day. The Utility assured the Department that
13 the problem had been worked on for days; however, on December 29, 2004,
14 DHEC noted there was no sign of repair or cleaning. During the on-site
15 investigation, DHEC observed children playing with remote control toys in the
16 sewage. On December 30, 2004, the line was repaired and the manhole areas
17 were limed, but the storm drain and the creek had not been cleaned up. The
18 Department called PGU and requested that all affected areas be cleaned up and
19 limed, and that they finish the job.
20 **Exhibit DTW 27** is an e-mail concerning a complaint filed with DHEC on March
21 28, 2005, about a line overflowing. PGU contacted DHEC and stated they had
22 checked the line and found a blockage in the homeowner's line due to grease.
23 The Complainant also called DHEC ERT about a clean-out overflowing next to

1 their house and in the road. After DHEC's investigation, it was determined that
2 there was a collapsed sewer line causing the sewage to backup into the home and
3 the yard. A sink hole was located by DHEC personnel down the road from this
4 Complainant. Finally, by late evening on March 30, 2005, PGU's plumbing
5 company made the necessary repairs and cleaned up the areas. During this
6 process, the Department also noticed another line break. It too was repaired and
7 remediated by the plumbing company.

8 **Q. WHAT HAVE BEEN SOME OF THE COMPLAINTS THAT YOUR**
9 **OFFICE HAS RECEIVED CONCERNING THE SEWER SYSTEM AT**
10 **THE FRANKLIN PARK SUBDIVISION?**

11 A. **Exhibit DTW 28** is a complaint filed on March 19, 2004, with the Department
12 about water ponding at the end of a road in Franklin Park that had a bad odor.
13 Department personnel were initially only able to locate what appeared to be storm
14 water ponding with algae and iron bacteria. However, after an inspection at the
15 wastewater facility and following up on the complaint, DHEC located a sewage
16 overflow and contacted PGU. The Department had to leave a message. PGU
17 returned the call and informed DHEC that they would have someone work on it.
18 The break was repaired but the clean up had to be requested a couple of times.

19 **Q. DID YOU ATTEMPT TO CONTACT THE UTILITY ABOUT SOME OF**
20 **THESE PROBLEMS THAT YOU RESPONDED TO AT LLOYDWOOD**
21 **AND FRANKLIN PARK SUBDIVISION?**

22 A. Yes.

1 **Q. DESCRIBE YOUR EFFORT TO REACH PINEY GROVE UTILITIES,**
2 **INC.**
3 A. I placed phone calls, left messages, mailed certified letters to PGU, called
4 operators and contacted PGU attorney. Several certified letters were never picked
5 up.
6 **Q. WHEN YOU WERE ABLE TO REACH PINEY GROVE UTILITIES, INC.,**
7 **WERE THEY RESPONSIVE IN ADDRESSING THE PROBLEMS THAT**
8 **YOU IDENTIFIED CONCERNING THE SEWER SYSTEMS?**
9 A. No.
10 **Q. WHEN WAS THE LAST TIME YOU CONDUCTED A ROUTINE**
11 **INSPECTION OF THE SEWER SYSTEMS AT THE LLOYDWOOD AND**
12 **FRANKLIN PARK SUBDIVISIONS?**
13 A. Lloydwood: The last inspection performed by this office was on April 8, 2005.
14 Franklin Park: The last inspection performed by the office was on February 28 to
15 March 1, 2005.
16 **Q. PLEASE EXPLAIN THE RESULTS OF THOSE INSPECTIONS.**
17 A. **Lloydwood WWTF:** In summary, all inspections with the exception of one was
18 rated unsatisfactory or non-compliant. There were no responses from PGU to
19 address any of the issues reported.
20 **Exhibit DTW 29** is a Wastewater Treatment Plant Facility Evaluation Inspection
21 Report dated April 8, 2005. This inspection was a follow up to the April 7, 2005,
22 inspection and was a second follow up to the March 22, 2005 inspection. The
23 Facility was rated unsatisfactory for many reasons. The major issue with this

1 inspection concerned the lack of disinfection occurring on the wastewater being
2 discharged. Further, the inspection showed that there were no records on site of
3 daily inspections since March 1, 2005, when the contract operator resigned. The
4 inspection also noted gray, cloudy effluent with a very strong smell of sulfur at
5 the discharge site and off-site in the neighborhood, lack of housekeeping, no
6 chlorine, etc. DHEC requested a response from PGU, however, no response was
7 received.

8 **Exhibit DTW 30** is a Wastewater Treatment Plant Facility Evaluation Inspection
9 Report dated April 7, 2005. DHEC attempted a follow up FEI inspection;
10 however, the lock on the gate had been changed. The enforcement section was
11 called and it was requested that they contact PGU to gain access into the facility.
12 This was during the time that the previous contract operator terminated their
13 services with PGU. The person that changed the lock for PGU was not able to
14 meet DHEC at the facility for various reasons but stated that they would be able
15 to meet someone there on April 8, 2005. The Department noted that very strong
16 sulfur odors were coming from the discharge side of the facility and that the ditch
17 between two homes was lined with gray matter. A bacteria sample was collected
18 from the effluent for a fecal coliform analysis. The fecal coliform result from this
19 sample was 30,000/100ml. The facility's daily maximum limit is 400/100ml and
20 their monthly average limit is 200/100ml. Further inspection showed the
21 wastewater being discharged was not being disinfected by chlorine. This
22 inspection was rated unsatisfactory for many reasons. DHEC learned the operator
23 had resigned on March 1, 2005 and no daily visits or sampling were being

1 performed. DHEC requested a response from PGU; however, no response was
2 received.
3 **Exhibit DTW 31** is a Wastewater Treatment Plant Facility Evaluation Inspection
4 Report dated March 22, 2005. An FEI was performed and the facility was rated
5 unsatisfactory for numerous reasons. The major issue, however, was the lack of
6 chlorine on site. As a result, no disinfection was occurring before wastewater was
7 discharged into the receiving stream. As the operator had resigned on March 1,
8 2005, no daily sampling or inspections were being performed by an appropriate
9 grade operator. DHEC noted the facility was unsatisfactory for many other
10 reasons. DHEC requested a response from PGU, but no response was received.
11 **Exhibit DTW 32** is a Wastewater Treatment Plant Facility Evaluation Inspection
12 Report dated April 29, 2004. A follow up FEI was performed and the facility was
13 rated unsatisfactory for several reasons, including odorous effluent, lack of
14 housekeeping, and not responding to previous inspections. DHEC requested a
15 response, but no response was received.
16 **Exhibit DTW 33** is a Wastewater Treatment Plant Facility Evaluation Inspection
17 Report dated February 4, 2004. An FEI was performed and the facility was rated
18 unsatisfactory. DHEC did not receive a response from PGU.
19 **Exhibit DTW 34** consists of a letter from DHEC to PGU regarding a Compliance
20 Sampling Inspection performed on January 12 to January 14, 2004. The
21 inspection indicated that the Facility was meeting limits during this inspection.
22 **Exhibit DTW 35** consists of a letter from DHEC to PGU regarding a Compliance
23 Sampling Inspection performed on August 25 to August 27, 2003. The inspection

showed that the facility was not meeting fecal coliform limits, which resulted in an overall non-compliant rating. A response was requested by DHEC, but no response was received.

Exhibit DTW 36 consists of a letter from DHEC to PGU regarding a Compliance Sampling Inspection performed on June 10 to June 12, 2002. The inspection showed that the facility was meeting applicable NPDES limits during this inspection.

Exhibit DTW 37 consists of a letter from DHEC to PGU regarding a Compliance Sampling Inspection performed on January 14 to January 16, 2002. The inspection showed that the facility was not meeting ammonia or BOD limits which resulted in an overall non-compliant rating. A response was requested but no response was received.

Exhibit DTW 38 is an NPDES Compliant Inspection Report dated January 10, 2002. The inspection showed that the facility was rated overall unsatisfactory. Deficiencies noted by DHEC included: not meeting the compliance schedule requirements, lack of grounds maintenance, alarm not working on pump station, no sampling for NPDES parameters on weekends and not inspecting facility on weekends.

Exhibit DTW 39 is a Wastewater Treatment and Facility Operation and Maintenance Evaluation dated August 17, 2001. An FEI was performed due to an odor complaint filed with DHEC. The facility was rated unsatisfactory due to poor housekeeping, odors present at the discharge, and not responding to the last inspection requests.

1 **Exhibit DTW 40** consists of a letter from DHEC to PGU regarding a Compliance
2 Sampling Inspection performed on September 18 to September 20, 2000. The
3 inspection showed that the facility was not meeting applicable NPDES permit
4 limits for BOD, fecal coliform and ammonia and was given an overall non-
5 compliance rating. DHEC requested a response, however, no response was
6 received.
7
8 **Franklin Park WWTF:** In summary, all inspections listed were rated
9 unsatisfactory. The contract operator responded to a few of the inspections;
10 however there were no responses from PGU.
11 **Exhibit DTW 41** consists of a letter from DHEC to PGU and associated files
12 regarding a Compliance Sampling Inspection performed on February 28 to March
13 1, 2005. This inspection was rated non-compliant due to violations of NPDES
14 parameters, pH, fecal coliform and flow as well as, housekeeping, operations and
15 maintenance issues. A response was requested from the operator, and the
16 operator responded.
17 **Exhibit DTW 42** is a Wastewater Treatment Plant Facility Evaluation Inspection
18 Report dated November 17, 2004. This inspection was rated unsatisfactory due to
19 violations of a consent order requiring aeration. The inspection also noted that
20 there was a lack of housekeeping, operations and maintenance. DHEC requested
21 a response, however, no response was received.
22 **Exhibit DTW 43** is a Wastewater Treatment Plant Facility Evaluation Inspection
23 Report dated April 26, 2004. This was a follow up inspection to the March 25,

1 2004, FEI. This inspection was rated unsatisfactory due to a lack of records or
2 logs on site, violation of a consent order requiring aeration, lack of housekeeping,
3 operations and maintenance issues. Further, daily inspections and sampling could
4 not be confirmed without an operator's log. The dechlorination tubes were empty
5 and the chorine tablets were located in an unapproved location. DHEC requested
6 a response, but no response was received.

7 **Exhibit DTW 44** is a Wastewater Treatment Plant Facility Evaluation Inspection
8 Report dated March 25, 2004. The facility was rated unsatisfactory due to a final
9 total residual chlorine violation, records and logs not being available on site, no
10 aerator as required by a consent order, housekeeping, operations and maintenance.
11 Additionally, daily visits and daily inspections could not be confirmed without an
12 operator's log. DHEC requested a response, but no response was received.

13 **Exhibit DTW 45** is a Wastewater Treatment Facility Operation and Maintenance
14 Evaluation Report dated August 25, 2003. The system was rated unsatisfactory
15 due to records and logs not being available on site, no aerator as required by a
16 consent order, housekeeping, operations and maintenance. Further, daily visits
17 and daily inspections could not be confirmed without an operator's log. DHEC
18 requested a response, but no response was received.

19 **Exhibit DTW 46** consists of various documents regarding a Compliance
20 Sampling Inspection performed on May 6 to May 8, 2003. The inspection
21 showed the system was not meeting applicable NPDES permit limits due to total
22 chlorine residual being out of compliance. Also, it was noted that the operator of

record was not performing composite compliance sampling correctly as required by the permit.

Exhibit DTW 47 is a Wastewater Treatment Facility Operation and Maintenance Evaluation Report dated September 10, 2002. The system was rated unsatisfactory due to records and logs not being available on site, no aerator as required by a consent order, housekeeping, operations and maintenance. Additionally, daily visits and daily inspections could not be confirmed without an operator's log. DHEC requested a response, but no response was received.

Exhibit DTW 48 consists of a letter from DHEC to PGU and associated files regarding a Compliance Evaluation Inspection performed on February 26, 2002. The inspection showed that the system was rated unsatisfactory due to incorrect reporting on the June 2001 discharge monitoring report for using inaccurate flow to calculate pounds per day on BOD and TSS loadings. Also, the inspection noted improper flow measurements when sampling for composite samples, and failure to meet consent order requirements. DHEC requested a response, however, no response was received.

Exhibit DTW 49 consists of a letter from DHEC to PGU and associated files regarding a Compliance Evaluation Inspection performed on April 18, 2001. This inspection showed the system was rated unsatisfactory in the areas of records and reports, flow measurement, self-monitoring, and compliance schedules. A response was received from the operator of record; some items were corrected and others were not.

1 **Exhibit DTW 50** is a Wastewater Treatment Facility Operation and Maintenance
2 Evaluation Report dated September 5, 2000. The Report indicates the facility was
3 rated unsatisfactory due to housekeeping problems. The report indicated
4 sampling and inspections were being performed four to five days a week.

5 **Exhibit DTW 51** is a log of activities regarding PGU. From May 25, 2005 to
6 June 13, 2005, the Department and the Office of Regulatory Staff conducted site
7 visits and DHEC responded to additional complaints.

8 **Q. HOW DO THE RESULTS OF THOSE INSPECTIONS COMPARE TO**
9 **THE PREVIOUS INSPECTIONS THAT YOU CONDUCTED ON THOSE**
10 **SYSTEMS?**

11 A. Lloydwood: Violations were about the same until March and April 2005 when
12 conditions of the facility and its discharge became worse.

13 Franklin Park: Violations were all about the same except Discharge Monitoring
14 Reports are showing more pH violations in the past year. Vegetation will get
15 worse every year without maintenance.

16 **Q. DO YOU HAVE ANY ADDITIONAL PICTURES DEPICTING SOME OF**
17 **THE PROBLEMS THAT YOU HAVE RESPONDED TO AT THE**
18 **LLOYDWOOD SUBDIVISION OR FRANKLIN PARK SUBDIVISION?**

19 A. Yes. See Exhibit DTW 52.

20 **Q. WHAT ARE SOME OF THE MAJOR PROBLEMS THAT YOU HAVE**
21 **WITNESSED AT PINEY GROVE UTILITIES, INC.'S SEWER SYSTEMS**
22 **IN LLOYDWOOD AND FRANKLIN PARK SUBDIVSIONS?**

1 A. Lloydwood Treatment Plant: danger to health and welfare of residents and aquatic
2 life; PGU is non-responsive to residents and the Department; poor preventive
3 maintenance and corrective maintenance, if any; little to no housekeeping; poor
4 corrective actions, if any; undesirable levels of odors; and, sanitary sewer
5 overflows that have interfered with the enjoyment of life or use of the affected
6 property.

7 Franklin Park Treatment Plant: not being upgraded as required to meet NPDES
8 limits; not being operated and maintained properly to meet NPDES parameter
9 limits; not being sampled properly; poor housekeeping; not monitoring flow
10 properly.

11 **Q. HAVE ALL OF THOSE PROBLEMS BEEN ADDRESSED BY THE**
12 **UTILITY?**

13 A. No.

14 **Q. WHICH OF THOSE MAJOR PROBLEMS HAVE BEEN ADDRESSED BY**
15 **THE UTILITY?**

16 A. None of them, with the exception of sanitary sewer overflows that we are made
17 aware of.

18 **Q. WHAT HAS BEEN YOUR PROCESS OF NOTIFYING THE UTILITY**
19 **WHEN YOU CONDUCT A ROUTINE INSPECTION OF THE SEWER**
20 **SYSTEMS OF PINEY GROVE UTILITIES, INC.?**

21 A. Routine FEIs are unannounced inspections. State compliance sampling
22 inspections are announced on the morning of the inspection, just prior to arriving
23 to the facility. Compliance evaluation inspections are announced one to two days

1 prior to the inspection due to records and report reviews. Inspection reports and
2 results are mailed to the responsible official, in this case, Reese Williams, and the
3 registered agent, Louis Lang. Since there is a history of poor to no response from
4 PGU, our office generally will send all correspondence and reports via
5 certified/return receipt mail. Responses lately have been none; prior to March,
6 2005, responses were poor to none from PGU.

7 **Q. WHEN YOU FOUND ENVIRONMENTAL COMPLIANCE PROBLEMS**
8 **ON THE SEWER SYSTEMS, WHAT WAS YOUR FORMAL PROCESS**
9 **OF GETTING THE FACILITY TO CORRECT THESE PROBLEMS?**

10 A. If it is a contract operator problem that they can handle, and they are not on site at
11 the time, we will generally call the operator of record. If the problem is out of the
12 contract operator's control, we would contact PGU either by phone or letter. If no
13 response is received, we would then refer the system to the enforcement section
14 for them to determine enforcement actions.

15 **Q. DO YOU HAVE ANY ADDITIONAL COMMENTS ABOUT THE SEWER**
16 **SYSTEMS OF PINEY GROVE UTILITIES, INC. AND HOW THEY HAVE**
17 **BEEN OPERATED BY THE MANAGEMENT OF PINEY GROVE**
18 **UTILITIES, INC.?**

19 A. The systems appear to be poorly operated, maintained and managed with little to
20 no responsiveness.

21 **Q. DOES THAT CONCLUDE YOUR TESTIMONY?**

22 A. Yes it does.

23