

**THE STATE OF SOUTH CAROLINA
BEFORE THE DEPARTMENT OF ENVIRONMENTAL SERVICES**

**IN RE: TOWN OF CALHOUN FALLS
NPDES PERMIT SC0025721
ABBEVILLE COUNTY**

CONSENT ORDER

The South Carolina Department of Environmental Services¹, Bureau of Water (Department) and the Town of Calhoun Falls (Calhoun Falls) have agreed to the issuance of this Consent Order to include the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Calhoun Falls owns and is responsible for the proper operation and maintenance of a wastewater treatment facility (WWTF) located at 125 Walnut Street, in Calhoun Falls, Abbeville County, South Carolina.
2. The South Carolina Department of Health and Environmental Control (SCDHEC) issued National Pollutant Discharge Elimination System (NPDES) Permit SC0025721 (Permit) to Calhoun Falls, authorizing it to discharge treated wastewater to Sawney Creek, in accordance with effluent limitations, monitoring requirements, and other permit conditions contained therein. The Permit was reissued effective August 1, 2013, with an expiration date of July 31, 2018. An application for renewal of the Permit was submitted to SCDHEC

¹Pursuant to South Carolina Act No. 60 of 2023 and South Carolina Code Ann. §1-30-140, all functions, powers, and duties of the environmental divisions, offices, and programs of the South Carolina Department of Health and Environmental Control were transferred to, incorporated in, and shall be administered as part of the Department of Environmental Services as of July 1, 2024.

and is currently under review; therefore, the Permit coverage has been administratively continued.

3. On January 4, 2024, Calhoun Falls entered into Consent Order 24-004-W with SCDHEC for failure to comply with permitted effluent limitations for ammonia. The Consent Order required Calhoun Falls to submit a written notification of all corrective actions necessary to resolve effluent violations within thirty (30) days of execution of the Consent Order. It also required Calhoun Falls to demonstrate a six-month monitoring compliance confirmation period for the effluent limit violations.
4. On January 4, 2024, Calhoun entered into Consent Order 24-005-W with SCDHEC for failure to maintain and operate the WWTF in accordance with the Permit. The Consent Order required Calhoun Falls to submit to SCDHEC a notarized document certifying that Calhoun Falls has: an operational bar screen as required by the Permit, properly operational mechanical aerators, an operational high wet well alarm system, documentation of the last backflow device inspection, a schedule for manhole inspections, and an Operation and Maintenance (O&M) manual that includes an emergency operation plan for the pump station.
5. On June 24, 2024, through June 26, 2024, SCDHEC conducted Compliance Sampling Inspections (CSIs) at the WWTF. During the CSIs, the Department observed and documented the following violations:
 - a. The backflow prevention device had not passed an inspection since September 14, 2023, nor had it been retested or replaced;
 - b. One (1) of the aerators and sludge recycle pumps were not working;
 - c. Excessive vegetation was growing in the curtain areas of the pond with large amounts of duckweed in the cell;
 - d. Holes were observed above the water line in the curtains;

- e. An excessive amount of duckweed was present in the contact chamber;
 - f. Pumps in the overflow surge basin were not working and a gas-powered pump was being used to pump the Continuous Fill Intermittent Decant (CFID) basin;
 - g. The Weir Gate system was not operational since one motor had fallen to the bottom of the pond. The facility was bypassing the settling system and not operating as designed;
 - h. The pH adjustment system was not operational. According to a representative for Calhoun Falls, this system has not worked in eight (8) years; and
 - i. There was excessive vegetation growing in the basin.
6. On July 1, 2024, the functions and duties of the environmental divisions, offices, and programs of SCDHEC were transferred to and were from that time forth administered by the Department.
7. On July 22, 2024, the Department's Compliance Section issued a letter of non-compliance, via certified mail, to Calhoun Falls regarding the CSI performed on June 24, 2024, and completed on June 26, 2024. The letter informed Calhoun Falls of the deficiencies noted during the CSI and requested a response to be submitted via ePermitting by August 12, 2024.
8. On January 6, 2025, the Department's Compliance Section issued a Notice of No Response to Calhoun Falls regarding the letter of non-compliance mailed on July 22, 2024. The letter explained that the Department did not receive a response from Calhoun Falls and reiterated the deficiencies found during the CSI on June 24, 2024.
9. Calhoun Falls failed to comply with permitted effluent discharge limits for *Escherichia coli* (*E. coli*) reported on discharge monitoring reports (DMRs) received by the Department for

the August, September, and December 2024, and February 2025 monthly monitoring periods.

10. On January 13, 2025, the Department's Compliance Section issued a Notice of Violation (NOV), via certified mail, to Calhoun Falls for E. coli violations. The Department requested a written response to the NOV within ten (10) days of receipt of the notice. The certified mail was delivered on January 17, 2025. The Department did not receive a response from Calhoun Falls.
11. On January 27, 2025, Calhoun Falls sent documentation, via electronic mail, demonstrating that a backflow preventer test had been conducted but did not address any of the other deficiencies noted during the CSI.
12. On March 3, 2025, the Department's Compliance Section issued a second Notice of No Response to Calhoun Falls regarding the letters of non-compliance mailed on July 22, 2024, and January 6, 2025. The letter reiterated the deficiencies found during the CSI on June 24, 2024, and that the matter was being referred to the Department's Enforcement Section.
13. On May 22, 2025, the Department's Enforcement Section issued a Notice of Alleged Violation and Enforcement Conference (NOAV) to Calhoun Falls via certified mail. The certified mail was delivered on May 28, 2025.
14. On June 17, 2025, the Department held an enforcement conference, with representatives of Calhoun Falls to discuss the findings included in the NOAV. During the conference, representatives for Calhoun Falls stated the following: the backflow was retested on September 20, 2024, and that Calhoun Falls was in the process of getting the aerators fixed, and some of the duck weed had been cleaned out of the contact chamber, and some of the vegetation had been cleaned out of the ponds.

CONCLUSIONS OF LAW

Based upon the above Findings of Fact, the Department has reached the following Conclusions of Law:

1. Calhoun Falls violated the Pollution Control Act, S.C. Code Ann. § 48-1-110 (d) and Water Pollution Control Permits Regulation, S.C. Code Ann Regs. 61-9.122.41(a), in that it failed to comply with E. coli effluent limitation of the Permit.
2. Calhoun Falls violated the Pollution Control Act, S.C. Code Ann. § 48-1-110(d), the Water Pollution Control Permits, S.C. Code Ann Regs. 61-9.122.41(e)(1), and Part II. E. 1 of the Permit, in that it failed to properly operate and maintain in good working order all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Permittee to achieve compliance with the terms and conditions of the Permit.
3. The Pollution Control Act, S.C. Code Ann. § 48-1-50(5), authorizes the Department to issue, deny, revoke, suspend or modify permits, under such conditions as it may prescribe for the discharge of sewage, industrial waste or other waste or air contaminants or for the installation or operation of disposal systems of sources of parts thereof; provided, however, that no permit shall be revoked without first providing an opportunity for a hearing.
4. The Pollution Control Act, S.C. Code Ann. § 48-1-330, provides for a civil penalty not to exceed ten thousand dollars (\$10,000.00) per day of violation for any person violating the Act, regulation, permit, permit condition, final determination, or Order of the Department.

NOW, THEREFORE, IT IS ORDERED, CONSENTED TO AND AGREED, pursuant to the Pollution Control Act, S.C. Code Ann. §§ 48-1-50 and 48-1-100, that Calhoun Falls shall:

1. Within sixty (60) days of the execution date of this Consent Order, submit to the Department documentation demonstrating the aerator, sludge recycle pumps, pumps in the overflow surge basin, Weir Gate system, and pH adjustment system have been repaired and are in good working order.
2. Within thirty (30) days of the execution date of this Consent Order, submit to the Department documentation showing all excess vegetation and duckweed have been removed from the curtains in the pond, basins, and contact chamber.
3. Within thirty (30) days of the execution date of this Consent Order, submit to the Department written notification of the planned completion date for all corrective actions necessary to resolve the effluent violations subject to this Consent Order. Beginning the first full monthly monitoring period following completion of all corrective actions, Calhoun Falls shall demonstrate a three (3) month compliance confirmation monitoring period (Compliance Confirmation) associated with the effluent limitations referenced herein. The Compliance Confirmation shall consist of Calhoun Falls monitoring its WWTF effluent, per the requirements of the Permit for a period of no less than three (3) consecutive monthly monitoring periods. In the event of an exceedance of the effluent limitation for E. coli or ammonia is observed during the Compliance Confirmation period, Calhoun Falls shall:
 - a. Within ninety (90) days of observing an exceedance of E. coli or ammonia, submit to the Department a preliminary engineering report (PER), via ePermitting, detailing upgrades necessary to comply with the effluent limitations contained in the Permit. The PER shall be administratively and technically complete and

prepared in accordance with Standards for Wastewater Facility Construction, S.C. Code Ann Regs. 61-67.

- b. Within ninety (90) days from the Department's approval of the PER, required by item 1.a., submit to the Department, via ePermitting, for any items requiring a construction permit, an application for a Permit to Construct upgrades to the WWTF necessary to comply with the limits contained in the Permit. The wastewater construction application package must be administratively and technically complete and prepared in accordance with Standards for Wastewater Facility Construction, S.C. Code Ann Regs. 61-67.
 - c. Within sixty (60) days from the date of issuance of a Construction Permit issued in response to the application package required by item 1.b., begin construction of all upgrades detailed within such Construction Permit.
 - d. Within one hundred eighty (180) days from issuance of the Construction Permit subject of item 1.c., complete all construction activities and request an Approval to Place into Operation the required upgrades from the Department's Upstate Environmental Affairs Greenwood Office.
4. This Consent Order shall terminate upon Calhoun Falls: completing the Compliance Confirmation wherein no exceedances are observed or obtaining approval to operate all upgrades subject in item 3; and, fulfilling all other requirements detailed within this Consent Order (e.g., payment of assessed penalties, etc.).
5. Within thirty (30) days of the execution date of this Consent Order, pay to the Department a civil penalty in the amount of thirty-eight thousand dollars (**\$38,000.00**).

THE PARTIES FURTHER CONSENT AND AGREE that this Consent Order serves to replace and supersede Consent Order 24-004-W and 24-005-W.

PURSUANT TO THIS ORDER, all communication regarding this Consent Order and its requirements, including civil penalty payments, shall include the Consent Order number and shall be addressed as follows:

Abigail Rayfield, Enforcement Project Manager
SCDES, Bureau of Water – WP Enforcement Section
2600 Bull Street
Columbia, S.C. 29201

IT IS FURTHER ORDERED AND AGREED that the parties are not relying upon any representations, promises, understandings, or agreements associated with the financial funding necessary to successfully fulfill the requirements of this Consent Order, except as expressly set forth within this Consent Order.

IT IS FURTHER ORDERED AND AGREED that failure to comply with any provision of this Consent Order shall be grounds for further enforcement action pursuant to the Pollution Control Act, S.C. Code Ann. § 48-1-330, to include the assessment of additional civil penalties.

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 Calhoun Falls, 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 Consent Order.

THE PARTIES UNDERSTAND that the “execution date” of the Consent Order is the date the Consent Order is signed by the Director of Environmental Services.

**FOR THE SOUTH CAROLINA DEPARTMENT
OF ENVIRONMENTAL SERVICES**

Myra C. Reece, Director

Date: _____

Ann R. Clark, Chief
Bureau of Water

Date: _____

Charles Williams, Director
Water Pollution Compliance, Enforcement, and the Office of Rural Water
Bureau of Water

Date: _____

Reviewed By:

Attorney
Office of General Counsel

Date: _____

WE CONSENT:

TOWN OF CALHOUN FALLS

Terrico Holland, Mayor

Date: _____