

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

In The Matter Of:

Municipal Water Authority of Aliquippa	:	Violations of the Safe Drinking Water Act and
160 Hopewell Avenue	:	Rules and Regulations Promulgated Pursuant
Aliquippa PA 15001-3545	:	Thereeto

ADMINISTRATIVE ORDER

NOW, this 19 day of December 2019, the Commonwealth of Pennsylvania, Department of Environmental Protection (Department) issues this Administrative Order after it has found and determined the following:

FINDINGS

A. The Department is the agency with the duty and authority to administer and enforce the Pennsylvania Safe Drinking Water Act, Act of May 1, 1984, P.L. 206, *as amended*, 35 P.S. §§ 721.1-721.17 (Safe Drinking Water Act); Section 1917-A of the Administrative Code of 1929, Act of April 9, 1929, P.L. 177, *as amended*, 71 P.S. § 510-17 (Administrative Code); and the rules and regulations promulgated thereunder (Regulations).

B. The Municipal Water Authority of Aliquippa (Authority) is a municipal authority with a business address of 160 Hopewell Avenue, Aliquippa PA 15001-3545.

C. The Authority is a “person” and a “supplier of water,” as those terms are defined in Section 3 of the Safe Drinking Water Act, 35 P.S. § 721.3, and a “public water supplier” as that term is defined in Section 1 of the Regulations, 25 Pa. Code § 109.1.

D. The Authority owns and operates a “public water system” and, more specifically, a “community water system,” as those terms are defined in Section 3 of the Safe Drinking Water Act, 35 P.S. § 721.3, and Section 1 of the Regulations, 25 Pa. Code § 109.1 (System). The

System consists of groundwater sources, treatment facilities, and a distribution system, which provides water for human consumption to approximately 6,575 metered service connections. The Authority operates the System pursuant to multiple public water supply permits issued by the Department and has been assigned the Public Water System Identification Number of 5040006.

Sample Siting Plan and Materials Evaluation

E. Section 1103(g) of the Regulations, 25 Pa. Code § 109.1103(g), requires that water suppliers shall complete a sample site location plan, which includes a materials evaluation of the distribution system, lead and copper tap sample site locations, water quality parameter sample site locations and certification that proper sampling procedures are used (Sample Site Plan). Section 1103(g)(1) of the Regulations, 25 Pa. Code § 109.1103(g)(1), requires public water suppliers to complete a materials evaluation by reviewing specified sources of information in order to identify a sufficient number of lead and copper tap sampling sites (Materials Evaluation). Under Section 1103(g)(2) of the Regulations, 25 Pa. Code § 109.1103(g)(2), lead and copper tap sampling sites are classified as tier 1, tier 2 or tier 3 sites, based on the composition of the water lines serving the structure, with tier 1 sites being the highest priority sample sites. A water supplier for a community water system is required to select all tier 1 sample site locations for its lead and copper tap sampling to the extent possible, and; if not possible, to use tier 2 sites for the remainder of the required sampling sites. A community water supplier may only use tier 3 sampling sites to the extent that a sufficient number of tier 1 sites or tier 2 sites, in that order of priority, do not exist within the distribution system. 25 Pa. Code § 109.1103(g)(2)(i).

F. The Authority submitted its current Materials Evaluation to the Department on September 2, 2016. In its Materials Evaluation, the Authority did not evaluate the sources of

information specified in the Regulations to identify a sufficient number of lead and copper tap sampling sites, in violation of 25 Pa. Code § 109.1103(g)(1). On November 20, 2019, the Authority submitted to the Department its current Sample Site Plan, which was composed entirely of sample sites classified as tier 3 locations without first conducting an adequate materials evaluation to confirm that no tier 1 or tier 2 sites were available within the Authority's distribution system, in violation of 25 Pa. Code § 109.1103(g)(2).

Drinking Water Quality and Treatment

G. Section 109.202(b) of the Regulations, 25 Pa. Code § 109.202(b), requires that a public water system shall supply drinking water that complies with the secondary maximum contaminant levels (MCLs) adopted by the Environmental Quality Board (EQB) under the Safe Drinking Water Act. Manganese and iron are secondary contaminants.

H. Section 109.4(4) of the Regulations, 25 Pa. Code § 109.4(4), requires that public water suppliers take whatever investigative or corrective action is necessary to assure that safe and potable water is continuously supplied to users.

I. On several occasions since 2016, samples taken within the Authority's distribution system have exceeded the MCLs for manganese and iron, in violation of 25 Pa. Code § 109.202(b). The Authority has not yet taken corrective action to resolve this situation, in violation of 25 Pa. Code § 109.4(4).

J. The Authority notified the Department that it intends to install treatment using greensand filtration to provide adequate treatment for manganese and iron.

K. The violations described in Paragraphs F and I, above, constitute public nuisances under Section 12 of the Safe Drinking Water Act, 35 P.S. § 721.12.

ORDER

NOW therefore, pursuant to its authority under Sections 5 and 12 of the Safe Drinking Water Act, 35 P.S. §§ 721.5 and 721.12, and Section 1917-A of the Administrative Code, 71 P.S. § 510-17, the Department hereby orders that the Municipal Water Authority of Aliquippa shall take the following actions, in accordance with the schedule set forth below:

1. No later than April 30, 2020, the Authority shall submit to the Department a revised Sample Site Plan and Materials Evaluation that fully comply with Section 1103(g) of the Regulations, 25 Pa. Code §109.1103(g). In the event that the Department makes a written request to the Authority for additional information regarding or revisions to the Sample Site Plan or Materials Evaluation, the Authority shall provide the requested information or revisions to the Department within the time requested by the Department.

2. Following submission of the revised Sample Site Plan and Materials Evaluation and no later than June 30, 2020, the Authority shall collect lead and copper samples within the System's distribution system at 60 sample site locations at a 6-month monitoring frequency, as described in 25 Pa. Code § 109.1103(a). Sampling shall continue at this 6-month frequency until, based on a complete and adequate Sample Site Plan and Materials Evaluation, the Authority qualifies for reduced monitoring under 25 Pa. Code § 109.1103(e).

3. Beginning immediately, the Authority shall commence weekly sampling for manganese and iron at the Entry Point into the distribution system and monthly sampling at ten (10) sites within the distribution system. The samples shall be taken at distribution locations identified within the Revised Total Coliform Rule Monitoring Plan and shall be analyzed at a DEP-certified laboratory. All sample results shall be submitted to the Department electronically via the Drinking Water Electronic Laboratory Reporting System (DWELR) no later than the

tenth day of the following month. If any of the manganese sample results are above the EPA Health Advisory Level (HAL) of 0.3 mg/L, the Authority shall notify the Department within one (1) hour of its receipt of the exceeding sample result(s) and shall consult with the Department within twenty-four (24) hours concerning corrective actions.

4. No later than June 1, 2020, the Authority shall submit a complete and technically sufficient application to the Department for a permit to construct a new greensand filtration system or other proposed treatment to ensure compliance with the secondary MCLs for iron and manganese. In the event that the Department notifies the Authority in writing of any deficiencies in its application, the Authority shall fully address all such deficiencies within the time specified by the Department until the application is deemed acceptable by the Department.

5. The application required under Paragraph 4 shall be submitted to the address specified on the application form. All other written submissions required under this Administrative Order shall be made to:

Patricia Miller, Environmental Protection Compliance Specialist
PO Box 133
131 Broadview Road
New Stanton, PA 15672
or palmille@pa.gov

Any person aggrieved by this action may appeal the action to the Environmental Hearing Board (Board) pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. § 7514, and the Administrative Agency Law, 2 Pa. C.S. Chapter 5A. The Board's address is:

Environmental Hearing Board
Rachel Carson State Office Building, Second Floor
400 Market Street
P.O. Box 8457
Harrisburg, PA 17105-8457

TDD users may contact the Environmental Hearing Board through the Pennsylvania Relay Service, 800-654-5984.


Appeals must be filed with the Board within 30 days of receipt of notice of this action unless the appropriate statute provides a different time. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

A Notice of Appeal form and the Board's rules of practice and procedure may be obtained online at <http://ehb.courtapps.com> or by contacting the Secretary to the Board at 717-787-3483. The Notice of Appeal form and the Board's rules are also available in Braille and on audiotape from the Secretary to the Board.

IMPORTANT LEGAL RIGHTS ARE AT STAKE. YOU SHOULD SHOW THIS DOCUMENT TO A LAWYER AT ONCE. IF YOU CANNOT AFFORD A LAWYER, YOU MAY QUALIFY FOR FREE PRO BONO REPRESENTATION. CALL THE SECRETARY TO THE BOARD AT 717-787-3483 FOR MORE INFORMATION. YOU DO NOT NEED A LAWYER TO FILE A NOTICE OF APPEAL WITH THE BOARD.

IF YOU WANT TO CHALLENGE THIS ACTION, YOUR APPEAL MUST BE FILED WITH AND RECEIVED BY THE BOARD WITHIN 30 DAYS OF RECEIPT OF NOTICE OF THIS ACTION.

FOR THE COMMONWEALTH OF
PENNSYLVANIA, DEPARTMENT OF
ENVIRONMENTAL PROTECTION:


Renee Diehl
Environmental Program Manager
Safe Drinking Water Program