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

OCT 6 2009

CERTIFIED MAIL 7005 1160 0001 9899 9874
RETURN RECEIPT REQUESTED

Mr. Don Cope
President and Chief Executive Officer
Dalton Utilities
1200 V.D. Parrott Jr. Parkway
Dalton, Georgia 30721

Re: Information Request - Section 308 of the Clean Water Act
Continuation of Review

Dear Mr. Cope:

The United States Environmental Protection Agency ("EPA") has been conducting an ongoing review of Dalton Utilities' Land Application System ("LAS") and composted biosolids. Dalton Utilities conducted certain initial testing for Perfluorooctanoic Acid ("PFOA") and Perfluorooctane Sulfonate ("PFOS") of its operations in accordance with the EPA's CWA Section 308 information request letter dated May 20, 2009. In addition, Dalton Utilities has conducted initial testing for PFOA and PFOS of surface water and private drinking water wells in the immediate area outside the boundaries of the LAS. EPA also recently sampled the public drinking water systems in the area, and Dalton Utilities split those samples taken of its drinking water system.

PFOA and PFOS are currently unregulated contaminants. For purposes of evaluating the potential contamination of drinking water sources, EPA developed Provisional Health Advisories for PFOA and PFOS, which reflect reasonable, health-based hazard concentrations above which action should be taken to reduce exposure to these unregulated contaminants in drinking water. The Provisional Health Advisories levels for drinking water are 0.4 part per billion ("ppb") for PFOA and 0.2 ppb for PFOS.

The results of Dalton Utilities' initial testing indicate levels of PFOA and PFOS in the soils of the LAS and in composted biosolids. The sampling results for the LAS groundwater monitoring wells indicate that some wells had levels above the Provisional Health Advisories' levels. EPA recognizes that the LAS monitoring wells are not used to provide water for any public or private drinking water use. The sampling results of the private drinking water wells recently sampled by Dalton Utilities indicate that none contained levels of PFOA or PFOS above the Provisional Health Advisories' levels, with the exception of one well. That well's sampling result had a level exceeding the PFOS Provisional Health Advisory level of 0.2 ppb. Dalton Utilities is confirming this result with further testing. Finally, both EPA's and Dalton Utilities'

sampling results indicate that the public drinking water systems recently tested were all well below the Provisional Health Advisories' levels.

With respect to this ongoing review regarding Dalton Utilities' LAS and composted biosolids, EPA wants to determine if potentially more private drinking water wells may contain levels of PFOA or PFOS above the Provisional Health Advisories' levels. Therefore, in furtherance of this review and to obtain this needed additional information, EPA requests that Dalton Utilities, pursuant to Section 308 of the CWA, 33 U.S.C. § 1318, provide the information set forth in Enclosure A. Dalton Utilities is required to respond to this information request by the timeframes set forth in Enclosure A. The requested information should be directed to:

Ms. Gail Mitchell, Deputy Director
Water Protection Division
U.S. Environmental Protection Agency
Clean Water Enforcement Branch
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

The response to this information request must be accompanied by the following certification signed by a responsible company official in accordance with 40 C.F.R. § 122.22:

> "I certify under penalty of law that this document and all attachments were prepared at 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.

Dalton Utilities 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 Director of the Water Protection Division at 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.

If you have questions regarding this information request, please feel free to contact EPA's attorney assigned to this matter, Mr. William Bush, at (404) 562-9538.

Sincerely,

James D. Giattina
Director
Water Protection Division

Enclosures (7)

cc: Dr. Carol A. Couch, Environmental Protection Division
Dr. Bert Langley, Environmental Protection Division Mountain District

Enclosure A

1. Drinking Water Well Survey. Within thirty (30) days of receipt of this information request, Dalton Utilities ("DU") shall submit to EPA for review and approval a Report for a Drinking Water Well Survey ("Drinking Water Report"). The Drinking Water Report shall contain an explanation of what DU has done to date and what DU will do in the future to survey and locate any private well serving as the primary source of drinking water for human consumption within the vicinity of DU's Land Application System ("LAS") for its Looper's Bend and Riverbend Road facilities as identified on Attachment C to DU's letter, dated September 2, 2009, to Mr. Michael Hom of EPA.

The Drinking Water Report shall identity the efforts DU has undertaken and will undertake to identify private drinking water wells that may be impacted by PFOA and/or PFOS from the LAS. The Drinking Water Report shall contain a general description of the methods for conducting the drinking water well survey consistent with any generally accepted business methods and practices for this type of work, including a review of Intent to Drill Forms or other similar forms that may have been filed with appropriate county officials by owners of private drinking water wells in the survey area within Murray and Whitfield Counties.

At a minimum, the Drinking Water Report shall also contain the following requirements:

a) DU will conduct a well survey to identify any private wells that are used as the primary source of drinking water at an initial minimum distance of 1.0 mile in distance extending from the outer boundary of the LAS.

b) The Drinking Water Report shall describe an iterative approach whereby the size of the initial 1.0 mile investigated area surrounding the LAS may be expanded depending on the results from the well survey and/or monitoring of any identified well in this initial review area. The Drinking Water Report shall contain objective criteria for determining the expansion of the survey distance around the LAS, which shall include but not be limited to the following: i) the lack of adequate number of drinking water wells within the initial well survey distance from the border of the LAS; ii) whether the sampling data for a drinking water well exceeds the standards for PFOA and PFOS as set forth in EPA's January 8, 2009 Provisional Health Advisories ("PHA"); iii) the results of the sampling of other wells, if available; iv) available data regarding well construction; v) any available information regarding hydrogeology of the area around the LAS; vi) information on other sources of PFOA and PFOS in the area; and vii) and the existence of any already identified wells located in close proximity to but outside of the initial 1.0 mile investigated radius.

c) The Drinking Water Report shall contain a schedule which provides that the initial well survey (not including additional iterations) shall be completed within sixty (60) days following EPA's approval of the Drinking Water Report, absent a showing by DU that additional time is reasonably necessary to complete the work.

2. Drinking Water Well Monitoring Report. Within thirty (30) days after receipt of this information request, DU shall submit a Well Monitoring Report to EPA for EPA's review and approval. The Well Monitoring Report shall identity the efforts DU has undertaken and will undertake to sample those identified private drinking water wells that may be impacted by PFOA and/or PFOS from the LAS.

At minimum, the Well Monitoring Report shall provide for the following:

a) DU shall make every reasonable effort to take at least one (1) sample from any private drinking water well within five (5) days from the date that DU confirms with the resident(s), pursuant to the well survey described herein, that the well serves as the primary source of drinking water for a residence. Such sampling shall continue on a quarterly basis until the levels of PFOA and PFOS from the sampling results for that well are demonstrated to be reliably and consistently below, as defined herein, the action levels for PFOA and PFOS as set forth in the PHA for at least four consecutive quarters. Notwithstanding the foregoing, DU shall not be required to continue the sampling beyond taking the initial sample for a particular well if: i) the result of the initial sample is less than the selected laboratory's lowest level of quantification ("LOQ") that meets acceptable data quality objectives which shall be set forth in the submitted Well Monitoring Report (provided such LOQ shall not exceed 0.03 ppb, except for PFOSA it shall not exceed 0.05 ppb); or ii) the well is no longer serving as a supply of drinking water for human consumption (e.g., the residence served by the well is connected to a public water supply); or iii) the well serving as a supply of drinking water is being treated and maintained by DU (e.g., granular activated carbon) to levels below the action levels for PFOS and PFOA in the PHAs.

b) For purposes of this information request only, the phrase "reliably and consistently below the action levels for PFOA and PFOS as set forth in the PHA" means that, although contaminants may be present above the LOQ, there is sufficient knowledge of such factors as the contamination source and extent of contamination to predict that such action levels for PFOA and PFOS will not be exceeded. In determining that PFOA and PFOS are reliably and consistently below the applicable level, the following shall be considered: the quality and completeness of data, the volatility or stability of monitoring results, any trends in the results, the proximity of such results for PFOA and PFOS to the action level, and the levels of those monitored contaminants other than PFOA and PFOS. Wide variations or significant increases in the analytical results of any analyzed contaminant, or analytical results for PFOA or PFOS close to an action level, shall mean that such levels of PFOA and/or PFOS are not reliably and consistently below the action level.

c) All sampling to be performed pursuant to this information request shall include an analysis for the following parameters:

Compound	Acronym
Perfluorobutanoic acid	C4
Perfluoropentanoic acid	C5
Perfluorohexanoic acid	C6
Perfluoroheptanoic acid	C7
Perfluorooctanoic acid	C8
Perfluorononanoic acid	C9
Perfluorodecanoic acid	C10
Perfluoroundecanoic acid	C11
Perfluorododecanoic acid	C12
Perfluorotridecanoic acid	C13
Perfluorotetradecanoic acid	C14
Perfluorobutane sulfonate	PFBS
Perfluorohexane sulfonate	PFHxS
Perfluorooctane sulfonate	PFOS
Perfluoroctane sulfonamide	PFOSA

If standards and validated methods have been developed by the selected commercial laboratory by the time the sampling occurs, the samples will also be analyzed for the following: 8:2 Fluorotelomer alcohol ("8:2 FTOH"), 10:2 Fluorotelomer alcohol ("10:2 FTOH"), 8:2 Fluorotelomer acrylate ("8:2 FTAcr"), 10:2 Fluorotelomer acrylate ("10:2 FTAcr"), 2(N-ethylperfluorooctanesulfonamido) acetic acid ("EtFOSAA"), 2(N-methylperfluorooctanesulfonamido) acetic acid ("MeFOSAA"), N-methylperfluorooctanesulfonamidoethanol ("N-MeFOSE"), and N-ethylperfluorooctanesulfonamidoethanol ("N-EtFOSE"). If standards and validated methods have not been developed, DU agrees to contact the laboratory performing the sampling analyses to determine whether standards and validated methods for the above constituents can be developed and include that information in the Report.

d) The Well Monitoring Report will include the following standard operating procedure for sample collection, Potable Water Supply Sampling, SESDPROC-305-R1, which is available at http://www.epa.gov/region4/sesd/fbqstp/index.html. The above mentioned procedure is located in Enclosure C. All such sampling shall be performed by qualified personnel with experience in this field. The Well Monitoring Report shall also reference the standards, protocols, and validated methods to be used to analyze the samples.

e) Upon receipt of a request from EPA, DU shall provide to EPA a split sample of any sampling event to be performed pursuant to this information request.

f) DU's obligation to conduct the sampling required under this information request is contingent upon obtaining the consent of the appropriate individuals or entities who own or control the private drinking water wells. DU shall seek the consent of such appropriate individuals or entities necessary to conduct the sampling required under this information request, in a timely manner.

g) Upon receipt of the final analytical report from the laboratory, DU will submit the results to EPA within five (5) days.

h) The Well Monitoring Report shall also include a summary of DU's plan of response in the event a sampling result for a private drinking water well is above the action levels for PFOA and PFOS as set forth in the PHA

3. Composted Biosolids Monitoring Plan. Within thirty (30) days after receipt of this information request, DU shall submit a Compost Monitoring Plan to EPA for EPA's review and approval. The Compost Monitoring Plan shall, at a minimum, provide for the following:

a) DU shall indentify and segregate the three (3) batches of finished compost referenced in a letter, dated August 5, 2009, from Mr. Don Cope to Mr. Hom and at that time had aged approximately six (6), twelve (12) and eighteen (18) months.

b) DU shall collect and analyze two (2) composite samples from each of these three batches of finished compost for the compounds identified in paragraph 2.c) above, an additional three (3) times at four (4) month intervals.

c) DU shall begin to implement this monitoring plan within thirty (30) days of EPA's approval of the plan and shall submit to EPA all results within five (5) days of receipt of final results.

4. Compost Use Review Report. Within thirty (30) days after receipt of this information request, DU shall submit a Compost Use Review Report to EPA for review and approval. This Report shall identify the efforts DU has undertaken and will undertake to sample certain areas currently known to have received DU compost as identified on Attachments G and H to DU's letter, dated September 2, 2009 to Mr. Hom. The Compost Use Review Report shall, at a minimum, provide for the following:

a) This Report shall include a soils sampling plan that identifies a certain number of areas identified on Attachments G and H referenced above that would be appropriately representative of the potential contamination of PFOA and PFOS as a result of the use of DU compost. DU's ability to undertake the soil sampling is contingent upon obtaining the consent of the appropriate individuals or entities that own or control the land where the compost was used.

b) This soils sampling plan shall prioritize for sampling those areas that received larger amounts of compost, were used for gardening or other agricultural purposes, and/or have a private drinking water well located on the property or in the nearby vicinity.

c) This Report shall also include a private drinking water well sampling plan to identify and sample any private drinking water well located on or in the nearby vicinity, as such vicinity is

described in the Report, of the areas chosen for soil sampling. DU's ability to undertake the well sampling is contingent upon obtaining the consent of the appropriate individuals or entities that own or control the private drinking water wells.

d) DU shall collect and analyze samples pursuant to this Report for the compounds identified in paragraph 2.c) above and shall submit to EPA all results within five (5) days of receipt of final results.

e) This Report shall include a schedule for implementation, not to exceed one hundred eighty (180) days, which DU shall initiate within thirty (30) days of EPA's approval of the Report.

5. Sampling for PFOA/PFOS at LAS Sampling Locations. On or before November 1, 2009, DU shall collect, analyze, and submit the chain of custody and analytical results, including all quality assurance performance results, samples for the compounds listed in Paragraph 2.c) above at the locations identified below. Such sampling shall be repeated two (2) additional times at intervals of three (3) months. The locations to be sampled are as follows:

a) In accordance with Part I. Section B.6. of State of Georgia LAS Permit No. GA02-056, a grab sample is to be collected in the Conasauga River upstream of Holly Creek and downstream of the LAS site at Tilton Bridge and in the Holley Creek upstream of the LAS site at Fox Bridge Road and downstream at the confluence with the Conasauga River.

b) In accordance with Part I. Section B.8. of State of Georgia LAS Permit No. GA02-056, a grab sample of the groundwater at each of the following approved groundwater monitoring points of the LAS: D-1, D-2, D-3, D-4, D-6, D-9, D-11, M-1, M-2, M-3, M-4, M-5, M-6A, M-7, M-8, M-9, M-10, M-11, M-12, M-13, M-14, M-17, and U-1.

c) Additionally, a grab sample of the groundwater at each of the following groundwater monitoring points of the LAS which comprise all the remaining groundwater monitoring points: D-5, D-7, D-8, D-12, D-13, D-14, U-2, U-3, M-15, and M-16 as identified on the map entitled "Land Application Monitoring Wells" included as Attachment A to Dalton Utilities' September 29, 2009 letter to Mr. Hom.

6. Within fifteen (15) days of the receipt of this information request, please provide well construction diagrams for monitoring wells M-12, D-5, D-7, D-8, D-12, D-13, D-14, U-2, U-3, M-15, and M-16.

7. Sampling Protocols, Methodologies and Procedures. Collection of all surface water, groundwater, and solid (compost and soil) samples associated with this information request, shall conform to field sampling procedures located at: http://www.epa.gov/region4/sesd/fbqstp/index.html. Specific sampling procedures to be used should include Surface Water Sampling Operating Procedure (SESDPROC-201-R1), Groundwater Sampling Operating Procedure (SESDPROC-301-R1), and Soil Sampling Operating Procedure (SESDPROC-300-R1). Cleaning of equipment shall conform to draft procedures outlined in "USEPA Region 4 Science and Ecosystem Division

Recommended Decontamination Procedure of Equipment used for Sample Collection for Perfluorinated Compound Analyses", dated September 8, 2009. Because the samples will be analyzed for Perfluorinated Compounds (PFCs), Teflon® sampling equipment and tubing **are not** recommended. Instead sampling equipment should be constructed of stainless steel, glass, High Density Polyethylene (HDPE), or other non-PFC materials. Equipment blanks should be collected and analyzed to determine if there are PFCs in the sampling equipment that could contribute to the sampling review results. The above mentioned procedures are located in Enclosure C.

8. Sample Types. Soil and finished compost samples shall be a composite type:

a) A soil sample shall be a composite from five equal aliquots at depths 0-3 inches (5-point location of center, north, south, east, and west (may vary depending on size and shape of site)) from the area where compost has been used to amend the soils. The composite sample area should be representative of the compost amended soil site. For the largest sites, the composite area should be limited to approximately 1 acre (approximately 200′ x 200′).

b) Two (2) finished compost samples shall be composited from 10 equal aliquots based on a "simple random sampling approach", in which the finished compost pile is divided into a 10 x 10 grid and 10 discrete surface grab aliquots are randomly collected at different grid locations.

c) Duplicate samples should be collected at ten percent of the sites to evaluate variability. Two (2) control soil samples should be collected from an area not affected by the possible contaminants of concern and submitted with the other samples. Control soil samples should be collected close to sample areas and from the same soil type. Equipment blanks should be collected if equipment is field cleaned and re-used on-site or if necessary to document that low-level contaminants were not introduced by sampling tools.

9. Progress Reports. DU shall submit monthly status reports by the 30th day of every month, beginning November 30, 2009.

10. Definitions. For purposes of this information request, the term "day" or "days" means a calendar day or calendar days unless otherwise specified. When the day a report or other deliverable is due falls on a Saturday, Sunday, or federal holiday, DU shall have until the next calendar day which is not one of the aforementioned days to submit the report or other deliverable. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in the Clean Water Act or the Safe Drinking Water Act or their implementing regulations, in which case the statutory or regulatory definitions shall apply.

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 are 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. The notice should state if the business desires confidential treatment for only until a certain date or until the occurrence of a certain event.

Enclosure C

Potable Water Supply Sampling, (SESDPROC-305-R1)

Surface Water Sampling Operating Procedure (SESDPROC-201-R1)

Groundwater Sampling Operating Procedure (SESDPROC-301-R1)

Soil Sampling Operating Procedure (SESDPROC-300-R1)

USEPA Region 4 Science and Ecosystem Division Recommended Decontamination Procedure of Equipment used for Sample Collection for Perfluorinated Compound Analyses