



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

VALLEY REGIONAL OFFICE

4411 Early Road, P.O. Box 3000, Harrisonburg, Virginia 22801

(540) 574-7800 Fax (540) 574-7878

www.deq.virginia.gov

Molly Joseph Ward
Secretary of Natural Resources

David K. Paylor
Director

Amy Thatcher Owens
Regional Director

STATE WATER CONTROL BOARD ENFORCEMENT ACTION AMENDMENT TO ORDER BY CONSENT ISSUED TO BATH COUNTY SERVICE AUTHORITY FOR HOT SPRINGS REGIONAL STP VPDES PERMIT NO. VA0066303

SECTION A: Purpose

This is an Amendment of an Order by Consent (Amendment) issued under the authority of Va. Code §§ 62.1-44.15, between the State Water Control Board and Bath County Service Authority ("BCSA"), regarding the Hot Springs Regional STP ("Facility"), for the purpose of revising certain provisions of the Order by Consent (Order) issued by the Board to Bath County Service Authority on March 29, 2010 and for resolving certain violations of the State Water Control Law, the Permit and the Regulation.

SECTION B: Basis for Amendment

1. BCSA owns and operates the sewage treatment plant ("Facility") and the sewage collection system serving the Town of Hot Springs and the surrounding area in Bath County, Virginia. The Permit allows BCSA to discharge treated sewage and other municipal wastes from the Facility, to Hot Springs Run, in strict compliance with the terms and conditions of the Permit.
2. Presently, BCSA is subject to an Order that became effective March 29, 2010, which provided a schedule of compliance to complete construction of modifications to the Facility's traveling bridge and address I&I problems in its collection system to ensure the Facility is capable of meeting the Permit's effluent limitations and to limit/prevent hydraulic overloading of the Facility during wet weather.

3. On April 16, 2014, DEQ staff conducted a Technical and Lab Inspection at the Facility. During this inspection staff noted an unusual discharge (solids loss) to Hot Springs Run. In addition, staff noted a number of deficiencies regarding the Facility's operations and maintenance, including the alarm and operator notification systems.
4. BCSA attributed the loss of solids to a broken sheer pin which caused the traveling bridge to be out of service for a period earlier in that day. In addition, BCSA had attributed other previous solids losses to the suction lines losing siphon and various mechanical issues with the traveling bridge units.
5. On May 2, 2014, DEQ issued NOV number W2014-05-V-0001 to BCSA for unusual discharges (solids loss incidents) on July 31, 2011, April 1, 2012, January 27, 2013, June 24, 2013, and June 25, 2013, in addition to the April 16, 2014 incident, due to mechanical failures of the clarifier's traveling bridge siphon sludge withdrawal system on the clarifier units.
6. On June 3, 2014, DEQ met with representatives of BCSA to discuss the NOV and the problems that led to the violations cited in the NOV. During the meeting, BCSA discussed its plan to evaluate two alternatives to address the operational problems with the traveling bridge siphon sludge withdrawal system on the clarifier units and to develop a corrective action plan and schedule to construct the chosen option to address those problems. Also as part of the discussion, BCSA inquired about deleting the 2010 Order's I&I Project #3 requirement to conduct I&I rehabilitation in downtown Hot Springs because the I&I studies demonstrated that the piping was in good shape. In lieu of that I&I project, BCSA indicated that it could utilize the monies for upgrading the traveling bridge/clarifiers.
7. By letters dated June 30, 2014, August 19, 2014, BCSA submitted to DEQ a plan and schedule of corrective actions to upgrade the traveling bridge/clarifiers to eliminate operational problems.
8. On July 2, 2014, BCSA submitted to DEQ a report entitled "Additional Flow Monitoring- Downtown Hot Springs". This report was generated in conjunction with BCSA's ongoing I&I investigations as required by the 2010 Order. This flow investigation of the Hot Springs downtown area did not demonstrate that the area was a significant contributor to BCSA's I&I problems.
9. Based on the findings of the flow monitoring, BCSA decided to perform closed circuit television ("CCTV") investigations of the downtown area. This investigation showed that piping in the downtown section was in good condition with no major defects. However, the CCTV investigation showed that the piping does have a significant grease buildup that needs to be addressed.

10. BCSA has requested an amendment of the 2010 Order's schedule of compliance to eliminate Project #3, the I&I work in the downtown section of Hot Springs and substitute the upgrade of Facility's traveling bridge. This modification was requested because BCSA's further flow monitoring showed that this section of the collection system did not demonstrate the presence of excessive I&I.
11. Va. Code § 62.1-44.5 states that: "[E]xcept in compliance with a certificate issued by the Board, it shall be unlawful for any person to discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances".
12. The Regulation, at 9 VAC 25-31-50, also states that except in compliance with a VPDES permit, or another permit issued by the Board, it is unlawful to discharge into state waters sewage, industrial wastes or other wastes.
13. The Permit Part I.E.4 states that: "The permittee shall maintain a current O&M Manual for the treatment works that is in accordance with Virginia Pollutant Discharge Elimination System Regulations, 9VAC25-31 and (for sewage treatment plants) Sewage Collection and Treatment Regulations, 9 VAC 25-790."
14. The Permit Part II.F states that: "Except in compliance with this permit, or another permit issued by the Board, it is unlawful to discharge into state waters sewage, industrial wastes or other wastes".
15. Va. Code § 62.1-44.15(5a) states that a VPDES permit is a "certificate" under the statute.
16. The Department has issued no permits or certificates to BCSA for the discharge of wastewater other than coverage under VPDES Permit No. VA0066303.
17. Hot Springs Run is a surface water located wholly within the Commonwealth and is a "state water" under State Water Control Law.
18. Based on BCSA letters to DEQ, the June 3, 2014, meeting, DEQ's inspection report, and a file review, the Board concludes that BCSA has violated Va. Code § 62.1-44.5, 9 VAC 25-31-50 and the Permit, by discharging wastewaters to State waters while concurrently failing to comply with the conditions of the Permit, as described in Section B above.
19. In order for BCSA to provide for compliance with the Permit, the Regulation and Va. Code § 62.1-44.5, DEQ and representatives of BCSA have agreed to the schedule of compliance, which is incorporated as Appendix A of this Order.
20. Based on the information available to DEQ to date, BCSA is otherwise in compliance with the Order and is current with all monitoring and reporting requirements.

SECTION C: Agreement and Order

Accordingly, by virtue of the authority granted it in Va. Code §§ 62.1-44.15, the Board orders BCSA, and BCSA agrees to:

1. Perform the actions described in Appendix A of this Amendment, which supersedes and cancels only Appendix A of the Order. Both the Board and BCSA understand and agree that this Amendment does not alter, modify or amend any other provision of the Order and that the unmodified provisions of the Order remain in effect by their own terms; and
2. Pay a civil charge of \$5,075 within 30 days of the effective date of this Amendment in settlement of the violations cited in this Amendment.

Payment shall be made by check, certified check, money order or cashier's check payable to the "Treasurer of Virginia," and delivered to:

Receipts Control
Department of Environmental Quality
Post Office Box 1104
Richmond, Virginia 23218

BCSA shall include its Federal Employer Identification Number (FEIN) (54-6001261) with the civil charge payment and shall indicate that the payment is being made in accordance with the requirements of this Order for deposit into the Virginia Environmental Emergency Response Fund (VEERF). If the Department has to refer collection of moneys due under this Order to the Department of Law, BCSA shall be liable for attorneys' fees of 30% of the amount outstanding.

And it is so ORDERED this _____ day of _____, 2015.

Amy T. Owens, Regional Director
Department of Environmental Quality

Bath County Service Authority voluntarily agrees to the issuance of this Amendment.

Date: 2-5-2015 By: Phillip B. Perdue, Chairman
(Person) (Title)
Bath County Service Authority

Commonwealth of Virginia
City/County of Bath

The foregoing document was signed and acknowledged before me this 5th day of
February, 2015, by Phillip B. Perdue who is

Chairman of Bath County Service Authority on behalf of Bath County
Service Authority.

Susan T. Phillips
Notary Public
356173
Registration No.

My commission expires: July 31, 2017

Notary seal:

SUSAN T. PHILLIPS
Notary Public
Commonwealth of Virginia
356173
First National Bank
P.O. Box 7, Hot Springs, VA 24445
My Commission Expires July 31, 2017

APPENDIX A SCHEDULE OF COMPLIANCE

O&M MANUAL

1. **By March 15, 2015**, BCSA shall submit to DEQ a complete revised and current O&M Manual for review and approval. BCSA shall address any comments regarding the O&M Manual **within 30 days** of receipt of written comments.

FACILITY UPGRADES

2. **By March 31, 2015**, BCSA shall complete its study of options to correct the Facility's traveling bridge clarifier performance issues. The study will evaluate two primary alternatives:
 - A. Repair the existing traveling bridge with similar equipment, but modify the sludge return system with a reliable system; or,
 - B. Replace traveling bridge system with alternative equipment, including sludge removal system.

The study will also evaluate options to address the Facility's alarm and operator notification (auto-dialer) systems' operational problems. While the study will focus on the clarifiers, operations of adjacent units will be considered as well. The goal is to optimize plant performance.
3. **By May 31, 2015**, BCSA shall submit to DEQ for review and approval the study's recommendations for the Facility upgrades. BCSA shall address any comments by DEQ **within 15 days** of receipt of written comments. BCSA shall also evaluate funding options based on cost estimates presented and submit this documentation to DEQ.
4. **By July 15, 2015**, BCSA shall procure an Engineering Design Consultant to design the approved Facility upgrades.
5. **By December 31, 2015**, BCSA shall complete the final design plans and specification for the Facility upgrades and submit to DEQ a Certificate to Construct ("CTC") application for approval.

6. **By March 31, 2016**, BCSA shall advertize for bids for construction of the Facility upgrades, review bids, and award the contract for construction of the approved upgrades. This step may be omitted if BCSA contracts for work without a formal procurement process. This item depends on the level of funding needed to complete work.
7. **By January 31, 2017**, BCSA shall substantially complete construction of the Facility upgrades in accordance with the CTC and submit to DEQ an application for a Certificate to Operate (“CTO”).
8. **By March 31, 2017**, BCSA shall complete construction of the Facility upgrade; obtain a CTO, and submit to DEQ for review and approval an updated O&M Manual. BCSA shall address any comments from DEQ on the O&M Manual **within 30 days** of receipt of written comments.

GENERAL REQUIREMENTS

9. BCSA shall submit quarterly progress reports to DEQ, with the first report being due **April 10, 2015**. Subsequent Progress Reports will be due by **July 10, October 10, and January 10**, along with the Facility’s Discharge Monitoring Report until the cancellation of this Order. The quarterly progress reports shall contain:
 - a. a summary of all work completed since the previous progress report in accordance with this Order;
 - b. a projection of the work to be completed during the upcoming quarterly period in accordance with this Order; and
 - c. a statement regarding any anticipated problems in complying with this Order.
10. No later than **14 days** following a date identified in the above schedule of compliance BCSA shall submit to DEQ’s Valley Regional Office a written notice of compliance or noncompliance with the scheduled item. In the case of noncompliance, the notice shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled item.

11. **DEQ Contact**

Unless otherwise specified in this Order, BCSA shall submit all requirements of Appendix A of this Order to:

**Tiffany Severs
Enforcement Specialist
VA DEQ –Valley Regional Office
P.O. Box 3000
Harrisonburg, VA 22801
(540) 574-7859 Phone**

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(540) 574-7878 Fax
Tiffany.severs@deq.virginia.gov