



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY
Blue Ridge Regional Office
www.deq.virginia.gov

Douglas W. Domenech
Secretary of Natural Resources

Lynchburg Office
7705 Timberlake Road
Lynchburg, Virginia 24502
(434) 582-5120
Fax (434) 582-5125

David K. Paylor
Director

Robert J. Weld
Regional Director

Roanoke Office
3019 Peters Creek Road
Roanoke, Virginia 24019
(540) 562-6700
Fax (540) 562-6725

**STATE WATER CONTROL BOARD
ENFORCEMENT ACTION
AMENDMENT TO ORDER BY CONSENT
ISSUED TO
TOWN OF APPOMATTOX
FOR
APPOMATTOX WATER RECLAMATION FACILITY
VPDES PERMIT No. VA0020257**

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 ("Board") and the Town of Appomattox ("Town"), regarding the Appomattox Water Reclamation Facility ("Facility"), for the purpose of revising certain provisions of the Order by Consent ("Order") issued by the Board to the Town on October 26, 2009 and for resolving certain violations of the State Water Control Law, VPDES Permit No. VA0020257 and the Regulation.

SECTION B: Basis for Amendment

1. The Town owns and operates the Facility located in Appomattox, Virginia. The Permit allows the Town to discharge treated sewage and other municipal wastes from the Facility to the South Fork of the

Appomattox River, in strict compliance with the terms and conditions of the Permit.

2. The South Fork of the Appomattox River is located in the Appomattox River Basin. The Appomattox River is not listed in DEQ's 2010 305(b)/303(d) Report as impaired.
3. In submitting its Discharge Monitoring Reports ("DMRs"), as required by the Permit, the Town has indicated that it exceeded discharge limitations contained in Part I.A.1 of the Permit, for ammonia for the January 2010 compliance period. The Town indicated that it believed that the exceedances were related to elevated dissolved oxygen levels in the reactor basins during an ongoing Facility remediation project. DEQ staff noted that the January 2010 DMR contained reporting deficiencies which were subsequently addressed with the Town submitting a revised DMR for the compliance period. In addition, DEQ staff noted that the January and March 2010 Progress Reports, required by the Schedule of Compliance contained in the Order, to be submitted on or before February 10 and April 10, 2010 were not received on time. The Town has indicated to DEQ staff that it failed to submit the reports on time due to an oversight by the Facility Superintendent. DEQ staff also noted that the Town failed to submit its Significant Discharge Waste Survey, which is required by the Permit at Part I.C.1. and was due for submittal on or before April 10, 2010; and the verification of the existing or submittal of a new Operation and Maintenance (O&M) Manual, which is required by the Permit at Part I.B.5. and was also due on or before April 10, 2010. The Significant Discharge Waste Survey was received on June 9, 2010, and the verification of the existing O&M Manual was received on June 8, 2010. The Town has indicated to DEQ staff that it failed to submit the Survey and O&M Manual verification on time due to an oversight by the Facility Superintendent. The Town has indicated that it exceeded discharge limitations contained in Part I.A.1 of the Permit, for TSS for the July 2010 compliance period. The Town indicated that it believed that

the single-event exceedances were the result of a laboratory error since there were not corresponding BOD violations in conjunction with the TSS violations.

4. The Blue Ridge Regional Office issued the following Warning Letters (“WL”) and Notices of Violation (“NOV”) since the effective date of the Order for the violations referenced above: NOV W2010-03-L-0006, issued March 12, 2010; WL W2010-04-L-1014, issued April 9, 2010; NOV W2010-06-L-0003, issued June 7, 2010; NOV W2010-07-L-0003, issued July 9, 2010; WL W2010-08-L-1012, issued August 6, 2010 and WL W2011-09-L-1003, issued September 7, 2011.
5. The Town responded to the Warning Letters and Notices of Violation by notifying DEQ staff that the ammonia violations were the result of renovations at the Facility, and submitted the Progress Reports, Significant Discharger Waste Survey and O&M Manual verification as required, and explained that the high TSS value was a lab anomaly not correlated with the BOD results for the Facility that day.
6. DEQ staff met with Town officials on December 29, 2010 to discuss the corrective action measures undertaken by the Town to comply with the zinc discharge limitations and the additional violations incurred since the issuance of the Order. A follow-up meeting was held at the Town Hall on April 27, 2011 to update the DEQ on operational changes at the Facility to increase pH levels and discuss the potable water line extension project proposed by Appomattox County. The project involves the installation of a water line from Concord, which is currently served by the Campbell County Utility Service Administration, to supply the Town with a reliable source of potable water. The Town believes that the switch from a groundwater source of potable water to a surface source will help to ensure consistent compliance with zinc effluent limitations since groundwater in the area has lower levels of pH, hardness and alkalinity. The construction of the water line is anticipated to be completed by March 2012.

7. The Town has requested an extension of the current zinc discharge limitation compliance deadline of October 26, 2011 to June 30, 2013.
8. Based on the information available to DEQ to date, the Town is otherwise in compliance with the Order and is current with all monitoring and reporting requirements.
9. The operating logs for the Facility indicate that it discharged treated wastewater daily from January 1, 2010 through July 31, 2011.
10. 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.”
11. 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.
12. Va. Code § 62.1-44.15(5a) states that a VPDES permit is a “certificate” under the statute.
13. In addition to VPDES Permit No. VA0020257, the Department has issued VPDES Permit No. VA0020249 to the Town to authorize the discharge of treated sewage and other municipal wastes from the Appomattox Trickling Filter Plant to Caldwell's Creek.
14. The Appomattox River is a surface water located wholly within the Commonwealth and is a “state water” under State Water Control Law.
15. Va. Code § 62.1-44.31 states that it shall be unlawful for any owner to fail to comply with any special order adopted by the Board.
16. Based on the results of the December 29, 2010 and April 27, 2011 meetings, and the documentation submitted by the Town, the Board concludes that the Town of Appomattox has violated VPDES Permit No. VA0020257, the Order effective October 26, 2009, Va. Code §§ 62.1-44.5 and 62.1-44.31, and the Regulation, at 9 VAC 25-31-50, by discharging

treated sewage and municipal wastes from the Facility while concurrently failing to comply with the conditions of the Permit, and has additionally violated the requirements of the Order, as described in paragraph B.3., above.

17. In order for the Town to complete its return to compliance, DEQ and representatives of the Town have agreed to the Schedule of Compliance, which is incorporated as Appendix A and B of this Amendment.

SECTION C: Agreement and Order

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

1. Perform the actions described in Appendices A and B of this Amendment, which supersedes and cancels only Appendix A of the Order. Both the Board and the Town of Appomattox 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 \$1,050 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

The Town shall include its Federal Employer Identification Number (FEIN) with the civil charge payment **and** shall indicate that the payment is being made in accordance with the

requirements of this Amendment for deposit into the Virginia Environmental Emergency Response Fund (VEERF).

And it is so ORDERED this 19th day of April, 2012.


Robert J. Weld, Regional Director
Blue Ridge Regional Office
Department of Environmental Quality

The Town of Appomattox voluntarily agrees to the issuance of this Amendment.

Date: 2/2/2012 By: Paul D. Harvey,
Paul Harvey Mayor
Town of Appomattox

Commonwealth of Virginia
County of Appomattox

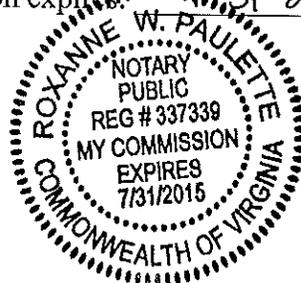
The foregoing document was signed and acknowledged before me this 2nd day
of February, 2012, by Paul Harvey, who is Mayor of the Town of
Appomattox on behalf of the Town.

Roxanne W. Paulette
Notary Public

337339
Registration No.

My commission expires: 7.31.2015

Notary seal:



APPENDIX A

SCHEDULE OF COMPLIANCE

1. The Town of Appomattox shall remain in good standing with the terms and conditions contained in the Agreement executed between Appomattox County and the Town for the proposed potable water line installation to run from Concord (Campbell County) to the Town.
2. Upon completion of the construction phase of the project and subsequent approvals as required by the Virginia Department of Health, the Town of Appomattox shall monitor and report total recoverable zinc concentrations of the effluent discharge for the Facility (outfall #001) on a weekly basis beginning **May 1, 2012** to fully evaluate the effect of the changeover from a groundwater source to a surface source of potable water on effluent zinc levels. Analysis results are to be submitted to the DEQ as supplemental data in conjunction with the regularly-scheduled DMR submission.
3. The Town of Appomattox shall submit to the Department quarterly Progress Reports on or before **July 10 and October 10, 2012**; and **January 10, April 10 and July 10, 2013**, for the preceding quarter.
4. The Town of Appomattox shall complete the potable water evaluation and zinc monitoring and achieve consistent compliance with the current Permit effluent limitation for zinc of 53 µg/l no later than **July 1, 2013**.
5. Submit all reports and correspondence required by this Order to:

G. Marvin Booth, III

Regional Enforcement Representative

Department of Environmental Quality

Blue Ridge Regional Office

7705 Timberlake Rd.

Lynchburg, VA 24502

