



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

West Central Regional Office

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L. Preston Bryant, Jr.
Secretary of Natural Resources

David K. Paylor
Director

Steven A. Dietrich
Regional Director

**STATE WATER CONTROL BOARD ENFORCEMENT ACTION
SPECIAL ORDER BY CONSENT
ISSUED TO
B & J ENTERPRISES L.C.
FOR
BLACKSBURG COUNTRY CLUB STP
VPDES PERMIT VA0027481**

SECTION A: Purpose

This is a Special Order by Consent issued under the authority of Va. Code §§ 62.1-44.15(8a) and (8d) by the Board to B&J Enterprises L.C., owner of the Blacksburg Country Club STP, for the purpose of resolving certain alleged violations of environmental law and/or regulations.

SECTION B: Definitions

Unless the context clearly indicates otherwise, the following words and terms have the meaning assigned to them below:

1. "Va. Code" means the Code of Virginia (1950), as amended.
2. "Board" means the State Water Control Board, a permanent citizens' board of the Commonwealth of Virginia as described in Va. Code §§ 62.1-44.7 and 10.1-1184.
3. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia as described in Va. Code § 1183.
4. "Director" means the Director of the Department of Environmental Quality.
5. "Order" means this document, also known as a Consent Order or Special Order by Consent.
6. "BBCC STP" or "The Facility" means the sewage treatment plant and collection system located at the Blacksburg Country Club Estates Subdivision in Montgomery County, Virginia and owned by B&J Enterprises L.C.

7. "B&J" means B&J Enterprises L.C., a Virginia limited liability company, licensed to do business in Virginia on October 3, 1995 and identified by Federal Identification Number 54-1786562.
8. "WCRO" means the West Central Regional Office of DEQ, located in Roanoke, Virginia.
9. "Regulations" means the VPDES Permit Regulation, 9 VAC 25-31-10 *et seq.*
10. "Permit" means a Virginia Pollution Discharge Elimination System permit to discharge into state waters issued by the Board pursuant to Code § 62.1-44.5 and the Regulations.
11. "Sewer System" means the system owned and operated by B&J designed to convey wastewater to the Facility for treatment, including transmission lines, pumping facilities, manholes, discharge pipes, and related appurtenances.
12. "Infiltration" means the water entering the Sewer System and service connections from the ground through such means as, but not limited to, defective pipes, pipe joints, connections, or manhole walls. Infiltration does not include, and is distinguishable from, Inflow.
13. "Inflow" means the water discharged into the Sewer System, including service connections, from such sources as, but not limited to, roof leaders, cellar, yard and area drains, foundation drains, cooling water discharges, drains from springs and swampy areas, manhole covers, cross connections from storm sewers and combined sewers, catch basins, storm sewers, surface run-off, street wash waters, or drainage. Inflow does not include, and is distinguishable from, Infiltration.
14. "I&I" means the total quantity of water from both Infiltration and Inflow without distinguishing the source.
15. "I&I Analysis" means an engineering and economic analysis required under Paragraph 3 of Appendix A of the Order that identifies defects in the Sewer System, and I&I in the Sewer System.
16. "Rehabilitation" means the repair work on sewer lines, manholes and other Sewer System appurtenances that have been determined to be the source of I&I. The repair work may involve grouting of sewer pipe joints or defects, sewer pipe relining, inversion and de-slipping, sewer pipe replacement and various repairs or replacements of other Sewer System appurtenances.

SECTION C: Findings of Fact and Conclusions of Law

1. The BBCC STP is permitted under VPDES permit VA0027481. The permit was issued on May 25, 1998 and expired on May 25, 2003. The Permit was re-issued on September 12,

2003 and will expire on September 11, 2008. B&J continued during the interim to work closely with DEQ Staff to resolve outstanding issues with the newly legislated Closure Bond.

2. 9 VAC 25-31-100 requires all permittees with a currently effective permit to submit a complete application for permit renewal at least 180 days before the expiration date of the existing permit. B&J was required to submit a complete application by November 26, 2002.
3. B & J submitted an application on February 19, 2003 and it was returned as incomplete on March 10, 2003.
4. The Department issued Notice of Violation ("NOV") No. W2003-03-W-0004 to B & J on March 14, 2003. The Notice of Violation cited the company's alleged failure to submit a complete permit application as required by the Regulations and the Permit.
5. The Department issued NOV No. W2003-04-W-0001 to B & J Enterprises, L.C. on April 3, 2003. The Notice of Violation cited B & J's alleged failure to submit to the Department a written notice and plan of action to ensure compliance with the terms of the Permit, as required by the Permit. This written notice and plan of action is required when a facility's monthly average flow exceeds 95% of design for three consecutive months. The Facility's flows exceeded 95% of design capacity during November 2002, December 2002, January 2003, and February 2003 and the written notice and plan of action was due no later than March 10, 2003. B& J submitted the written notice and plan of action on May 25, 2004.
6. NOV No. W2003-04-W-0001 cited B&J's alleged violation of the quantity or loading effluent limitation for Biological Oxygen Demand ("BOD5") for February 2003.
7. NOV No. W2003-04-W-001 cited B&J's alleged violation of the quantity or loading effluent limitation for Total Suspended Solids ("TSS") for February 2003.
8. NOV No. W2003-04-W-001 cited B&J's alleged violation of the quality or concentration effluent limitation for BOD5 for February 2003.
9. NOV No. W2003-04-W-001 cited B&J's alleged violation of the quantity or loading effluent limitation for TSS for December 2002.
10. NOV No. W2003-04-W-001 cited B&J's alleged failure to submit the October 2002 Discharge Monthly Report ("DMR") by the 10th of the month. The October 2002 DMR was due November 10, 2002 but was not received until November 12, 2002.
11. DEQ WCRO staff and a representative of B&J convened a meeting to discuss compliance issues on April 21, 2003. B&J agreed to notify the Department within two weeks, by letter, of the course of action B&J would pursue to reduce I&I flows and ensure compliance with permit effluent limits. In addition, the letter would list the actions B&J had completed to

date to correct collection system problems.

12. The Department received a letter from B&J on May 6, 2003. The letter outlined all the actions B&J had completed in an attempt to correct problems with the Facility's collection system. In addition, the letter stated that B&J would commit to spend \$15,000 over the next 5 years to correct problems in the collection system.
13. To resolve these alleged violations, Mr. Reynolds, on behalf of B&J negotiated with the Department a proposed consent order during the autumn of 2003. The proposed consent order incorporated the monetary commitment proposed by B&J in May 2003. B&J signed the proposed consent order on September 18, 2003. The Department's Director did not approve the proposed consent order and proposed consent order was not presented to the State Water Control Board for approval. Consequently, the proposed consent order never became effective or enforceable by the Department.
14. B&J has spent the funds, to date, that are part of the monetary commitment proposed by B&J in May 2003, to correct I&I issues connected with the Facility. B&J continues on its own accord to find and repair defects in the system to reduce I&I.
15. On June 20, 2003, B&J submitted additional permit application information to the Department and the Department notified B&J that the VPDES permit application was complete.
16. On September 12, 2003, the Department re-issued VPDES permit VA0027481 to B&J for the BBCC STP.
17. From May 23, 2003 through September 11, 2003, BBCC STP operated and discharged to state waters after the Permit expired. A review of Department files and other documentation submitted by B&J indicates that the Facility discharged to state waters 109 days after the Permit had expired and prior to re-issuance of the Permit. During this time, B&J was involved in a proceeding at the Virginia State Corporation Commission to resolve newly legislated regulations and issues relating to the closure bond. The Closure Bond funding and other issues were resolved by Final Order of the State Corporation Commission in Case Number PUE-2004-00033.
18. On January 7, 2004, B&J submitted a packet that B&J intended to be an I&I Reduction Plan of Action to the Department. The packet included information on a planned I&I project that would replace one hundred sixty-five feet of pipe and recondition two manholes and connections. In addition to the project information, the packet stated that the flow meter to the plant had been calibrated and the calibration of the meter indicated that the flow meter had not measured the flow accurately.

19. As a follow-up to the submittal, Department requested that B&J submit information concerning the error in flow measurements.
20. The Department received a Follow-up Report from B&J on February 9, 2004. The report indicated that the Facility may have had a discharge of wastewater, due to a blockage at the treatment plant, on February 2, 2004. The report did not contain an estimate of the amount of wastewater discharged and if the discharge had reached state waters, two items required by the Permit to be reported. B&J subsequently reported that the discharge occurred for approximately two to three hours and the discharge was approximately 12,000 to 15,000 gallons (based on daily flow numbers) and that the discharge did impact state waters.
21. On March 12, 2004, the DEQ issued NOV No. W2004-03-W-0006. The NOV cited B&J's alleged failure to submit the DMRs for October, November, and December 2003 and January 2004 on the correct DMR form. B&J submitted revised DMRs for the four months on April 21, 2004 on the correct DMR forms.
22. NOV No. W2004-03-W-006 cited B&J's alleged failure to sample for BOD and TSS during the month of December 2003 and the December 2003 DMR, due by the 10th of January was not submitted until February 9, 2004.
23. NOV No. W2004-03-W-006 cited B&J's alleged violation of the quantity or loading effluent limitation for TSS for March 2003.
24. NOV No. W2004-03-W-006 cited B&J's alleged violation of discharging to state waters from May 23, 2003 to September 11, 2003 without a permit.
25. On April 14, 2004, the DEQ issued a NOV No. W2004-04-W-0002. The NOV cited B&J's alleged failure, as required by the VPDES permit, to submit an approvable O&M Manual or a letter stating that the current O&M manual is accurate and complete, within 90 days of the effective date of the Permit. This submittal was due no later than December 11, 2003. B&J submitted the affirming statement on April 29, 2004.
26. NOV No. W2004-04-W-0002 cited B&J's alleged discharge of wastewater to state waters on February 2, 2004.
27. NOV No. W2004-04-W-0002 cited B&J's alleged failure to submit the February 2004 DMR on the correct DMR form. B&J submitted a revised DMR on April 21, 2004.
28. On April 21, 2004, DEQ WCRO staff and a representative of B&J convened a meeting to discuss NOV No. W2004-04-W-0002 and a plan for bringing the facility into compliance. As a follow-up to the meeting, B&J submitted a plan of action for correcting I&I problems at the facility on May 25, 2004.

29. The Department issued NOV No. NOV W2004-06-W-0002 to B&J on June 7, 2004 for alleged violations of TSS and BOD effluent limits for the month of April 2004. The alleged violations were of quantity or loading and quality or concentration.
30. The Department issued NOV No. W2004-07-W-0001 to B&J on July 9, 2004 for allegedly failing to submit total phosphorus monitoring data as required by the Permit. The monitoring was required in April 2004 and due May 10, 2004. In a letter dated April 3, 2006, B&J affirms that B&J failed to monitor for total phosphorus during the month of April 2004.
31. The Department issued NOV No. W2004-08-W-0001 on August 10, 2004 for an alleged unpermitted discharge of wastewater to state waters on June 9, 2004. The alleged discharge was from B&J's Number 1 Pump Station. The Department did not receive notification of the alleged discharge within 24-hours of the event and did not receive a letter within 5 days of the event as required by the Permit. A letter of explanation was received on June 15, 2004. The letter did not include an estimate of the amount of wastewater allegedly discharged during the event as required by the Permit.
32. The Department issued NOV No. W2004-10-W-0002 on October 13, 2004 for alleged failure of B&J to submit written notice and data collected from an E.coli monitoring study required by the Permit. The notice and data was due no later than August 29, 2004.
33. The Department issued NOV No. W2005-02-W-0001 on February 14, 2005 for alleged failure of B&J to demonstrate adequate disinfection as described in Part I.C.3 of the Permit and failure to submit an E.coli demonstration study progress report no later than September 12, 2004 as required by the Permit.
34. In response to the Notice of Violation, the Department received the E.coli demonstration progress report on March 14, 2005. B&J performed the required monitoring but failed to submit the report as required. The Department reviewed the progress report and replied by letter on May 9, 2005. A statistical outlier eliminated one data point of the data set which invalidated the results. The Department requested that B&J re-conduct the study to obtain the required, statistically acceptable twelve data points.
35. On May 16, 2005, the Department issued NOV No. W2005-05-W-0001 to B&J for an alleged discharge, of an unknown volume of wastewater to the North Fork of the Roanoke River on March 28, 2005.
36. On August 19, 2005, the Department issued NOV No. W2005-08-W-0002 for alleged failure of B&J to report pH minimum and maximum concentrations on the June 2005 DMR and failure to report an alleged discharge of wastewater from the Facility's collection system on July 20, 2005. B&J failed to report the date, time, volume, and whether state waters had been impacted. B&J submitted a revised June 2005 DMR with the pH minimum and maximum

values in September 2005.

37. By letter dated January 25, 2006, Mr. Reynolds notified the Department that as of November 7, 2005, B&J had assigned a Certificate of Deposit to the Department in the amount of \$5,000 as required by the Financial Assurance Mechanism. The letter stated that B&J will continue to increase the Certificate of Deposit in the amount of \$5,000 per year for five years so that B&J will have sufficient funds to meet the Financial Assurance Mechanism.
38. On February 22, 2006, Daina Reynolds of B&J met with DEQ enforcement staff to discuss the Notices of Violation and a plan for bringing the facility into compliance. Mr. Reynolds agreed to provide the Department with a specific list of repairs to be included in the Schedule of Compliance of a Consent Order.
39. B & J submitted a list of I&I projects to be included in the Consent Order on March 14, 2006. Department compliance staff reviewed the list of projects and determined that the list did not contain enough information to make an accurate determination of the appropriateness of the projects. The Department contacted B&J Enterprises on April 14, 2006 requesting additional information regarding the proposed I&I projects. The Department letter requested that B&J Enterprises submit the additional information no later than 30 days after receipt of the letter.
40. Department enforcement staff reviewed Department files on April 17, 2006 and this review indicated that the reported values for pH, Total Chlorine, Total contact chlorine and chlorine instrument technical minimum limit for the December 2003 are estimated values and do not meet the monitoring and reporting requirements of the Permit. These values are the result of the loss of the STP daily testing bench sheet and flow data for December 2003.
41. B&J submitted additional information to the Department on May 25, 2006. Department enforcement staff and compliance staff reviewed the data and determined that B&J Enterprises had not provided the information requested in the Department's April 14, 2006 letter.
42. On July 13, 2006 the Department issued Notice of Alleged Violation # W2006-07-W-001 to B&J for failure to report pH minimum and maximum concentrations for May 2006, BOD effluent alleged violations for January 2006 and November 2005, and TSS effluent alleged violations for September 2005. B&J Enterprises submitted a revised DMR with the missing pH data on July 28, 2006.
43. On July 19, 2006, compliance staff conducted an unscheduled inspection of the Facility. During the inspection, compliance staff noted black, dried material in the area around Pump Station #1. Compliance staff contacted Facility staff to verify what had occurred. Facility staff was not aware of an incident and would investigate and inform compliance staff of their findings. The Department did not receive any other information until September 22, 2006.

44. On September 1, 2006, the Department issued NOV # W2006-09-W-0001 to B&J for the un-permitted and un-reported alleged discharge on or about July 19, 2006. The NOV also cited B&J's failure to report flow maximum loading for July 2006.
45. B&J responded to the NOV by letter on September 22, 2006. B&J asserts that the alleged un-permitted and un-reported discharge documented during the July 19, 2006 inspection is in fact the remnants of a previously reported discharge that did not impact state waters. This resolves this area of apparent non-compliance.
46. On November 3, 2006, B&J submitted a preliminary report analyzing the influent flow of the Facility during the month of October 2006. This preliminary report contained a comparison of recordings of the previous flow meter, which B&J asserts did not correctly measure the flow, and the newly installed flow meter. This preliminary report indicates that the old flow meter may not have accurately measured influent flow at the Facility. Therefore, pending a more comprehensive study, the Department has informally resolved all the effluent loading violations cited in the NOV's and this Consent Order. The calculations used to calculate the loading or quantity effluent limits are based upon the flow at the Facility and may have been incorrect because of the previous flow meter's potential error. By entering into this Order, B&J is agreeing to conduct further analysis on the flow meters and provide the requested information to the Department.
47. On November 14, 2006, the Department issued NOV # W2006-11-W-0001 for alleged failure by B&J to submit the 3rd annual E.coli Demonstration Study Progress Report. The report was due no later than September 12, 2006.
48. B&J responded to the NOV as requested on November 21, 2006. B&J requested additional time to assemble an appropriate response. On December 4, 2006, the Department received documents from B&J via e-mail. The documents constituted B&J's response to the NOV and included the 3rd annual E.coli Demonstration Study Progress Report. The data submitted indicated that B&J was not achieving adequate disinfection to achieve compliance with the pending E.coli effluent limit.
49. On November 26, 2006, the Facility experienced an upset with a bypass/un-permitted discharge. As required in the Permit, B&J reported the event by phone on that day. As required in the Permit, B&J provided a follow-up letter dated November 29, 2006 (received via fax on November 30, 2006). B&J stated that a significant raft caused a clog in front of the sludge return and processed wastewater dammed and overflowed the aeration tanks at the plant. The solids from the overflow were mainly confined to the areas surrounding the tanks and the gravel filled containment areas near the tanks. B&J believes pre-treated wastewater impacted the North Fork of the Roanoke River. B&J estimates the discharge occurred for approximately 2 hours. The solids were cleaned up and discarded. Lime was spread on the pooled areas and wherever necessary.

50. Subsequently, B&J submitted an email on December 4, 2006 and stated in the email that the estimated volume of wastewater from the event is 4,000 to 5,000 gallons. B&J based this estimate on the calculated flows of the previous and subsequent daily flows.
51. On January 1, 2007, the Facility experienced an upset with a bypass/un-permitted discharge. As required in the Permit, B&J reported the event by phone on that day. As required in the Permit, B&J provided a follow-up letter dated January 5, 2007 (received on January 8, 2007).
52. On January 1, 2007, the Number 1 pump station overheated and shut down. Consequently, untreated wastewater overflowed into the adjacent gravel field. B&J believes wastewater impacted the North Fork of the Roanoke River. B&J estimates the discharge occurred for approximately 1 to 2 hours and B&J estimates the volume of the wastewater bypassed/discharged to be 3,000 to 5,000 gallons. Lime was spread wherever necessary. As required in the Permit, B&J reported the event by phone on that day and provided a follow-up letter dated January 5, 2005 (received on January 8, 2007).
53. The Department issued Notice of Violation No. W2007-02-W-0001 to B&J on February 12, 2007 for a violation of the BOD concentration effluent limit for the month of December 2006 and the un-permitted discharge of wastewater that occurred on November 26, 2006.
54. On April 15, 2007, the Facility experienced an upset with a bypass/un-permitted discharge. As required in the Permit, B&J provided a follow-up letter dated April 20, 2007 (received April 26, 2007). B&J believes wastewater impacted the North Fork of the Roanoke River. B&J estimates the volume of discharge to be less than 5,000 gallons. Lime was spread wherever necessary.
55. The Department issued Notice of Violation No. W2007-05-W-0002 to B&J on May 11, 2007 for the two un-permitted discharges of wastewater that occurred on January 1, 2007 and the un-permitted discharge of wastewater that occurred on March 28, 2007.
56. On May 18, 2007, the Facility experienced an upset with a bypass/un-permitted discharge. As required in the Permit, B&J reported the event by phone on that day. As required in the Permit, B&J provided a follow-up letter dated May 23, 2007 (received May 24, 2007 via fax). The Number 2 Pump Station was disabled by lightning. The station was off-line for approximately 8 to 10 hours. B&J believes that the un-permitted discharge did not contact state waters. B&J estimates the volume of the discharge to be less than 1000 gallons. The area was cleared of any solids and was treated with lime.
57. The Department issued Notice of Violation No. W2007-06-W-0001 to B&J on June 13, 2007 for the un-permitted discharge of wastewater that occurred on April 15, 2007.

SECTION D: Agreement and Order

1. Accordingly, the Board, by virtue of the authority granted it in Va. Code §§62.1-44.15(8a) and (8d) orders B&J, and B&J agrees, to pay a civil charge of Eight Thousand Two Hundred Seventy-Eight and 60/100 Dollars (\$8,278.60) in settlement of violations noted herein. The civil charge shall be paid in four-quarterly payments of Two Thousand Sixty-Nine and 65/100 Dollars (\$2,069.65). The first payment is due no later than 30 days after the effective date of the Order. The second payment is due no later than 120 days after the effective date of the Order. The third payment is due no later than 210 days after the effective date of the Order. The fourth payment is due no later than 300 days after the effective date of the Order. Payment shall be by check, certified check, money order, or cashier's check payable to the "Treasurer of Virginia" and sent to:

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

2. Either on a transmittal letter or as a notation on the check or money order, B&J shall indicate that the payment is submitted pursuant to this Order and shall include B&J's Federal Identification Number.
3. To remedy the violations described above and bring the Facility into compliance, B&J shall perform the actions described in Appendix A of this Order.

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend the Order with the consent of B&J, for good cause shown by B&J, or on its own motion after notice and opportunity to be heard.
2. This Order only addresses and resolves those alleged violations specifically identified herein. This Order shall not preclude the Board or the Director from taking any action authorized by law, including but not limited to: (a) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (b) seeking subsequent remediation of the Facility as may be authorized by law; or (c) taking subsequent action to enforce this Order. This Order shall not preclude appropriate enforcement actions by other federal, state, or local regulatory authorities for matters not addressed herein.
3. For purposes of this Order and subsequent actions with respect to this Order, B&J admits the jurisdictional allegations, but does not admit the factual findings, or conclusions of law contained herein. The Board and B&J agree that the actions undertaken by B&J in accordance with this Order do not constitute admission of any violation or liability by B&J. B&J does not admit, and retains the right to controvert in any subsequent proceedings other than proceedings to implement and enforce this Order, the validity of the Findings of Fact and Conclusions of Law contained in Section C of this Order.

4. B&J declares that it has received fair and due process under the Administrative Process Act, Va. Code §§ 2.2-4000 *et seq.* and State Water Control Law, Va. Code § 62.1-44.2 *et seq.* and waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein. Nothing shall be construed as a waiver of the right to any administrative proceeding for, or judicial review of, any action taken by the Board to enforce this Order.
5. Failure by B&J to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.
6. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
7. B&J shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other occurrence. B&J shall show that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. B&J shall notify the WCRO Regional Director in writing when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of this Order. Such notice shall set forth: (a) the reasons for the delay or noncompliance; (b) the projected duration of any such delay or noncompliance; (c) the measures taken and to be taken to prevent or minimize such delay or noncompliance; and (d) the timetable by which such measures will be implemented and the date full compliance will be achieved. Failure to so notify the WCRO Regional Director within twenty-four hours of learning of any condition above, which B&J intends to assert will result in the impossibility of compliance, shall constitute a waiver of any claim of inability to comply with a requirement of this Order.
8. This Order is binding on the parties hereto, their successors in interest, designees and assigns jointly and severally.
9. This Order shall become effective upon execution by both the Director, or his designee, and B&J. Notwithstanding the foregoing, B&J agrees to be bound by any compliance date that precedes the effective date of this Order.
10. This Order shall continue in effect until the Director or the Board terminates the Order in his or its sole discretion upon 30 days written notice to B&J. Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve B&J from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification,

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standard, or requirement otherwise applicable.

11. By the signature below, B&J voluntarily agrees to the issuance of this Order.

And it is so ORDERED this 28th day of SEPTEMBER, 2007.

Steven A. Dietrich
Steven A. Dietrich, Regional Director
Department of Environmental Quality

B&J voluntarily agrees to the issuance of this Order.

By: Edsel H. Lester
Edsel H. Lester, Managing Partner
B & J Enterprises, L.C.

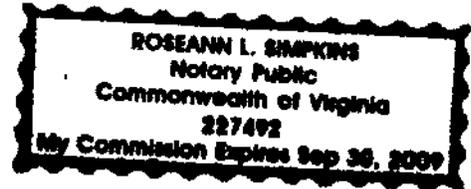
Date: 7/17/07

Commonwealth of Virginia
City/County of Roanoke

The foregoing document was signed and acknowledged before me this 17th day of July, 2007, by Edsel H. Lester, Managing Partner, on behalf of B & J Enterprises, L.C.

Roseann L. Simpkins
Notary Public

My commission expires: Sept. 30, 2009



APPENDIX A - SCHEDULE OF COMPLIANCE

B&J shall:

1. Complete an I&I study of the Facility's Sewer System by December 31, 2007 and submit the results to the Department for verification by January 10, 2008. The I&I study shall include, at minimum, the following:
 - A public information program to inform and educate all the customers serviced by the sewer system and Facility of the ongoing I&I problems and the efforts of B&J to correct the problem. The public information program should also educate all the customers on the problems with Inflow and the need of residences to disconnect sources of Inflow on their property;
 - Assembly of a sewerage transmission system configuration map with pipe sizing, pump stations, manhole locations, and graphic reference points;
 - Sewage transmission line integrity testing (robotic TV monitoring and segment smoke testing);
 - Evaluation of security and leakage for all pump stations, manhole covers, and other sewer transmission lines access points;
 - Identification of flow metering locations and flow metering methodology;
 - Conducting high and low, wet and dry weather flow metering;
 - Analysis and project report.
2. Based on the I&I study, identify and prioritize I&I projects, which will prevent future non-compliance with the Facility's design flow capacity and submit to the Department for review and approval by March 31, 2008.
3. Develop a schedule and financial plan ("B&J Plan of Action") to complete the projects identified in item 2 of this Appendix, and submit the B&J Plan of Action to the Department for review and approval by March 31, 2008. After the Department approves the B&J Plan of Action it shall be incorporated by reference and become an enforceable part of this Order.
4. Submit written notification to the Department of the completion of all action items required by this Order **within 14 days of completion**. If completion of an item does not occur in a timely fashion, B&J shall submit written notification to the Department within 14 days of the due date when it plans to complete the item. Correspondence related to this Order shall be sent to:

Jerry R. Ford, Jr.
Enforcement Specialist – Senior
Department of Environmental Quality
West Central Regional Office
3019 Peters Creek Road
Roanoke, VA 24019