



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

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Director

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STATE WATER CONTROL BOARD ENFORCEMENT ACTION

AN AMENDMENT TO A SPECIAL ORDER

ISSUED TO

BOY SCOUTS OF AMERICA - NATIONAL CAPITAL AREA COUNCIL Goshen Dam - Lake Merriweather

This is an amendment ("the Amendment") to the Consent Special Order ("the Order") issued on April 30, 1993, by the State Water Control Board ("the Board") under the authority of Virginia Code §§ 10.1-1185 and 62.1-44.15(8a) to the Boy Scouts of America - National Capital Area Council ("BSA-NCAC").

The BSA-NCAC owns Goshen Scout Camps in Rockbridge County, Virginia, and operates Goshen Dam at that location. On June 6, 1996, the Department of Environmental Quality ("DEQ"), Valley Regional Office ("VRO"), conducted a benthic survey which observed that the segment of the Little Calfpasture River immediately downstream from the Goshen Dam was impaired by sedimentation. Based on the benthic survey, DEQ issued Notice of Violation ("NOV") No. 96-09-VRO-059 on September 30, 1996. The NOV alleged that the benthic survey showed a violation of 9 VAC 25-260-20, which is a general water quality standard requiring all state waters to be maintained at such quality as will support aquatic life.

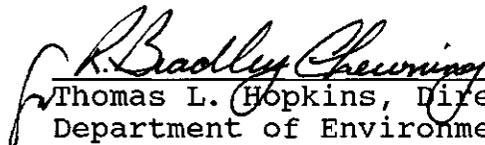
In order to control sedimentation of the Little Calfpasture River immediately downstream from the Goshen Dam, in a manner consistent with dam safety concerns of the Department of Conservation and Recreation ("DCR"), the Board orders BSA-NCAC and BSA-NCAC voluntarily agrees, to comply with Appendix A of this Amendment, which supersedes Appendix A of the Order. The Board and BSA-NCAC understand and agree that this Amendment does not alter, modify or amend any other provision of the Order.

The BSA-NCAC waives its rights to a hearing on, to judicial review of, and service of this Amendment. The BSA-NCAC also waives its right to written findings of fact and conclusions of law to support this Amendment. The Board may cancel the Order and its Amendment in its sole discretion for good cause upon thirty (30) days written notice; otherwise, the Order and its Amendment may be modified only with the BSA-NCAC's agreement or after due notice and opportunity for a hearing.

Nothing herein shall be construed by DEQ or any other governmental agency or person as an admission that the State Water Control Law and regulations have been violated, or any other law or regulation has been violated, nor construed as a determination by DEQ that there has been a violation of any such law or regulation.

This Amendment shall become effective upon the date of its execution by the Director of the Department of Environmental Quality or his designee.

And it is SO ORDERED this 6th day of April, ¹⁹⁹⁸~~1997~~.



Thomas L. Hopkins, Director
Department of Environmental Quality

The Boy Scouts of America - National Capital Area Council voluntarily agrees to the issuance of this Order.

Date: July 23, 1997 By: *[Signature]*
Title: Scout Executive

State of ~~Virginia~~ Maryland
~~City~~/County of Montgomery

The foregoing document was signed and acknowledged before me this 23rd day of July, 1997, by Ron L. Carroll,
(name)
who is Scout Executive,
(title)

on behalf of the Boy Scouts of America - National Capital Area Council.

ANN LOUISE DAVIS
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires February 17, 1998

[Signature]
Notary Public
My commission expires:
February 17, 1998

APPENDIX A

In order to comply with the provisions of the State Water Control Law and regulations, the Boy Scouts of America - National Capital Area Council ("BSA-NCAC") agrees to the following schedule of compliance:

1. Lake Merriweather shall be maintained at full pool, except when flooding or other emergency circumstances require the level of the lake to be lowered in accordance with the spillway gate protocol for the Goshen Dam. *pe*
2. By ~~October 10, 1997~~ ^{April 17, 1998} BSA-NCAC, BSA-NCAC shall submit to DEQ and DCR a spillway gate operation protocol for the Goshen Dam. The protocol shall detail appropriate operations for the spillway gates, including: instructions for keeping the gates free of debris, procedures for monitoring rainfall forecasts and flood warnings, emergency circumstances for requiring that the lake level be lowered, and procedures for reporting the draw down of the lake to DEQ and DCR. Following its review and approval by DEQ and DCR, the protocol shall be incorporated by reference into this Amendment.
3. BSA-NCAC will continue efforts to secure federal appropriations for the design and construction of the Goshen Dam authorized by Section 522 of the Water Resources Development Act of 1996.
4. The BSA-NCAC shall submit quarterly progress reports to DEQ and DCR summarizing actions taken in accordance with this Amendment. *pe*
The initial report shall be due ~~October 10, 1997~~ ^{April 17, 1998} BSA-NCAC. Subsequent reports shall be submitted by the last day of January, April, July and October each year until this Amendment is canceled or the design and construction authorized by Section 522 of the Water Resources Development Act of 1996 has been completed, whichever occurs first.