



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY
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Secretary of Natural Resources

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STATE WATER CONTROL BOARD ENFORCEMENT ACTION - ORDER BY CONSENT ISSUED TO THE TOWN OF CREWE FOR THE CREWE TREATMENT WORKS VPDES Permit No. VA0020303

SECTION A: Purpose

This is a Consent Order issued under the authority of Va. Code § 62.1-44.15, between the State Water Control Board and the Town of Crewe, regarding the Crewe Treatment Works, for the purpose of resolving certain violations of the State Water Control Law and the applicable permit and regulation.

SECTION B: Definitions

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

1. "Board" means the State Water Control Board, a permanent citizens' board of the Commonwealth of Virginia, as described in Va. Code §§ 10.1-1184 and 62.1-44.7.
2. "BRRO-L" means the branch of the Blue Ridge Regional Office of DEQ located in Lynchburg, Virginia.
3. "Crewe" means the Town of Crewe, a political subdivision of the Commonwealth of Virginia. Crewe is a "person" within the meaning of Va. Code § 62.1-44.3.
4. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia, as described in Va. Code § 10.1-1183.

5. "Director" means the Director of the Department of Environmental Quality, as described in Va. Code § 10.1-1185.
6. "Discharge" means discharge of a pollutant. 9 VAC 25-31-10
7. "Discharge of a pollutant" when used with reference to the requirements of the VPDES permit program means:
 - (a) Any addition of any pollutant or combination of pollutants to surface waters from any point source; or
 - (b) Any addition of any pollutant or combination of pollutants to the waters of the contiguous zone or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation.
8. "Facility" means the Town of Crewe Treatment Works, including its collection system, which collects, transports and treats sewage and other municipal wastes, for the residents and businesses of the Town of Crewe.
9. "I&I" means infiltration and inflow.
10. "Infiltration" means groundwater that enters sanitary sewer systems through cracks or leaks in the system.
11. "Inflow" means surface water that enters the sanitary sewer systems directly, often at points of connection to the systems. Sources of inflow may be foundation drains, roof drains, downspouts, basement sump pumps and streams.
12. "Notice of Violation" or "NOV" means a type of Notice of Alleged Violation under Va. Code § 62.1-44.15.
13. "Order" means this document, also known as a "Consent Order" or "Order by Consent," a type of Special Order under the State Water Control Law.
14. "Permit" means VPDES Permit No. VA0020303 which was issued under the State Water Control Law and the Regulation to the Town of Crewe on August 24, 2008 and which expires on August 23, 2013.
15. "Pollutant" means "dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials (except those regulated under the Atomic Energy Act of 1954, as amended (42 USC § 2011 *et seq.*)), heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water." 9 VAC 25-31-10.

16. "Pollution" means "such alteration of the physical, chemical, or biological properties of any state waters as will or is likely to create a nuisance or render such waters (a) harmful or detrimental or injurious to the public health, safety, or welfare or to the health of animals, fish, or aquatic life; (b) unsuitable with reasonable treatment for use as present or possible future sources of public water supply; or (c) unsuitable for recreational, commercial, industrial, agricultural, or other reasonable uses, provided that (i) an alteration of the physical, chemical, or biological property of state waters or a discharge or deposit of sewage, industrial wastes or other wastes to state waters by any owner which by itself is not sufficient to cause pollution but which, in combination with such alteration of or discharge or deposit to state waters by other owners, is sufficient to cause pollution; (ii) the discharge of untreated sewage by any owner into state waters; and (iii) contributing to the contravention of standards of water quality duly established by the Board, are pollution.". Va. Code § 62.1-44.3.
17. "Regulation" means the VPDES Permit Regulation, 9 VAC 25-31-10 *et seq.*
18. "State Water Control Law" means Chapter 3.1 (§ 62.1-44.2 *et seq.*) of Title 62.1 of the Va. Code.
19. "State waters" means all water, on the surface and under the ground, wholly or partially within or bordering the Commonwealth or within its jurisdiction, including wetlands. Va. Code § 62.1-44.3.
20. "Treatment Works" means "any devices and systems used for the storage, treatment, recycling or reclamation of sewage or liquid industrial waste, or other waste or necessary to recycle or reuse water, including intercepting sewers, outfall sewers, sewage collection systems, individual systems, pumping, power and other equipment and their appurtenances; extensions, improvements, remodeling, additions, or alterations thereof; and any works, including land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment; or any other method or system used for preventing, abating, reducing, storing, treating, separating, or disposing of municipal waste or industrial waste, including waste in combined sewer water and sanitary sewer systems.". 9 VAC 25-31-10.
21. "Va. Code" means the Code of Virginia (1950), as amended.
22. "VAC" means the Virginia Administrative Code.
23. "VPDES" means Virginia Pollutant Discharge Elimination System.
24. "Warning Letter" or "WL" means a type of Notice of Alleged Violation under Va. Code § 62.1-44.15.
25. "WWTP" means wastewater treatment plant.

SECTION C: Findings of Fact and Conclusions of Law

1. Crewe owns and operates the Facility in Crewe, Virginia. The Permit allows Crewe to discharge treated sewage and other municipal wastes, from outfall 001 of the WWTP alone, to an unnamed tributary of Deep Creek in strict compliance with the terms and conditions of the Permit.
2. Deep Creek is located in the Appomattox River Basin. The Appomattox River is listed in DEQ's 305(b) report as impaired for *E coli*.
3. On March 23, 2005 the Board issued a Special Order to Crewe requiring it to analyze and address I&I within its sewage collection system. The Special Order required Crewe to reduce I&I sufficiently to ensure that for a twelve month period: (a) flows to the WWTP did not exceed, on a monthly average, ninety-five percent of the WWTP's design flow capacity; (b) there were no violations of Permit effluent limitations caused by excessive flows at the WWTP; and (c) no overflows occurred in the treatment works as a result of I&I. Although Crewe had completed its plan of corrective action by February 1, 2008, as required by the Special Order, overflows related to high flows, continue to occur.
4. Crewe reported a number of overflows from May 2008 through May 2010, attributed to I&I. The following overflows entered either, Deep Creek, unnamed tributaries to Deep Creek, Winningham Creek or unnamed tributaries to Winningham Creek:
 - a. May 9, 2008 – Overflow at WWTP
 - b. September 6, 2008 – Overflow near location of Upper East End Pump Station
 - c. September 6, 2008 – Overflow at Manholes A96 and A29
 - d. September 6, 2008 – Overflow at WWTP
 - e. December 11, 2008 – Overflow at Manholes A96, B1, B2, B4 and B31
 - f. December 11 and 12, 2008 – Overflow at WWTP
 - g. November 1, 2009 – Overflow at WWTP
 - h. November 12, 2009 – Overflow at Manholes A96, B1, B2, B4 and B31
 - i. November 12, 2009 – Overflow at Upper East End Pump Station
 - j. November 11 and 13th, 2009 – Overflow at WWTP
 - k. December 3, 2009 – Overflow at WWTP
 - l. December 9, 2009 – Overflow at Manholes A17, B1, B4 and A96
 - m. December 9, 2009 – Overflow at WWTP
 - n. December 13, 2009 – Overflow at Manholes A96 and B4
 - o. December 13, 2009 – Overflow at WWTP
 - p. December 25 and 26, 2009 – Overflow at WWTP
 - q. December 25 and 26, 2009 – Overflow at Manholes A96, B4 and D1
 - r. January 25, 2010 – Overflow at WWTP
 - s. February 6, 2010 – Overflow at Manholes A16, B2, B3, B4, and B30
 - t. February 5 and 6, 2010 – Overflow at WWTP

- u. March 29, 2010 – Overflow at Manholes B1, B2, B3, B31, B45 and Old Pump Station
- v. March 29, 2010 – Overflow at WWTP
- w. May 28, 2010 – Overflow at WWTP

In addition, Crewe reported three overflows related to operational or maintenance issues which have since been addressed and a single Zinc Permit effluent limit violation which Crewe attributed to sludge disposal associated with collection system repair work. A file review performed by DEQ staff concluded that Crewe failed to make timely notification of two of the overflows noted above as required by the Permit and the Regulation.

5. BRRO-L issued a Warning Letter and Notices of Violation related to the overflows in paragraph 4 above as follows: WL No. W2010-04-L-1004, issued April 6, 2010; NOV No. W2008-09-L-003, issued September 11, 2008; NOV No. W2008-12-L-0007, issued December 5, 2008; NOV No. W2010-05-L-0007, issued May 25, 2010 and NOV No. W2010-07-L-0004, issued July 9, 2010.
6. Crewe responded to the Warning Letter and Notices of Violation by confirming that it understood and was able to comply with timely reporting requirements, that it had addressed the three operational/maintenance issue-related overflows noted above and that the Zinc Permit effluent limit violation was a one-time occurrence requiring no corrective action. As to the I&I related overflows Crewe confirmed that it had hired a consultant to secure funding for, develop and implement a plan and schedule of further I&I corrective action.
7. Crewe's operating logs indicate that it discharged treated wastewater from the WWTP every day from May 1, 2008 through May 31, 2010.
8. Va. Code § 62.1-44.5.A 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."
9. Va. Code § 62.1-44.5.B states that: "[A]ny person in violation of the provisions of subsection A who discharges or causes or allows (i) a discharge of sewage, industrial waste, other wastes or any noxious or deleterious substance into or upon state waters or (ii) a discharge that may reasonably be expected to enter state waters shall, upon learning of the discharge, promptly notify, but in no case later than 24 hours the Board, the Director of the Department of Environmental Quality, or the coordinator of emergency services..."
10. Va. Code § 62.1-44.31 states that: "[I]t shall be unlawful for any owner to fail to comply with any special order adopted by the Board, which has become final under the provisions of this chapter, or to fail to comply with a pretreatment condition incorporated into the permit issued to it by the owner of a publicly owned Treatment Works or to fail to comply with any pretreatment standard or pretreatment requirement, or to discharge

sewage, industrial waste or other waste in violation of any condition contained in a certificate issued by the Board or in excess of the waste covered by such certificate...”.

11. The Regulation, at 9 VAC 25-31-50.A, also states that: “[E]xcept in compliance with a VPDES permit, or another permit 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.B states that: “[A]ny person in violation of 9 VAC 25-31-50 A, who discharges or causes or allows a discharge of sewage, industrial waste, other wastes or any noxious or deleterious substance into or upon state waters; or who discharges or causes or allows a discharge that may reasonably be expected to enter state waters in violation of subsection A of this section shall notify the department of the discharge, immediately upon discovery of the discharge but in no case later than 24 hours after said discovery.”
13. The Permit, at Part I.A.1 requires Crewe to comply with the Zinc limits contained therein.
14. The Permit, at Part I.A.1 only authorizes discharges at outfall 001 of the WWTP.
15. The Permit, at Part II.F prohibits unauthorized discharges.
16. The Permit, at Part II.G requires timely reporting of unauthorized discharges, i.e. within 24 hours of discovery.
17. Va. Code § 62.1-44.15(5a) states that a VPDES permit is a “certificate” under the statute.
18. The Department has issued no permits or certificates to Crewe for the Treatment Works other than VPDES Permit No. VA20303, although Crewe has registered for coverage under the General VPDES Permit for Total Nitrogen and Total Phosphorus Discharges and Nutrient Trading in the Chesapeake Bay Watershed in Virginia.
19. Deep Creek, its unnamed tributaries, and Winningham Creek and its unnamed tributaries are surface waters located wholly within the Commonwealth and are “state waters” under the State Water Control Law.
20. Based on the reports made by Crewe and a review of the agency’s files in this matter the Board concludes that Crewe has violated the 2005 Order, the Permit, the Regulation and the Va. Code by discharging both treated and untreated sewage and municipal wastes from the Treatment Works while concurrently failing to comply with the conditions of the Permit, as described in paragraph C4, above.
21. In order for Crewe to address its I&I issues and ensure compliance with the requirements of the Permit, the Regulation and the Va. Code, DEQ staff and representatives of Crewe

have agreed to the Schedule of Compliance which is incorporated as Appendix A of this Order.

SECTION D: Agreement and Order

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

1. To perform the actions described in Appendix A of this Order;
2. To a civil charge of \$31,200 in settlement of the violations cited in this Order, to be paid as follows:
 - a. The Town of Crewe shall pay \$3120 of the civil charge **within 30 days of the effective date of this Order**. Payment shall be made by check, certified check, money order or cashier's check payable to the "Treasurer of Virginia," delivered to:

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

Crewe shall include its Federal Employer Identification Number (FEIN) 54-600-1233 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.

- b. Crewe shall satisfy \$28,080 of the civil charge by satisfactorily completing the Supplemental Environmental Projects (SEPs) described in Appendix B of this Order.
 - c. The net project costs of the SEPs to Crewe shall not be less than the total of the amounts set forth in Paragraphs D.2.b and D.3, or \$73,276.10. If it is, Crewe shall pay the remaining amount in accordance with Paragraph D.2.a of this Order, unless otherwise agreed to by the Department. "Net project cost" means the net present after-tax cost of the SEPs, including tax savings, grants, and first-year cost reductions and other efficiencies realized by virtue of project implementation. If the proposed SEPs are for a project for which the Town of Crewe will receive an identifiable tax savings (e.g., tax credits for pollution control or recycling equipment), grants, or first-year operation cost reductions or other efficiencies, the net project cost shall be reduced by those amounts. The costs of those portions of SEPs that are funded by state or federal low-interest loans, contracts, or grants shall be deducted.
 - d. By signing this Order the Town of Crewe certifies that it has not commenced performance of the SEPs.

- e. Crewe acknowledges that it is solely responsible for completing the SEP projects. Any transfer of funds, tasks, or otherwise by Crewe to a third party, shall not relieve Crewe of its responsibility to complete the SEPs as described in this Order.
 - f. In the event it publicizes the SEPs or the results of the SEPs, Crewe shall state in a prominent manner that the project is part of a settlement of an enforcement action.
 - g. The Department has the sole discretion to:
 - i. Authorize any alternate, equivalent SEP proposed by Crewe; and
 - ii. Determine whether the SEPs, or an alternate SEP, has been completed in a satisfactory manner. Should the Department determine that Crewe has not completed the SEPs or an alternate SEP, in a satisfactory manner, the Department shall so notify Crewe in writing. Within 30 days of being notified, Crewe shall pay the amount specified in Paragraph D.2.b above and D.3 below, as provided in paragraph D.2.a. above.
3. That this Order cancels and supersedes the provisions of the March 23, 2005 Special Order referenced in paragraph C.3 above with the exception of those of paragraph 9 of Appendix A of the 2005 Order which are hereby incorporated and revised as follows:

Crewe shall use the escrow fund established under the provisions of the 2005 order and which currently contains \$45,196.10 in the performance of the SEPs described in Appendix B hereto.

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend this Order with the consent of Crewe for good cause shown by Crewe, or on its own motion pursuant to the Administrative Process Act, Va. Code § 2.2-4000 *et seq.*, after notice and opportunity to be heard.
2. This Order addresses and resolves only those violations specifically identified in Section C of this Order. This Order shall not preclude the Board or the Director from taking any action authorized by law, including but not limited to: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the Facility; or (3) taking subsequent action to enforce the Order.
3. For purposes of this Order and subsequent actions with respect to this Order only, Crewe admits the jurisdictional allegations, and agrees not to contest but does not admit the findings of fact, and conclusions of law contained herein.

4. Crewe consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order.
5. Crewe declares it has received fair and due process under the Administrative Process Act and the State Water Control Law and it 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 herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Board to modify, rewrite, amend, or enforce this Order.
6. Failure by Crewe 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.
7. 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.
8. Crewe 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. Crewe shall show that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. Crewe shall notify the DEQ Regional Director verbally within 24 hours and in writing within three business days when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of the 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 Regional Director verbally within 24 hours and in writing within three business days, of learning of any condition above, which Crewe intends to assert will result in the impossibility of compliance, shall constitute a waiver of any claim to inability to comply with a requirement of this Order.

9. This Order is binding on the parties hereto, their successors in interest, designees and assigns, jointly and severally.

10. This Order shall become effective upon execution by both the Director or his designee and Crewe. Nevertheless, Crewe agrees to be bound by any compliance date which precedes the effective date of this Order.

11. This Order shall continue in effect until:

- a. Crewe petitions the Director or his designee to terminate the Order after it has completed all of the requirements of the Order and the Director or his designee approves the termination of the Order; or
- b. the Director or Board terminates the Order in his or its sole discretion upon 30 days' written notice to Crewe.

Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve Crewe from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.

12. Any plans, reports, schedules or specifications attached hereto or submitted by Crewe and approved by the Department pursuant to this Order are incorporated into this Order. Any non-compliance with such approved documents shall be considered a violation of this Order.

13. The undersigned representative of the Crewe certifies that he or she is a responsible official authorized to enter into the terms and conditions of this Order and to execute and legally bind Crewe to this document. Any documents to be submitted pursuant to this Order shall also be submitted by a responsible official of Crewe.

14. This Order constitutes the entire agreement and understanding of the parties concerning settlement of the violations identified in Section C of this Order, and there are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this Order.

15. By its signature below, Crewe voluntarily agrees to the issuance of this Order.

And it is so ORDERED this 4th day of August, 2011.

A handwritten signature in black ink, appearing to be 'D. R. ...', is written over a solid horizontal line.

Department of Environmental Quality

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The Town of Crewe voluntarily agrees to the issuance of this Order.

Date: 4/13/11 By: *Gary Lee Simmons, Jr.*, Mayor
Gary Lee Simmons, Jr. Mayor

Commonwealth of Virginia
Town of Crewe

The foregoing document was signed and acknowledged before me this 13 day of
APRIL, 2011, by Gary Lee Simmons, Jr. who is Mayor of the Town of Crewe, on
behalf of the Town.

David W Morris
Notary Public

300929
Registration No.

My commission expires: 9/30/12

Notary seal:

APPENDIX A SCHEDULE OF COMPLIANCE

Crewe has hired an engineering firm to assist it in analyzing its I&I problem, selecting the best methods to address the I&I problem and obtaining and finding funding necessary to eliminate the I&I problem. Crewe has indicated that its preferred method to address its I&I problem is to replace or slipline all collection system lines located in Crewe's east end (i.e. all lines in Sections B and C, the manholes of which are designated with a "B" or a "C" on that certain collection system map entitled "Inflow & Infiltration Study, Crewe Virginia, Hurt & Profitt, Inc., Comm. No. 20100087 and dated June 2010) which were not replaced or sliplined under the provisions of the 2005 Order and to expand certain force and gravity mains within the collection system which Crewe believes to be too small to handle system flows. Crewe has further indicated that its engineers expect such sliplining and force and gravity main expansion to address I&I in its Treatment Works sufficiently to ensure that overflows associated with wet weather are eliminated.

I. Infiltration and Inflow

- A. Crewe shall by **June 1, 2011** submit to the Department, for its review and approval, a Plan of Action to address I&I in its Treatment Works. Said Plan shall contain, at a minimum, the following elements:
1. A schedule with definitive dates for initiation and completion of each of the Plan's elements, including a date for completion of all of the Plan's elements that is no later than **December 31, 2016**.
 2. An outline of the costs associated with the proposed Plan of Action including cost estimates for demonstration of the sufficiency of system capacity and of the efficacy of I&I corrective action, system mapping, and repair, replacement and/or upgrade of Treatment Works units.
 3. Documentation of funding for implementing the Plan of Action, including:
 - a. A description of any loans or grants anticipated to be necessary to fund corrective action.
 - b. Whether or not those loans or grants have been secured.
 - c. If not secured, when it is anticipated the loan or grant will be secured, and identification of alternate funding sources, including self-funding, if the loan or grant is not securable.
 - d. Copies of budgets for the department or unit charged with operating and maintaining the Treatment Works, for the five year period preceding this Order.

- e. Verification of the current Treatment Works user fees and how those fees are calculated.
 - f. Verification that user fees are set and will remain at a level sufficient to qualify the Town for funding of the Plan of Action under applicable federal and state construction assistance programs (e.g. DEQ's Clean Water Revolving Loan Fund Program, the U.S. Department of Agriculture's Community Block Grant and/or Rural Development Programs).
 - g. Verification of current annual income from user fees.
 - h. Verification of the current number of system users broken down by type (e.g. residential vs. commercial).
4. A description of how I&I will be identified and corrected, including:
- a. How baseline Treatment Works flows will be established and measured.
 - b. How rainfall-induced flows will be established and measured.
 - c. How groundwater infiltration will be identified and, if present, eliminated.
 - d. How units to be repaired, replaced and/or upgraded will be selected and prioritized for repair/replacement/upgrade.
 - e. A list, with sufficient location detail (e.g. entire sewer line between 8th and 9th streets) to identify which portion of the collection system's units is to be repaired, replaced and/or upgraded.
 - f. A summary and categorization (e.g. cracked pipe, severe deterioration) of the present condition of the units to be repaired, replaced and/or upgraded.
 - g. An estimate and categorization of the amount of infiltration to be eliminated with the repair or replacement of system units.
5. A provision for termination of this Order, upon the expiration of one year following the completion of the Plan according to its approved terms and provided that no I&I induced overflows occur during that time period.
- B. A current and complete map of the Treatment Works showing unique identifying numbers for each manhole, pump station and force main.

Crewe will expeditiously respond to the Department's comments regarding the Plan and will submit a final Plan which addresses all of the Department's comments within thirty days of receipt of such comments and (provided that Crewe has made timely submissions and responses hereunder and the Department has provided its final comments to Crewe by September 1, 2011), in no event later than **October 1, 2011**.

II. DEQ Contact

Unless otherwise specified in this Order, Crewe shall submit all requirements of the appendices of this Order to:

**Marvin Booth
Regional Enforcement Representative
VA DEQ – Blue Ridge Regional Office/Lynchburg
7705 Timberlake Road
Lynchburg, VA 24502
434-582-6237 [Phone]
434-582-5125 [Fax]
marvin.booth@deq.virginia.gov**

APPENDIX B SUPPLEMENTAL ENVIRONMENTAL PROJECTS

The Town of Crewe shall perform the SEPs identified below in the manner specified in this Appendix.

Comprehensive Maintenance Program

Crewe shall by **July 1, 2011** submit to the Department, for its review and approval, a description of a comprehensive operation and maintenance program for the Facility's collection system, including all sewers, interceptor lines, pumps, force mains and manholes. The program, at a minimum shall include:

1. A description of the administration of the program, including:
 - a. The number of staff serving the program and their status (e.g. full time, part time, contract).
 - b. A description of the duties of each staff member.
 - c. A description of the knowledge and skills required for each type of staff position.
 - d. Contact information for each staff member.
 - e. A copy of the current budget for system maintenance.
 - f. A description of the training, certification and re-certification programs provided for maintenance staff.

2. A description of the activities of the maintenance program, including :
 - a. A list of the facilities and equipment and the spare parts inventory for the program.
 - b. A description and schedule of routine inspection, operation and maintenance activities for the program, including information sufficient to determine which portions or units of the system are being served by the activity (e.g. inspect all manholes on Main Street once per quarter).
 - c. A description of the methods of identifying and prioritizing needed repair, replacement or upgrade of system units.

3. A copy of Crewe's legal authorities that address:
 - a. Control of connections to the collection system.
 - b. Control of inflow to the collection system.
 - c. Control of infiltration from system laterals.

- d. Requirements for proper design and construction of sewers and sewer connections.
 - e. Requirements for proper testing and inspection of sewers and sewer connections.
 - f. Control of flows from satellite collection systems.
 - g. Control of discharges of noxious or deleterious substances to the collection system.
4. A standard protocol for responding to collection system overflows, including methods to be used to mitigate environmental and health impacts from the overflows and for notifying parties with actual or potential exposure to pollutants contained in the overflows.
 5. Methods and frequency of system capacity evaluations of sufficient detail and reliability to determine with accuracy that the system's present and future capacity is adequate to handle base and peak flows without overflows or bypasses.
 6. Methods and frequency of evaluating the efficacy of the operation and maintenance program and for amendment of the program if it is not demonstrated to be efficacious in preventing overflows and bypasses within the Treatment Works.

Crewe will expeditiously respond to the Department's comments regarding the program and will submit a final draft of the program's provisions, which addresses all of the Department's comments, within thirty days of receipt of such comments and (provided that Crewe has made timely submissions and responses hereunder and the Department has provided its final comments to Crewe by September 1, 2011), in no event later than **October 1, 2011**, for the Department's final approval. Crewe shall implement the provisions of the approved program within sixty (60) days of receipt of program approval from the Department but (provided that Crewe has made its final submission by October 1st and the Department has given final program approval by November 1, 2011) in no event later than **January 1, 2012** and shall continue its implementation throughout the life of this Order.

Wastewater Treatment Plant Upgrade

Crewe shall convert units at the WWTP, formerly used to receive septage, to treatment units designed to provide additional holding and settling capacity for the WWTP, in order to improve WWTP operations and enhance effluent quality beyond what is necessary to meet Permit effluent limits. Said units shall be modified in accordance with the provisions of a Preliminary Engineering Report, detailing such conversion, to be submitted to the

Department for review and approval no later than **July 1, 2011**. The conversions shall also be accomplished in accordance with the terms of any Certificate to Construct required for the work by the Department. The conversion project shall be completed no later than **December 31, 2011**.

General Provisions

1. Crewe shall submit final reports on the SEPs, verifying that the SEPs have been completed in accordance with the terms of this Order, and certified by the Town's Manager or Mayor. Crewe shall submit the final report on the WWTP upgrade no later than **February 1, 2012** and shall certify, prior to cancellation of this Order that it has implemented the provisions of its approved Comprehensive Maintenance Program from at least January 1, 2012 to the date that notification of the anticipated cancellation of the Order is provided to the Town.
2. If the SEPs have not or cannot be completed as described above, the Town of Crewe shall notify DEQ in writing within thirty (30) days of determining that the terms of the Order have not been or will not be met. Such notification shall include: (i) alternate SEP proposals, or (ii) payment of the total of the amounts specified in Paragraphs D.2.b and D.3 above, as described in Paragraph D.2.a.
3. The Town hereby consents to reasonable access by DEQ or its staff to property or documents under the Town's control for verifying progress or completion of the SEPs.
4. The Town shall submit to DEQ written verification of the final overall and net project costs of the SEPs in the form of certified statements itemizing costs, invoices and proof of payment, or similar documentation **within thirty (30) days of the projects' completion dates**. For the purposes of this submittal net project costs can be either the actual, final net project costs or the projected net project costs if such projected net project costs statements are accompanied by a Certified Public Accountant certification or certification from the Town's Treasurer concerning the projected tax savings, grants or first-year operation cost reductions or other efficiencies.