



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

NORTHERN REGIONAL OFFICE

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Molly Joseph Ward
Secretary of Natural Resources

David K. Paylor
Director

Thomas A. Faha
Regional Director

EXECUTIVE COMPLIANCE AGREEMENT

GEORGE MASON UNIVERSITY

FOR

OIL DISCHARGE AT THE GEORGE MASON UNIVERSITY CENTRAL HEATING AND COOLING PLANT

This is an Executive Compliance Agreement (Agreement) between the George Mason University (GMU) and the Virginia Department of Environmental Quality (DEQ) pursuant to the Director's authority, as set forth in §§ 10.1-1185, -1192, and § 62.1-44.34:20 of the Code of Virginia (Va. Code), to administer and enforce the State Water Control Law and regulations.

GMU owns and operates two 30,000 gallon above ground storage tanks (ASTs) located on campus at the GMU Central Heating and Cooling Plant. Virginia Department of Emergency Management provided notification to DEQ on January 17, 2015, that an oil discharge, in the form of diesel fuel, from one of the ASTs had occurred. According to the notification approximately 4,100 gallons of diesel fuel was discharged while GMU staff was circulating the fuel from one AST to the other AST and inadvertently left a return line closed which lead to the overfilling of one of the ASTs. The discharged fuel entered the storm water collection system and traveled to a surface water outfall pipe discharging to an unnamed tributary of Rabbit Branch. DEQ staff responded to the site on January 17, 2015, and observed where the discharge had occurred. DEQ staff observed multiple areas of free product on Rabbit Branch.

NRO issued Notice of Violation W2015-02-N-001 on February 5, 2015, for the discharge event.

Va. Code §62.1-44.34:18(A) states that the discharge of oil into or upon state waters, lands, or storm drain systems within the Commonwealth is prohibited. For purposes of this section, discharges of oil into or upon state waters include discharges of oil that (i) violate

applicable water quality standards or a permit or certificate of the Board or (ii) cause a film or sheen upon or discoloration of the surface of the water or adjoining shorelines or cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines. (Va. Code means the Code of Virginia (1950) as amended).

Va. Code §62.1-44.3 defines state waters as all water, on the surface or under the ground, wholly or partially within or bordering the Commonwealth within its jurisdiction, including wetlands.

The unnamed tributary of Rabbit Branch is a surface water located wholly within the Commonwealth and is a "state water" under State Water Control Law.

Based on observations made by DEQ staff on January 17, 2015, Virginia Department of Emergency Management's notification and information provided to DEQ by GMU, the Board concludes that GMU violated Va. Code §62.1-44.34:18 by discharging diesel fuel into state waters.

To remedy these matters, GMU and DEQ agree to the schedule of action in Appendix A.

This Agreement shall become effective upon the date of its execution by the Director of the Department of Environmental Quality or his designee. GMU agrees to be bound by any compliance dates in this Agreement that may predate its effective date.



Jennifer Wagner Davis
Senior Vice President
George Mason University

7-2-2015

Date



Thomas A. Faha
Regional Director
Department of Environmental Quality
Northern Regional Office

6-22-15

Date

APPENDIX A

George Mason University agrees to:

1. Submit a plan and schedule to DEQ for review and comment within 60 days of the execution of the Executive Compliance Agreement that will identify best management practices that George Mason University intends to implement to ensure that future prohibited discharges during the fuel transfer process involving the two ASTs located at the GMU Central Heating and Cooling Plant do not occur. Once notified by DEQ, GMU shall implement said plan and schedule immediately. Said plan and schedule shall be an enforceable part of this Executive Compliance Agreement.
2. Establish and submit written finalized Standard Operating Procedures (SOPs) for the fuel transfer process involving the two ASTs located at the GMU Central Heating and Cooling Plant and a training plan to train staff regarding said SOPs to DEQ for review and comment within 60 days of the execution of the Executive Compliance Agreement. Once notified by DEQ, said SOPs and training plan shall be implemented by GMU.
3. Submit an inventory of all regulated Underground Storage Tanks and Above Ground Storage Tanks owned by George Mason University to DEQ within 60 days of the execution of the Executive Compliance Agreement.
4. Comply with DEQ's April 4, 2015, letter regarding the SCR submitted by GMU on March 26, 2015.