COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY
NORTHERN REGIONAL OFFICE
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L. Preston Bryant, Jr
Secretary of Natural Resources

David K. Paylor
Director

STATE WATER CONTROL BOARD ENFORCEMENT ACTION AMENDMENT TO SPECIAL ORDER BY CONSENT ISSUED TO TOWN OF HAMILTON FOR THE TOWN OF HAMILTON SEWAGE TREATMENT PLANT

(VPDES PERMIT NO. VA0020974)

SECTION A: Purpose

This is an Amendment to a Consent Special Order issued under the authority of Va. Code §§62.1-44.15(8a), (8d), and (8f), and 10.1-1185 between the State Water Control Board and the Town of Hamilton regarding the Town of Hamilton Sewage Treatment Plant, for the purpose of resolving certain violations of the State Water Control Law and Regulations.

SECTION B: Basis for Amendment

1. The Town of Hamilton Sewage Treatment Plant (STP) is owned and operated by the Town of Hamilton and is located within the corporate limits of the Town of Hamilton, Virginia, and treats wastewater and sewage from the residents of the Town of Hamilton and a portion of the surrounding county. The STP is the subject of VPDES Permit No. VA0020974 which authorizes the STP to discharge into an unnamed tributary of the South Fork of Catoctin Creek which is located within the Potomac River Basin.

2. This amendment supersedes a Consent Order between DEQ and The Town of Hamilton addressing copper violations experienced in 2006 ("2006 Order"). Through the 2006 Order, Hamilton was required to submit plans and specs for a chemical addition system to DEQ by March 24, 2007. The plans and specs were received by DEQ on June 14, 2007. After conducting a review of the plans and specs, DEQ staff requested that the plans and specs be revised and resubmitted. The plans were resubmitted on November 14, 2007 and are currently under review by DEQ.

3. The Town of Hamilton STP has experienced permit effluent violations of Biochemical Oxygen Demand (BOD) and Total Suspended Solids (TSS) in January 2007, violation E. Coli in May 2007, and Ammonia in June 2007.

4. The Town of Hamilton has also experienced a number of unusual discharge events throughout 2007 due to hydraulic overload of the STP. These unusual discharges were reported by the Town of Hamilton STP to DEQ as follows:

    - January 1, 2007- High flow due to rain. Solids were carried from the clarifier to the effluent.
    - January 8, 2007- High flow due to rain. Solids left the plant and entered the effluent.
    - March 2, 2007 –Loss of solids from the plant due to high flows resulting from heavy rains. The clarifiers became hydraulically overloaded and there was a loss of solids in the final effluent.
    - March 16, 2007- High flows due to rain caused a small discharge of elevated solids in the effluent.
    - March 19, 2007- High flows caused solids to be washed out of the plant.
    - June 20, 2007- Loss of solids to the creek for approximately 10 minutes due to draining of the aeration basin and hydraulic overload.
    - April 21, 2008
    - May 11, 2008

    Discharges of the nature referenced above are prohibited by Part II F of the facility's Permit.

5. DEQ sent the Town of Hamilton the following Notices of Violation (NOVs) and Warning Letters (WLs) referencing the above described violations:

    - NOV No.W2007-03-N-0007 citing violations of the maximum concentration limit and the maximum quantity limit for BOD_5, the average concentration and maximum concentration limit for TSS, and the average quantity and maximum quantity limit for TSS in January 2007.

    - NOV No.W2007-05-N-2005 citing failure to submit plans and specs for the copper removal system by March 24, 2007 as required by the 2006 Order, and for overflow of untreated wastewater on March 16, 2007 in violation of the facility's permit.

    - NOV No.W2007-06-N-0008 citing a continuing failure to submit plans and specs for the copper removal system in April 2007.

    - NOV No.W2007-07-N-0007 citing a continuing failure to submit plans and specs for the copper removal system in May 2007, and for improper operation of the STP due to an inoperational UV system.

6. DEQ received a letter from the Town's engineer on May 25, 2007 and a letter from the Mayor of the Town of Hamilton on June 7, 2007, detailing a change in engineering firms as well as a change in Town personnel leading to the late submittal of the plans and specs for the chemical addition process.

7. DEQ met with representatives of the Town of Hamilton at the Town of Hamilton STP on August 2, 2007 to discuss the corrective action necessary to ensure compliance with regulatory requirements, as well as take a tour of the STP.

8. DEQ met with representatives of the Town of Hamilton on June 3, 2008 to discuss the proposed Consent Order.

9. DEQ was notified on August 6, 2008 that the Town of Hamilton's operator would be ceasing operations at the Plant effective August 9, 2008.

10. DEQ conducted a site inspection on August 18, 2008. At this time, DEQ was informed that during the Town did not have a full time Class III licensed operator operating the Plant.

11. DEQ sent the Town of Hamilton the following NOV on August 26, 2008:

    - NOV No. W2008-08-N-0008 citing violation of Part I, Page 4, Section C, Number 5 of the Town's permit for failing to employ or contract at least one Class III licensed wastewater works operator.

12. The Town submitted correspondence to DEQ on August 28, 2008, confirming that the Plant was operating without a full time Class III operator and noting that the Town was actively negotiating with a Class III operator.

13. DEQ received correspondence from the Town on September 3, 2008, notifying DEQ that the Town hired a Class III Operator to operate the Plant on September 15, 2008.

SECTION C: Agreement and Order

Accordingly, the Board, by virtue of the authority granted it in Va. Code §§ 62.1-44.15 8(a),8(d), and 8(f) orders the Town of Hamilton and the Town of Hamilton agrees to:

1. Perform the actions described in Appendix A of this Amended Order, which supersedes and cancels paragraphs 1 through 4 of Appendix A of the 2006 Order. Both the State Water Control Board and the Town of Hamilton understand and agree that this Amendment does not alter, modify, or amend any other provision of the Order and that unmodified provisions of the Order remain in effect by their own terms.

2. Pay a civil charge of $19,638.00 within 30 days of the effective date of this Amendment in the settlement of the violations cited in this Amendment. Payment shall be made by check payable to the "Treasurer of Virginia", delivered to:

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

Either on a transmittal letter or as a notation on the check, the Town of Hamilton shall indicate that this payment is submitted pursuant to this Order and shall include the Federal Identification Number for the Town of Hamilton.

And it is so ORDERED this 27th day of April, 2009.

Thomas A. Faha
Thomas A. Faha, NRO Regional Director
Department of Environmental Quality

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

By: Ray Whitbey

Date: Jan 30, 09

Commonwealth of Virginia
City/County of Loudoun

The foregoing document was signed and acknowledged before me this 30th day of January, 2009, by H. Ray Whitbey, who is
(Ray Whitbey)

Mayor of the Town of Hamilton on behalf of the Town of Hamilton.

Lori M. Jones
Notary Public

My commission expires: 7/31/2011.

LORI M. JONES
NOTARY PUBLIC
COMMONWEALTH OF VIRGINIA
REG. # 7083661
MY COMMISSION EXPIRES JULY 31, 2011
I WAS COMMISSIONED NOTARY AS LORI M. KYLE

APPENDIX A

The Town of Hamilton shall:

1. Commence construction of the permanent chemical addition process and provide proof of said commencement to DEQ by February 1, 2009.

2. Complete construction and request Certificate to Operate (CTO) from DEQ for the modified STP within sixty (60) days of commencement of construction.

3. Within thirty (30) days of issuance of the CTO, submit to DEQ an amended Operations and Maintenance (O&M) Manual that incorporates the above referenced chemical addition process.

4. If the permanent chemical addition process is installed, Hamilton should be capable of meeting permitted copper limits. To determine this, Hamilton shall increase copper sampling from once a month to twice a month. This increased sampling shall begin the month immediately after the permanent chemical addition process is installed and shall continue for four months. This data shall be submitted to DEQ on the facility's monthly DMRs. At the end of these 4 months, DEQ shall review the data. If DEQ determines from this data that the current STP is not capable of complying with permitted copper limits, DEQ shall notify Hamilton. The Town shall, upon said notification by DEQ, submit a plan for an alternate plan to meet permitted copper limits. Said plan shall be submitted within 60 days of DEQ notification and shall include a schedule of implementation that, upon DEQ approval, shall become an enforceable part of this Order.

5. Adhere to the Infiltration and Inflow Abatement Program submitted to DEQ on August 4, 2008. The dates included in the I&I Abatement Schedule outlined in Appendix A of the I&I Abatement Program shall become an enforceable part of this Order. Any subsequent revisions to the I&I Program shall be reviewed and approved by DEQ.

6. The Town shall ensure that there is a Class III (or higher) Operator at the STP, while regular STP staff is onsite, for at least 2 hours per day, five days per week. These two hours per day or five days per week need not be consecutive. In addition, The Town shall ensure that a Class III (or higher) Operator is available by telephone for consultation during the entire 8 hour period that the STP is staffed as recommended by 9 VAC 25-270, to assist and provide consultation, if necessary.

APPENDIX B

INTERIM EFFLUENT LIMITATIONS

TOWN OF HAMILTON STP

During the period beginning with the effective date of this Order and lasting until 30 days after the chemical feed addition has been installed in accordance with Provision 2 of Appendix A and in accordance with the timelines outlined therein, the Town of Hamilton shall monitor and limit the discharge from the STP in accordance with VPDES Permit No. VA 0020974, except as specified below. These interim limits shall retroactively apply, if applicable, as of the first day of the month in which this Order becomes effective. These requirements shall be construed in light of the Board's Permit Regulation.

PARAMETER	DISCHARGE LIMITATIONS			
	Monthly Average	Weekly Average	Minimum	Maximum
Total Recoverable Copper (µg/L)	**NL**	**NL**	N/A	N/A

N/A = Not applicable.

NL = No limit; Monitor and reporting required