COMMONWEALTH of VIRGINIA

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

David K. Paylor
Director

~~Jeffery A. Steers~~
Regional Director

STATE WATER CONTROL BOARD ENFORCEMENT ACTION

SPECIAL ORDER BY CONSENT

ISSUED TO

HARTLAND INSTITUTE OF HEALTH AND EDUCATION

FOR THE

HARTLAND INSTITUTE SEWAGE TREATMENT PLANT
(VPDES PERMIT NO. VA0068951)

SECTION A: Purpose

This is a Consent Special Order issued under the authority of Va. Code §§ 62.1-44.15(8a) and (8d) and 10.1-1185 between the State Water Control Board and Hartland Institute of Health and Education regarding Hartland Institute's sewage treatment plant for the purpose of resolving certain violations of the State Water Control Law and 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. "BOD" means Biological Oxygen Demand.

4. "Collection system" means the sanitary sewer collection system used to convey raw sewage to the sewage treatment plant.

5. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia as described in Va. Code § 10.1-1183.

6. "Director" means the Director of the Department of Environmental Quality.

7. "Hartland Institute" or "Hartland" means the Hartland Institute of Health and Education an entity incorporated and licensed to do business in the Commonwealth.

8. "Facility" means the Hartland Institute sewage treatment plant located in Madison County, Virginia.

9. "NRO" means the Northern Regional Office of DEQ, located in Woodbridge, Virginia.

10. "Order" means this document, also known as a Consent Special Order.

11. "Permit" means the Virginia Pollutant Discharge Elimination System (VPDES) Permit No. VA0068951.

12. "Regulation" means 9 VAC 25-31-10 *et seq.*, the Virginia Pollutant Discharge Elimination System Permit Regulation.

13. "TSS" means Total Suspended Solids.

SECTION C: Finding of Fact and Conclusions of Law

1. Hartland Institute owns and operates the Facility, which is a 0.025 MGD plant that is located in Madison County, Virginia and treats wastewater from an educational institute. The Facility discharges into the Robinson River, which is located within the Rappahannock River Basin. Discharges are the subject of the Permit.

2. The Board has evidence to indicate that Hartland Institute has had numerous permit effluent limit exceedances and has failed to develop an updated O&M Manual in accordance with permit requirements. In addition, Hartland Institute has failed to perform annual BOD monitoring as required by the Permit and has failed to report TSS monitoring and has submitted several incomplete Discharge Monitoring Reports. In response to all of these deficiencies and violations, DEQ has issued Warning Letters on September 8, 2006 (WL No. W2006-9-N-1015), October 5, 2006 (WL No. W2006-10-N-

1013), and November 6, 2006 (WL No. W2006-11-N-1007); and Notices of Violation on December 6, 2006 (NOV No. W2006-12-N-0003), January 10, 2007 (NOV No. W2007-01-N-0004), February 12, 2007 (NOV No. W2007-02-N-0008), March 12, 2007 (NOV No. W2007-03-N-0008), and September 6, 2007 (NOV No. W2007-09-N-0011). As a result of these violations, the Board is issuing this Consent Order to ensure that Hartland Institute complies with permit limits and requirements and to ensure that discharges from the Facility comply with the State Water Control Law and Regulations.

3. Hartland Institute has indicated that, with one exception, the permit effluent limit exceedances referenced above may have been the result of problems with the Facility's aeration system, which was repaired. Hartland has attributed the submission of incomplete DMRs to operator error. In addition, communications difficulties with Hartland's former Facility operator resulted in late submission of O&M Manual updates. At this time, the updates to the O&M Manual have been received and are under review. A TSS violation that occurred in January 2007 appears to have been an isolated incident, possibly attributable to operator error, and for which corrective action does not appear necessary. Hartland has yet to submit the annual influent BOD monitoring which was due in July 2007.

4. DEQ made a site visit to the Facility on April 2, 2007, for an announced reconnaissance inspection. At that time, the Facility generally appeared to be adequately maintained. The DEQ inspectors on site informed the Facility operator that the Facility's lagoon curtain divider needed to be replaced since its poor condition left it sinking into the lagoon and not operating properly. At this time, the lagoon curtain divider has not been replaced or repaired. A review of Hartland's file indicates that, in the past, there had been problems with DEQ inspectors gaining access to the Facility outfall; however, during the April inspection weather and site conditions prevented DEQ staff from trying to access the outfall. In addition, in discussions with Facility staff, it was determined that many of the required operational records and logs for the Facility were not kept on site as workmanlike operations would dictate. DEQ's file review also revealed that the agency was not in possession of important information regarding the collection system at the facility.

5. DEQ personnel met with Hartland Institute on October 18, 2007, after repeated failed attempts to contact the Facility operator to arrange a meeting. During the meeting, all violations of the past year were reviewed and DEQ staff suggested a number of action items for Hartland to complete to return to or ensure compliance with statutory and regulatory requirements. Those compliance items are reflected as a part of Appendix A of this Order.

6. During the Consent Order process, and during a review of the current sanitary sewer collection system, two separate sanitary sewer overflows were found. It appears that the overflows may have been going on for some time. The first

was discovered at approximately 12:00pm on January 24, 2008, and appears to be due to a tree root growing through the pipe of the collection system. A sewage pump and haul contractor was called to remove the overflowing sewage and unclog the manhole and pipes. Lime was applied to the area and the blockage was removed. The second sanitary sewer overflow was discovered at a manhole near the Mansion at approximately 3:00pm on January 30, 2008. The overflow appeared to be the result of a blocked line. A pump and haul contractor was called immediately and the blockage was removed, overflow cleaned and lime applied to the area by 6:45pm the same day. No maps of the current collection system or other relevant information regarding the system could be produced to DEQ for review. In addition, on a site visit to inspect the collection system, DEQ staff discovered that the Facility's aerator again did not appear to be working properly. Due to this, additional compliance actions have been added to the Appendix to address this situation.

SECTION D: Agreement and Order

By virtue of the authority granted it in Va. Code §§ 62.1-44.15(8a) and (8d), the Board orders Hartland Institute, and Hartland Institute voluntarily agrees to perform the actions described in Appendix A of this Order. In addition, the Board orders Hartland Institute, and Hartland Institute voluntarily agrees, to pay a civil charge of $4,500.00 within 30 days of the effective date of the Order in settlement of the violations cited in 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
P.O. Box 1104
Richmond, VA 23218

The payment shall include the Federal Identification Number for Hartland Institute.

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend the Order with the consent of Hartland Institute, for good cause shown by Hartland Institute, or on its own motion after notice and opportunity to be heard.

2. This Order addresses and resolves only those violations specifically identified herein and listed above in Section C. 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 as may be authorized by law; or (3) taking

subsequent action to enforce the 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, Hartland Institute admits the jurisdictional allegations, factual findings, and conclusions of law contained herein.

4. Hartland Institute 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. Hartland Institute declares it has received fair and due process under the Administrative Process Act, Va. Code § 2.2-4000 *et seq.*, 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 enforce this Order.

6. Failure by Hartland Institute to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall act to waive or bar 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. Hartland Institute 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. Hartland Institute shall show that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. Hartland Institute shall notify the DEQ 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 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 within twenty-four (24) hours of learning of any condition above, which Hartland Institute 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. Any plans, reports, schedules, permits, or specification attached hereto or submitted by Hartland Institute 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.

11. This Order shall become effective upon execution by both the Director or his designee and Hartland Institute. Notwithstanding the foregoing, Hartland Institute agrees to be bound by any compliance date, which precedes the effective date of this Order.

12. This Order shall continue in effect until:

    a. Hartland Institute 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 Hartland Institute.

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

13. By its signature below, Hartland Institute voluntarily agrees to the issuance of this Order.

14. The undersigned representative of Hartland Institute 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 Hartland Institute to this document. Any documents submitted pursuant to this Order shall also be submitted by a responsible official of Hartland Institute.

And it is so ORDERED this day of July 29, 2008.

Thomas A. Faha

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

Hartland Institute voluntarily agrees to the issuance of this Order.

By: Colin D. Standish

Title: 4-16-08

Date: PRESIDENT

Commonwealth of Virginia
~~City~~/County of Madison

The foregoing document was signed and acknowledged before me this 16th day of April, 2008, by Colin D. Standish (name) who is President (title) of Hartland Institute, on behalf of Hartland Institute.

Nancy Carmouche
Notary Public

My commission expires: May 31st 2008

APPENDIX A
SCHEDULE OF COMPLIANCE

Hartland Institute agrees to:

1. Remove and inspect the lagoon curtain and either provide written/photographic proof to DEQ that it does not need to be replaced at this time or replace it with a new curtain by April 18, 2008.

2. Lock the valves to the old lagoon so that there is no possibility of discharge to that lagoon.

3. Upon completion of the collection system evaluation but no later than July 31, 2008, review the current O&M Manual and revise it so that it reflects the current system at Hartland.

4. Immediately evaluate the current Facility collection system including:

    a. Submitting to DEQ a current map of the existing collection system that includes all buildings, single family homes, trailers and any other structures connected to the system; number of homes not connected to the system; pump stations; manholes; clean outs; a breakdown of materials used in the collection system by linear feet; buried versus unburied pipes; and downspouts, sump pumps or drains from buildings that are tied into the collection system;
    b. Submitting to DEQ a plan for the implementation of a maintenance program for the system in order to prevent system failures or overflows;
    c. Submitting to DEQ the population of the Institute that includes the number of permanent residents at the facility and the number of day staff;
    d. Submitting to DEQ any future building plans and their capacities that are planned to be connected to the existing system;
    e. Providing copies of all VDH permits for past connections or any planned new connections.

    Hartland shall submit a report of the collection system evaluation to DEQ, for review and approval, by April 30, 2008. Hartland shall include within said report any recommendations for maintenance or system improvements that it believes are necessary to ensure that overflows or blockages of the system do not occur and a schedule for performance of said maintenance or improvements. If further analysis or evaluation is necessary, Hartland shall provide DEQ with a timeline for these actions by April 30, 2008. Upon review and approval by DEQ, Hartland shall implement said recommendations in accordance with the approved timelines.

5. Within 60 days of DEQ approval of the collection system evaluation, the collection system shall be evaluated by an independent engineer to assess the adequacy of the collection system for Hartland Institute. The independent engineer evaluation shall be submitted to DEQ for review.

6. Evaluate the current lagoon aeration system and ensure that it is sufficient to meet Permit effluent limits. The evaluation shall include inspecting the functioning of the aeration system and confirmation that the blowers and diffusers are of sufficient size, number and state of repair to ensure that the aeration system is capable of treating the volume and strength of the wastewater that it currently can be expected to receive. Submit a report to DEQ, for its review and approval, on the sufficiency of the current aeration system by July 31, 2008, including a plan for any upgrades or maintenance to the system necessary to ensure compliance with Permit requirements. If maintenance or restoration to the current system is necessary, this work shall be completed by July 31, 2008. If further upgrades are required for the system, Hartland shall submit the appropriate plans and specifications to DEQ within 60 days of approval of the upgrade plan.

7. Certify to DEQ by April 18, 2008, that safe and easy access has been provided to the Facility outfall so that wastewater samples can easily be taken when necessary. Hartland shall provide visual confirmation of safe access at the time that certification is provided.

8. Upon completion of the collection system evaluation and corrective action discussed in paragraphs 4 and 5 above, but no later than July 15, 2008, perform an influent BOD sample and submit the results to DEQ. This sample may be used for the annual influent BOD sample that is required in the permit.

9. Continue to sample two times per month for BOD, TSS and E. coli as was begun in November 2007. The two samples shall not be collected in the same week and must be taken in a full 7-day week. Hartland shall continue to sample two times per month for 6 months, or until May 1, 2008.

10. Keep onsite the following records at all times:
    a. A current O&M Manual
    b. Chain of custody forms
    c. Records of Facility operations and maintenance for the past 6 months (records for the past 3 years must be kept as well though not necessarily onsite)
    d. Certificates of analysis
    e. A copy of the Permit

11. Keep a log book on site at the Facility at all times to record observations of Facility conditions, sampling events, maintenance tasks performed and operational issues or problems and their resolutions.