COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY
Blue Ridge Regional Office
www.deq.virginia.gov

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STATE WATER CONTROL BOARD

ENFORCEMENT ACTION - ORDER BY CONSENT

ISSUED TO

TOWN OF KENBRIDGE
FOR
KENBRIDGE STP

VPDES PERMIT No. VA0026239

SECTION A: Purpose

This is a Consent Order issued under the authority of Va. Code § 62.1-44.15 (8a) and (8d) between the State Water Control Board and the Town of Kenbridge, 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 meanings 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" means the Blue Ridge Regional Office of DEQ, located in Lynchburg, Virginia.
3. Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia as described in Va. Code § 10.1-1183.
4. "Director" means the Director of the Department of Environmental Quality.
5. "DMR" means Discharge Monitoring Report.
6. "Facility" or "Plant" means the Kenbridge STP located at 177 Maple Street in Kenbridge, Virginia, which treats and discharges treated sewage and other municipal wastes, for the residents and businesses of the Town of Kenbridge.
7. "Kenbridge" or "Town" means the Town of Kenbridge, a political subdivision of the Commonwealth of Virginia. The Town of Kenbridge is a "person" within the meaning of Va. Code § 62.1-44.3.
8. "Notice of Violation" or "NOV" means a type of Notice of Violation under Va. Code § 62.1-44.15.
9. "O & M" means Operation and Maintenance.
10. "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.
11. "Permit" means VPDES Permit number VA0026239; which was issued under the State Water Control Law and the Regulation to the Town on June 11, 2007, and which expires on June 10, 2012.
12. "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.

13. "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.
14. "Regulation" means the VPDES Permit Regulation at 9 VAC 25-31-10 *et seq.*
15. "SEP" means Supplemental Environmental Project.
16. State Water Control Law" means Chapter 3.1 (§ 62.1-44.2 *et seq.*) of Title 62.1 of the Va. Code.
17. "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.
18. "STP" or "Kenbridge STP" means the Kenbridge Sewage Treatment Plant, located at 177 Maple Street in Kenbridge, Virginia, which treats sewage and other municipal wastes for the residents and businesses of Kenbridge.
19. "Va. Code" means the Code of Virginia (1950), as amended.
20. "VAC" means the Virginia Administrative Code.
21. "VPDES" means the Virginia Pollutant Discharge Elimination System.

22. "Warning Letter" or "WL" means a type of Notice of Violation under Va. Code § 62.1-44.15.

SECTION C: Findings of Fact and Conclusions of Law

1. The Town of Kenbridge owns and operates the Facility in Kenbridge, Virginia. The Permit allows the Town to discharge treated sewage and other municipal wastes from the Facility to Seay Creek, in strict compliance with the terms and conditions of the Permit.
2. Seay Creek is located in the Chowan & Dismal Swamp River Basin. Neither Seay Creek nor the Chowan River is listed as impaired in the 2008 Integrated Report (IR).
3. In submitting its DMRs, as required by the Permit, the Town has indicated that it has violated the discharge limitations and monitoring provisions of Part I A.1. and A.2., the discharge prohibition and reporting requirements of Parts II F. and G., and the operation and maintenance provisions of Part II Q. of the subject Permit, for the following compliance periods: iron Permit effluent limit violations - October, 2008; February, March, April, June, and July, 2009; January, February, March and April 2010; unpermitted discharge – October and November, 2009; March 2010 (2 events); and reporting deficiencies – October and November, 2009. In addition, operation and maintenance deficiencies were documented in an August 20, 2008 Facility inspection conducted by Department staff.
4. BRRO issued the following Notices of Violation for the Permit violations: NOV W2008-12-L-0005, NOV W2009-01-L-0001, NOV W2009-03-L-0014, NOV W2009-05-L-0003, NOV W2009-06-L-0009, NOV W2009-08-L-0006, NOV W2009-09-L-0003, NOV W2009-12-L-0003, NOV W2010-02-L-0001, NOV W2010-03-L-0008, NOV W2010-05-L-0005, and NOV W2010-06-L-0001.
5. The Town of Kenbridge was cited for not operating the facility in accordance with the Department-approved Operation and Maintenance (O & M) Manual during a facility inspection of the STP conducted by

Department staff on August 20, 2008. Specifically the process control pumps and the chlorine scales had not been repaired and/or replaced. The Town had previously scheduled replacement of the equipment during the STP upgrade, which had started on January 22, 2008.

6. The Town of Kenbridge was cited for iron Permit effluent violations beginning in October 2008, which continued intermittently into 2009 and 2010. The Town initiated an investigation in 2009 to determine the source of the elevated iron concentrations present in the raw sewage. Sampling was performed at three of the major pump stations in the service area to narrow the search area, as well as sampling the STP effluent applied to the grass terraces prior to discharge to determine if the effluent was leaching iron from the soil. A definitive source of the iron was not determined during the investigation.

7. Department staff conducted a reconnaissance inspection at the STP on July 10, 2009, to observe the operation of the new plant upgrade and discuss the iron violations and corrective measures taken. All treatment units were in operation and appeared to be well maintained. The plant operator stated that additional sampling was being performed at the Town's pump stations to help determine the source of the high iron concentrations.

8. The Town reported an unpermitted discharge to State waters on October 14, 2009, which occurred on October 12, 2009. The Town failed to report the discharge within 24-hours of discovery, as required in Part II. G. of the subject Permit. The event was attributed to a sewer line blockage, which was cleared and the discharge area limed.

9. An additional unpermitted discharge event caused by a collapsed sewer line was reported to the Department on November 7, 2009, by Mr. George Ogburn, a resident of the Town whose property borders the site of the discharge. The Town did not report the discharge within 24 hours of discovery or follow-up with a five-day letter as required by the terms of the subject Permit.

10. Department staff visited the site of the collapsed sewer line on November 13, 2009, to investigate the discharge reported by Mr. Ogburn. An open sinkhole was observed above one of the Town's sewer lines and visible traces of solids were on the ground, along with evidence of a flow path to the adjacent creek. Mr. Donnie Neblett, the Town Manager, responded to the discharge event by stating that the defective line would be repaired, and plans were in place to replace 4,000 linear feet of sewer line within the service area.

11. On February 24, 2010, Mr. Ogburn reported that the sinkhole was still open and discharging sewage to the creek. Department staff made a site visit that same day and confirmed Mr. Ogburn's report. The Town Manager cited wet weather during the winter that hampered repair efforts. The collapsed sewer line has since been repaired and the sinkhole eliminated.

12. The Town was also cited in February 2010 for failure to submit semi-annual ammonia monitoring data as required by the terms of the subject Permit. The STP operator attributed the oversight to a missed sampling event.

13. Mr. Ogburn reported an unpermitted discharge to State waters on March 29, 2010, from a manhole in the vicinity of the Chappell Street pump station. The Town reported the discharge via facsimile on the same day it occurred, which satisfied all notification requirements of the Permit. The Town attributed the discharge to a blockage in the sewer line, which was cleared and the area limed.

14. The Town reported an unpermitted discharge to State waters on March 29-30, 2010, caused by a total failure of the Chappell Street pump station. The Town hired a contractor to pump and haul sewage to the STP until a backup pump could be brought in from Richmond. The Town has since purchased and is currently utilizing a diesel-powered portable sewage pump to operate the pump station.

15. The Town's operating logs indicate that it discharged treated wastewater from the STP from October 1, 2008 through April 30, 2010.

16. Va. Code § 62.1-44.5 states that: "Except 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."

17. The Regulation, at 9 VAC 25-31-50, also states that except in compliance with a VPDES Permit, or another Permit issued by the Board, it is unlawful to discharge into state waters sewage, industrial wastes or other wastes.

18. Va. Code § 62.1-44.15(5a) states that a VPDES Permit is a "certificate" under the statue.

19. The Department has issued no permits or certificates to the Town other than VPDES Permit No. VA0026239.

20. Seay Creek and the Chowan River are surface waters located wholly within the Commonwealth and are "state waters" under State Water Control Law.

21. Based on the results of the DMRs submitted for the Kenbridge STP, a file review, and the Facility inspection conducted on August 20, 2008, the Board concludes that the Town of Kenbridge has violated VPDES Permit No. VA0026239, Va. Code § 62.1-44.5, and 9 VAC 25-31-50 by discharging treated sewage from the Kenbridge STP, as well as untreated sewage from the sanitary sewer collection system, while concurrently failing to comply with the conditions of the Permit, as summarized in paragraph C.3., above.

22. In order for the Town to return to compliance, Department staff and representatives of the Town have agreed to the Schedule of Compliance, which is incorporated as Appendix A of this Order, and the interim limits which are incorporated in Appendix B of this Order.

SECTION D: Agreement and Order

Accordingly, by virtue of the authority granted it in Va. Code § 62.1-44.15, and upon consideration of Va. Code § 10.1-1186.2, the Board orders the Town of Kenbridge, and the Town agrees:

1. To perform the actions described in Appendix A and B of this Order; and
2. To a civil charge of $39,000.00 in settlement of the violations cited in this Order, to be paid as follows:

a. The Town of Kenbridge shall pay $9,750.00 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," and delivered to:

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

The Town of Kenbridge shall include its Federal Employer Identification Number (FEIN) 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 (VEERF).

b. The Town of Kenbridge shall satisfy $29,250.00 of the civil charge by satisfactorily completing the Supplemental Environmental Project (SEP) described in Appendix C of this Order.

c. The net project costs of the SEP to the Town of Kenbridge shall not be less than the amount set forth in paragraph D.2.b. If it is, the Town of Kenbridge 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 SEP, including tax savings, grants, and first-year cost reductions and other efficiencies realized by virtue of project implementation. If the proposed SEP is for a project for which the Town of Kenbridge 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 Kenbridge certifies that it has not commenced performance of the SEP.

e. The Town of Kenbridge acknowledges that it is solely responsible for completing the SEP project. Any transfer of funds, tasks, or otherwise by the Town of Kenbridge to a third party, shall not relieve the Town of its responsibility to complete the SEP as described in this Order.

f. In the event it publicizes the SEP or the SEP results, the Town of Kenbridge 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 the Town; and

   ii. Determine whether the SEP, or alternate SEP, has been completed in a satisfactory manner.

h. Should the Department determine that the Town of Kenbridge has not completed the SEP, or alternate SEP, in a satisfactory manner, the Department shall so notify the Town in writing. Within 30 days of being notified, the Town shall pay the amount specified in paragraph D.2.b., above as provided in paragraph D.2.a., above.

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend the Order with the consent of the Town of Kenbridge for good cause shown by the Town, 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 STP; or (3) taking subsequent action to enforce the Order.

3. For purposes of this Order and subsequent actions with respect to this Order only, the Town of Kenbridge admits the jurisdictional allegations, findings of fact, and conclusions of law contained herein.
4. The Town of Kenbridge 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. The Town of Kenbridge 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 the Town of Kenbridge 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. The Town of Kenbridge 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 other such occurrence. The Town shall show that such circumstances were beyond its control and not due to a lack of good faith or diligence on its

part. The Town of Kenbridge 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 listed above, which the Town 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 the Town of Kenbridge. Nevertheless, the Town 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. The Town of Kenbridge 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 the Town.

Termination of this Order, or of any obligation imposed in this Order, shall not operate to relieve the Town of Kenbridge 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 the Town of Kenbridge and approved by the Department pursuant to this Order are incorporated into this Order. Any noncompliance with such approved documents shall be considered a violation of this Order.

13. The undersigned representative of the Town of Kenbridge 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 the Town to this document. Any documents to be submitted pursuant to this Order shall also be submitted by a responsible official of the Town.

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, the Town of Kenbridge voluntarily agrees to the issuance of this Order.

And it is so ORDERED this 9th day of December, 2010.

Robert J. Weld, Regional Director
Blue Ridge Regional Office
Department of Environmental Quality

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

Date October 19, 2010 By: Donnie Neblett, Town manager
Donnie Neblett
Town Manager
Town of Kenbridge

Commonwealth of Virginia
County of Lunenburg

The foregoing document was signed and acknowledged before me this 20th day

of October, 2010, by Donnie Neblett, who is Town

Manager of the Town of Kenbridge on behalf of the Town.

Lanna J. Thompson
Notary Public

7029586
Registration No.

My commission expires: 10/31/14.

Notary Seal:

LANNA J. THOMPSON
NOTARY PUBLIC
REG. #7029586
MY COMMISSION EXPIRES 10/31/14
COMMONWEALTH OF VIRGINIA

APPENDIX A

SCHEDULE OF COMPLIANCE

The Town of Kenbridge has asserted that its iron compliance problems are related to ductile iron piping currently used in the Town's sanitary sewer collection system. The Town proposes to slip-line or replace the deteriorated sections of line with PVC piping as part of a comprehensive I & I rehabilitation project that will address overflows and pump failures within the Town's sanitary sewer collection system. Therefore the Town shall:

1. Submit to the Department no later than **March 31, 2011**, for review and approval, a detailed Sanitary Sewer Rehabilitation Corrective Action Plan (SSRCAP) outlining the design and construction of the proposed sanitary sewer collection system rehabilitation and replacement project as contained in the Preliminary Engineering Report (PER) prepared by Maxey-Hines & Associates, P.C., dated January 26, 2010. Said plan and schedule shall prioritize the evaluation and slip-lining or replacement of ductile iron piping within the Town's sanitary sewer collection system.

2. Upon approval by the Department, the SSRCAP shall be considered an integral and enforceable part of this Order.

3. The Town of Kenbridge shall secure adequate funding to carry out all planning, engineering, and construction activities outlined the SSRCAP no later than **April 1, 2012.**

4. The Town of Kenbridge shall prepare bid documents associated with the planning, engineering, and construction activities outlined in the SSRCAP; publish Request for Proposals (RFPs), conduct bid reviews, and award the selected bid and issue a Notice to Proceed with construction on or before **October 3, 2012.**

5. The Town of Kenbridge shall submit to the Department semi-annual Progress Reports as to the status of the SSRCAP on or before **January 10th** and **July 10th, 2011; January 10th** and **July 10th, 2012; January 10th** and **July 10th, 2013**, and **January 10th** and **July 10th, 2014** for the proceeding six-month period.

6. The Town of Kenbridge shall complete corrective action in accordance with the SSRCAP approved by the Department as expeditiously as possible, but in no case later than **December 31, 2014**.

7. Submit all reports and correspondence required by this Order to:

G. Marvin Booth, III
Regional Enforcement Representative
Department of Environmental Quality
7705 Timberlake Rd.
Lynchburg, VA 24502

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APPENDIX B

INTERIM EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

From the effective date of this Order until completion of the corrective action requirements contained in Appendix A, but in no event later than **December 31, 2014**, the Town of Kenbridge shall monitor and limit the discharge from Outfall No. 001 of the Kenbridge STP in accordance with VPDES Permit Number VA0026239 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 Regulation.

Parameter Description	**Parameter Limits**					**Monitoring Requirements**	
	Quantity Average	**Quantity Maximum**	**Concentration Minimum**	**Concentration Average**	**Concentration Maximum**	**Sample Frequency**	**Sample Type**
Iron, Total Recoverable	NA	NA	NA	NA	602 µg/l	1/M	Grab

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APPENDIX C

SUPPLEMENTAL ENVIRONMENTAL PROJECT

In accordance with Va. Code § 10.1-1186.2, the Town of Kenbridge shall perform the Supplemental Environmental Project (SEP) identified below in the manner specified in this Appendix.

1. The SEP to be performed by the Town of Kenbridge is the design and implementation of a Capacity, Management, Operation and Maintenance (CMOM) Plan that identifies ongoing specific activities that the Town will undertake to responsibly and effectively manage, operate, and maintain the Town of Kenbridge sanitary sewer system.

2. The Town of Kenbridge shall secure the services of a Professional Engineer (P.E.) licensed by the Commonwealth of Virginia to develop a CMOM Plan for the Town. The CMOM Plan shall include a certification statement and bear the Engineer's seal and signature with the submission.

3. The Town of Kenbridge shall submit to the Department no later than **September 30, 2011**, for review and approval, a CMOM Plan that, at a minimum, identifies and describes the following:

A. Major goals of the Town's CMOM Plan;

B. Administrative and maintenance positions responsible for implementing the activities in the CMOM Plan, including lines of authority by organizational chart;

C. Resources allocated to each of the various CMOM Plan elements (i.e., O & M budget, number of positions/full-time equivalents (FTEs), equipment where appropriate, etc.);

D. The Town's legal authority and plans to control infiltration and connections from inflow sources within the Town's collection system, as well as ordinances addressing source control (e.g., Oil and Grease);

E. Preventative and corrective maintenance programs for the Town's pumping stations, gravity mains, manholes and force mains and associated air release valves and pressure control valves, including identification of critical replacement parts;

F. Training programs to ensure that all Town personnel are qualified to perform their duties;

G. The Town's engineering design criteria for construction of new facilities;

H. Annual audits and performance evaluations of the Town's CMOM Plan to evaluate any changes and/or deficiencies in the CMOM Plan and steps to respond to them. The performance evaluations shall be submitted to the Department and shall contain the following quantitative performance measures of inspection and maintenance activities:

(i) Linear feet of gravity sewer cleaned;
(ii) Linear feet of gravity sewer line inspected, repaired, or replaced;
(iii) Pumping station equipment inspection, repair and replacement.

4. The Town of Kenbridge shall promptly respond to any comments made by the Department concerning the sufficiency of the CMOM Plan and shall correct any Plan deficiencies noted by the Department expeditiously and shall submit a final approvable CMOM Plan to the Department by **November 30, 2011.**

5. The Town of Kenbridge shall implement the CMOM Program immediately upon approval by the Department, but in no case later than **December 31, 2011** and shall continue to implement the CMOM Program for no less than two years.

6. The Town of Kenbridge shall submit progress reports on the SEP on a semi-annual basis, due on **January 10th** and **July 10th, 2012**; and **January 10th** and **July 10th, 2013; and January 10th, 2014** for the proceeding six-month period.

7. The Town of Kenbridge shall submit a written final report on the SEP, verifying that the SEP has been completed in accordance with the terms of this Order, and certified either by a Certified Public Accountant or by the Town's Mayor or the Town Council. The Town of Kenbridge shall submit the final report and certification to the Department within 30 days of completion of the SEP.

8. If the SEP has not or cannot be completed as described in the Order, the Town of Kenbridge shall notify the Department in writing no later than **December 31, 2013**. Such notification shall include:

A. An alternate SEP proposal, or

B. Payment of the amount specified in Paragraph D.2. of the Order.

9. The Town of Kenbridge hereby consents to reasonable access by the Department or its staff to property or documents under the Town's control, for verifying progress or completion of the SEP.

10. The Town of Kenbridge shall submit to the Department written verification of the final overall and net project cost of the SEP in the form of a certified statement itemizing costs, invoices, and proof of payment within **30 days** of the SEP completion date. 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 statement is accompanied by a CPA certification or certification from the Town's Mayor or its Council concerning the projected tax savings, grants or first-year operation cost reduction or other efficiencies.

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