COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY
NORTHERN REGIONAL OFFICE
13901 Crown Court, Woodbridge, Virginia 22193
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Douglas W. Domenech
Secretary of Natural Resources

David K. Paylor
Director

STATE WATER CONTROL BOARD
ENFORCEMENT ACTION
AMENDMENT TO ORDER BY CONSENT
ISSUED TO
THE MADEIRA SCHOOL, INCORPORATED
FOR
THE MADEIRA SCHOOL WASTE WATER TREATMENT PLANT
VPDES Permit No. VA0024121

SECTION A: Purpose

This is an Amendment of an Order by Consent (Amendment) issued under the authority of Va. Code § 62.1-44.15, between the State Water Control Board and The Madeira School, Incorporated regarding The Madeira School Waste Water Treatment Plant, for the purpose of revising certain provisions of the Order by Consent (Order) issued by the Board to The Madeira School, Incorporated on March 17, 2006 for the purpose of resolving certain violations of the Order, the State Water Control Law and the applicable permit and regulation.

SECTION B: Basis for Amendment

1. The Madeira School, Incorporated (Madeira) owns The Madeira School Waste Water Treatment Plant (Plant) in Fairfax County, Virginia. The Plant is operated by Environmental Systems Service, Limited (ESS). The Permit, which was issued on November 10, 2008 and expires on November 9, 2013, authorizes Madeira to discharge treated sewage from the Plant, to an unnamed tributary to Difficult Run, located within the Potomac River Basin, in strict compliance with the terms and conditions of the Permit.

2. On March 17, 2006, Madeira and DEQ entered into a Special Order by Consent (Order) to resolve permit limit violations for Biochemical Oxygen Demand (BOD_5), Total Suspended Solids (TSS), Ammonia as N, Total Residual Chlorine and an unreported value for dissolved copper.

3. The Order required Madeira to implement some short-term upgrades/fixes as it evaluated whether to connect to the Fairfax County sanitary sewer system or construct a new treatment plant. In accordance with the Order, Madeira determined that the construction of a new plant would be the best course of action. The Order detailed a schedule of compliance and set forth a timeline to complete the construction of the new treatment plant and to achieve compliance with Permit effluent limits. In accordance with the Order, Madeira completed construction of the new 0.0395 Million Gallons Per Day (MGD) plant (Plant) in May 2010 and applied for a Certificate to Operate (CTO) on May 24, 2010.

4. On June 9, 2010, DEQ issued a CTO to Madeira to operate the new plant

5. In submitting its DMR for the June 2010 monitoring period, Madeira indicated it exceeded discharge limits contained in Part I, Page 1, Section A, Number 1 of the Permit, for Dissolved Oxygen (DO).

6. In submitting its DMR for the July 2010 monitoring period, Madeira indicated that it exceeded discharge limits contained in Part I, Page 1, Section A, Number 1 of the Permit, for Total Recoverable Copper.

7. DEQ issued a NOV, dated September 9, 2010, for the reported permit limit exceedances during the June and July 2010 monitoring periods.

8. In submitting its DMR for the August 2010 monitoring period, Madeira indicated that it exceeded discharge limits contained in Part I, Page 1, Section A, Number 1 of the Permit, for Total Recoverable Copper.

9. DEQ issued a NOV, dated October 15, 2010, for the reported August 2010 permit limit exceedances and the unauthorized discharge of 2,300 gallons of partially treated wastewater without Ultraviolet (UV) treatment into state waters during the August 2010 monitoring period.

10. On March 8, 2011, Madeira submitted the January 2011 DMR late. The DMR was due to DEQ on February 10, 2011.

11. In submitting its DMR for the April 2011 monitoring period, Madeira indicated that it exceeded discharge limitations contained in Part I, Page Number 1 of the Permit, for Total Recoverable Copper.

12. In submitting its DMR for the May 2011 monitoring period, Madeira indicated that it exceeded discharge limitations contained in Part I, Page Number 1 of the Permit, for Total Recoverable Copper.

13. DEQ issued a NOV, dated July 11, 2011, for the late reporting of the January 2011 DMR and for the reported permit limit exceedances during the April and May 2011 monitoring periods.

14. Va. Code § 62.1-44.5 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."

15. 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.

16. Va. Code § 62.1-44.15(5a) states that a VPDES permit is a "certificate" under the statute.

17. The unnamed tributary to Difficult Run is a surface water located wholly within the Commonwealth and is a "state water" under the State Water Control Law.

18. Based on the DMRs and accompanying explanatory letters, the Board concludes that Madeira has violated the Permit and Va. Code § 62.1-44.5 and 9 VAC 25-31-50, by discharging treated sewage from the Plant while concurrently failing to comply with the conditions of the Permit, as described in paragraph C(6) through C(11) above and that Madeira has violated the Order by failing to comply with Permit effluent limitations after construction of the Facility.

19. Based on the information available to DEQ to date, Madeira is otherwise in compliance with the Order and is current with all monitoring and reporting requirements.

20. In order for Madeira to complete its return to compliance, DEQ staff and representatives of Madeira have agreed to the Schedule of Compliance, which is incorporated as Appendix A of this Amendment.

SECTION C: Agreement and Order

Accordingly, by virtue of the authority granted it in Va. Code §§ 62.1-44.15, the Board orders The Madeira School Incorporated, and The Madeira School Incorporated agrees to:

1. Perform the actions described in Appendices A and B of this Amendment, which supersede and cancel only paragraphs 12 through 13 of Appendix A of the Order. Both the State Water Control Board and The Madeira School Incorporated understand and agree that this Amendment does not alter, modify or amend any other provision of the Order and that the unmodified provisions of the Order remain in effect by their own terms; and

2. Pay a civil charge of $4,550.00 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," and delivered to:

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

The Madeira School Incorporated 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).

And it is so ORDERED this 14th day of December, 2011.

Thomas A. Faha

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

The Madeira School, Incorporated voluntarily agrees to the issuance of this Order.

Date: September 6, 2011 By: Braughn Taylor, CFO/Treasurer
(Person) (Title)
The Madeira School, Incorporated

Commonwealth of Virginia
City/County of Fairfax

The foregoing document was signed and acknowledged before me this 7th day of September, 2011, by Braughn Taylor who is CFO/Treasurer of The Madeira School, Incorporated on behalf of the Corporation.

Diane W. Young
Notary Public

124396
Registration No.

My commission expires: 01/31/2014

Notary seal:

DIANE W YOUNG
NOTARY PUBLIC
MY COMMISSION NUMBER 124396
COMMONWEALTH OF VIRGINIA

APPENDIX A
SCHEDULE OF COMPLIANCE

The Madeira School, Incorporated shall:

1. No later than October 31, 2011, submit a Water Effects Ratio (WER) Study Plan and Schedule to DEQ for review and approval.

2. Complete the WER Study in accordance with the approved schedule and in no event later than January 1, 2013. Any changes to the schedule shall be approved by DEQ in advance.

3. Within 60 days of the date of completion of the WER study submit the results to DEQ for review and approval. Any comments provided regarding the WER study submittal shall be addressed to DEQ in writing within 30 days of receipt of comments.

4. Concurrent with submittal of the WER study results, submit to DEQ a formal request to modify the VPDES permit to reflect the findings of the WER study. If the WER Study is not approved or if the study results do not support higher final effluent limits for total recoverable copper, Madeira School shall submit to DEQ for review and approval an alternative plan and schedule to comply with the conditions of the Permit. The plan and schedule shall be submitted within 60 days of written notification from DEQ.

5. Begin implementation of the plan and schedule referenced in paragraph 4 above, within 30 days of approval but no later than July 1, 2013.

6. Operate the WWTP in a workman-like manner in order to produce the best quality effluent of which the WWTP is capable during implementation of this schedule.

Correspondence required by this Order, shall be submitted to:

Department of Environmental Quality
Northern Regional Office
13901 Crown Court
Woodbridge, VA 22193
Attn: Enforcement

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, Madeira shall monitor and limit the discharge from Outfall No. 001 of the WWTP in accordance with VPDES Permit Number VA0024121, 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 Regulations.

Parameter Description	**Parameter Limits**					**Monitoring Requirements**	
	Quantity Average	**Quantity Maximum**	**Concentration Minimum**	**Concentration Average**	**Concentration Maximum**	**Sample Frequency**	**Sample Type**
Total Recoverable Copper	NL	NL	N/A	N/A	N/A	1/3M	Grab