



# 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

### A SPECIAL ORDER BY CONSENT

### ISSUED TO

### MINARCHI MOBILE HOME PARK, INC.

### FOR THE

### MINARCHI MOBILE HOME PARK WASTEWATER TREATMENT PLANT

(VPDES Permit No. VA0061409)

#### 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 Minarchi Mobile Home Park, Inc. for the purpose of resolving certain violations of environmental laws and regulations.

#### SECTION B: Definitions

Unless the context indicates otherwise, the following words and terms have the meaning 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. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia as described in Va. Code § 10.1-1183.
3. "Director" means the Director of the Department of Environmental Quality.
4. "MMHP" means Minarchi Mobile Home Park, Inc.

5. "NVRO" means the Northern Virginia Regional Office of DEQ, located in Woodbridge, Virginia.
6. "Order" means this document, also known as a Consent Special Order.
7. "Permit" means Virginia Pollutant Discharge Elimination System (VPDES) Permit No. VA0061409, which became effective December 22, 2000 and expired December 22, 2005.
8. "Va. Code" means the Code of Virginia (1950), as amended.
9. "WWTP" means the Minarchi Mobile Home Park Wastewater Treatment Plant located in Caroline County, Virginia. The WWTP serves a mobile home park (MHP) of approximately 56 homes, with a design flow of 0.025 MGD. The system design consists of primary treatment via comminutor for solids reduction/removal and secondary treatment via aeration basin with a secondary clarifier and sludge holding tank. Pursuant to the Permit, the WWTP discharges wastewater to an unnamed tributary of the Motto River, which is located in the York River Basin.

#### **SECTION C: Findings of Fact and Conclusions of Law**

1. MMHP owns and operates a wastewater treatment plant in Caroline County, Virginia. The WWTP is categorized as a minor municipal facility and discharges wastewater into an unnamed tributary of the Motto River in the York River Basin. The WWTP is subject to VPDES Permit No. VA0061409 which was issued on December 22, 2000 and expired on December 22, 2005.
2. The Board has evidence to indicate that Minarchi Mobile Home Park, Inc. violated Va. Code § 62.1-44.5, 9 VAC 25-31-50, 9 VAC 25-31-100, 9 VAC 25-650-50 and Parts II.C.1., II.D., and II.M. of the Permit. The violations are referenced in the following items, including Warning Letters ("WLs") and Notices of Violation ("NOVs"):
  - The failure to provide financial assurance as required by Va. Code § 62.1-44.18:3.A. and 9 VAC 25-650-50 et seq.
  - WL No. W2005-11-N-1003, dated November 10, 2005, citing a violation of the Permit; the late submittal of the April 2005 DMR due by May 10, 2005 and received on May 27, 2005.
  - NOV No. W2005-11-N-0010, dated November 17, 2005, citing violations of the Permit including: failure to reapply for a new Permit, due June 24, 2005, and the failure to provide information originally requested by DEQ on September 27, 2005, including chain of custody & certificate of analysis, certification and maintenance logs, and temperature monitoring data.

- NOV No. W2005-12-N-0002, dated December 12, 2005, citing a violation of the Permit: failure to reapply for a new Permit, due June 24, 2005.
  - NOV No. W2006-01-N-0002, dated January 6, 2006, citing a violation of 9 VAC 25-31-100.D.: the late submittal of the application for a new Permit, due June 24, 2005, received on December 7, 2005.
  - NOV No. W2006-03-N-0004, dated March 9, 2006, citing violations of 9 VAC 25-650-50 and 9 VAC 25-31-50.A.1 including: the incomplete submittal of the application for a new Permit (lack of financial assurance documents) and the discharge of effluent to state waters without a Permit as of December 23, 2005.
  - NOV No. W2006-03-N-0011, dated April 5, 2006, citing violations of 9 VAC 25-650-50 and 9 VAC 25-31-50.A.1 including: the incomplete submittal of the application for a new Permit (lack of financial assurance documents) and the discharge of effluent to state waters without a Permit as of December 23, 2005.
  - NOV No. W2006-05-N-0001, dated May 10, 2006, citing violations of 9 VAC 25-650-50 and 9 VAC 25-31-50.A.1 including: the incomplete submittal of the application for a new Permit (lack of financial assurance documents) and the discharge of effluent to state waters without a Permit as of December 23, 2005.
  - NOV No. W2006-06-N-0001, dated June 7, 2006, citing violations of 9 VAC 25-650-50 and 9 VAC 25-31-50.A.1 including: the incomplete submittal of the application for a new Permit (lack of financial assurance documents) and the discharge of effluent to state waters without a Permit as of December 23, 2005.
3. Between December 2001 and March 2005, the WWTP had sporadic difficulties meeting total suspended solids and ammonia effluent limits. The matters producing these exceedences were each resolved informally, with MMHP making minor improvements as needed.
  4. The Permit expired on December 22, 2005. The Permit and 9 VAC 25-625-100 required MMHP to reapply for a new Permit within 180 days of the expiration date of the existing Permit, or by June 24, 2005.
  5. On May 26, 2006, DEQ received a proposed closure plan from MMHP.
  6. On August 28, 2006, DEQ NVRO received a copy of the required Letter of Credit as proposed financial assurance, which MMHP has mailed via certified mail to the DEQ Office of Financial Assurance. In addition, MMHP submitted the August 2005 and June 2006 chain of custody & certificate of analysis, certification and maintenance logs, and temperature monitoring data.

#### **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 Minarchi Mobile Home Park, Inc., and Minarchi Mobile Home Park, Inc. voluntarily agrees, to pay a civil charge of \$7,000 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  
Post Office Box 10150  
Richmond, Virginia 23240

The payment shall include Minarchi Mobile Home Park, Inc.'s Federal ID number.

#### **SECTION E: Administrative Provisions**

1. The Board may modify, rewrite, or amend the Order with the consent of Minarchi Mobile Home Park, Inc., for good cause shown by Minarchi Mobile Home Park, Inc., or on its own motion after notice and opportunity to be heard.
2. This Order addresses and resolves only those violations specifically identified herein. This Order shall not preclude the Board or the Director from taking any action authorized by law, including but not limited to: (1) taking action regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the facility; or (3) taking subsequent action to enforce this Order. This Order shall not preclude appropriate enforcement actions by other federal, state, or local regulatory authorities, whether or not arising out of the same or similar facts, for matters not addressed herein.
3. For purposes of this Order and subsequent actions with respect to this Order, Minarchi Mobile Home Park, Inc. admits the jurisdictional allegations, factual findings, and conclusions of law contained herein.
4. Minarchi Mobile Home Park, Inc. 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. Minarchi Mobile Home Park, Inc. 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 modify, rewrite, amend, or enforce this Order.

6. Failure by Minarchi Mobile Home Park, Inc. 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.
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. Minarchi Mobile Home Park, Inc. 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 circumstance. Minarchi Mobile Home Park, Inc. must show that such circumstances resulting in noncompliance were beyond its control and not due to a lack of good faith or diligence on its part. Minarchi Mobile Home Park, Inc. 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 this 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 Director of the Regional Office in writing within 24 hours of learning of any condition above, which Minarchi Mobile Home Park, Inc. intends to assert will result in the impossibility of compliance, shall constitute a waiver of any claim of 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 or specifications attached hereto or submitted by Minarchi Mobile Home Park, Inc. 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 Minarchi Mobile Home Park, Inc. Notwithstanding the foregoing,

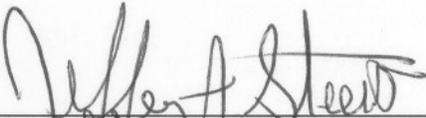
Minarchi Mobile Home Park, Inc. agrees to be bound by any compliance date which precedes the effective date of this Order.

12. This Order shall continue in effect until:
- a. Minarchi Mobile Home Park, Inc. 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 Minarchi Mobile Home Park, Inc.

Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve Minarchi Mobile Home Park, Inc. 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, Minarchi Mobile Home Park, Inc. voluntarily agrees to the issuance of this Order.
14. The undersigned representative of Minarchi Mobile Home Park, Inc. 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 Minarchi Mobile Home Park, Inc. to this document. Any documents to be submitted pursuant to this Order shall also be submitted by a responsible official of Minarchi Mobile Home Park, Inc.

And it is so ORDERED this 18<sup>th</sup> day of December, 2006.

  
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Jeffery A. Steers, NVRO Regional Director  
Department of Environmental Quality

Minarchi Mobile Home Park, Inc. voluntarily agrees to the issuance of this Order.

By: Glen Minarchi

Title: Pres. MMH P

Date: 8.28.06

Commonwealth of Virginia

City/County of Prince William

The foregoing document was signed and acknowledged before me this 28 day of

August, 2006, by GLEN MINARCHI, who is  
Glen Minarchi

PRESIDENT of Minarchi Mobile Home Park, Inc.  
(title)

Roger L. Stillner  
Notary Public

My commission expires: Aug 31, 2010

