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
SPECIAL ORDER BY CONSENT
ISSUED TO
GURCHARAN LAIL
FOR
ONE STOP TRAILER PARK

(VPDES PERMIT NO. VA0074934)

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 Gurcharan Lail regarding the One Stop Trailer Park 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. "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. "Order" means this document, also known as a Consent Special Order.

6. "One Stop" means One Stop Trailer Park located at 14425 James Monroe Highway, in Leesburg Virginia which is located in Loudoun County.

7. "STP" means the One Stop Trailer Park Sewage Treatment Plant located in Loudoun County, Virginia.

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

9. "Permit" means Virginia Pollutant Discharge Elimination Permit System (VPDES) Permit No. VA0074934.

10. "BOD_5" means Biochemical Oxygen Demand.

11. "TSS" means Total Suspended Solids.

12. "DO" means Dissolved Oxygen

13. "NOV" means Notice of Violation.

14. "WL" means Warning Letter.

SECTION C: Findings of Fact and Conclusions of Law

1. Gurcharan Lail owns One Stop Trailer Park located in Loudoun County, Virginia. The STP serves the Trailer Park and associated gas station store and kitchen. This facility is the subject of VPDES Permit No. VA0074934, which authorizes One Stop to discharge to Clarks Run. The STP's final effluent flows through an underground pipe from the STP several hundred yards north of the plant and discharges to Clarks Run.

2. One Stop Trailer Park has experienced violations of regulatory requirements including violations for exceeding permit effluent limitations as determined from samples taken by DEQ staff while inspecting the facility in April and September of 2007. These violations are referenced in the following WLs and NOVs sent by DEQ to Gurcharn Lail :

   - WL No. W2007-05-N-1012 citing late submittal of the March 2007 DMR

   - WL No. W2007-05-N-1020 citing exceedances of the monthly and weekly concentration average maximum for BOD_5 as reported on the March 2007 DMR, exceedances of the monthly and weekly concentration average maximum for BOD_5 as determined from samples taken on the April 2007 inspection, exceedances of the monthly concentration average limit for TSS as reported in the March 2007 DMR, and exceedances of the monthly concentration average limit for TSS as determined from samples taken during the April 2007 inspection.

   - WL No. W2007-07-N-1015 citing exceedances of the monthly and weekly concentration average maximum limit for BOD_5 as reported on the May 2007 DMR, late submittal of the May 2007 DMR and failure to submit a

letter of explanation for the BOD_5 exceedance on the May 2007 DMR, late submittal of permit renewal application, exceedances of the monthly concentration average limit for BOD_5 as reported in the March 2007 DMR, the weekly concentration average limit for TSS as reported in the March 2007 DMR, and the minimum limit for DO as noted during the April 19, 2007 inspection.

- NOV No. W2007-08-N-0005 citing late submittal of the permit renewal application.

- NOV No. W2007-09-N-0008 citing late submittal of the permit renewal application.

- NOV No. W2007-09-N-0013 citing failure to meet the minimum DO concentration, exceedances of the average and maximum concentration for ammonia, the average and maximum concentration for BOD_5, and the average concentration for TSS during the month of September 2007 and violation of Section H of the Permit as evidenced by an unusual and unauthorized discharge witnessed by DEQ staff during the September 6, 2007 inspection.

- NOV Nos. W2008-06-N-0004, W2008-07-N-0008, W2008-08-N-0004, W2008-09-N-0002, W2008-10-N-0003, W2008-11-N-0003, W2008-12-N-0005, W2009-01-N-0007, W2009-02-N-0006, W2009-03-N-0001, W2009-04-N-0007, W2009-05-N-0008 citing that an updated copy of the Operations and Maintenance Manual for the Facility was due to DEQ by April 1, 2008, and not received by DEQ. DEQ received notice on March 24, 2009 from the facility's consultant, that the facility owner had signed a contract with the consultant to complete the O&M. The O&M was received by DEQ on June 22, 2009.

- NOV No. W2008-08-N-0006 citing violation of Part II Section D of the Facility's Permit for failure to furnish to the Department within a reasonable time requested information regarding laboratory documentation, and a written progress report addressing items addressed in the technical summary of the June 24, 2008 DEQ inspection report. The former was due to DEQ by July 10, 2008, and the latter by July 25, 2008. This information was received by DEQ in December, 2008.

- NOV Nos. W2008 -09-N-0002, W2008-N-0003, W2008-11-N-0003, and W2008-12-N-2005, citing failure to submit Discharge Monitoring Reports for June 2008, July 2008, August 2008, September 2008, and October 2008. The June, July, August, and September 2008 Discharge Monitoring Reports were received by DEQ on December 12, 2008, and the October 2008 Discharge Monitoring Report was received by DEQ on December 15, 2008.

- NOV No. W2009-01-N-0007, citing the facility's failure to monitor for Influent BOD_5, Influent TSS, Influent Oil and Grease, Effluent Oil and

Grease, and Ammonia as Nitrogen (June - November) for the October 2008 monitoring period, and the facility's failure to report the result for the monthly concentration average and weekly concentration average maximum for Ammonia as Nitrogen for the November 2008 monitoring period.

- NOV Nos. W2009-03-N-0001, W2009-04-N-0007, and W2009-05-N-0008, citing failure to submit Discharge Monitoring Reports for January 2009, February 2009, March 2009, and April 2009. The January 2009 Discharge Monitoring Report was received by DEQ on February 18, 2009. The March 2009 Discharge Monitoring Report was received by DEQ on May 20, 2009. The February and March 2009 Discharge Monitoring Reports were received by DEQ on May 20, 2009.

- NOV Nos. W2008-11-N-0003, W2008-12-N-0005, W2009-01-N-0007, W2009-02-N-0006, W2009-03-N-0001, and W2009-04-N-0007 citing failure to submit required financial responsibility information to DEQ by September 16, 2008. Complete financial responsibility information was received by DEQ on March 11, 2009.

- NOV No. W2009-02-N-0010 citing violation of VPDES Permit No. VA0074934 Part II, Page 7, Section W for denial of entry for failing to allow DEQ to inspect the facility at reasonable times.

- NOV No. W2009-05-N-0012 citing violation for the minimum limit of DO as a result of analysis conducted by a DEQ inspector on May 13, 2009, violation of Part I, Page 4, Section C, of the facility's permit for Operating without a licensed operator from April 30, 2009 to May 16, 2009, and violation of Part II, Page 6, Section Q 1 of the facility's permit for failing to properly operate and maintain the plant as evidenced by septic conditions noted at the plant by a DEQ inspector on May 13, 2009.

4. DEQ staff conducted an inspection of One Stop Trailer Park STP on September 6, 2007 and collected samples of the effluent. DEQ staff noted that the water in Clark's Run downstream from the discharge pipe was very cloudy and there was a strong sewage smell. DEQ staff informed a representative of One Stop Trailer Park, who subsequently called the operator. The operator drove out to the site and it was determined that the cause of the problem had been grease entering the plant and clogging the influent line to one side of the STP resulting in all the flow going to the other side of the STP. While DEQ staff was still onsite, the operator unclogged the influent line and remedied the problem. This incident resulted in a violation for an unusual discharge, as well as permit effluent violations for DO, TSS and BOD_5. Va. Code§ 62.1 -44.5, and 9 VAC 25-31-50 indicate that it is illegal to discharge, except in compliance with a required Permit.

SECTION D: Agreement and Order

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

1. Perform the actions described in Appendix A of this Order; and

2. Pay a civil charge of $29,419.00 in settlement of the violations cited in this Order. Payments shall be made on the following dates:

   1st Payment of $4,903.17 shall be paid on or before 30 days of the effective date of this Order.
   2nd Payment of $4,903.17 shall be paid on or before 60 days of the effective date of this Order.
   3rd Payment of $4,903.17 shall be paid on or before 90 days of the effective date of this Order.
   4th Payment of $4,903.17 shall be paid on or before 120 days of the effective date of this Order.
   5th Payment of $4,903.16 shall be paid on or before 150 days of the effective date of this Order.
   6th Payment of $4,903.16 shall be paid on or before 180 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 payment shall include Gurcharan Lail's name and 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).

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend this Order with the consent of Gurcharan Lail for good cause shown by Gurcharan Lail or on its own motion pursuant to the Administrative Process Act 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 facility; or (3) taking subsequent action to enforce the Order.

3. For purposes of this Order and subsequent actions with respect to this Order only, Gurcharan Lail admits the jurisdictional allegations, findings of fact, and conclusions of law contained herein.

4. Gurcharan Lail 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. Gurcharan Lail declares he 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 they waive their 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 Gurcharan Lail 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. Gurcharan Lail 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. Gurcharan Lail shall show that such circumstances were beyond his control and not due to a lack of good faith or diligence on his part. Gurcharan Lail 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 above, which Gurcharan 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 Gurcharan Lail. Nevertheless, Gurcharan Lail agree to be bound by any compliance date which precedes the effective date of this Order.

11. This Order shall continue in effect until:

    (a) Gurcharan Lail petition the Director or his designee to terminate the Order after they have 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 Gurcharan Lail.

    Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve Gurcharan Lail from his 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 Gurcharan Lail 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.

13. 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 the Order.

14. By its signature below, Gurcharan Lail voluntarily agrees to the issuance of this Order.

And it is so ORDERED this day of 14th December, 2009.

Thomas A. Faha

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

Mr. Gurcharan Lail voluntarily agrees to the issuance of this Order.

Date: 08/19/09 By: _____
(Gurcharan Lail)

Commonwealth of Virginia
City/County of Winchester

The foregoing document was signed and acknowledged before me this 19th day of August, 2009, by Gurcharan Lail.

Marguerite Lovelady
Notary Public

7010794
Registration No.

My commission expires: 1-31-2010

Notary seal:

MARGUERITE C. LOVELADY
NOTARY PUBLIC
REG. #7010794
MY COMMISSION EXPIRES 1-31-2010
COMMONWEALTH OF VIRGINIA

APPENDIX A

1. Inboden Environmental Services, Inc. submitted a professional engineering evaluation and a schedule for completion of all recommended repairs and upgrades at the STP, including repairs relating to safety and OSHA requirements to DEQ on behalf of Gurcharan Lail on July 17, 2009. Said schedule and recommendations shall become an enforceable part of this Order.

2. There shall be no discharge from the STP until completion of all items noted in the DEQ approved schedule. In order to prevent a discharge from the STP, Gurcharan Lail shall pump and haul One Stop's wastewater to an off-site sewage treatment plant. While the STP is on pump and haul, a DMR indicating that there is no discharge at the STP shall be submitted to DEQ by the 10th day of each month.

3. Prior to commencement of discharge from the STP, the upgrade design engineer, Inboden Environmental Services, Inc., shall submit to DEQ a statement that the upgrades at the STP have been made and competed in accordance with the engineering evaluation, and are sufficient to meet permit effluent limits.

4. Gurcharan Lail shall ensure that DEQ is able to inspect any day from 8am to 8pm, the facility, equipment (including monitoring and control equipment), practices, or operations regulated or required under VPDES Permit No. VA0074934.

5. Within 10 days of acquiring at least a Class IV licensed operator to operate the Plant, Gurcharan Lail shall provide proof of a signed contract to DEQ. Said licensed operator shall be contracted to begin operation of the STP no later than August 1, 2009. Gurcharan Lail shall ensure that the STP is operated by a licensed operator at all times during the life of this Order.

6. Gurcharan Lail shall submit a complete Operation and Maintenance (O&M) Manual that reflects the upgrades completed under the schedule referenced in paragraph one above, and any changes in practices and procedures at the STP necessitated by the upgrade to DEQ, for review and approval, within 90 days of completion of said upgrade.

7. Beginning upon commencement of discharge at the STP, and lasting for the following 6 consecutive months, the sampling frequency at the STP for the following parameters shall be increased to the following:

Parameter	Frequency
Effluent TSS	1/D (Daily)
Effluent BOD	1/W (Weekly)
NH3-N (January –December)	1/W (Weekly)
E. Coli (10am – 4pm)	1/W (Weekly)