



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Northern Virginia Regional Office
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Woodbridge, VA 22193-1453
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**STATE WATER CONTROL BOARD ENFORCEMENT ACTION
AMENDMENT TO
SPECIAL ORDER BY CONSENT
ISSUED TO
ROWE CONCRETE, L.L.C.
(KING GEORGE, STAFFORD, SPOTSYLVANIA)
(VAG110128, 110186, 110187)**

SECTION A: Purpose

This is an Amendment to 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 Rowe Concrete, L.L.C. ("Rowe Concrete") for the purpose of revising certain provisions of the Order issued by the State Water Control Board to Rowe Concrete regarding its King George County, Stafford County, and Spotsylvania County plants on July 5, 2005.

SECTION B: Basis for the Amendment

1. Rowe Concrete owns and operates three concrete plants in King George, Stafford, and Spotsylvania County. The Board issued a Consent Special Order to Rowe Concrete for all three plants on July 5, 2005 ("Order") that required the development and implementation of Operation and Maintenance (O&M) Manuals and Storm Water Pollution Prevention Plans (SWPP) for all three plants and the installation of a pH system at the King George plant. Rowe Concrete has complied with all the corrective actions in the Order.
2. Discharges of wastewater and stormwater at the Spotsylvania plant ("Facility") are covered under the General Permit for Ready-Mixed Concrete Plants and issued Registration No. VAG110187 ("Permit"). As for the Facility, the Order addressed and resolved, among other things, violations for failing to comply with pH Permit effluent limits and failing to comply with minimum freeboard requirements.

3. The Board has evidence to indicate that Rowe Concrete at the Facility has violated VPDES Permit Regulation 9 VAC 25-31-50.A and the Permit by: (1) failing to comply with Permit effluent limitations for pH; (2) failing to comply with Special Conditions in the Permit for managing solids in the discharge; (3) failing to comply with minimum freeboard requirements; (4) failing to submit an explanation letter for Permit violations; (5) failing to operate and maintain the pH treatment system; (6) failing to notify DEQ within 24 hours of a treatment bypass; and (7) failing to maintain training and inspections records. DEQ issued the following Warning Letter (WL) and Notices of Violation (NOVs) for the violations: WL No. W2005-10-N-1010 issued October 26, 2005; NOV No. W2006-01-N-0001 issued January 9, 2006; NOV No. W2006-03-N-0001 issued March 14, 2006; and NOV No. W2006-04-N-0002 issued April 13, 2006.
4. DEQ compliance staff inspected the Facility numerous times during 2004 and noted historic evidence of solids being transported off-site. During these inspections the discharge water was also usually found to be above Permit effluent limits for pH. In response to these violations and the enforcement action which resulted in the Order, Rowe Concrete installed a pH system at the Facility sometime during November 2004.
5. The wastewater treatment system installed at the Facility, which is installed at all three Rowe Concrete plants, consists of a sedimentation and pH treatment process. With respect to the sedimentation process, a tiered, three (3) basin system allows solids to settle out. After the third washout basin wastewater flows to a septic tank that is used for pH treatment.
6. The pH treatment process utilizes a non-hazardous chemical (sodium bisulfate) to regulate pH levels and automatic sensors that should allow for minimal employee participation. A pH probe is located in the treatment tank and when the pH rises above a pre-set limit a submersible pump is turned on that delivers the high pH water from the treatment tank to a 30-gallon mixing tank that houses the sodium bisulfate. Once the pH is lowered to within the preset range, the pump is automatically turned off and the tank is completely treated.
7. Although all three plants use the exact same treatment system, the Facility is the only one that continues to consistently violate its monthly pH limits.
8. On October 18, 2005, DEQ inspected the Facility and noted that the treatment system was not in operation but there was still effluent being discharged. DEQ staff measured the effluent and the pH exceeded the Permit limit. DEQ was not notified about the bypass of the treatment system within 24 hours as required by the Permit. Furthermore, DEQ staff completed a records check in the Facility office that revealed that the proper inspection records, operator logs, and training records were not being maintained.

9. On May 1, 2006, DEQ and Rowe Concrete representatives met to discuss these compliance issues and options to return to compliance. Rowe Concrete explained that the pH system has not functioned properly because of a series of recent activities at the Facility that have combined to overload the system with solids. Whether it is the concrete trucks turning up solids in the unpaved yard or the recent introduction of large polyester fibers in their product that are clogging the filters, Rowe Concrete asserts that solids from the operation of the Facility have infiltrated the pH treatment tank and resulted in extremely low and high pH readings.
10. At the meeting, Rowe Concrete proposed a series of corrective actions, such as paving the Facility yard, placing filters in each of the three settling basins, and periodically cleaning the filters before the pH treatment tank aimed at addressing the deficiencies with the treatment system. With further recommendations and input from DEQ staff, a corrective action plan was developed and incorporated into Appendix A.
11. Appendix A of this Amendment requires Rowe Concrete to: (1) submit a construction plan and schedule for paving a portion of the Facility; (2) submit an inventory sheet of spare parts for the treatment system and ensure that each set of filters for the treatment system has two back-ups onsite and that the filters in use are cleaned weekly; (3) submit an organizational/staff chart that details each employees role with respect to the pH system; (4) recycle wastewater within the treatment system and operate the plant in batch discharge mode until consistent compliance is achieved; (5) develop and maintain maintenance logs for pH meter calibrations and readings; (6) ensure all relevant staff are properly trained with respect to the pH system; and (7) increase monitoring frequency until consistent compliance is achieved.
12. Therefore, the State Water Control Board and Rowe Concrete agree that it is appropriate to amend the Order as described below.

SECTION C: Agreement and Order

Accordingly, the State Water Control Board, by virtue of the authority granted it in Va. Code § 62.1-44.15(8a) and (8d) and 10.1-1185, orders Rowe Concrete, and Rowe Concrete voluntarily agrees that:

1. Rowe Concrete shall perform the actions described in Appendix A of this Amended Order, which supersedes and cancels Appendix A of the Order. Both the State Water Control Board and Rowe Concrete understand and agree that this Amendment does not alter, modify, or amend any other provision of the Order and that unmodified provisions of the Order remain in effect by their own terms.
2. Rowe Concrete shall pay a civil charge of \$5,600 within 30 days of the effective date of this Amendment in the settlement of the violations cited in this

Amendment. Payment shall be made by check payable to the "Treasurer of Virginia", delivered to:

Receipts Control
Department of Environmental Quality
P.O. Box 10150
Richmond, VA 23240

Either on a transmittal letter or as a notation on the check, Rowe Concrete shall indicate that this payment is submitted pursuant to this Order and shall include the Federal Identification Number for Rowe Concrete.

And it is so ORDERED this day of September 11th, 2006.


Jeffery A. Steers, Regional Director
Northern Virginia Regional Office
Department of Environmental Quality

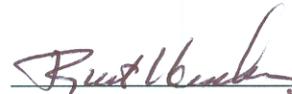
Rowe Concrete, L.L.C. voluntarily agrees to the issuance of this Order.

By: 
Kendall F. Rowe, Jr., President
Rowe Concrete, L.L.C.

Date: 6/29/06

Commonwealth of Virginia
City/County of Stafford

The foregoing document was signed and acknowledged before me this 21 day of June, 2006, by Kendall F. Rowe, Jr., President of Rowe Concrete, L.L.C., on behalf of Rowe Concrete, L.L.C.


Notary Public

My commission expires: My Commission Expires September 30, 2008

APPENDIX A SCHEDULE OF COMPLIANCE

Rowe Concrete, L.L.C. shall:

1. By no later than June 30, 2006, submit to DEQ for review and approval, a construction plan and schedule for covering a portion of the Facility yard with concrete. The portion indicated is defined by the driveway entry (North and West) to the wash rack (South) and to the back of the plant office (East).
2. By no later than June 30, 2006, submit to DEQ for review and approval, an inventory sheet that lists all critical parts, including filters for the tank inlet pipe, for operation of the pH system. Within thirty (30) days of approval, ensure that each set of filters for the treatment system has two (2) back-ups that are stored onsite and that the filters in use are cleaned weekly.
3. By no later than June 30, 2006, submit to DEQ an organizational/staff chart that details all of the Facility's positions, with a summary of job duties for each, that are involved in complying with the Permit.
4. By no later than June 30, 2006, operate the pH system in batch discharge mode until twelve (12) consecutive months occur without pH Permit limit violations.
5. By no later than June 30, 2006, submit to DEQ for review and approval, maintenance logs of daily pH calibration and pH readings. Once the logs are approved, maintain all logs onsite in the Facility office with a copy of the pH meter calibration and operation manual.
6. By no later than June 30, 2006, submit training records that document all Facility personnel having received appropriate training with respect to the Permit and Best Management Practices (BMPs) as required by SWPP. At a minimum, training for truck drivers shall include understanding of: (1) proper truck rinse procedures; (2) drum washing; (3) waste concrete handling; and (4) how improper actions and uncontrolled drainage affect the pH system. Furthermore, at a minimum, training for plant managers, batch plant operators, and plant yard staff shall include understanding of the: (1) pH system operation; (2) pH measurements; (3) outfall locations; and (4) the knowledge and understanding that truck drivers must possess listed herein.
7. By no later than June 1, 2006, increase monitoring frequency, contingent upon discharge, to once per week (1/W) for TSS and daily for flow and pH until twelve (12) consecutive months occur without pH Permit limit violations. Rowe Concrete shall also include the daily log sheets showing flow and pH monitoring data with the monthly Discharge Monitoring Report submission.