



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

TIDEWATER REGIONAL OFFICE

5636 Southern Boulevard, Virginia Beach, Virginia 23462

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Doug Domenech
Secretary of Natural Resources

David K. Paylor
Director

STATE WATER CONTROL BOARD ENFORCEMENT ACTION - ORDER BY CONSENT ISSUED TO S.E.A. Solutions Corporation Storm Water Registration No. VAR051837

SECTION A: Purpose

This is a Consent Order issued under the authority of Va. Code § 62.1-44.15 and § 62.1-44.34:20, between the State Water Control Board and S.E.A. Solutions Corporation for the purpose of resolving certain violations of the State Water Control Law and the applicable permit 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. "Containment and cleanup" means abatement, containment, removal and disposal of oil and, to the extent possible, the restoration of the environment to its existing state prior to an oil discharge. 9 VAC 25-91-10.
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, as described in Va. Code § 10.1-1185.
5. "Facility" means the S.E.A. Solutions Corporation Facility located at 5500 Bainbridge Boulevard in Chesapeake, Virginia, where waterborne vessels are dismantled for the purpose of recycling scrap metal. The Facility is leased from Davis Grain Corporation, Chesapeake, Virginia.

6. "Notice of Violation" or "NOV" means a type of Notice of Alleged Violation under Va. Code § 62.1-44.15.
7. "Oil" means oil of any kind and in any form, including, but not limited to, petroleum and petroleum by-products, fuel oil, lubricating oils, sludge, oil refuse, oil mixed with other wastes, crude oils and all other liquid hydrocarbons regardless of specific gravity. *See* Va. Code § 62.1-44.34:14.
8. "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.
9. "Permit" means VPDES General Permit No. VAR05 for Storm Water Discharges Associated with Industrial Activity, which was effective July 1, 2004, and expired June 30, 2009, and which was renewed effective July 1, 2009, and expires June 30, 2014. S.E.A. Solutions Corporation registered for and received coverage under the Permit to discharge storm water associated with industrial activity from the Facility as documented by Registration Number VAR051837 effective April 14, 2008. In its Registration Statement S.E.A. Solutions Corporation self-reported the nature of its business under Standard Industrial Code 4499 (Dismantling Ships, Marine Salvaging, and Marine Wrecking – Ships for Scrap).
10. "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.
11. "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.
12. "Registration statement" means a registration statement for storm water discharges under 9 VAC 25-151-60.

13. "Regulation" means the VPDES General Permit for Storm Water Discharges Associated with Industrial Activity, 9 VAC 25-151-10 *et seq.*
14. "Sector N" means Industry Sector N defined by the Regulation as that sector of industry engaged, in part, in dismantling ships for scrap.
15. "SEA Solutions" means S.E.A. Solutions Corporation, a corporation authorized to do business in Virginia and its affiliates, partners, subsidiaries, and parents. SEA Solutions is a "person" within the meaning of Va. Code § 62.1-44.3.
16. "State Water Control Law" means Chapter 3.1 (§ 62.1-44.2 *et seq.*) of Title 62.1 of the Va. Code. Article 11 (Va. Code §§ 62.1-44.34:14 through 62.1-44.34:23) of the State Water Control Law addresses Discharge of Oil into Waters.
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. "SWP3" means a storm water pollution prevention plan.
19. "305(b) report" means the report required by Section 305(b) of the Clean Water Act [33 United States Code § 1315(b)] and Va. Code § 62.1-44.19:5 for providing Congress and the public an accurate and comprehensive assessment of the quality of State surface waters.
20. "TRO" means the Tidewater Regional Office of DEQ, located in Virginia Beach, Virginia.
21. "USCG" means the United States Coast Guard.
22. "Va. Code" means the Code of Virginia (1950), as amended.
23. "VAC" means the Virginia Administrative Code.
24. "Vessel" includes every description of watercraft or other contrivance used as a means of transporting on water, whether self-propelled or otherwise, and shall include barges and tugs. 9 VAC 25-91-10.
25. "Warning Letter" or "WL" means a type of Notice of Alleged Violation under Va. Code § 62.1-44.15.
26. "Wetslip" means a sloping ramp extending out into the water to serve as a place for securing or repairing vessels.

SECTION C: Findings of Fact and Conclusions of Law

1. SEA Solutions operates the Facility in Chesapeake, Virginia. Storm water discharges from the Facility are subject to the Permit through Registration No. VAR051837. Storm water from the Facility discharges to the Southern Branch of the Elizabeth River (“Southern Branch”).
2. The Southern Branch is located in the James River Basin and is listed in DEQ’s 305(b) report as impaired for polychlorinated biphenyl (“PCB”) in fish tissue, estuarine bioassessments, and low dissolved oxygen (“DO”). The sources of the PCB and estuarine bioassessments impairments are believed to include contaminated sediments; industrial point source discharges are among the suspected sources of the DO impairment. The Southern Branch is a surface water located wholly within the Commonwealth and is a “state water” under State Water Control Law.
3. SEA Solutions is the subject of a Special Order by Consent with the State Water Control Board effective April 28, 2009 (“2009 Order”), which addresses SEA Solutions operating the Facility without Permit coverage. Among other things, the 2009 Order requires SEA Solutions to operate the Facility in accordance with the Permit.
4. Part I.A.1.b and Part IV.D (for Sector N) of the Permit require SEA Solutions to conduct benchmark monitoring of storm water discharges from the Facility’s two permitted storm water outfalls for the presence of eight pollutants of concern once during each benchmark monitoring period and record benchmark monitoring results on a DMR. Before July 1, 2009, DMRs were to be retained at the Facility with the Facility SWP3; thereafter they are also to be submitted to DEQ.
5. Part I.A.1.b of the Permit also provides that exceedance of a benchmark concentration value for a pollutant of concern included in the Permit does not constitute a violation of the Permit, but does trigger an obligation to take measures to control regulated pollutants that exceed benchmark values. Control measures may include, but are not limited to modifying the storm water controls outlined in the Facility SWP3.
6. DEQ staff had conducted a routine compliance inspection of the Facility on May 19, 2009, and noted deficiencies, which included, among other things, poor housekeeping of the material storage areas. These deficiencies were noted in a Warning Letter dated July 29, 2009.
7. SEA Solutions is required to develop and implement a Facility SWP3 according to requirements outlined in Part III and Part IV.C (for Sector N) of the Permit.
8. Va. Code § 62.1-44.34:18 and Part IV.C.5(b) (for Sector N) of the Permit prohibit the discharge of oil into or upon state waters, lands, or storm drain systems. SEA Solutions is subject to the prohibitions of the statute and Permit.

9. Va. Code § 62.1-44.34:18 and Part IV.C.5(c) (for Sector N) of the Permit require a person who discharges or causes a discharge of oil into or upon state waters to, immediately upon learning of such discharge, contain or clean up the discharge.
10. Va. Code § 62.1-44.34:19 requires the reporting of a discharge of oil that enters, or may reasonably be expected to enter, state waters, lands or storm drain systems within the Commonwealth immediately upon learning of the discharge.
11. Part II.F of the Permit states that: "Except in compliance with this permit, or another permit issued by the board, it shall be unlawful for any person to ... [d]ischarge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances."
12. The Department has not issued to SEA Solutions any permits other than coverage under the VPDES General Permit No. VAR05 through Registration No. VAR051837.
13. Oil is considered a pollutant under 9 VAC 25-31-10 because it may cause or contribute to pollution of State waters by altering the chemical properties of State waters in a manner as is likely to render such waters harmful or detrimental or injurious to the health of animals, fish, or aquatic life.
14. Part II.G of the Permit requires SEA Solutions to notify DEQ of an unauthorized discharge immediately upon discovery of the discharge and to provide DEQ a written report of an unauthorized discharge to state waters within five days of its discovery.
15. Part III of the Permit and Section 5.0 of the Facility SWP3 require SEA Solutions to remove all oil and contaminated water from vessels prior to dismantling.
16. Part IV.C.5(a) (for Sector N) of the Permit requires that fixed or floating platforms used as work surfaces be sized, constructed and managed to prevent pollutants from entering state waters.
17. Part IV.C.5(c) (for Sector N) of the Permit requires SEA Solutions, during the storage/breaking/scraping period, to deploy oil containment booms either around each vessel being dismantled or across the mouth of the Facility's wet slip to contain pollutants in the event of a spill.
18. On October 5, 2010, at approximately 10:00 AM, while conducting a compliance inspection at an adjacent facility DEQ staff observed an oil sheen in the Southern Branch between the shoreline and a vessel (*M/V Snow Bird*) that was being dismantled at the Facility. A short length of oil-absorbent boom was observed in the Southern Branch close to the shoreline. The boom appeared to be saturated with oil and the oil sheen extended beyond the boom nearly to the stern of *M/V Snow Bird*. A rising tide and the prevailing onshore wind appeared to prevent the oil sheen from extending beyond the vessel's stern. No other booms were observed. A SEA Solutions employee told DEQ staff that the oil sheen had been first noticed at 7:00 AM that morning at which time the short length of oil-absorbent boom was put in place. The employee stated further that the

site supervisor was at another SEA Solutions facility and was arranging to have additional oil containment and cleanup materials delivered to the Facility.

19. The Incident Report from the National Response Center (“NRC”) reflects that the SEA Solutions site supervisor contacted the NRC at 10:20 AM, October 5, 2010, to report that at 9:30 AM two gallons of diesel fuel had discharged from a vessel that was being “cut up” at the Facility. The Report states further that the site supervisor indicated that “booms and absorbents were applied and cleanup is underway.”
20. Investigators from the USCG and the City of Chesapeake Fire Department responded to the NRC report, arriving at approximately 10:30 AM and 10:50 AM, respectively. The SEA Solutions site supervisor arrived at approximately 11:00 AM with absorbent pads and an additional absorbent boom. The oil-spill-response contractor hired by SEA Solutions arrived shortly thereafter to begin containment and cleanup.
21. During the DEQ Facility inspection on October 5, 2010, and a subsequent review of DEQ files, DEQ staff documented the following statutory and Permit compliance deficiencies:
 - a. The unauthorized discharge of oil was not immediately reported to DEQ as required by Va. Code § 62.1-44.34:19 and Part II.G of the Permit. A SEA Solutions representative did not report the discharge to the NRC until approximately three hours after its discovery by SEA Solutions employees.
 - b. SEA Solutions did not provide DEQ a written report of the unauthorized discharge to state waters within five days of its discovery as required by Part II.G of the Permit. As noted in paragraph C(24) below, SEA Solutions did not submit a written report of the October 5, 2010, unauthorized discharge until November 9, 2010.
 - c. Oil had not been removed from two vessels located at the Facility – *M/V Snow Bird* and the tug *Maria Krause* – before dismantling activities were commenced as required by Part III of the Permit and Section 5.0 of the Facility SWP3.
 - d. The barges that were being used as work surfaces at the Facility were not being managed to prevent scrap materials and pollutants from entering state waters as required by Parts III and IV.C.5(a) (for Sector N) of the Permit. Specifically, the barges were covered with debris (mostly scraps of wood, metal and wire) and stormwater runoff patterns were visible in the debris. In addition, three large engines were staged on one of the barges. The access plates had been removed from the engines exposing to the environment apparent petroleum products visible in the engines’ crankcases.
 - e. Oil containment booms had not been deployed around the vessels being dismantled or across the Facility’s wet slip as required by Parts III and IV.C.5(c) (for Sector N) of the Permit.

- f. SEA Solutions did not immediately begin containment and cleanup of the discharged oil upon its discovery as required by Va. Code § 62.1-44.34:18 and Part IV.C.5(c) (for Sector N) of the Permit. SEA Solutions did not take steps to contain or clean up the discharge until approximately four hours after its discovery by SEA Solutions employees and after the arrival of DEQ staff.
22. On November 8, 2010, the Department issued Notice of Violation No. 2010-T-0921 to SEA Solutions for a discharge of oil to state waters and for the statutory and Permit deficiencies noted in paragraph C(21) above.
23. The USCG issued SEA Solutions an Administrative Order dated November 3, 2010, requiring SEA Solutions to, among other things, place hard booms around each vessel at the Facility (until the USCG deems each vessel free of oil and hazardous substances) and to submit to the USCG for review and approval an oil/hazardous substance removal plan ("removal plan"). The USCG estimated the amount of oil discharged at the Facility on October 5, 2010, to be about 4,000 gallons.
24. SEA Solutions submitted its "five-day" letter on November 9, 2010, summarizing the events of October 5, 2010, and acknowledging that the cause of the oil discharge was "that all of the oil had not been removed from the Snow Bird" and that there was an insufficient supply of absorbent materials at the Facility. The response continued that SEA Solutions had submitted a removal plan to the USCG for approval in response to the USCG's Administrative Order [noted in paragraph C(23) above] and had placed booms around *M/V Snow Bird*, *Maria Krause*, and a third vessel (*M/V Ocean Gem*) pending the USCG's review and approval of the removal plan. The letter acknowledged that the written report required by the Permit to be submitted within five days of an unauthorized discharge had "[fallen] through the cracks."
25. On January 3, 2011, DEQ staff met with a representative of SEA Solutions who reiterated the information contained in the November 9, 2010, written response and added that SEA Solutions was awaiting written confirmation from the USCG that its removal plan had been approved. He stated that significant improvements have been made to the way operations at the Facility were being conducted.
26. On January 4, 2011, the USCG approved SEA Solutions' proposed removal plan. Among other things, it requires SEA Solutions to remove oil and oiled debris from all three vessels by June 1, 2011; to provide the USCG with monthly progress reports beginning February 7, 2011; and to submit to the USCG copies of test results required by DEQ prior to the pumping of any sunk or partially flooded vessel.
27. Based on the results of the October 5, 2010, site inspection and the documentation submitted on November 9, 2010, the State Water Control Board concludes that SEA Solutions violated Va. Code § 62.1-44.34:18 and Parts II.F and IV.C.5(b) (for Sector N) of the Permit, which prohibit the discharge of oil into or upon state waters, lands, or storm drain systems; Va. Code § 62.1-44.34:18 and Part IV.C.5(c) (for Sector N) of the Permit, which require that such discharges be contained or cleaned up immediately upon discovery; and Va. Code § 62.1-44.34:19 and Part II.G of the Permit, which require the

immediate reporting of such discharges. Additionally, the Board concludes that SEA Solutions violated Parts III and IV.C.5(a) (for Sector N) of the Permit and Section 5.0 of the Facility SWP3, as described in paragraphs C(18) through C(24), above.

28. In order for SEA Solutions to complete its return to compliance, DEQ staff and representatives of SEA Solutions have agreed to the Schedule of Compliance, which is incorporated as Appendix A of this Order.

SECTION D: Agreement and Order

Accordingly, by virtue of the authority granted it in Va. Code §§ 62.1-44.15, 62.1-44.34:18(C) and 62.1-44.34:20, the Board orders SEA Solutions, and SEA Solutions agrees to:

1. Perform the actions described in Appendix A of this Order;
2. Pay a civil charge of \$29,430 in settlement of the violations cited in this Order allocated between the Virginia Petroleum Storage Tank Fund (VPSTF) and the Virginia Environmental Emergency Response Fund (VEERF) as follows:

a.

Due Date	Amount	Fund
September 1, 2011	\$13,000	VEERF
October 1, 2011	\$8,215	VPSTF
November 1, 2011	\$8,215	VPSTF

- b. If the Department fails to receive a payment pursuant to the schedule, described in the above subparagraphs D.2.a, the payment shall be deemed late. If any payment is late, the Department reserves the right to demand in writing full payment of the balance owed by SEA Solutions under this Order. SEA Solutions shall pay such balance within 15 days of receipt of a demand letter from the Department. Any allowance by the Department of a late payment by SEA Solutions shall not serve as a waiver of the Department's reserved right to accelerate payment of the balance.
3. Within 30 of the effective date of the effective date of the Order, reimburse DEQ \$655.92 for costs incurred in investigating the oil discharge (payment instrument to be annotated with the legend "For Deposit in the VPSTF for Oil Spill Investigative Costs").

Payment shall be made by three separate instruments (check, certified check, money order or cashier's check) payable to the "Treasurer of Virginia," annotated as noted above, and delivered to:

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

SEA Solutions shall include its Federal Employer Identification Number (FEIN) (57-1174089) with each payment and shall indicate that the payment is being made in accordance with the requirements of this Order.

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend this Order with the consent of SEA Solutions for good cause shown by SEA Solutions, 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 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, SEA Solutions admits the jurisdictional allegations, findings of fact, and conclusions of law contained herein.
4. SEA Solutions 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. SEA Solutions 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 SEA Solutions 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. SEA Solutions 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. SEA Solutions shall show that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. SEA Solutions 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 SEA Solutions 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 SEA Solutions. Nevertheless, SEA Solutions 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 Director or his designee terminates the Order after SEA Solutions has completed all of the requirements of the Order;
 - b. SEA Solutions 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
 - c. the Director or Board terminates the Order in his or its sole discretion upon 30 days' written notice to SEA Solutions.

Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve SEA Solutions 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 SEA Solutions 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. The undersigned representative of SEA Solutions 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 SEA Solutions to this document. Any documents to be submitted pursuant to this Order shall also be submitted by a responsible official of SEA Solutions.
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. This Order hereby supersedes and cancels the 2009 Order referenced in paragraph C(3) above.
16. By its signature below, SEA Solutions agrees to the issuance of this Order.

And it is so ORDERED this 5 day of August, 2011.

Acting Janice R. Doherty
Regional Director
Department of Environmental Quality

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S.E.A. Solutions Corporation voluntarily agrees to the issuance of this Order.

Date: July 17-11 By: *Aimee J. Avery*
S.E.A. Solutions Corporation

Commonwealth of Virginia

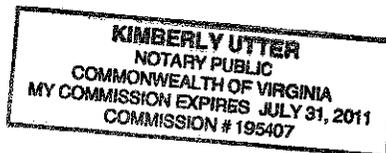
City/County of Virginia Beach

The foregoing document was signed and acknowledged before me this 17 day of
March, 2011, by Aimee J. Avery who is
President of S.E.A. Solutions Corporation, on behalf of the corporation.

Kimberly Utter
Notary Public
195407
Registration No.

My commission expires: July 31, 2011

Notary seal:



APPENDIX A SCHEDULE OF COMPLIANCE

SEA Solutions shall:

1. Beginning June 10, 2011, and quarterly thereafter until June 10, 2013, submit to DEQ a report of all inspection, training, and vessel-dismantling activities and oil/hazardous substance removal actions at the Facility during the preceding three-month period. Each report shall include, at a minimum, the following elements:
 - the name and type of each vessel dismantled, scrapped, or broken
 - the measures taken to prevent and/or contain the discharge of oil or other pollutants to state water during vessel scrapping/breaking activities
 - the amount of oil and oily wastewater, if any, removed from each vessel before commencing dismantling/scrapping/breaking activities
 - the amount of oil and oily wastewater, if any, removed from each vessel during dismantling/scrapping/breaking activities; where such oil or oily wastewater was discovered; and an explanation of why such oil or oily wastewater could not have been reasonably discovered before the commencement of scrapping/breaking activities
 - the manifests that document the proper disposal of all oil and oily wastewater removed from each vessel
 - the dates on which dismantling/scrapping/breaking activities commenced and were completed for each vessel
 - copies of all Facility inspections conducted by or on behalf of SEA Solutions to ensure compliance with the Permit and the Facility SWP3
 - copies of records of training of Facility employees in storm water pollution prevention
 - copies of the monthly progress reports submitted to the USCG under the Administrative Order referenced in paragraph C(23) of this Order.
2. Notwithstanding Part I.A.1.b of the Permit, perform benchmark monitoring of both outfalls twice during calendar year 2011: once during the period January through June 2011 and once during the period July through December 2011. The two sampling events will be at least 30 days apart and will be reported to DEQ on DMRs by July 10, 2011, and January 10, 2012, respectively.
3. Comply with the terms and conditions of the Permit.

4. Mail all submittals required by this Appendix A to:

Regional Director
DEQ, Tidewater Regional Office
5636 Southern Boulevard
Virginia Beach, VA 23462