



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

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EXECUTIVE COMPLIANCE AGREEMENT

VIRGINIA DEPARTMENT OF CORRECTIONS JAMES RIVER WORK CENTER DAIRY OPERATIONS PREP # 2015-P-2251

This is an Executive Compliance Agreement ("Agreement") between the Virginia Department of Corrections ("DOC") and the Virginia Department of Environmental Quality ("DEQ") pursuant to the Director's authority, as set forth in §§ 10.1-1185 -1192 and 62.1-44.15 of the Code of Virginia, to administer and enforce the State Water Control Law and/or regulations.

The DOC owns and operates the James River Work Center Dairy Operations (Facility) in Goochland County, Virginia. On March 24, 2015, two DEQ inspectors responded to a report of foam running through the cow pasture at the James River Correctional Center located at 1954 State Farm Road, State Farm, Virginia just east of the main entrance. DEQ staff traced the foam to the Facility's manure lagoon (lagoon). The lagoon contained white foam on the surface. DEQ inspectors observed a discharge emanating from the lagoon and flowing through the cow pasture and entering Beaverdam Creek. The observed discharge is not covered by a permit or certificate issued by the Board. DEQ has no record of receiving a permit application for the discharge and there is no record that DOC reported the discharge to DEQ.

§ 62.1-44.5(A) states that except in compliance with a certificate or permit 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; and § 62.1-44.5(B) states that any person who discharges or causes or allows a discharge of sewage, industrial waste, other wastes or any noxious or deleterious substance into or upon state waters shall, upon learning of the discharge, promptly notify, but in no case later than 24 hours the Board.

DEQ issued Notice of Violation No. 2015-04-PRO-201 ("NOV") to DOC on April 16, 2015 for the above described violations. In response to the NOV, DOC contacted DEQ on April 21, 2015 to schedule a meeting, and DOC also invited DEQ staff for another site inspection on May 14, 2015. At the time of the May 14, 2015 inspection, DEQ staff did not observe a discharge emanating from the lagoon, although the level of manure in the lagoon was high, with less than one foot available freeboard.

DOC representatives met with DEQ staff on June 18, 2015 to discuss resolution of the violations. The unauthorized discharge was reported to be a mixture of manure from the lagoon and dairy cream from the onsite milk processing facility. Although the water samples collected by DEQ staff reported results of elevated levels of biological oxygen demand (BOD), total suspended solids (TSS) and nutrients, no dead or dying fish or aquatic animals were observed.

DOC has taken the following steps to achieve compliance: 1) relocated the milking cows to a new facility on the property; 2) constructed a new manure storage and treatment system adjacent to the new milking facility; 3) significantly reduced the amount of manure and dairy waste entering the lagoon; and 4) reduced the amount of water usage at the Facility, building # 043, that drains into the lagoon.

To remedy the unauthorized discharge from the lagoon, DOC and DEQ agree to the following plan and schedule of action:

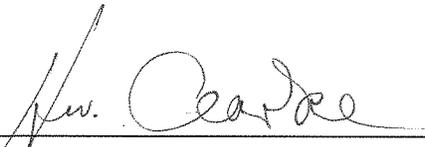
1. By no later than **September 1, 2015**, the DOC shall lease a "long stick excavator" and begin the removal of manure, agricultural waste and deposited sand (once used for bedding in the barn) from the lagoon without disturbing the existing lagoon liner.
2. By no later than **December 1, 2015**, DOC shall complete removal of all liquid and/or solid wastes from the lagoon. The removed material will be sampled, analyzed and utilized in accordance with the Facility's current Nutrient Management Plan.
3. DOC shall notify DEQ verbally and in writing immediately upon completion of the cleaning of the lagoon.
4. To ensure that no further unauthorized discharges occur from the lagoon, DOC shall perform the following activities:
 - a. Maintain the lagoon berm by cutting the grass on an as needed basis, but no less than quarterly, and allowing no shrubs or trees to grow on the berm and/or wall of the lagoon, nor any burrowing animal activity.
 - b. At all times, maintain a minimum of a 2 foot freeboard at the lowest point of the lagoon berm.
 - c. Restrict the water entering the lagoon from the Dairy Facility buildings by instructing staff to monitor the automatic cow water stations for overflows, and to use spigots located next to the dairy barns only in an emergency.
 - d. Keep to a minimum level of activity, the use of the old barns for the dairy heifer management program, which includes the temporary housing of the heifers for inoculations, weighing and breeding.
 - e. Document and maintain monthly records of the amount of manure generated by the dairy heifers at the old barns that will be stored in the lagoon.
 - f. Immediately block the ramp leading to the lagoon, to keep solids from entering the lagoon.
 - g. Document per event and maintain records of the amount of milk waste and cream generated by the milking cows that will be stored in the lagoon, which will occur on an as needed basis.
 - h. Document quarterly and maintain the land application records of the dairy

waste and manure. The records will include: application dates, the amount of waste (tonnage), the location, and the crops to which the waste/manure is applied.

- i. Immediately conduct and record weekly inspections of the lagoon. The inspection records will include the date, time and name of the person conducting the inspection; the amount of freeboard available; and the condition of the lagoon berm and walls (including the overall integrity when considering whether any of the following have been observed during the inspection: seeps, overflows, burrowing animal activity, and woody vegetative growth).
- j. Maintain the above described records in item #4 through **December 15, 2017**, at an easily accessible location, and provide to DEQ staff upon request.

5. **By the 10th of each month**, submit to DEQ a monthly report on the previous month's progress of all the above listed items of numbers 1 – 3, until the corrective actions have been accomplished.

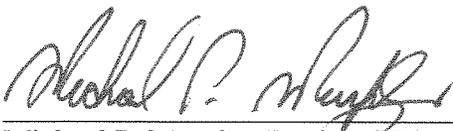
This Agreement shall become effective upon the date of its execution by the Director of the Department of Environmental Quality or his designee. DOC agrees to be bound by any compliance dates in this Agreement that may predate its effective date.



Harold W. Clarke, Director
Department of Corrections

8-7-15

Date



Michael P. Murphy, Regional Director
Department of Environmental Quality

8-17-2015

Date