COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

PIEDMONT REGIONAL OFFICE

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EXECUTIVE COMPLIANCE AGREEMENT

VIRGINIA DEPARTMENT OF CORRECTIONS
POCAHONTAS CORRECTINAL FACILITY
VPDES PERMIT No. VA0023426

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 and 62.1-44.14 of the Code of Virginia, to administer and enforce the State Water Control Law and regulations.

The DOC owns and operates a wastewater treatment plant ("WWTP") serving the Pocahontas Correctional Center in Chesterfield County, Virginia. This WWTP is the subject of VPDES Permit No. VA0023426 (Permit), re-issued on June 6, 2003, which allows DOC to discharge treated wastewater into an unnamed tributary of Swift Creek in strict compliance with terms, limitations and requirements outlined in the permit.

The DOC has attempted to achieve compliance with effluent limitations for copper and zinc as required by the Permit by performing internal investigations and, as a result, prohibiting the use of zinc laden floor waxes and cleaners. Recently, the DOC completed an upgrade to the WWTP by adding sequencing batch reactors ("SBRs"), however the upgrade did not contain any treatment systems for metals. Although the DOC has taken steps to achieve compliance by operational adjustments and source reduction it has failed to consistently comply with zinc and copper effluent limitations.

The DOC has begun the next steps to achieve compliance with copper and zinc Permit limits by hiring a consultant to develop an alternative plan. The DOC has submitted and received approval on a capital and operational budget request from the Department of Planning & Budget (DPB) for sufficient funding to engineer and construct a treatment unit at Pocahontas Correctional capable of consistently complying with copper and zinc Permit limits.

To remedy this matter, the DOC and DEQ agree to the following schedule of action.

1. By November 16, 2007, execute a contract to proceed with Department approved plans to construct modifications for metals treatment to the Pocahontas Correctional Center WWTP.

2. Issue the Notice to Proceed with construction within 14 working days of the execution of the above contract.

3. Complete the above construction by May 30, 2008.

4. Report quarterly (February 1st, May 1st, August 1st, and November 1st) on the progress of all the above items until construction has been completed.

DOC shall be responsible for implementing the terms and conditions of this Agreement unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other occurrence. DOC shall show that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. DOC shall notify the DEQ Piedmont Regional Office Director in writing within 24 hours when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of this Agreement. Such notice shall set forth the reasons for the delay or noncompliance; the projected duration of any such delay or noncompliance; the measures taken and to be taken to prevent or minimize such delay or noncompliance; and, the timetable by which such measures will be implemented and the date full compliance will be achieved.

Interim limitations

During the period beginning with the effective date of this Agreement and lasting until May 30, 2008, discharges shall be limited and monitored by DOC in accordance with VPDES Permit VA0023426, except as specified below:

	Monthly Average Concentration	Maximum Concentration
Copper	NL	NL
Zinc	NL	NL

DOC shall operate the Facility in a manner that ensures that it produces the best quality effluent of which it is capable during the completion of the above schedule.

This Agreement shall become effective upon the date of its execution by the Director of DEQ.

Gene M. Johnson, Director
Department of Corrections

4-16-07
Date

David K. Paylor, Director
Department of Environmental Quality

4/27/2007
Date