



COMMONWEALTH of VIRGINIA
DEPARTMENT OF ENVIRONMENTAL QUALITY

STATE WATER CONTROL BOARD ENFORCEMENT ACTION

AMENDMENT TO

SPECIAL ORDER BY CONSENT

ISSUED TO

CITY OF WAYNESBORO

(VPDES Permit No. VA0025151)

SECTION A: Purpose

This is an Amendment to a Consent Special Order (hereinafter referred to as the Amendment) issued under the authority of Va. Code § 62.1-44.15(8a), between the State Water Control Board and the City of Waynesboro ("Waynesboro" or "the City") for the purpose of revising certain provisions of that Consent Special Order (hereinafter referred to as the Order) issued by the State Water Control Board to the City of Waynesboro on October 19, 1999.

SECTION B: Basis for Amendment

1. The Order required Waynesboro to perform collection system improvements to reduce Inflow and Infiltration (I&I) in the system and to construct sewage treatment plant (STP) improvements capable of treating wet weather flows. The collection system improvements included the installation of manhole inserts, lateral line rehabilitation, and removal of sump pumps and roof drains. The City was to follow-up the collection system improvements with flow studies to determine the effectiveness of the I&I corrective actions. Wet weather flow studies were to be used to design STP improvements capable of treating excess influent flows remaining after the initial I&I work.

2. On March 14, 2002, DEQ met with Waynesboro to discuss the wet weather treatment concept and the permitting issues relating to that process. During the meeting, Waynesboro also discussed its continuing inability to record wet weather flows due to the ongoing drought. The City had kept DEQ apprised of the problem in its progress reports. The Order required Waynesboro to complete metering of wet weather flows by April 10, 2002. The wet weather flow data was critical for designing the wet weather treatment plant. Waynesboro also informed DEQ that it would not be able to meet the Order's due date of January 10, 2003 for completing I&I reduction at residential lateral service connections. The City attributed the delay to the lack of available licensed plumbers in the area, complications with scheduling work on private property and the discovery of significantly more storm drain connections to the sanitary sewer than anticipated.
3. By letter dated April 10, 2002, Waynesboro requested an amendment to the Order to extend the deadline for completion of scheduled items.
4. On October 10, 2002, Waynesboro submitted to DEQ for review and approval a conceptual design for a wet weather treatment plant employing a "blending" process. Subsequently, the design was submitted to DEQ and Virginia Department Health for review and approval. The approved design was then sent by DEQ to EPA Region III for final approval. However, the approval of the conceptual design and subsequent permit application for wet weather treatment utilizing "blending" has been held up by EPA's regulatory review and evaluation to determine if it is an acceptable process. EPA is currently evaluating a proposed "blending" policy. A date for establishing a policy has not been determined and as such, no final guidance has been developed for incorporating "blending" into VPDES permits.
5. Although the City has made diligent efforts to do so, Waynesboro has been unable to comply with certain provisions of the Order because of circumstances beyond its control. The City has made substantial progress in completing the I&I reduction at the residential connections, but it was unable to meet the original completion date of January 10, 2003. In addition, a statewide drought from 1999 to 2003 prevented the City from conducting the wet weather flow studies and the modeling necessary for designing the proposed wet weather treatment plant. EPA's delay in finalizing its blending policy delayed the City's overall I&I plan for utilizing a wet weather treatment plant to partially treat the excess wet weather flows. This wet weather treatment plant was considered critical to the overall project. The Order required Waynesboro to complete design of the wet weather treatment plant and submit plans and specifications by January 1, 2004.
6. On December 9, 2003, the Governor directed DEQ to develop technology-based nutrient limits to meet Virginia's commitments to the Chesapeake Bay Agreement. The Governor's initiative is based on Virginia's commitments to meet the Chesapeake Bay Agreement's nutrient and sediment load allocation by a deadline of 2010. Upon receipt of guidance, effluent monitoring and limitations for nutrients may be incorporated into permits for facilities that are considered "significant" nutrient dischargers. The possible imposition of these new limits for Waynesboro's STP caused the City to reevaluate its long-standing plans to treating wet weather flows. The City recognized that a substantial

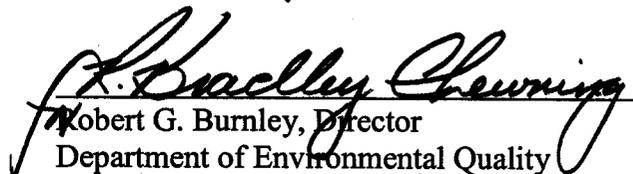
change to the treatment plant was necessary to treat for nutrients, so it would be advantageous to include the capabilities to treat wet weather flows within any upgrade design. For this reason, this amendment does not specifically address the wet weather treatment portion of Waynesboro's overall I&I work. The wet weather treatment design may be addressed in a later amendment to the Order or addressed via the Permit after a "blending" policy and nutrient guidance have been developed. The City has indicated that the differences in timeframes to complete a separate wet weather plant versus the delay needed to complete a plant capable of treating both wet weather flows and nutrients would not be substantially different based on the need to meet nutrient limits by 2010. The City feels that to go forward with the separate wet weather treatment design, given its permitting uncertainties, and then to build additional nutrient treatment later would be a waste of its citizens' money.

7. DEQ issued NOV No. W2003-09-V-0002 on October 8, 2003, to Waynesboro for apparent violations of CBOD effluent limits in June and August 2003 and TRC effluent limits during May 2003. In addition, Waynesboro had an apparent improper reporting violation for TRC in June 2003, which was not included on the NOV.
8. By letters dated January 9, 2004 and March 23, 2004, the City submitted its proposed revised schedule of compliance for I&I work in the collection system.
9. Given the foregoing, the State Water Control Board and Waynesboro agree that it is appropriate to amend the Order as described below.

SECTION C: Agreement and Order

Accordingly, the Board, by virtue of the authority granted it in §62.1-44.15(8a), orders Waynesboro and Waynesboro agrees to perform the actions described in Appendix A of this Amendment, which supercedes Appendix A of the Order. Both the Board and Waynesboro understand and agree that this Amendment does not alter, modify, or amend any other provision of the Order.

And it is so ORDERED this day of Sept. 1, 2004.


Robert G. Burnley, Director
Department of Environmental Quality

City of Waynesboro voluntarily agrees to the issuance of this Order.

By: Douglas C. Walker

Title: City Manager

Date: May 25, 2004

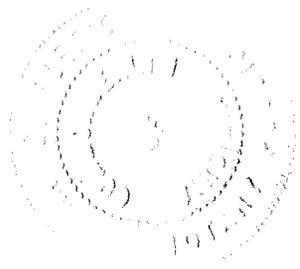
State of Virginia
City/County of WAYNESBORO

The foregoing instrument was acknowledged before me this 25th day of May, 2004,

by DOUGLAS C. WALKER, CITY MANAGER on behalf of the City of Waynesboro
(name and title)

5-25-04
Date

Kay C. Fretto
Notary Public



My commission expires: 4-30-06

**APPENDIX A
SCHEDULE OF COMPLIANCE
CITY OF WAYNESBORO**

I/I Reduction at Residential, Lateral Service Line Connections

1. **By July 1, 2005**, Waynesboro shall complete the removal of all private sump pumps and roof leader connections to the sanitary sewer City wide.

Collection System Improvement

2. **By July 1, 2004**, Waynesboro shall complete the collection system report referenced in the schedule submitted to DEQ on March 23, 2004. The report shall be based on measured wet weather flows, and shall include a prioritized list of collection system improvements necessary to eliminate sanitary sewer overflows.

Implementation Plan Project #1 (New Hope Rd Area):

3. **By October 1, 2004**, Waynesboro shall complete construction of Project #1 from the Implementation Plan (MS 10 Phase 1, New Hope Road sewer lining) dated November 7, 2001 (herein after the "Implementation Plan"). This project is currently approximately 75% complete.

Implementation Plan Project #3 (Ohio Rd Area):

4. **By December 15, 2004**, Waynesboro shall complete and submit to DEQ an evaluation report for the Project #3 from the Implementation Plan (MS 10 Phase 3, RR Tracks, Ohio, Mulberry, and Linden area). The report will indicate the need for detailed design plans or if rehabilitation can be performed by in situ methods. If the report shows the need for plans and specifications (P&S) for the proposed work, Waynesboro shall submit to DEQ for review and approval those P&S **within 150 days** of submittal of the report. Waynesboro shall respond to comments on the report or P&S **within 30 days** of receipt of written comments.
5. **By June 15, 2005**, Waynesboro shall award the contract for construction of Project #3 from the Implementation Plan.
6. **By December 15, 2005**, Waynesboro shall complete construction of Project #3 from the Implementation Plan.

Implementation Plan Project #14 and #15 (District Home Trunk Sewer Phase 1 and 2):

7. **By December 1, 2004**, Waynesboro shall complete and submit to DEQ a preliminary engineering report for the upgrade of Projects 14 and 15 from the Implementation Plan

(District Home Trunk Sewer Phase 1 and 2). Waynesboro shall respond to any comments **within 30 days** of receipt of written comments.

8. **By March 1, 2005**, Waynesboro shall submit to DEQ for review and approval plans and specification for the construction of District Home Sewer Phase 1. Waynesboro shall respond to any comments **within 30 days** of receipt of written comments.
9. **By April 1, 2005**, Waynesboro shall obtain all necessary easements for construction of the District Home Sewer Phase 1 project.
10. **By April 15, 2005**, Waynesboro shall advertise for bids for construction of District Home Sewer Phase 1 project.
11. **By June 30, 2005**, Waynesboro shall award the contract for construction of District Home Sewer Phase 1 project.
12. **By March 1, 2006**, Waynesboro shall complete construction of District Home Sewer Phase 1 project.
13. **By April 30, 2005**, Waynesboro shall submit to DEQ for review and approval plans and specification for the construction of District Home Sewer Phase 2. Waynesboro shall respond to any comments **within 30 days** of receipt of written comments.
14. **By June 15, 2005**, Waynesboro shall obtain all necessary easements for construction of the District Home Sewer Phase 2 project.
15. **By July 15, 2005**, Waynesboro shall advertise for bids for construction of District Home Sewer Phase 2 project.
16. **By September 15, 2005**, Waynesboro shall award the contract for construction of District Home Sewer Phase 2 project.
17. **By July 1, 2006**, Waynesboro shall complete construction of District Home Sewer Phase 2 project.

Implementation Plan Project #2 (King Street Area):

18. **By October 15, 2006**, Waynesboro shall complete and submit to DEQ an evaluation report for the rehabilitation of Project #2 from the Implementation Plan (MS 10 Phase 2, King St., James St., and Isles St. area). The report will indicate the need for detailed design plans or if the rehabilitation can be performed by in situ methods. If the report shows the need for plans and specifications (P&S) for the proposed work, Waynesboro shall submit to DEQ for review and approval those P&S **within 150 days** of submittal of the report. Waynesboro shall respond to comments on the report or P&S **within 30 days** of receipt of written comments.

19. **By May 15, 2007**, Waynesboro shall award the contract for construction of Project #2 from the Implementation Plan.
20. **By January 1, 2008**, Waynesboro shall complete construction of Project #2 from the Implementation Plan.

Implementation Plan Project #4 (Northwest Area):

21. **By October 15, 2006**, Waynesboro shall complete and submit to DEQ an evaluation report for the rehabilitation of Project #4 from the Implementation Plan (MS 10 Phase 4, Northwest area). The report will indicate the need for detailed design plans or if the rehabilitation can be performed by in situ methods. If the report shows the need for plans and specifications (P&S) for the proposed work, Waynesboro shall submit to DEQ for review and approval those P&S **within 150 days** of submittal of the report. Waynesboro shall respond to comments on the report or P&S **within 30 days** of receipt of written comments.
22. **By May 15, 2007**, Waynesboro shall award the contract for construction of Project #4 from the Implementation Plan.
23. **By January 1, 2008**, Waynesboro shall complete construction of Project #4 from the Implementation Plan.

Implementation Plan Project #5 (Forest Drive Area):

24. **By April 15, 2007**, Waynesboro shall complete and submit to DEQ an evaluation report for the rehabilitation of Project #5 from the Implementation Plan (MS 14, Forest Drive area). The report will indicate the need for detailed design plans or if the rehabilitation can be performed by in situ methods. If the report shows the need for plans and specifications (P&S) for the proposed work, Waynesboro shall submit to DEQ for review and approval those P&S **within 150 days** of submittal of the report. Waynesboro shall respond to comments on the report or P&S **within 30 days** of receipt of written comments.
25. **By November 1, 2007**, Waynesboro shall award the contract for construction of Project #5 from the Implementation Plan.
26. **By July 1, 2008**, Waynesboro shall complete construction of Project #5 from the Implementation Plan.

Implementation Plan Project #6 (Bookerdale Overflows):

27. **By October 15, 2007**, Waynesboro shall complete and submit to DEQ an evaluation report for the rehabilitation of Project #6 from the Implementation Plan (MS 13 and 16, Bookerdale Overflow). The report will indicate the need for detailed design plans or if the rehabilitation can be performed by in situ methods. If the report shows the need for

plans and specifications (P&S) for the proposed work, Waynesboro shall submit to DEQ for review and approval those P&S **within 150 days** of submittal of the report. Waynesboro shall respond to comments on the report or P&S **within 30 days** of receipt of written comments.

28. **By May 15, 2008**, Waynesboro shall award the contract for construction of Project #6 from the Implementation Plan.
29. **By February 1, 2009**, Waynesboro shall complete construction of Project #6 from the Implementation Plan.

Implementation Plan Project #7 (Chatham Road Area):

30. **By April 1, 2007**, Waynesboro shall complete and submit to DEQ an evaluation report for the rehabilitation of Project #7 from the Implementation Plan (MS 15, Chatham Road area). The report will indicate the need for detailed design plans or if the rehabilitation can be performed by in situ methods. If the report shows the need for plans and specifications (P&S) for the proposed work, Waynesboro shall submit to DEQ for review and approval those P&S **within 150 days** of submittal of the report. Waynesboro shall respond to comments on the report or P&S **within 30 days** of receipt of written comments.
31. **By November 1, 2008**, Waynesboro shall award the contract for construction of Project #7 from the Implementation Plan.
32. **By July 1, 2009**, Waynesboro shall complete construction of Project #7 from the Implementation Plan.

Future Implementation Plan Projects:

33. **By February 1, 2009**, Waynesboro shall prepare and submit to DEQ for review and approval an evaluation of work done to date to determine if the remaining projects from the Implementation Plan should continue through the Consent Order or if they can be completed as part of the City's Sewer Rehabilitation Plan. Waynesboro shall include with the evaluation a copy of the City's proposed Sewer Rehabilitation Plan. The evaluation must provide documentation to demonstrate to DEQ's satisfaction that the collection system work done to date is sufficient to ensure that the Facility can meet effluent limits and that the collection system will not experience bypasses or overflows. Should DEQ determine that the work completed to date is not sufficient, Waynesboro shall submit to DEQ for review and approval a new plan and schedule of collection system work for incorporation into an Order within 30 days of receipt of a written request.
34. Waynesboro shall submit semi-annual progress reports to DEQ, with the first report being due **October 10, 2004**. Subsequent Progress Reports will be due by **April 10 and**

October 10, along with the Facility's Discharge Monitoring Report until the cancellation of the Order. The semi-annual progress reports shall contain:

- a. a summary of all work completed since the previous progress report in accordance with this Order.
 - b. a projection of the work to be completed during the upcoming 6 months in accordance with this Order; and
 - c. a statement regarding any anticipated problems in complying with this Order.
35. No later than **14 days** following a date identified in the above schedule of compliance Waynesboro shall submit to DEQ's Valley Regional Office a written notice of compliance or noncompliance with the scheduled item. In the case of noncompliance, the notice shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled item.