



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY
VALLEY REGIONAL OFFICE

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Douglas W. Domenech
Secretary of Natural Resources

David K. Paylor
Director

Amy Thatcher Owens
Regional Director

STATE WATER CONTROL BOARD ENFORCEMENT ACTION AMENDMENT TO ORDER BY CONSENT ISSUED TO TOWN OF CRAIGSVILLE VPA Permit No. VPA01542

SECTION A: Purpose

This is an Amendment of an Order by Consent (Amendment) issued under the authority of Va. Code § 62.1-44.15, between the State Water Control Board and the Town of Craigsville, regarding the Craigsville sewage treatment facility ("Facility") for the purpose of revising certain provisions of the Order by Consent ("Order") issued by the Board to the Town of Craigsville on July 29, 2008, and for resolving certain violations of that Order and the State Water Control Law.

SECTION B: Basis for Amendment

1. Craigsville owns and operates the Facility which is the subject of VPA Permit No. VPA01542. The Permit was reissued on December 17, 2002, with an expiration date of December 16, 2012. The Facility serves Craigsville and the nearby Virginia Department of Corrections ("VDOC") unit Augusta Correctional Center ("ACCF").
2. The Facility provides primary wastewater treatment in two separate sets of Imhoff tanks with one set serving the Town and one set serving the ACCF. Wastewater from the Imhoff tanks then flows to a series of three lagoons and is ultimately land applied onto a 53.5 acre site. The design flow of the Facility was initially rated and approved as 0.25 MGD.

3. Presently, Craigsville is subject to Order that became effective July 29, 2008, which provided a schedule of compliance to construct a new sewage treatment plant which would replace the Facility and cease land application operations.

The 2008 Order required Craigsville to cease all spray irrigation by 90 days following completion of a new sewage treatment plant, or December 31, 2010, whichever occurred first. Pursuant thereto, Craigsville applied for a VPDES permit to discharge wastewater from a new plant, to be constructed at the site of the existing Facility. The VPDES discharge Permit No. VA0091821 was issued to Craigsville on September 1, 2008 and expires on August 31, 2013. A treatment plant design was completed by the Town.

4. Craigsville could not proceed with awarding a contract for the construction of the new plant because of the inability to come to terms with the VDOC on a sewer user agreement (the "Service Agreement") sufficient to secure certain state and federal program funding necessary for construction of the new sewage treatment plant. These extended negotiations continued over a period of two years and significantly delayed moving forward with the construction of a new plant. Agreement was ultimately facilitated by a special appropriation from the Virginia General Assembly, as well as the Town's decision to turn over both ownership and operations of the new plant to VDOC.
5. On June 8, 2009, VRO issued Warning Letter W2009-06-V-1009 to Craigsville for the failure to document the successful initial demonstration of capability (IDC) for each operator performing the permit required BOD in violation of Part II.A. of the Permit as noted during the February 19, 2009 inspection.
6. On October 5, 2009, VRO issued NOV No. W2009-10-V-0003 to Craigsville for failure to award a contract for the construction of a new Facility in accordance with the Order in violation of VA Code § 62.1-44.31.
7. On April 9, 2010, VRO issued Warning Letter W2010-04-V-1001 to Craigsville for failure to maintain the minimum storage pond freeboard of 2 feet during the months of January, February and March 2010 in accordance with the Permit.
8. On June 9, 2011, VRO issued Warning Letter No. W2011-06-V-0002 to Craigsville for failure to submit the Quarterly Progress Report due April 10, 2011 in accordance with the Order in violation of VA Code § 62.1-44.31.
9. On March 9, 2012, VRO issued Warning Letter W2012-03-V-1030 to Craigsville for failure to submit the Quarterly Progress Report due January 10, 2012 in accordance with the Order in violation of VA Code § 62.1-44.31.
10. The Service Agreement between Craigsville and VDOC was signed on July 3, 2012.

11. By email message dated August 7, 2012, VDOC submitted to DEQ a plan and schedule for the construction of the new sewage treatment plant to replace the Facility.
12. Va. Code § 62.1-44.31 states that: “It shall be unlawful for any owner to fail to comply with any special order adopted by the Board, which has become final under the provisions of this chapter...”
13. 9 VAC 25-32-30 states that: “All pollutant management activities covered under a VPA permit shall maintain no point source discharge of pollutants to surface waters except in the case of a storm event greater than the 25-year, 24-hour storm”. The Regulation also states that: “[E]xcept in compliance with a VPA permit, or another permit issued by the board, it shall be unlawful for any person to...discharge into, or adjacent to, state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances....”
14. The Department has issued no permits or certificates to Craigsville other than VPA Permit No. VPA01542 and VPDES Permit No. VA0091821.
15. Based on Craigsville’s operating logs, monitoring reports, the Warning Letters and NOVs, and a file review, the Board concludes that Craigsville has violated the Order, Va. Code §§ 62.1-44.31 and 62.1-44.5, as well as the Regulation and the Permit, by failing to comply with the conditions of either the Permit and/or the Order, as described in Section C above.
16. In order for Craigsville to return to compliance, DEQ staff and representatives of Craigsville have agreed to a schedule of compliance, which is incorporated as Appendix A of this Amendment and requires Craigsville to cease land application and connect to the new VDOC sewage treatment plant upon completion of that plant.

SECTION D: Agreement and Order

Accordingly, by virtue of the authority granted it in Va. Code §§ 62.1-44.15, the Board orders Craigsville, and Craigsville agrees to:

1. Perform the actions described in Appendix A of this Order which supersedes and cancels Appendix A of the 2008 Order; and
2. Operate the Facility in accordance with the Permit **until 10 days** following the issuance of a Certificate to Operate (“CTO”) for the new VDOC sewage treatment plant. The parties anticipate that the new plant will be completed **no later than September 1, 2014**. If plant completion cannot be achieved by that date, Craigsville understands that the Department will require that the Town submit an alternated plan and schedule for upgrade or replacement of the Facility. This item supersedes and cancels paragraph Section D.2. of the 2008 Order.

3. Operate the Facility in a workmanlike fashion so as to produce the best quality effluent and wastewater application of which the Facility is capable until the completion of the new sewage treatment plant.

And it is so ORDERED this 18th day of March, 2012.

Amy T. Owens
Amy T. Owens, Regional Director
Department of Environmental Quality

Town of Craigsville voluntarily agrees to the issuance of this Amendment.

Date: 9/24/12 By: Richard Lee Fox, Mayor
(Person) (Title)
Town of Craigsville

Commonwealth of Virginia
City/County of Augusta

The foregoing document was signed and acknowledged before me this 24th day of September, 2012, by Richard Lee Fox, Mayor who is

Mayor of Town of Craigsville on behalf of the Town of Craigsville.

Helen W. Cauley
Notary Public

107806
Registration No.

My commission expires: Jan. 31, 2015

Notary seal:



APPENDIX A SCHEDULE OF COMPLIANCE

1. Craigsville shall inspect all of the Facility's spray-field heads weekly to ensure that the heads are functioning so as to ensure maximum usage of the spray-field. Craigsville shall keep a log of the weekly inspections noting the number of spray-field heads that were functioning or not and what actions the Town took to address any non functioning spray-field heads. Craigsville shall submit to DEQ along with the Facility's monthly monitoring report a copy of the logs of the weekly inspections for that month.
2. **Within 10 days** following the issuance of a CTO for the new VDOC sewage treatment facility, Craigsville shall complete the connection to the VDOC facility in accordance with the approved agreement between the Town and VDOC.
3. Within 180 days of connecting to the VDOC facility, Craigsville shall close out any unused treatment units in accordance with an approved closure plan.

GENERAL REQUIREMENTS

4. Craigsville shall submit quarterly progress reports to DEQ, with the first report being due **January 10, 2013**. Subsequent Progress Reports will be due by **April 10, July 10, October 10, and January 10**, along with the Facility's Monitoring Report until the cancellation of this Order. The quarterly 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 quarterly period in accordance with this Order; and
 - c. a statement regarding any anticipated problems in complying with this Order.
5. No later than **14 days** following a date identified in the above schedule of compliance Craigsville 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.
6. **DEQ Contact**

Unless otherwise specified in this Order, Craigsville shall submit all requirements of Appendix A of this Order to:

**Steve Hetrick
Enforcement Specialist Sr.**

Consent Order Amendment
Town of Craigsville
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