



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

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Robert G. Burnley
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Piedmont Regional Director

**STATE WATER CONTROL BOARD ENFORCEMENT ACTION
SPECIAL ORDER BY CONSENT
ISSUED TO
GREENSVILLE COUNTY WATER AND SEWER AUTHORITY
For TOWN OF JARRATT SEWAGE TREATMENT PLANT
Permit No. VA0020761**

SECTION A: Purpose

This is a Consent Special Order issued under the authority of Va. Code §§ 10.1-1185 and 62.1-44.15(8a) and (8d), between the State Water Control Board and the Greenville County Water and Sewer Authority, for the purpose of resolving certain violations of environmental law and regulations.

SECTION B: Definitions

Unless the context clearly indicates otherwise, the following words and terms have the meaning assigned to them below:

1. "Va. Code" means the Code of Virginia (1950), as amended.
2. "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.
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.
5. "Order" means this document, also known as a Consent Special Order.

6. "Authority" means the Greensville County Water and Sewer Authority, which operates the Town of Jarratt Sewage Treatment Plant.
7. "Facility" means the Town of Jarratt Sewage Treatment Plant located at 721 Horseshoe Road, in Jarratt, Virginia.
8. "PRO" means the Piedmont Regional Office of DEQ, located in Glen Allen, Virginia.
9. "Permit" means VPDES Permit No. VA0020761, issued to Greensville County Water & Sewer Authority, which became effective July 29, 2002, and expires on July 28, 2007.
10. "NOV" means notice of violation.

SECTION C: Findings of Fact and Conclusions of Law

- 1) The Authority by agreement with the Town of Jarratt operates and maintains the Facility. The Facility is the subject of VPDES Permit No. VA0020761, which allows the Facility to discharge treated wastewater into Hickory Swamp in strict compliance with terms, limitations and requirements outlined in the Permit.
- 2) The Department issued an NOV to the Authority on January 22, 2004, citing the following violations of the Facility's Permit:
 - a) Exceeding permit limits for Biological Oxygen Demand (BOD₅) average loading for the months of June, July, November, and December 2003.
 - b) Exceeding permit limits for BOD₅ maximum loading for the months of June, July, September, and December 2003.
 - c) Exceeding permit limits for BOD₅ maximum concentration for the months of June and November 2003.
 - d) Bypass/overflow of unknown volume during the month of June 2003.
 - e) Failure to provide sufficient information pertaining to effluent violations at the time the monitoring reports were submitted.

BOD₅ limits continued to exceed those allowed by the Facility Permit during the months of February, March, April, June, July, August, September, October, November and December 2004. In addition, Total Suspended Solids (TSS) permit limits were exceeded during the month of July 2004, and there was a bypass/overflow of unknown volume during the same month. In 2005, the BOD₅ effluent limits and the design capacity of the Facility were exceeded during the months of January and February.

- 3) The Authority attributes the Permit limit exceedances to inflow and infiltration (I&I) problems that exist in the Facility's collection system. The Department received a letter from

the Facility dated July 27, 2004, which outlined a course of actions planned to address the I&I problems and also included copies of Capital Project Requests for FY 2005. These problems are long-term, ongoing issues due to the age of this facility. Greensville County Water and Sewer Authority has been making repairs to this system on an annual basis for more than ten years.

- 4) Part 1, Section A of the Facility Permit authorizes the Facility to discharge from outfall number 001, but limits the effluent characteristics as specified in the Permit. These effluent characteristics include BOD₅ and TSS. Part I, Section C.1. of the Facility Permit requires the facility to submit a written notice and plan of action for ensuring continued compliance with the Permit requirements when the monthly average flow influent of the Facility reaches 95 percent of the design capacity authorized in the Permit for each month of any three consecutive months. The written notice shall be submitted within 30 days and the plan of action shall be received by PRO no later than 90 days for the third consecutive month for which the flow reached 95 percent of the design capacity. §62.1-44.5 of the Code of Virginia prohibits discharges to state waters except as authorized by permit. The Facility has not provided a written notice and plan of action to address this issue.
- 5) On April 18, 2005, the Department met with the Facility to discuss the actions necessary to come into compliance with the regulations. Prior to the April 18, 2005 meeting, two prior meetings were scheduled and did not occur. The Facility was informed in the summer of 2004, to continue what it was doing until we could meet to discuss the issues.

SECTION D: Agreement and Order

Accordingly, the Board, by virtue of the authority granted it in Va. Code § 62.1-44.15(8a) and (8d), orders the Authority, and the Authority agrees, to perform the actions described in Appendixes A and B of this Order. In addition, the Board orders the Authority, and the Authority voluntarily agrees, to pay a civil charge of \$1,610 within 30 days of the effective date of the Order in settlement of the violations cited in this Order. The payment shall note that it is being made pursuant to this Order and shall note the Federal Identification Number for the Authority. Payment shall be by check, certified check, money order, or cashier's check payable to "Treasurer of Virginia" and sent to:

Receipts Control
Department of Environmental Quality
Post Office Box 10150
Richmond, Virginia 23240

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend the Order with the consent of the Authority, for good cause shown by the Authority, or on its own motion after notice and opportunity to be heard.

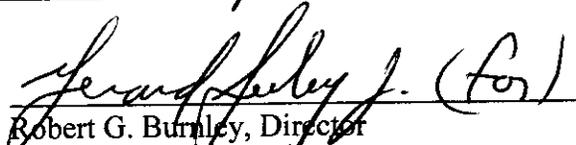
2. This Order only addresses and resolves those violations specifically identified herein, including those matters addressed in the Notice of Violation issued to the Authority by DEQ on January 22, 2004. This Order shall not preclude the Board or the Director from taking any action authorized by law, 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 as may be authorized by law; or (3) taking subsequent action to enforce the Order. This Order shall not preclude appropriate enforcement actions by other federal, state, or local regulatory authorities for matters not addressed herein.
3. For purposes of this Order and subsequent actions with respect to this Order, the Authority admits the jurisdictional allegations, factual findings, and conclusions of law contained herein.
4. The Authority 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. The Authority declares it has received fair and due process under the Administrative Process Act, Va. Code §§ 2.2-4000 *et seq.*, 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 enforce this Order.
6. Failure by the Authority 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. The Authority 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. The Authority shall show that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. The Authority shall notify the DEQ Regional Director in writing 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 within 24 hours of learning of any condition above, which the Authority 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 the Authority. Notwithstanding the foregoing, the Authority 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 Authority 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
 - b. The Director or Board terminates the Order in his or its sole discretion upon 30 days notice to the Authority.Termination of this Order, or of any obligation imposed in this Order, shall not operate to relieve the Authority from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.
12. By its signature below, the Authority voluntarily agrees to the issuance of this Order.

And it is so ORDERED this 29th day of September, 2005.


Robert G. Burnley, Director
Department of Environmental Quality

The Authority voluntarily agrees to the issuance of this Order.

By: *K. David Whittington*
Date: *6/6/05*

Commonwealth of Virginia

City/County of *Greensville*

The foregoing document was signed and acknowledged before me this *6th* day of
June, 2005, by *K. David Whittington*, who is
(name)

Director of the Authority, on behalf of the Authority.
(title)

Narcissa P. Callahan
Notary Public

My commission expires: *June 30, 2005*.

APPENDIX A

The Authority shall:

1. **Within sixty (60) days of the effective date of this Order**, begin development of a Capacity, Management, Operation and Maintenance (CMOM) plan. This plan should be a comprehensive management plan for the Facility and its collection system. The management plan shall include, but is not limited to the following: 1) a financial plan detailing how operation and maintenance of the Facility's collection system will be funded, 2) personnel charts, including job assignments, 3) a sewer inspection and cleaning program, 5) Inflow/Infiltration evaluations, 6) manhole inspections, 7) detailed logs/records of daily operations, 8) easement/right-of-way maintenance, 9) sewer use and grease ordinance, and 10) any other components necessary for proper operation and maintenance of the Facility's collection system.
2. **Within one hundred eighty (180) days of the effective date of this Order**, the CMOM plan shall be submitted to the department for review and approval.
3. **Within one hundred eighty (180) days of the effective date of this Order**, submit to the Department a corrective action plan (CAP) and schedule to address priority deficiencies in the Facility's collection system (pump stations, manholes, line breaks/deterioration, etc.). When approved by the Department, the schedule shall become an enforceable part of this Order.
4. **Within two hundred forty (240) days of the effective date of this Order**, the CMOM plan shall be finalized and implemented.
5. **Within one hundred eighty (180) days of the effective date of this Order**, submit to the Department a corrective action plan (CAP) and schedule to address priority deficiencies in the Facility's collection system (pump stations, manholes, line breaks/deterioration, etc.). When approved by the Department, the schedule shall become an enforceable part of this Order.
6. Operate the Facility in a manner that ensures that it produces the best quality effluent of which it is capable during the implementation of the CAP.

APPENDIX B

During the period beginning with the effective date of this Order and lasting until completion of the requirements of the CAP, the Authority shall limit the discharge from outfall 001 at the Facility in accordance with the Permit, except as specified below. These interim limits shall retroactively apply as of the first day of the month in which the Order becomes effective. These requirements shall be construed in light of the VPDES Permit Regulation.

For months in which the average flow exceeds the design flow of the Facility, the limits for BOD₅ loadings shall be calculated according to the following formula:

$$[\text{Average flow in MGD}] \times [\text{BOD}_5 \text{ Concentration in mg/l}] \times 3.785 = \text{Permit limit in kg/d}$$