

STATE WATER CONTROL BOARD ENFORCEMENT ACTION

SPECIAL ORDER BY CONSENT

ISSUED TO

**AQUASOURCE UTILITY, INC. AND LAKE MONTICELLO SERVICE
COMPANY**

(VPDES Permit No. VA0024945)

SECTION A: Purpose

This is a Consent Special Order issued under the authority of Va. Code § 62.1-44.15(8a) and (8d), between the State Water Control Board and Lake Monticello Service Company, for the purpose of resolving certain violations of environmental laws 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. “STP” means sewage treatment plant.
7. “Lake Monticello” or “the Company” means Lake Monticello Service Company, (a subsidiary of AquaSource Utility, Inc.), which owns and operates the Lake Monticello Service Company STP and/or when referring to the injunctive requirements of this Order, AquaSource Utility, Inc., the parent company of Lake Monticello.
8. “Facility” and “Plant” means the Lake Monticello Service Company STP located in Fluvanna County, Virginia.
9. “VRO” means the Valley Regional Office of DEQ, located in Harrisonburg, Virginia.
10. “Permit” means Virginia Pollutant Discharge Elimination System Permit No. VA0024945, which became effective April 30, 2003 and expires April 29, 2008. Permit limits include pH, total suspended solids [“TSS”], carbonaceous biochemical oxygen demand [“CBOD”], and fecal coliform.
11. “1999 Order” means the Consent Special Order issued to Lake Monticello that became effective June 21, 1999.
12. “NOV” means Notice of Violation.
13. “Regulation” means the VPDES Permit Regulation 9 VAC 25-31-10 et seq.
14. “P.E.R.” means preliminary engineering report.
15. “O&M” means operations and maintenance.
16. “VDH” means Virginia Department of Health.
17. “I/I” means Inflow and Infiltration.
18. “SMP” means Sludge Management Plan.

SECTION C: Findings of Fact and Conclusions of Law

1. Lake Monticello owns and operates a wastewater treatment facility serving a planned residential community located at the intersection of Routes 600 and 618 in Fluvanna County, Virginia. The Facility is the subject of VPDES Permit VA0024945 which allows the Facility to discharge treated wastewater to the Rivanna River in the Middle

James River basin. The Lake Monticello collection system consists of approximately 77 miles of collection lines, 2300 manholes and 54 pump stations.

2. The design capacity of the present Facility has been rated and approved as 0.6 MGD. In late November 2002, the Facility submitted to DEQ a Permit reissuance application, which included a request for effluent limits and permit conditions for an expansion of the Facility's treatment capacity. The Permit issued on April 30, 2003, contains effluent limitations based on the present design flow capacity of 0.6 MGD and a flow tier for an increased flow capacity of 0.995 MGD.
3. During the months of November 2002 through July 2003, the monthly average flows through the Facility have exceeded the Facility's 0.6 MGD design capacity. In addition, the Facility exceeded the Permit's new increased flow tier of 0.995 MGD for the monthly average flow during February 2003 and has experienced occasions when the maximum daily flow through the Plant has exceeded 3.0 MDG. These exceedances of the design capacity appear to coincide with periods of wet weather.
4. The Facility is presently subject to the 1999 Order. The 1999 Order required Lake Monticello to conduct collection system rehabilitation to address I/I by annually repairing/replacing manholes in a prioritized manner and replacing pump stations that are significant sources of overflows and bypasses. The goal of the collection system repair and replacement work was to substantially eliminate wet weather induced overflows from the collection system by May 2002.
5. Lake Monticello substantially completed the I/I work required by the 1999 Order. Lake Monticello repaired/replaced over 678 manholes and 7 pump stations within the collection system under the 1999 Order.
6. On May 8, 2002, Lake Monticello submitted to DEQ a four-year summary report evaluating the effectiveness of the collection system repair/replacement work completed under the 1999 Order in eliminating wet weather overflows. According to the summary report, the collection system rehabilitation work appeared to be effective in reducing the wet weather overflows. However, Lake Monticello completed both the rehabilitation work and the evaluation of that work's effectiveness in reducing wet weather overflows during a period of prolonged drought.
7. The Commonwealth began to experience wet weather conditions beginning in October 2002. The Lake Monticello collection system has experienced numerous overflows since the completion of the work required by the 1999 Order and the onset of the wet weather. These overflows are attributed to both wet weather hydraulic problems and mechanical problems. The extent of the collection system's I/I problems were masked and not detected due to the extended drought experienced from 2001 through most of 2002.
8. The frequency and repeated nature of these unpermitted discharges indicates that the Company continues to experience significant I/I and pump station operations and maintenance problems.

9. DEQ issued NOV No. W2002-12-V-0001 on December 4, 2002, to Lake Monticello for an apparent late VPDES reissuance application which was due October 29, 2002.
10. DEQ issued NOV No. W2003-03-V-0005 on May 6, 2003, to Lake Monticello for apparent violations of TSS and CBOD effluent limits, operation and maintenance deficiencies, and overflows, solids losses, and unusual discharges occurring during the period from November 2002 through March 2003.
11. On June 3, 2003, DEQ met with Lake Monticello in an informal settlement conference to discuss the May 6, 2003, NOV and resolution of the violations. The June 3, 2003, meeting included discussions of the Plant operations and collection system problems and the need for a plan and schedule of corrective actions to return the Plant to compliance with final effluent limitations and to address the continuing collection system problems.
12. On July 3, 2003, VDH issued a water contact advisory for the Rivanna River, as a result of a series of sewage overflows and discharges of partially treated wastewater from the Facility during and prior to the week of July 1, 2003, that resulted in elevated bacterial counts.
13. DEQ issued NOV No. W2003-07-V-0001 on July 15, 2003, to Lake Monticello for apparent TSS, CBOD, and fecal coliform effluent violations occurring during the period from March through May 2003. The NOV also cited overflows, solids losses, unusual discharges and a general water quality/loss of beneficial use violation during the period from April 2003 through July 2003. The loss of beneficial use violation is tied to the water contact advisory VDH issued on July 3, 2003 for the Rivanna River.
14. On July 15, 2003, DEQ met with representatives of Lake Monticello to discuss the problems at the Lake Monticello Plant and the expectations for corrective actions to address those problems.
15. On July 28, 2003, DEQ met with representatives of R. Stuart Royer & Associates, Inc. and Lake Monticello to further discuss the expectations for corrective action plans to address the Facility problems.
16. On August 12, 2003, DEQ met with Lake Monticello to discuss the company's preliminary plan of corrective action for inclusion in this Order and the corrective actions that the company accomplished since taking ownership. Lake Monticello indicated to DEQ that it had accomplished the following actions to improve the performance of the Facility and collection system:
 - a. removed 138 wet tons of solids from the Plant,
 - b. reduced the average mixed liquor suspended solids in treatment units from 10,000 mg/l to 3,000 mg/l,
 - c. inspected 199 manholes identifying 102 which needed repairs, and
 - d. repaired 35 manholes.

17. By submittal dated August 15, 2003, Lake Monticello provided a written plan and schedule of corrective action to return the Facility to compliance with the Permit's requirements. Sections of this plan and schedule have been incorporated into Appendix A of this Order.
18. In addition to the effluent violations cited in the NOV's, the Facility experienced exceedances of TSS, CBOD and fecal coliform effluent limitations, during the period June 2003 through July 2003, that were not cited in any enforcement notice.

SECTION D: Agreement and Order

1. Accordingly, the Board, by virtue of the authority granted it in Va. § 62.1-44.15(8a) and (8d), orders Lake Monticello, and Lake Monticello agrees, to perform the actions described in Appendix A and Appendix B of this Order. In addition, the Board orders Lake Monticello, and Lake Monticello voluntarily agrees, to pay a civil charge of **\$36,000** within **30 days** of the effective date of the Order in settlement of the violations cited in this Order. Payment shall be made by check payable to the "Treasurer of Virginia", delivered to:

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

Either on a transmittal letter or as a notation on the check, Lake Monticello shall: 1) indicate that the check is submitted pursuant to this Order, and 2) include its Federal Identification Number.

2. This Order cancels and supersedes the 1999 Order.

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend the Order with the consent of Lake Monticello, for good cause shown by Lake Monticello, or on its own motion after notice and opportunity to be heard.
2. This Order addresses and resolves those violations identified herein, including those matters addressed in the Notices of Violation issued to Lake Monticello by DEQ on December 14, 2002, May 6, 2003 and July 15, 2003, and permit exceedances through July 2003. 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, Lake Monticello admits the jurisdictional allegations, factual findings, and conclusions of law contained herein.
4. Lake Monticello 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. Lake Monticello 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 Lake Monticello 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. Lake Monticello 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. Lake Monticello shall show that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. Lake Monticello 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 Director of the Valley Regional Office within 24 hours of learning of any condition above, which Lake Monticello 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 Lake Monticello. Notwithstanding the foregoing, Lake Monticello agrees to be bound by any compliance date which precedes the effective date of this Order.
11. This Order shall continue in effect until the Director or Board terminates the Order in his or its sole discretion upon 30 days written notice to Lake Monticello. Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve Lake Monticello 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, Lake Monticello voluntarily agrees to the issuance of this Order.

And it is so ORDERED this day of _____, 200____.

Robert G. Burnley, Director
Department of Environmental Quality

Lake Monticello Service Company voluntarily agrees to the issuance of this Order.

By: _____

Title: _____

Date: _____

AquaSource Utility, Inc. voluntarily agrees to the issuance of this Order.

By: _____

Title: _____

Date: _____

Commonwealth of Virginia

City/County of _____

The foregoing document was signed and acknowledged before me this

_____ day of _____, 2003, by _____,

(name)

who is _____ of Lake Monticello Service Company, on behalf of said corporation.

(title)

Notary Public

My commission expires: _____.

Commonwealth of Virginia
City/County of _____

The foregoing document was signed and acknowledged before me this

_____ day of _____, 2003, by _____,
(name)

who is _____ of AquaSource Utility, Inc., on behalf of said corporation.
(title)

Notary Public

My commission expires: _____.

**APPENDIX A
SCHEDULE OF COMPLIANCE
LAKE MONTICELLO SERVICE COMPANY**

Moratorium and Ancillary Issues

1. **By September 30, 2003**, Lake Monticello shall submit to DEQ for review and approval a proposed plan for limiting or disallowing connections to the sewer system where added flow could create or exacerbate overloading. The objective is to allow for limited growth and honoring past commitments in a manner that does not result in further non-compliant system performance. Lake Monticello shall completely and adequately respond to any comments on the moratorium program **within 30 days** of receipt of written comments. Upon approval of the plan, said plan shall be incorporated by reference into this Order and become enforceable as part of this Order.
2. **By October 15, 2003**, Lake Monticello shall submit to DEQ a report on the maximum hydraulic flow that the plant can process without causing effluent limitation violations. Lake Monticello shall respond to any comments on the report **within 30 days** of receipt of written comments. **Within 90 days** of approval of the re-rating of the Facility's design flow, Lake Monticello shall submit to DEQ for review and approval a complete VPDES permit application or modification request for the re-rated Facility.
3. Lake Monticello has submitted to DEQ for review and approval a revised Sludge Management Plan. Lake Monticello shall respond to any comments on the Sludge Management Plan **within 30 days** of receipt of written comments.
4. **By October 31, 2003**, Lake Monticello shall develop and submit to DEQ a plan that will be used for notifying the Lake Monticello Owners Association and VDH of any reports of sewer system problems. The plan shall include a system for monitoring the bacterial levels in Lake Monticello and the river and for notifying DEQ, VDH and the Owners Association of impacts.

Sludge Dewatering Facilities Construction

Lake Monticello has initiated a program to remove accumulated solids in the Plant, which includes the operation of temporary sludge dewatering facilities. Lake Monticello shall construct permanent sludge dewatering facilities at the STP to ensure continued proper removal of waste sludge from the Facility. The sludge dewatering facilities shall be constructed on the following schedule (Item 5 through Item 10 below).

5. **By October 31, 2003**, Lake Monticello shall submit to DEQ for review and approval the design plans and specification for permanent sludge dewatering facilities. Lake Monticello shall respond to any comments on the plans and specifications within **30 days** of receipt of written comments.

6. **Within 30 days** of approval of the plans and specification for the sludge dewatering facilities Lake Monticello shall select a contractor and award a contract for construction of the approved dewatering facilities.
7. **Within 30 days** of awarding the contract for the construction of the dewatering facilities and receipt of all required permits, Lake Monticello shall begin construction of the approved dewatering facilities.
8. **Within 240 days** of beginning construction of the dewatering facilities Lake Monticello shall complete construction of the approved facilities.
9. **Within 30 days** of completing construction of the dewatering facilities, Lake Monticello shall request an Operating Permit for the facilities.
10. **Within 30 days** prior to completion of construction of the dewatering facilities, Lake Monticello shall submit to DEQ for review and approval a revised O&M Manual including O&M procedures for the facilities. Lake Monticello shall respond to any comments on the O&M Manual within **30 days** of receipt of written comments.

Upgrade of Disinfection Facilities

Lake Monticello has committed to addressing the disinfection problems at the facility. Lake Monticello shall construct Facility upgrades to address disinfection on the following schedule (Item 11 through Item 17 below).

11. **By November 30, 2003**, Lake Monticello shall complete an evaluation of the existing disinfection system, improvement alternatives, and optimal corrective actions and submit to DEQ for review and approval a P.E.R. for improvements for the disinfection facilities. Lake Monticello shall respond to any comments on the P.E.R. **within 30 days** of receipt of written comments
12. **Within 45 days** of approval of the P.E.R. for the disinfection upgrades/improvements, Lake Monticello shall submit to DEQ for review and approval the plans and specifications for the upgrade/improvements for the Facility's disinfection system. Lake Monticello shall respond to any comments on the plans and specification **within 30 days** of receipt of written comments.
13. **Within 30 days** of approval of the plans and specification for the disinfection upgrades/improvements and receipt of all required permits, Lake Monticello shall the select a contractor and award a contract for construction of the disinfection upgrades/improvements.
14. **Within 30 days** of awarding the contract for construction of the disinfection upgrades/improvements, Lake Monticello shall begin construction of the disinfection upgrades/improvements.

15. **Within 240 days** of beginning construction, Lake Monticello shall complete construction of the disinfection upgrades/improvements.
16. **Within 30 days** of completing construction of the disinfection upgrades/improvements, Lake Monticello shall request an Operating Permit for the operations of the improved system.
17. **Within 30 days** prior to completion of construction of the disinfection upgrades/improvements, Lake Monticello shall submit to DEQ for review and approval the revised O&M Manual incorporating the O&M procedures for the improved system. Lake Monticello shall respond to any comments on the O&M Manual within **30 days** of receipt of written comments.

Emergency/Heavy Rain Operating Procedure Improvements

Lake Monticello agrees to develop emergency/storm mode operating procedures to maximize wastewater treatment during peak flow events, and thereby minimize potential for the discharge of inadequately treated wastewater. Lake Monticello agrees as part of the operations planning to develop and identify any short-term improvements that could increase the capacity of the Plant on the following schedule (Item 18 through Item 20).

18. **By September 30, 2003**, Lake Monticello shall evaluate current operations and unit process capacity at the Plant.
19. **By November 30, 2003**, Lake Monticello shall identify any improvements not involving major physical modification that could be implemented in the near-term to increase treatment capacity at the Plant.
20. **By November 30, 2003**, Lake Monticello shall develop standard operating procedures for storm periods, revise the O&M Manual for the Plant, and submit to DEQ a report including the revised O&M Manual addressing these items. Lake Monticello shall respond to any comments on the procedures, O&M Manual, or report within **30 days** of receipt of written comments.

Collection System Manholes Corrective Action

Lake Monticello agrees to conduct an assessment of the collection system to identify sources of I/I problems within the collection system. Lake Monticello agrees to conduct this collection system evaluation on the following schedule (Item 21 through Item 22).

21. **By October 31, 2003**, Lake Monticello shall complete field inspections of all of the collection system manholes and identify physical problems
22. **By December 31, 2003**, Lake Monticello shall develop and submit to DEQ for review and approval a corrective action plan and schedule to address the physical problems identified at the manholes. In addition, Lake Monticello shall develop and submit to DEQ a plan for an inspection program to ensure that all collection system repairs are performed in a satisfactory

manner. Lake Monticello shall respond to any comments on the corrective action plan within **30 days** of receipt of written comments. Upon approval of the corrective action plan, said plan and schedule shall be incorporated by reference into this Order and become enforceable as part of this Order.

Pump Station Replacement and Repair Corrective Action Plan

Lake Monticello recognizes and agrees to institute an aggressive pump station replacement plan. Lake Monticello shall upgrade/replace pump stations within the collection system on the following schedule (Item 23 through Item 35 below). DEQ recognizes that the prioritization of the individual pump stations contained in this schedule may need to change during the replacement process based on new information. DEQ agrees that Lake Monticello may alter/substitute individual pump station numbers into the schedule below to reprioritize the pump station replacements. Lake Monticello shall notify DEQ of any proposed reprioritization(s) and provide a basis for the revision. Lake Monticello shall conduct the upgrade/replacement of each of the prioritized pump stations contained in Items 23 through 35 of this Appendix utilizing the following construction schedule:

- a. **Within 60 days** of approval of the plans and specifications for the pump station, Lake Monticello shall begin construction of the approved pump station upgrade/replacement.
 - b. **Within 180 days** of beginning construction, Lake Monticello shall complete construction of the upgrade/replacement of the pump station.
 - c. **Within 30 days** of completing construction of the pump station upgrade/replacement, Lake Monticello shall request an Operating Permit for the pump station.
23. **By October 31, 2003**, Lake Monticello shall submit to DEQ for review and approval the plans and specification for the upgrade/replacement of **Pump Station priority 1** (Pump Station 10E). Lake Monticello shall respond to any comments on the plans and specification within **30 days** of receipt of written comments.
 24. **By December 31, 2003**, Lake Monticello shall submit to DEQ for review and approval the plans and specification for the upgrade/replacement of **Pump Station priority 2** (Pump Station 202). Lake Monticello shall respond to any comments on the plans and specification within **30 days** of receipt of written comments.
 25. **By January 31, 2004**, Lake Monticello shall submit to DEQ for review and approval the plans and specification for the upgrade/replacement of **Pump Station priority 3** (Pump Station 303). Lake Monticello shall respond to any comments on the plans and specification within **30 days** of receipt of written comments.
 26. **By March 31, 2004**, Lake Monticello shall submit to DEQ for review and approval the plans and specification for the upgrade/replacement of **Pump Station priority 4** (Pump

Station 10A). Lake Monticello shall respond to any comments on the plans and specification within **30 days** of receipt of written comments.

27. **By June 30, 2004**, Lake Monticello shall submit to DEQ for review and approval the plans and specification for the upgrade/replacement of **Pump Station priority 5** (Pump Station 4C). Lake Monticello shall respond to any comments on the plans and specification within **30 days** of receipt of written comments.
28. **By September 30, 2004**, Lake Monticello shall submit to DEQ for review and approval the plans and specification for the upgrade/replacement of **Pump Station priority 6** (Pump Station 103). Lake Monticello shall respond to any comments on the plans and specification within **30 days** of receipt of written comments.
29. **By December 31, 2004**, Lake Monticello shall submit to DEQ for review and approval the plans and specification for the upgrade/replacement of **Pump Station priority 7** (Pump Station 7A). Lake Monticello shall respond to any comments on the plans and specification within **30 days** of receipt of written comments.
30. **By March 31, 2005**, Lake Monticello shall submit to DEQ for review and approval the plans and specification for the upgrade/replacement of **Pump Station priority 8** (Pump Station 205). Lake Monticello shall respond to any comments on the plans and specification within **30 days** of receipt of written comments.
31. **By June 30, 2005**, Lake Monticello shall submit to DEQ for review and approval the plans and specification for the upgrade/replacement of **Pump Station priority 9** (Pump Station 304). Lake Monticello shall respond to any comments on the plans and specification within **30 days** of receipt of written comments.
32. **By September 30, 2005**, Lake Monticello shall submit to DEQ for review and approval the plans and specification for the upgrade/replacement of **Pump Station priority 10** (Pump Station 608). Lake Monticello shall respond to any comments on the plans and specification within **30 days** of receipt of written comments.
33. **By December 31, 2005**, Lake Monticello shall submit to DEQ for review and approval the plans and specification for the upgrade/replacement of **Pump Station priority 11** (Pump Station 610). Lake Monticello shall respond to any comments on the plans and specification within **30 days** of receipt of written comments.
34. **By March 31, 2006**, Lake Monticello shall submit to DEQ for review and approval the plans and specification for the upgrade/replacement of **Pump Station priority 12** (Pump Station 9E). Lake Monticello shall respond to any comments on the plans and specification within **30 days** of receipt of written comments.
35. **By June 30, 2006**, Lake Monticello shall submit to DEQ for review and approval the plans and specification for the upgrade/replacement of **Pump Station priority 13 and Pump Station priority 14** (Pump Station 12A and Pump Station 10B). Lake Monticello shall

respond to any comments on the plans and specification within **30 days** of receipt of written comments.

Long-Term Plan for Sewer System Compliance

Lake Monticello also recognizes and agrees to institute a long-term action plan to address the sewer system ability to meet future service requirements, both within the existing service territory and beyond. Lake Monticello shall undertake the long-term plan in accordance with the following schedule (Item 36 through Item 41 below).

36. **By December 31, 2003**, Lake Monticello shall submit to DEQ for review and approval an evaluation of the Facility's capacity and treatment needs for the existing service territory. This evaluation shall address projected build-out, flows and loading, anticipated discharge requirements, treatment options, and a recommended plan. Lake Monticello shall respond to any comments on the plan **within 30 days** of receipt of written comments.
37. **Within 90 days** of approval of the Facility capacity plan, Lake Monticello shall submit to DEQ for review and approval a P.E.R. to address the capacity needs of the Facility. Lake Monticello shall respond to any comments on the P.E.R **within 30 days** of receipt of written comments.
38. **By December 31, 2003**, Lake Monticello shall submit to DEQ for review and approval a sewer system report incorporating the findings from the field work on the correction of manhole defects conducted under Item 22 and Item 23 above and identifying ongoing I/I investigation and removal program that will be implemented for long-term corrective actions.
39. **By December 31, 2003**, Lake Monticello shall submit to DEQ for review and approval an evaluation of the Pump Stations not already improved or addressed in the short-term plan above and a Plan for addressing any problems noted at those Pump Stations. The Plan will focus on resolving hydraulic problems, identified capacity needs (considering impacts of planned I&I reduction and siting of future treatment capacity), and the needs of pump station that were recently improved or have no significant history of problems.
40. **By March 31, 2004**, Lake Monticello shall submit to DEQ for review and approval a plan and schedule of long-term corrective actions for sewer system improvements, pump station improvements (beyond those addressed in the short-term plan), and construction of additional treatment capacity. Lake Monticello shall respond to any comments on the plan and schedule **within 30 days** of receipt of written comments. Upon approval of the corrective action plan, said plan and schedule shall be incorporated by reference into this Order and become enforceable as part of this Order.
41. **By June 30, 2004**, Lake Monticello shall submit to DEQ for review and approval a master plan addressing regional needs, based upon discussions with Fluvanna County, DEQ, VDH, area developers and other interested parties. The plan shall identify the regional service area, projected build-out and timing, related flows and loadings, anticipated discharge

requirements, and treatment options. Lake Monticello shall respond to any comments on the plan **within 30 days** of receipt of written comments.

42. Lake Monticello shall submit quarterly progress reports to DEQ, with the first report being due **October 10, 2003**. Subsequent Progress Reports will be due by **January 10, April 10, July 10, and October 10**, along with the Facility's Discharge Monitoring Report until the cancellation of the 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 quarter in accordance with this Order; and
 - c. a statement regarding any anticipated problems in complying with this Order.

43. No later than **14 days** following a date identified in the above schedule of compliance Lake Monticello 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.

APPENDIX B: INTERIM EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

During the period beginning with the date of entry of this Consent Special Order and lasting for a period of two years, Lake Monticello shall limit and monitor the discharge from outfall 001 in accordance with the Permit except as specified below.

Such discharges shall be limited and monitored by Lake Monticello as specified below:

<u>EFFLUENT CHARACTERISTICS</u>	<u>DISCHARGE LIMITATIONS</u>				<u>MONITORING REQUIREMENTS</u>			
	<u>Monthly Average</u>		<u>Weekly Average</u>		<u>Min.</u>	<u>Max.</u>	<u>Frequency</u>	<u>Sample Type</u>
	mg/l	kg/d	mg/l	kg/d				
TSS	30	136.2	45	204.4	NA	NA	3D/W	8HC
CBOD ₅	25	113.6	40	181.6	NA	NA	3 D/W	8HC
Fecal Coliform (N/100mL)	200 Geometric Mean	NA	NA	NA	NA	NA	1/Month 10 a.m. to 4 p.m.	Grab

NA = Not Applicable