

**STATE WATER CONTROL BOARD ENFORCEMENT ACTION
AMENDMENT TO
SPECIAL ORDER BY CONSENT
ISSUED TO
OAK GROVE MENNONITE CHURCH
FOR
MOUNTAIN VIEW NURSING HOME SEWAGE TREATMENT PLANT
PERMIT NO. VA0063347**

SECTION A: Purpose

This is an Amendment to a Consent Special Order (“Amendment”) issued under the authority of Va. Code §62.1-44.15(8a) by the State Water Control Board to Oak Grove Mennonite Church (“Oak Grove”), for the purpose of revising certain provisions of that Consent Special Order (“Order”) issued by the State Water Control Board to Oak Grove regarding the Mountain View Nursing Home Sewage Treatment Plant (“STP”) on December 14, 2000.

SECTION B: Basis for Amendment

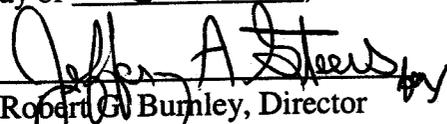
1. In relevant part, the Order required that Oak Grove upgrade the STP to ensure consistent compliance with Permit effluent limitations for ammonia, dissolved oxygen (DO), biochemical oxygen demand (BOD), chlorine, and total suspended solids (TSS) in two phases. Oak Grove completed Phase I of the upgrade by restoring the STP's existing turbidity curtain, installing two floating aerators and installing a new chlorination/dechlorination vault with a tablet chlorinator and a tablet dechlorinator. DEQ monitored the STP for compliance through Discharge Monitoring Report (DMR) submittals for approximately one year. During that time, the STP met its Permit effluent limits except for the March and April 2002 monitoring period for TSS and BOD. Oak Grove attributes the exceedances to operator error. In addition Oak Grove experienced one minor chlorine violation in September 2002.

2. Beginning in December 2002 and continuing from January through March 2003, the STP reported exceedances of its Permit effluent limitations for BOD and TSS. During this time frame, the STP experienced high flows due to wet weather from heavy rainfall and melting snow and cold temperatures. In March 2003, Oak Grove implemented operation and maintenance changes to improve plant performance at the STP. In addition, Oak Grove attributes the exceedances to the unusual weather conditions.
3. DEQ issued Oak Grove four Notices of Violation (NOVs) for Permit effluent violations for BOD and TSS. They are as follows: NOV No. W2003-02-N-0001 issued February 4, 2003; NOV No. W2003-03-N-0001 issued March 7, 2003; NOV No. W2003-04-N-0006 issued April 7, 2003, and NOV No. W2003-05-N-0006 issued May 8, 2003. DEQ issued one Warning Letter (WL) WL No. W2003-11-N-1010 on November 21, 2003 for a Permit violation for DO.
4. Despite modifications to the existing STP, from the Phase I upgrade, and its improved performance during a mild winter, it was noted that the STP could not consistently comply with its Permit effluent limits during the colder weather. Pursuant to Appendix A of the Order, Oak Grove was to commence Phase II of the construction schedule by installing a system that consistently meets its Permit effluent limits.
5. DEQ met with Oak Grove on April 17, 2003 to conduct a site visit and discuss the noncompliance issues and the need for Oak Grove to implement the second phase of the upgrade.
6. Oak Grove evaluated options to replace the existing system or take the existing system off-line. Part of the evaluation included an additional soil evaluation study conducted in January 2004 to determine the feasibility of a subsurface drainfield system. Based on the results of the study, Oak Grove made the determination to forego the subsurface drainfield and install a package plant.
7. In order to continue to improve plant performance, Oak Grove contracted with a consulting firm in October 2003 to provide oversight for corrective and or preventive maintenance for the STP until installation of the new treatment system.
8. As a result of discussions with Oak Grove and its engineer, the Phase II schedule of compliance requires modifications as well as a new time frame for completing the installation of the new treatment system.
9. Therefore, the State Water Control Board and Oak Grove agree that it is appropriate to amend the Order as described below.

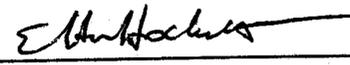
SECTION C: Agreement and Order

Accordingly, the State Water Control Board, by virtue of the authority granted it in §62.1-44.15(8a), orders Oak Grove, and Oak Grove agrees to perform the actions described in Appendix A of this Amendment which supercedes Appendix A of the Order. Both the State Water Control Board and Oak Grove understand and agree that this Amendment does not alter, modify, or amend any other provision of the Order and that unmodified provisions of the Order remain in effect by their own terms.

And it is so ORDERED this day of 21 June, 2004.


Robert G. Burnley, Director
Department of Environmental Quality

Oak Grove Mennonite Church voluntarily agrees to the issuance of this Amendment.

By: 

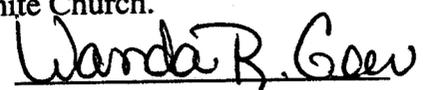
Date: 4-26-04

Commonwealth of Virginia
City/County of Madison

The foregoing instrument was acknowledged before me this 26 day of April, 2004,

by Eldon Hochstetler, who is Adm./Treas., of Oak

Grove Mennonite Church, on behalf of Oak Grove Mennonite Church.


Notary Public

My commission expires: Feb. 28, 2005

APPENDIX A

Schedule of Compliance

Oak Grove shall:

1. By no later than August 15, 2004, submit to DEQ for review and approval, plans and specifications (plans and specs) for installation of the new treatment system capable of consistently meeting final Permit effluent limits;
2. By no later than December 15, 2004, begin construction of the new treatment system in accordance with the approved plans and specs;
3. By no later than June 15, 2005, complete construction of the new treatment system in accordance with the approved plans and specs;
4. Begin meeting final permit effluent limits 60 days after completing construction and the issuance of the CTO;
5. Within 60 days of installation of the new treatment system, submit to DEQ for review and approval, a closure plan for the old STP lagoon system;
6. Within 90 days of approval of the closure plan, close the old STP lagoon system in accordance with the approved closure plan and submit a closure report to DEQ;
7. Oak Grove acknowledges that during the period of construction, Oak Grove may experience additional violations of the same Permit conditions, which necessitated the installation of the new treatment system. Accordingly, pending completion of the construction, Oak Grove shall operate the STP in a manner that produces the best quality effluent of which it is capable in order to minimize such additional violations and minimize potential impacts to water quality by, at a minimum:
 - a) Maintaining minimal duckweed levels and disposing appropriately to the landfill
 - b) Ensuring effluent discharge is free of foam
 - c) Ensuring the STP's aeration system is properly cleaned and maintained
 - d) Maintaining monthly STP maintenance records and submitting to DEQ along with the Discharge Monitoring Report; and
8. Submit monthly construction progress reports to DEQ with the Discharge Monitoring Report submission until all items of the schedule of compliance are

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complete.