



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

W. Tayloe Murphy, Jr.
Secretary of Natural Resources

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Robert G. Burnley
Director

Jeffery A. Steers
Regional Director

**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
(VPDES PERMIT NO. VA0063347)**

SECTION A: Purpose

This is an Amendment to a Consent Special Order issued under the authority of Va. Code § 62.1-44.15(8a) and (8d) and 10.1-1185 between the State Water Control Board and Oak Grove Mennonite Church ("Oak Grove") for the purpose of revising certain provisions of the Order issued by the State Water Control Board to Oak Grove regarding Mountain View Nursing Home Sewage Treatment Plant ("STP") on December 14, 2000.

SECTION B: Basis for the Amendment

1. The Board originally issued a consent order to Oak Grove on December 14, 2000 ("Order") to upgrade in two phases its STP to ensure compliance with Permit effluent limitations for ammonia, dissolved oxygen (DO), biochemical oxygen demand (BOD), chlorine, and total suspended solids (TSS). Phase I was completed and DEQ noted that the STP could not consistently comply with its Permit effluent limits. Pursuant to Appendix A of the Order, Oak Grove was to commence Phase II of the compliance schedule by installing a system that could meet its Permit effluent limits.
2. After evaluating various options to replace the existing system or taking the system off line, Oak Grove made the determination to install a package plant treatment system.

3. The Board issued an amendment to the Order on June 21, 2004 ("2004 Amendment") that created a time frame for completing construction and installation of the new package plant.
4. Oak Grove's consulting engineers, Wise and Associates, submitted a Preliminary Engineering Report ("PER"), describing the planned package plant upgrade, to DEQ on October 30, 2003. Numerous deficiencies were noted in the original PER and a revised PER was submitted on April 8, 2004. DEQ responded in a timely fashion that the revised PER was still inadequate. Over the course of the next year, Wise and Associates continually failed to provide DEQ with requested information and calculations that would allow for approval of the plans and specifications and the issuance of the Certificate to Construct ("CTC") the new plant.
5. The 2004 Amendment required Oak Grove to submit for review and approval plans and specifications for installation of the new plant by August 15, 2004. Because the deadline was missed it is necessary to amend the Order again to extend the timeframe for completing construction of the new treatment system.
6. DEQ issued Oak Grove three Notice of Violations (NOVs) for violations of regulatory requirements. They are as follows: NOV No. W2005-07-N-0004 issued July 6, 2005; NOV No. W2005-07-N-0015 issued July 20, 2005; and NOV No. W2005-08-N-0011 issued August 5, 2005.
7. As a result of discussions with Oak Grove and Wise and Associates, the correct information for the plant upgrade was submitted to DEQ and a CTC was issued on July 12, 2005.
8. Pursuant to Appendix A of the Order, construction of the new treatment system should have been completed by June 15, 2005.
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 Va. Code § 62.1-44.15(8a) and (8d), orders Oak Grove, and Oak Grove voluntarily agrees that:

1. Oak Grove shall perform the actions described in Appendix A of this Order, which supersedes and cancels Appendix A of the 2004 Amendment. 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.

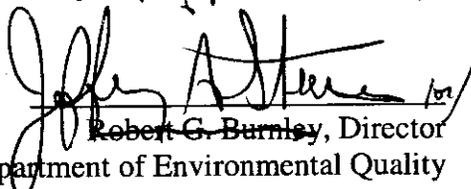
- Oak Grove shall pay a civil charge of \$5,200 within 30 days of the effective date of this Amendment in the settlement of the violations cited in this Amendment. Payment shall be made by check payable to the "Treasurer of Virginia", delivered to:

Receipts Control
Department of Environmental Quality
P.O. Box 10150
Richmond, VA 23240

Either on a transmittal letter or as a notation on the check, Oak Grove shall indicate that this payment is submitted pursuant to this Order and shall include the Federal Identification Number for Oak Grove.

And it is so ORDERED this day of 17th MARCH, 2005.

DAVID K PAYLOR


Robert G. Burnley, Director
Department of Environmental Quality

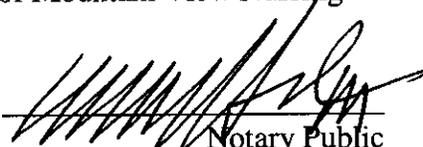
Oak Grove Mennonite Church voluntarily agrees to the issuance of this Order.

By: Eldon Hochstetler
Eldon Hochstetler, Administrator
Mountain View Nursing Home

Date: November 28, 2005

Commonwealth of Virginia
City/County of MADISON

The foregoing document was signed and acknowledged before me this 28th day of NOVEMBER, 2005, by Eldon Hochstetler, Administrator of Mountain View Nursing Home, on behalf of Oak Grove Mennonite Church.


Notary Public

My commission expires: 2-28-06

**APPENDIX A
SCHEDULE OF COMPLIANCE**

Oak Grove agrees to:

1. By no later than **January 31, 2006**, complete construction of the new package plant treatment system in accordance with the approved plans and specifications.
2. By no later than **April 30, 2006**, comply with all Permit effluent limits.
3. By no later than **March 1, 2006**, submit to DEQ for review and approval, a closure plan for the old STP lagoon system.
4. By no later than **July 1, 2006**, close the old STP lagoon system in accordance with the approved closure plan and submit a closure report to DEQ.
5. Submit monthly construction progress reports to DEQ with the Discharge Monitoring Report ("DMR") submission until all items of the schedule of compliance are complete.
6. Oak Grove acknowledges that during the period of construction, Oak Grove may experience additional violations of the same Permit conditions that 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
 - 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 DMR