



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

PIEDMONT REGIONAL OFFICE

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L. Preston Bryant, Jr.
Secretary of Natural Resources

David K. Paylor
Director

Gerard Seeley, Jr.
Regional Director

STATE WATER CONTROL BOARD ENFORCEMENT ACTION SPECIAL ORDER BY CONSENT

ISSUED TO

C. RAY BEARD d/b/a

RED HILL MOBILE HOME PARK

Permit No. VPDES VA0028258

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 Red Hill, 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. “Red Hill” means C. Ray Beard doing business as Red Hill Mobile Home Park.

7. "Facility" means the Red Hill Mobile Home Park Sewage Treatment Plant, located at 3812 Puddledock Road, in Prince George County, Virginia
8. "PRO" means the Piedmont Regional Office of DEQ, located in Glen Allen, Virginia.
9. "Permit" means VPDES Permit No. VA0028258, which became effective April 2, 2004, and expires April 1, 2009.
10. "O&M" means operations and maintenance.
11. "DO" means dissolved oxygen.
12. "NOV" means notice of violation.

SECTION C: Findings of Fact and Conclusions of Law

1. Red Hill owns and operates a mobile home park with a wastewater treatment system at 3812 Puddledock Road, in Prince George County, Virginia. This Facility is subject to VPDES VA0028258, "Permit", which allows Red Hill to discharge treated wastewater into Harrison Creek in strict compliance with terms, limitations and requirements outlined in the Permit.
2. On December 17, 2004, the Department issued a NOV to Red Hill citing them for the failure to submit a groundwater monitoring plan that was due on July 1, 2004.
3. On September 30, 2005, the Department issued a NOV to Red Hill citing them for the failure to submit a groundwater monitoring plan, the pH (in June and July 2005) and DO (in July 2005) effluent violations, and two bypasses in May (<100 gallons) and June 2005 (1000 gallons). The two bypasses were the result of increased flow during the cleaning of a clogged sewer line.
4. A review of DMRs submitted by Red Hill for the August through November 2005 monitoring periods indicate pH, DO, total suspended solids, ammonia, TKN, and chlorine effluent violations.
6. The Department met with Red Hill on January 6, 2006, to discuss the above compliance issues. Red Hill has hired a new treatment plant operator and has agreed to perform the corrective actions required to comply with the Permit.

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 Red Hill, and Red Hill agrees, to perform the actions described in Appendix A of this Order. In addition, the Board orders Red Hill, and Red Hill voluntarily agrees to pay a

civil charge of \$10,800 in settlement of the violations cited in this Order. Payments shall be made in accordance with the following schedule:

<u>Due Date</u>	<u>Amount</u>
April 15, 2006	\$5400.00
October 15, 2006	\$5400.00

The payment shall note that it is being made pursuant to this Order and shall note the Federal Identification Number for Red Hill. Payment shall be by check, certified check, money order, or cashier's check payable to "Treasurer of Virginia" and delivered 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 Red Hill, for good cause shown by Red Hill, or on its own motion after notice and opportunity to be heard.
2. This Order only addresses and resolves those violations specifically identified herein. 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, Red Hill admits the jurisdictional allegations, factual findings, and conclusions of law contained herein.
4. Red Hill 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.

5. Failure by Red Hill 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.
6. 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.
7. Red Hill 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. Red Hill shall show that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. Red Hill 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 72 hours of learning of any condition above, which Red Hill 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.

8. This Order is binding on the parties hereto, their successors in interest, designees and assigns, jointly and severally.
9. This Order shall become effective upon execution by both the Director or his designee and Red Hill. Notwithstanding the foregoing, Red Hill agrees to be bound by any compliance date which precedes the effective date of this Order.
10. This Order shall continue in effect until:
 - a. Red Hill 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 Red Hill.

Termination of this Order, or of any obligation imposed in this Order, shall not operate to relieve Red Hill from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.

11. By its signature below, Red Hill voluntarily agrees to the issuance of this Order.

And it is so ORDERED this day of March 16, 2006.

David K. Paylor Jr. (for)
David K. Paylor, Director
Department of Environmental Quality

Red Hill voluntarily agrees to the issuance of this Order.

By: [Signature]
Date: 2/1/06

Commonwealth of Virginia

City/County of Virginia

The foregoing document was signed and acknowledged before me this 2 day of February, 2006, by Joanna M Ford Ray C Blouch, who is
(name) ~~Joanna M Ford~~

doing business as Red Hill Mobile Home Park.

Joanna M Ford
Notary Public JINNAE M FORD

My commission expires: 9-30-2007

APPENDIX A

Red Hill shall:

1. On or before March 1, 2006, submit to the Department a corrective action plan (CAP) with an implementation schedule for treatment system repairs that will allow the Facility to meet all permit effluent limits. The plan schedule, once approved by the Department will become a part of this Order.
2. On or before July 31, 2006, close the sludge lagoon as required by regulation or bring the lagoon into compliance by implementing a Department approved groundwater monitoring plan.
3. 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.

Pursuant to this Order communications regarding this Order, and its requirements shall be addressed as follows:

Frank Lupini
Department of Environmental Quality
Piedmont Regional Office
4949-A Cox Road
Glen Allen, Virginia 23060

Red Hill shall confirm, in writing, completion of the Order requirements to the above address **within five (5) days of completion**.