

STATE WATER CONTROL BOARD ENFORCEMENT ACTION

SPECIAL ORDER BY CONSENT

ISSUED TO

**R. S. GLASS
D/B/A R. S. GLASS COMMERCIAL AREA**

(VPDES Permit No. VA0082988)

SECTION A: Purpose

This is a Consent Special Order issued under the authority of Va. Code § 62.1-44.15(8a) and 8(d), between the State Water Control Board and R. S. Glass Commercial Area, 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. "R. S. Glass" means R. S. Glass who owns and operates the R. S. Glass Commercial Area STP.
8. "Facility" and "Plant" means the R. S. Glass Commercial Area STP located in Zion Crossroads, Fluvanna County, Virginia.
9. "VRO" means the Valley Regional Office of DEQ, located in Harrisonburg, Virginia.
8. "Permit" means Virginia Pollutant Discharge Elimination System Permit No. VA0082988, which became effective November 8, 1999 and expires November 8, 2004. Permit limits include pH, dissolved oxygen ["DO"], biochemical oxygen demand ["BOD"], total suspended solids ["TSS"], ammonia, and total residual chlorine ["TRC"].
10. "O&M" means operations and maintenance.
11. "NOV" means Notice of Violation.
12. "P.E.R." means preliminary engineering report.

SECTION C: Findings of Fact and Conclusions of Law

1. R. S. Glass owns and operates the Facility which serves a trailer park, laundromat, and a restaurant in the area of Zion Crossroads, Fluvanna County, Virginia. This facility is the subject of VPDES Permit VA0082988, which allows the Facility to discharge treated wastewater to an unnamed tributary to Hunters Branch.
2. On April 29, 2002, DEQ staff conducted a site inspection of the Facility. During this inspection, DEQ staff observed a significant accumulation of sludge in the receiving stream. This sludge persisted in the stream for approximately 0.25 miles.
3. DEQ issued NOV No. W2002-04-V-0002 on April 30, 2002, to R. S. Glass for the following apparent violations occurring in April 2002:
 - < Discharge of wastes which alter the physical, chemical, or biological properties of state water in violation of Va. Code Section 62.1-44.5.
 - < Alleged violation of Va. Code 62.1-44.5 and 9 VAC 25-31-50 which states that, except in compliance with a VPDES permit, it shall be unlawful to discharge into State waters industrial wastes and otherwise alter the physical, chemical, or biological properties of such State Waters and make them detrimental to the public health, to animal or aquatic life.
 - < Alleged violation of Va. Code Section 62.1-44.5 and the State Water Control Board's General Water Quality Standards, 9 VAC-25-260-20 A and B (i.e. the failure to maintain state waters at such quality as will support the propagation and growth of all

aquatic life, including game fish, and the failure to keep state waters free from substances attributable to sewage in concentrations which contravene established standards or are harmful to aquatic life).

4. On June 5, 2002, DEQ staff conducted an inspection of the Facility to survey and to sample the receiving stream. This inspection identified low DO measurements in much of the stream reach surveyed. The stream survey also identified that the sludge depths in the stream ranged between 8 to 12 inches in the first 200 yards of the stream length.
5. On June 6, 2002, DEQ met with R. S. Glass in an informal settlement conference to discuss the April 30, 2002, NOV and resolution of the violations. The June 6, 2002, meeting, included discussions of the Plant operations and the need for a cleanup of the receiving stream. The owner indicated that he would undertake a stream cleanup.
6. On June 19, 2002, R. S. Glass's stream cleanup consultant began a cleanup of the receiving stream. This stream cleanup continued during the period from June 19 through June 21, 2002, and removed approximately 12,500 gallons of sludge material from the stream. This sludge material was properly disposed of at the Rivanna Water and Sewer Authority's Moores Creek STP.
7. On June 19 and June 21, 2002, DEQ staff conducted follow-up inspections of the stream cleanup work to ensure that it was being properly performed. These inspections identified that the job was performed in a professional manner and appeared to address the problem adequately as planned.
8. The Permit required R. S. Glass to test and report the results of effluent testing for certain parameters including copper and zinc. The monitoring was to be performed within one year from the effective date of the Permit and the results submitted with the DMR following the month in which the analyses were conducted. The monitoring results were due by December 10, 2000.
9. On August 8, 2002, R. S. Glass submitted effluent testing results that indicated there is a reason to believe copper and possibly zinc are present in the effluent in concentrations that may be toxic when discharged. On the basis of these results, DEQ will incorporate limits for copper and possibly zinc when the permit is reissued November 8, 2004.
10. By submittal dated August 20, 2002, R. S. Glass, via their consultant, provided a written plan of corrective action designed to return the Facility to compliance with the Permit's final effluent limitations excluding the issues regarding the parameters of copper and zinc. Sections of this plan and schedule have been incorporated into Appendix A of this Order.
11. On September 22, 2002, R. S. Glass installed a temporary flow monitor on the effluent discharge from the Facility in order to begin a flow monitoring study.

SECTION D: Agreement and Order

Accordingly, the Board, by virtue of the authority granted it in Va. § 62.1-44.15(8a) and (8d), orders R. S. Glass, and R. S. Glass agrees, to perform the actions described in Appendix A of this Order. In addition, the Board orders R. S. Glass, and R. S. Glass voluntarily agrees, to pay a civil charge of **\$7,700** 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, R. S. Glass shall: 1) indicate that the check is submitted pursuant to this Order, and 2) include its Federal Identification Number.

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend the Order with the consent of R. S. Glass, for good cause shown by R. S. Glass, 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 R. S. Glass by DEQ on April 30, 2002. 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, R. S. Glass admits the jurisdictional allegations, factual findings, and conclusions of law contained herein.
4. R. S. Glass 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. R. S. Glass declares he has received fair and due process under the Administrative Process Act, Va. Code §§ 9-6.14:1 *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 R. S. Glass 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. R. S. Glass 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. R. S. Glass shall show that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. R. S. Glass 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 R. S. Glass 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 R. S. Glass. Notwithstanding the foregoing, R. S. Glass 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 R. S. Glass. Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve R. S. Glass

from his obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.

12. By its signature below, R. S. Glass 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

R. S. Glass voluntarily agrees to the issuance of this Order.

By: _____

Date: _____

Title: _____

Commonwealth of Virginia

City/County of _____

The foregoing document was signed and acknowledged before me this

_____ day of _____, 2002, by _____,
(name)

who is _____ of R. S. Glass Commercial Area.
(title)

Notary Public

My commission expires: _____.

APPENDIX A

R. S. Glass shall:

1. **By October 15, 2002**, R. S. Glass shall begin a flow monitoring study at the Facility. The flow study shall determine the percentage of the Plant's influent flows that are attributable to the laundromat versus the sanitary wastewater flows from the trailer park. The flow study information will then be used to determine when the laundromat's wastewater may have the maximum impact on the Plant's performance. R. S. Glass shall conduct the flow study over the period of two weeks and include the following:
 - A. record the daily total flow to the laundromat for the duration of the flow study of two weeks;
 - B. record on an hourly basis the readings from the laundromat's water supply well meter for a minimum of 4 days during normal operating times in order to bracket the peak flow day(s). These readings must be taken in a fashion so as to determine on which day(s) of the week the Laundromat experiences peak wastewater flows;
 - C. determine the total combined daily flow being discharged by the trailer park, restaurant, and motel; and
 - D. conduct and record daily settleability tests on the activated sludge.
2. **By October 15, 2002**, R. S. Glass shall begin to conduct daily inspections and visual observations of the receiving stream and the Plant's wastewater at the Plant's outfall. R. S. Glass shall record those observations in the Plant's daily log. The observations shall include observation of the apparent effluent quality and whether there are any observed solids or other adverse impacts on the receiving stream.
3. **By October 31, 2002**, R. S. Glass shall begin an evaluation of the Facility to determine if the current effluent sampling procedures are representative of the actual discharge and whether the system is actually meeting permit requirements. As part of this evaluation, R. S. Glass shall begin interval sampling over a 24 hour period for at least TSS and BOD. The 24-hour composite sampler shall be set to take 24 hourly grab samples. If a suspected unusual discharge(s) is noted in any discrete hourly samples, R. S. Glass shall first perform a settleable solids test on the hourly sample(s) that show a suspected unusual discharge before conducting a 24-hour composite sample for TSS/BOD. The settleable solids test shall follow the procedures contained in the 18th addition of Standard Methods for test 2540 F using a graduated cylinder of appropriate size. R. S. Glass shall document and report the milliliters of solids in a liter of effluent. R. S. Glass shall consider any settleable solids test showing a result of 5% by volume solids or greater to be an unusual discharge. R. S. Glass shall report to DEQ any unusual discharges within 24 hours of being noted. The BOD and TSS 24-

hour composite sampling shall be conducted on a frequency of once per week for a period of **three months**.

4. **By October 31, 2002**, R. S. Glass shall also begin to sample the laundromat effluent wastewater for the purposes of conducting treatability studies. The treatability studies will be conducted in a fashion to determine the effects of the laundromat wastewater on the performance of the Plant and whether the laundromat wastewater can be treated effectively by the Facility. The sampling should include chlorine residual of the influent wastewater from the laundromat.
5. **By November 30, 2002**, R. S. Glass shall complete the Plant monitoring and begin analysis of the data from the testing and review corrective actions.
6. **By December 15, 2002**, R. S. Glass shall submit to DEQ and VDH for review and approval the P.E.R. for the Plant upgrade with the selected alternative for construction or other corrective actions needed to meet final effluent limitations. R. S. Glass shall respond to any comments on the P.E.R. within **30 days** of receipt of written comments.
7. **Within 45 days** of approval of the P.E.R., R. S. Glass shall submit to DEQ and VDH for review and approval the plans and specifications for the Plant upgrade. R. S. Glass shall respond to any comments on the plans and specifications within **30 days** of receipt of written comments.
8. **Within 30 days** of approval of the plans and specifications for the Plant upgrade, R. S. Glass shall begin construction of the approved upgrade for the Plant.
9. **Within 180 days** of beginning construction of the approved Plant upgrade, R. S. Glass shall complete construction of the upgrade and submit to DEQ and VDH for review and approval a revised O&M Manual for the operation of the upgraded Plant. R. S. Glass shall respond to any comments on the O&M Manual within **30 days** of receipt of written comments.
10. **Within 30 days** of completing construction of the Plant upgrade, R. S. Glass shall request from VDH an Operating Permit for the Plant upgrade.
11. **Within 60 days** of completing construction of the Plant upgrade, R. S. Glass shall comply with the Permit's final effluent limitations.
12. By the compliance dates identified in the items above, R. S. Glass 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.