



COMMONWEALTH of VIRGINIA
DEPARTMENT OF ENVIRONMENTAL QUALITY

STATE WATER CONTROL BOARD ENFORCEMENT ACTION

SPECIAL ORDER BY CONSENT

ISSUED TO

SOUTHWOOD, INC.

(VPDES Permit No. VA0029955)

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 Southwood, Inc., 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. "Southwood" means Southwood, Inc., which owns and operates the Southwood Mobile Home Estates STP.
8. "Facility" and "Plant" mean the Southwood STP located in Albemarle 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. VA0029955, which became effective June 30, 1999 and expires June 30, 2004. Permit limits include pH, biochemical oxygen demand ["BOD"], total suspended solids ["TSS"], and chlorine.
11. "NOV" means Notice of Violation.
12. "Regulation" means the VPDES Permit Regulation 9 VAC 25-31-10 et seq.
13. "P.E.R." means preliminary engineering report.
14. "O&M" means operations and maintenance.
15. "VDH" means Virginia Department of Health.
16. "I/I" means Inflow and Infiltration.
17. "ACSA" means Albemarle County Sewer Authority.
18. "MLSS" means mixed liquor suspended solids.

SECTION C: Findings of Fact and Conclusions of Law

1. Southwood owns and operates a sewage treatment facility serving a mobile home park with approximately 195 units located near the I-64/Rte. 631 interchange in Albemarle County, Virginia. The Facility is the subject of VPDES Permit VA0029955 which allows the Facility to discharge treated wastewater to Biscuit Run in the Middle James River basin.
2. The design capacity of the present Facility has been rated and approved as 0.039 MGD. During 14 months out of a 24-month period (October 2001 through September 2003), the monthly average flows through the Facility have exceeded the Facility's 0.039 MGD design capacity. The Facility has also experienced occasions when the maximum daily

flow through the Plant has exceeded 0.239 MDG (six times the design capacity). These exceedances of the design capacity appear to coincide with periods of wet weather.

3. By letter dated November 8, 2001, Southwood advised DEQ that the Facility had exceeded the 95% design capacity for three months in a row. Within the November 8, 2001 letter, Southwood indicated that it had contracted an engineering firm to investigate the situation and design a solution.
4. Southwood began to experience significant BOD and TSS effluent limitation exceedances in March 2002.
5. On August 8, 2002, DEQ issued NOV No. W2002-05-V-0005 to Southwood for apparent violations of BOD and TSS effluent limitations and for loss of solids to the receiving stream occurring during the period from March 2002 through May 2002.
6. On January 16, 2003, Southwood entered into a Letter of Agreement with DEQ to address an I&I problem at the Facility that was causing plant upsets and resulting effluent violations. The LOA required Southwood to evaluate and address the Facility's I&I problems.
7. The Commonwealth began to experience wet weather conditions beginning in October 2002. The Facility has experienced numerous treatment problems or upsets resulting from the I&I problems in the collection system. The Facility's high influent flows have caused washouts, which make it difficult to meet Permit effluent limitations. These problems are attributed to primarily wet weather hydraulic loading resulting from I&I problems in the Facility's collection system.
8. Southwood was unable to comply with the requirements of the January 16, 2003 LOA primarily due to weather conditions, which hindered the proper performance of certain of the collection system studies.
9. On August 26, 2003, DEQ issued NOV No. W2003-08-V-0004 to Southwood for apparent BOD and TSS effluent limits violations during the period from January 2003 through May 2003 and for a late June 2003 Discharge Monitoring Report.
10. On September 19, 2003, DEQ met with Southwood in an informal settlement conference to discuss the August 26, 2003, NOV and resolution of the violations. The September 19, 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.
11. On October 9, 2003, DEQ issued NOV No. W2003-08-V-0004 to Southwood for apparent BOD and TSS effluent limits violations occurring during July 2003.

12. By letter dated October 29, 2003, Southwood submitted to DEQ a written plan and schedule of corrective action address its I&I problems and 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.
13. In addition to the effluent violations cited in the NOV's, the Facility experienced exceedances of BOD and TSS effluent limitations, during the period August 2003 through November 2003, that were not cited in any enforcement notice.
14. On January 9, 2004, Southwood awarded a contract for rehabilitation of the collection system in accordance with the sewer rehabilitation and repair plan submitted to DEQ on December 12, 2003. Said plan is hereby incorporated by reference and is an enforceable part of the Order. Southwood began construction of the collection system rehabilitation.

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 Southwood, and Southwood agrees, to perform the actions described in Appendix A and Appendix B of this Order. In addition, the Board orders Southwood, and Southwood voluntarily agrees, to pay a civil charge of **\$10,500** 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, Southwood shall: 1) indicate that the check is submitted pursuant to this Order, and 2) include its Federal Identification Number.

2. During the estimated nine months' interim during which Facility improvements will be completed and the Facility is taken offline, Southwood will operate the STP in a workmanlike fashion so as to produce the best quality effluent that the Facility is capable of producing.

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend the Order with the consent of Southwood, for good cause shown by Southwood, 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 Southwood by DEQ on August 8, 2002, August 26, 2003 and October 9, 2003, and permit exceedances through December

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.

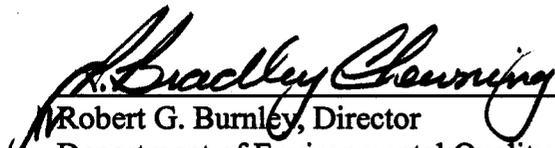
3. For purposes of this Order and subsequent actions with respect to this Order, Southwood admits the jurisdictional allegations, factual findings, and conclusions of law contained herein.
4. Southwood consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order.
5. Southwood 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 Southwood 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. Southwood 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. Southwood shall show that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. Southwood 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 Southwood 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 Southwood. Notwithstanding the foregoing, Southwood 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 Southwood. Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve Southwood 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, Southwood voluntarily agrees to the issuance of this Order.

And it is so ORDERED this day of Sept. 1, 2004.


Robert G. Burnley, Director
Department of Environmental Quality

Southwood, Inc. voluntarily agrees to the issuance of this Order.

By: Sue B. Minor

Title: President

Date: 5/24/04

Commonwealth of Virginia

City/County of Albemarle

The foregoing document was signed and acknowledged before me this

24th day of May, 2004, by Sue B. Minor,
(name)

who is President of Southwood, Inc., on behalf of said corporation.
(title)

Betsy C. Kingsbury
Notary Public

My commission expires: April 30, 2008

**APPENDIX A
SCHEDULE OF COMPLIANCE
SOUTHWOOD MOBILE HOME ESTATES, INC.**

1. Southwood shall operate the Facility with a MLSS below 5500 mg/l in order to maintain optimal performance.
2. **By June 20, 2004**, Southwood shall submit to DEQ for review and approval its plans and specifications for the connection of the Southwood Facility's wastewater flows to the new Albemarle County sewage collection system. Southwood shall respond to any comments from DEQ regarding the plans and specifications **within 14 days** of receipt. Upon approval by DEQ, the connection plan shall be incorporated into this Order by reference.
3. **By July 10, 2004**, Southwood shall submit to DEQ for review and approval its plan for the closure the Southwood Facility. Southwood shall respond to any comments from DEQ regarding the closure plan **within 14 days** of receipt. Upon approval by DEQ, the closure plan shall be incorporated into this Order by reference.
4. **By July 15, 2004**, Southwood shall complete the repair of manholes in the collection system and complete construction of the peripheral line repairs in the Facility's collection system in accordance with the rehabilitation plan referred to in paragraph 3 above.
5. **By July 30, 2004**, Southwood shall complete construction of the main line(s) repairs in the collection system in accordance with the rehabilitation plan referred to in paragraph 3 above.
6. **By July 31, 2004**, Southwood shall commence metering and documentation of the impacts of the collection system repairs for a period of **90 days**.
7. **August 10, 2004**, Southwood shall submit to ACSA for review and approval the plans and specifications approved by DEQ for the Facility bypass to the county sewer collection line.
8. **Within 30 days** of approval of the plans and specification for the Facility bypass to the county sewer collection line, Southwood shall begin construction of the pump station, in accordance with approved plans and specifications.
9. **Within 90 days** of beginning construction of the Facility bypass for the connection to the county collection system, Southwood shall complete construction of the pump station.
10. **By August 15, 2004**, Southwood shall inspect and accept the completed collection system rehabilitation work.

11. **By November 1, 2004**, Southwood shall complete metering of the influent flows to the Facility to determine the impacts of the collection system rehabilitation work on the success of eliminating wet weather inflow into the system.
12. Southwood shall complete connection to ACSA's expanded collection system **within 60 days** of its availability for service **or within 60 days** of completion of construction of the collection system repair work and facility bypass, which ever occurs later. ACSA is presently projecting the collection system will be completed and online on or about December 15, 2004.
13. Southwood shall complete closure of the Facility **within 180 days** of connection to the ACSA's collection system in accordance with the approved closure plan.
14. Southwood shall submit quarterly progress reports to DEQ, with the first report being due **April 10, 2004**. Subsequent Progress Reports will be due by **July 10, October 10, January 10, and April 10** along with the Facility's Discharge Monitoring Report until the completion of closure of the Facility, as anticipated by paragraph 19 above, or cancellation of the Order, whichever occurs first. 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.
15. No later than **14 days** following a date identified in the above schedule of compliance Southwood 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.