COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY
VALLEY REGIONAL OFFICE
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Molly Joseph Ward
Secretary of Natural Resources

David K. Paylor
Director

Amy Thatcher Owens
Regional Director

STATE WATER CONTROL BOARD
AMENDMENT TO ORDER BY CONSENT
ISSUED TO
CITY OF WAYNESBORO
FOR
WAYESBORO STP
VPDES Permit No. VA0025151

SECTION A: Purpose

This is an Amendment of an Order by Consent (Amendment) issued under the authority of Va. Code § 62.1-44.15, between the State Water Control Board and the City of Waynesboro, regarding the Waynesboro STP ("Facility") and collection system, for the purpose of revising certain provisions of the Order by Consent (Order) issued by the Board to the City of Waynesboro on June 24, 2010 and for resolving certain violations of the Order.

SECTION B: Basis for Amendment

1. Waynesboro owns and operates the Facility and the sewage collection system serving the City and a portion of Augusta County, Virginia. The VPDES Permit No. VA0025151 was issued under the State Water Control Law and the Regulation to Waynesboro on February 1, 2010 and expires on January 31, 2015. The Permit allows Waynesboro to discharge treated sewage and other municipal wastes from the Facility to the South River, in strict compliance with the terms and conditions of the Permit.

2. South River is located in the Shenandoah River subbasin, Potomac River basin. South River is listed in DEQ's 303(d) report as impaired for mercury in fish tissue (fish consumption advisory), fecal coliform and for not meeting the General Standard (Benthics) for aquatic life.

3. Waynesboro is subject to the Order that became effective June 24, 2010, to continue to address I&I problems in its collection system. The Order required Waynesboro to complete construction of the Facility upgrade and expansion and complete nine projects to address I&I in its collection system.

   Waynesboro completed construction of the Facility upgrade and expansion for the approved design capacity of 6.0 MGD.

4. Waynesboro has completed three of the I&I projects contained in the Order in a timely manner. However, Waynesboro encountered a problem with completing Project #S-4 on time because of an unanticipated access issue with crossing a right of way controlled by the CSX Railroad. Waynesboro has also volunteered to expand on the scope of the original I&I projects contained in the Order by adding the rehabilitation of the service laterals associated with those projects. In addition, Waynesboro plans to increase the length of sewer lines to be repaired/replaced. While Waynesboro expects to complete a significant percentage of the remaining projects on time, the City anticipates that certain of the projects' completion dates will not be met. Waynesboro, however, does anticipate that all of the projects will still be completed by 2016, as originally contemplated in the Order.

5. By letter dated October 10, 2013, Waynesboro requested additional time to complete certain of the remaining I&I projects and provided a plan and schedule for inclusion in an amendment to the Order.

6. On December 12, 2013, VRO issued Warning Letter number W2013-12-V-1002 to Waynesboro for failure to complete construction of the Project #S-4 by November 1, 2013 as required by the Order.

7. On January 31, 2014, DEQ met with representatives of Waynesboro to discuss the Warning Letter and its proposals for further addressing the City's I&I problems. During these discussions, Waynesboro presented its proposed revised plan and schedule for the I&I work for inclusion in this Amendment.

8. Va. Code § 62.1-44.31 states that: It shall be unlawful for any owner to fail to comply with any special order adopted by the Board…"

9. Appendix A, paragraph 17 of the 2010 Order states that "By November 1, 2013, Waynesboro shall complete construction of Project # S-4 from the Implementation Plan.

10. Based on the Warning Letter, letters from Waynesboro, results of the January 31, 2014, meeting, and a file review, the Board concludes that Waynesboro has violated the Va. Code § 62.1-44.315 and Appendix A of the Order, by failing to comply with the requirements of the Order, as described above.

11. Waynesboro has requested an extension of the deadline for completing I&I Projects #S-4 and #S-7 contained in the Order.

12. Based on the information available to DEQ to date, except for the delay in completing I&I Project #S-4, Waynesboro is otherwise in compliance with the Order and is current with all monitoring and reporting requirements.

SECTION C: Agreement and Order

Accordingly, by virtue of the authority granted it in Va. Code §§ 62.1-44.15, the Board orders Waynesboro, and Waynesboro agrees to:

Perform the actions described in Appendix A of this Amendment; which supersedes and cancels only Appendix A of the Order. Both the State Water Control Board and Waynesboro understand and agree that this Amendment does not alter, modify, or amend other provisions 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 _____, 2014.

_____
Amy T. Owens, Regional Director
Department of Environmental Quality

City of Waynesboro voluntarily agrees to the issuance of this Amendment.

Date: March 17, 2014 By: Michael G. Hamp II, City Manager
(Person) (Title)
City of Waynesboro

Commonwealth of Virginia

City/County of WAYNESBORO

The foregoing document was signed and acknowledged before me this 17th day of March, 2014, by MICHAEL G. HAMP II who is

CITY MANAGER of the City of Waynesboro on behalf of the City of Waynesboro.

Kay C Roetto
Notary Public

182634
Registration No.

My commission expires: 4-30-2014.

Notary seal:

KAY C. ROETTO
NOTARY PUBLIC
MY COMMISSION NUMBER 182634
COMMONWEALTH OF VIRGINIA

APPENDIX A
SCHEDULE OF COMPLIANCE

I&I Corrective Actions

Waynesboro shall conduct collection system rehabilitation work on the following schedule. DEQ recognizes that the prioritization of the individual project items to be accomplished each year in this schedule as contained in Waynesboro's January 25, 2010 I&I Program Implementation Plan and schedule may need to change during the rehabilitation process based on new information. DEQ agrees that Waynesboro may alter/substitute individual project items into the schedule below. Waynesboro shall notify and submit to DEQ for review and approval any proposed reprioritization(s) and provide a basis for the revision. Otherwise, Waynesboro shall conduct the collection system rehabilitation work utilizing the following construction schedule:

These projects have been prioritized based on the assessment from the City's flow studies.

Project #S-4

1. **By June 1, 2014**, Waynesboro shall complete construction of Project #S-4 from the Implementation Plan.

Project #S-5

2. **By June 1, 2014**, Waynesboro shall complete construction of Project #S-5 from the Implementation Plan.

Project #S-6

3. **By April 1, 2014**, Waynesboro shall advertise for bids for construction of Project #S-6 from the Implementation Plan.

4. **By February 1, 2015**, Waynesboro shall complete construction of Project #S-6 from the Implementation Plan.

Project #S-7

5. **By April 1, 2014**, Waynesboro shall advertise for bids for construction of Project #S-7 from the Implementation Plan.

6. **By July 1, 2015,** Waynesboro shall complete construction of Project #S-7 from the Implementation Plan.

Project #S-8

7. **By September 1, 2014**, Waynesboro shall submit to DEQ for review and approval the PER and any required documents for the Project #S-8 from the Implementation Plan. Waynesboro shall respond to comments on the PER within 30 days of receipt of written comments.

8. **By April 1, 2015**, Waynesboro shall submit to DEQ the proper CTC forms and advertise for bids for construction of Project #S-8 from the Implementation Plan.

9. **By November 1, 2015**, Waynesboro shall complete construction of Project #S-8 from the Implementation Plan.

Project #S-9

10. **By September 1, 2014**, Waynesboro shall submit to DEQ for review and approval the PER and any required documents for the Project # S-9 from the Implementation Plan. Waynesboro shall respond to comments on the PER within 30 days of receipt of written comments.

11. **By April 1, 2015**, Waynesboro shall submit to DEQ for review and approval the proper CTC forms and advertise for bids for construction of Project #S-9 from the Implementation Plan.

12. **By February 1, 2016**, Waynesboro shall complete construction of Project #S-9 from the Implementation Plan.

I&I Implementation Plan

13. **By July 1, 2016**, Waynesboro shall prepare and submit to DEQ for review and approval an evaluation of I&I work done to date to determine if the remaining projects from the Implementation Plan should continue through the Consent Order or if they can be completed as part of the City's Sewer Rehabilitation Plan. Waynesboro shall include with the evaluation a copy of the City's proposed Sewer Rehabilitation Plan. The evaluation must provide documentation to demonstrate to DEQ's satisfaction that the collection system work done to date is sufficient to ensure that the collection system will not experience bypasses or overflows. Should DEQ determine that the work completed to date is not sufficient, Waynesboro shall submit to DEQ for review and approval a new plan and schedule of collection system work for incorporation into an Order within 30 days of receipt of a written request.

14. Waynesboro shall submit quarterly progress reports to DEQ, with the first report being due **April 10, 2014**. 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 cancellation of this Order. 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 quarterly period 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 Waynesboro 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 and remedial actions taken to remedy noncompliance.

DEQ Contact

Unless otherwise specified in this Order, Waynesboro shall submit all requirements of Appendix A of this Order to:

Tiffany Severs
Enforcement Specialist
VA DEQ –Valley Regional Office
P.O. Box 3000
Harrisonburg, VA 22801
(540) 574-7859 Phone
(540) 574-7878 Fax
Tiffany.severs@deq.virginia.gov