Piedmont Regional Office
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COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY
PIEDMONT REGIONAL OFFICE
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Douglas W. Domenech
Secretary of Natural Resources

David K. Paylor
Director

Michael P. Murphy
Regional Director

STATE WATER CONTROL BOARD ENFORCEMENT ACTION
SPECIAL ORDER BY CONSENT
ISSUED TO
CHARLES CITY COUNTY, VIRGINIA
for the
HIDEAWAY STP
VPDES Permit No. VA0080233

SECTION A: Purpose

This is a Consent 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 Charles City County, for the purpose of resolving certain violations of the State Water Control Law and the applicable permit and/or regulations.

SECTION B: Definitions

Unless the context clearly indicates otherwise, the following words and terms have the meaning assigned to them below:

1. "Board" means the State Water Control Board, a permanent citizen's board of the Commonwealth of Virginia as described in Va. Code §§ 10.1-1184 and 62.1-44.7.

2. "County" means Charles City County, Virginia a political subdivision of the Commonwealth of Virginia. The County is a "person" within the meaning of Va. Code § 62.1-44.3.

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, as described in Va. Code § 10.1-1185.

5. "DMR" means Discharge Monitoring Report.

6. "Hideaway Facility" means Charles City County Hideaway Sewage Treatment Plant located at 9100 Willcox Neck Road, Charles City, Virginia.

7. "Hideaway Permit" means the VPDES Permit No. VA0080233 issued for the Hideaway Facility which became effective on March 29, 2004, and expired on March 28, 2009. The Hideaway Permit was re-issued and became effective on March 29, 2009 and expires on March 28, 2014.

8. "Notice of Violation" or "NOV" means a type of Notice of Alleged Violation under Va. Code § 62.1-44.15.

9. "O&M" means operations and maintenance.

10. "Order" means this document, also known as a "Consent Order" or "Order by Consent," a type of Special Order under the State Water Control Law.

11. "Permit Regulation" means 9 VAC 25-31-10, *et seq.*, the Virginia Pollutant Discharge Elimination System Permit Regulation.

12. "Pollutant" means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials (except those regulated under the Atomic Energy Act of 1954, as amended (42 USC § 2011 *et seq.*)), heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water… 9 VAC 25-31-10.

13. "Pollution" means such alteration of the physical, chemical, or biological properties of any state waters as will or is likely to create a nuisance or render such waters (a) harmful or detrimental or injurious to the public health, safety, or welfare or to the health of animals, fish, or aquatic life; (b) unsuitable with reasonable treatment for use as present or possible future sources of public water supply; or (c) unsuitable for recreational, commercial, industrial, agricultural, or other reasonable uses, provided that (i) an alteration of the physical, chemical, or biological property of state waters or a discharge or deposit of sewage, industrial wastes or other wastes to state waters by any owner which by itself is not sufficient to cause pollution but which, in combination with such alteration of or discharge or deposit to state waters by other owners, is sufficient to cause pollution; (ii) the discharge of untreated sewage by any owner into state waters; and (iii) contributing to the contravention of standards of water quality duly established by the Board, are "pollution." Va. Code § 62.1-44.3.

14. "PRO" means the Piedmont Regional Office of DEQ, located in Glen Allen, Virginia.

15. "State Water Control Law" means Chapter 3.1 (§ 62.1-44.2 *et seq.*) of Title 62.1 of the Va. Code.

16. "State waters" means all water, on the surface and under the ground, wholly or partially within or bordering the Commonwealth or within its jurisdiction, including wetlands. Va. Code § 62.1-44.3.

17. "TKN" means total kjeldahl nitrogen.

18. "TSS" means total suspended solids.

19. "Va. Code" means the Code of Virginia (1950), as amended.

20. "VAC" means Virginia Administrative Code.

21. "VPA" means Virginia Pollution Abatement.

22. "VPDES" means Virginia Pollutant Discharge Elimination System.

23. "Warning Letter" or "WL" means a type of Notice of Alleged Violation under Va. Code § 62.1-44.15.

SECTION C: Findings of Fact and Conclusions of Law

1. The County owns and operates the Hideaway Sewage Treatment Plant located at 9100 Willcox Neck Road, in Charles City, Virginia. The Hideaway Facility is subject to the Hideaway Permit which allows the County to discharge treated wastewater into the Chickahominy River in strict compliance with terms, limitations and requirements outlined in the Hideaway Permit.

2. Chickahominy River is located in the James River Basin (Lower). During the 2010 305(b)/303(d) cycle, this portion of the Chickahominy River was impaired of the Recreation Use due to enterococci violations and the Fish Consumption Use due to a Virginia Department of Health (VDH) PCB advisory. In addition, the river is addressed in the VDH fish consumption advisory for kepone. Sediment screening value exceedances for DDE and DDT and possible benthic community alteration were considered non-impairing "observed effects". The segment is considered a Tier 2 water. The water is not proposed for designation as Tier 3 Exceptional Waters.

   The discharge was addressed in the Chesapeake Bay TMDL, which was approved by the EPA on December 29, 2010. It was included in the aggregated total nitrogen, total

phosphorus, and total suspended solids wasteload allocations for non-significant wastewater dischargers in the Chickahominy River oligohaline estuary (CHKOH).

3. The Department did not receive an application for reissuance of the Hideaway Permit 180 days before the expiration of the Hideaway Permit, as required by Part II.M of the Hideaway Permit and 9 VAC 25-31-100.D. The permit application was due no later than September 28, 2008.

4. On October 10, 2008, the Department issued WL Number W2008-10-P-1005 to the County for the failure to submit the Hideaway Facility permit application. The Department did not receive a written response from the County.

5. On November 14, 2008, the Department issued NOV Number W2008-10-P-0002 to the County for the violation described in paragraph C.3.

6. The Department received an electronic copy of the application on December 8, 2008.

7. On December 17, 2008, January 13, 2009, and January 26, 2009, the Department notified the County that its application was incomplete and requested additional application information.

8. On January 22, 2009, the Department performed an inspection of the Hideaway Facility and reviewed the DEQ Hideaway Permit file. The following violations were noted as the result of the inspection and file review:

    a. Failure to properly operate and maintain systems of treatment and control, as required by Part II.Q of the Hideaway Permit. Department staff noted during the inspection that the Facility was badly corroded and repairs were needed in order to allow the plant to operate as designed.
    b. Failure to prevent bypass of treatment operations, as required by Part II.U.3.a of the Hideaway Permit. DEQ staff noted that the splitter box had been removed and the bar screen was no longer in use, which resulted in a bypass of treatment operations.
    c. Failure to submit a complete permit application within 180 days before the expiration of the Hideaway Permit, as required by Part II.M of the Permit and 9 VAC 25-31-100.D. DEQ staff noted during the file review that the Department still had not received a complete the permit application from the County.

9. On February 3, 2009 and February 12, 2009, DEQ staff and County representatives met to discuss the issues at the Hideaway Facility.

10. On February 5, 2009, the Department received a complete application.

11. On March 13, 2009, the Department issued NOV Number W2009-03-P-0005 to the County for the violations described in paragraph C.8.

12. On April 23, 2009, the Department received a status update from the County informing that, "new grading has been installed for safe accessibility" at the Hideaway Facility.

13. On March 23, April 16, and April 29, 2009, the Department performed follow-up inspections of the Hideaway Facility and subsequently reviewed the DEQ Hideaway Permit file. The following violations were noted as the result of the inspections and file review:
    a. Failure to properly operate and maintain systems of treatment and control, as required by Part II.Q of the Hideaway Permit. Department staff observed that the conditions noted during the January inspection had not been corrected.
    b. Failure to prevent bypass of treatment operations, as required by Part II.U.3.a of the Hideaway Permit. Department staff observed that the conditions noted during the January inspection had not been corrected.
    c. Failure to adhere to permitted limits, as required by Part I.A. of the Hideaway Permit, Va. Code § 62.1-44.5, and 9 VAC 25-31-50. Results from the samples that were collected by DEQ staff during the March 23rd inspection revealed that pH and Dissolved Oxygen (DO) did not meet the permitted minimum concentrations. Results from the samples taken during the April 29th inspection revealed that Total Chlorine was above the permitted maximum concentration, Enterococci was above the permitted allowable average concentration, and DO was below the permitted minimum concentration. DMR data submitted by the County for the month of March 2009 revealed that DO did not meet the permitted minimum concentration, and data submitted by the County for the month of April 2009 revealed that Enterococci was above the permitted allowable average concentration.
    d. Failure to calibrate and perform maintenance procedures on monitoring instrumentation, as required by Part II.A.3 of the Hideaway Permit. During the inspection Hideaway Facility staff could not provide Department staff with documentation to verify that calibration and maintenance on monitoring instrumentation were being performed.
    e. Failure to maintain on site records, as required by Part II.B.1 and 2 of the Hideaway Permit. Department staff reviewed the records that were available and found that the sample and bench sheet records were not being maintained to the extent required.
    f. Failure to submit an O&M Manual by June 27, 2009, as required by Part I.C.3 of the Hideaway Permit. DEQ staff noted during the file review that the Department had not received the O&M Manual from the County.
    g. Failure to submit reports of noncompliance for the March 2009 or April 2009 monitoring periods, as required by Part II.I.3 of the Hideaway Permit. DEQ staff noted during the file review that the Department had not received reports of noncompliance from the County for the issues identified in paragraph C.13.c,

above.

14. On August 10, 2009, the Department issued NOV Number W2009-07-P-0004 to the County for the violations described in paragraph C.13.

15. On December 3, 2009, the Department issued NOV Number W2009-11-P-0006 to the County for its failure to adhere to permitted limits as required by the Hideaway Permit Part I.A, Va. Code § 62.1-44.5, and 9 VAC 25-31-50. The monitoring results reported on the July, September, and October 2009 DMRs noted the average concentrations of Enterococci at 77 n/c mL, 430 n/c mL, and 83 n/c m/L respectively, versus a permit allowable average concentration of 35 n/c mL. The County failed to report these instances of noncompliance as required by the Hideaway Permit, Va. Code § 62.1-44.5, and 9 VAC 25-31-50. The monitoring results reported on the September 2009 DMR noted the average and maximum concentration of BOD_5 at 27.0 mg/L. The analytical summary submitted with the September 2009 monitoring results contained a footnote which stated, "BOD dilutions exhibited potential toxic effect". The County failed to notify and report the potential toxicity revealed by the BOD analysis as required by the Hideaway Permit, Va. Code § 62.1-44.5, and 9 VAC 25-31-50. The County failed to submit an updated O&M Manual, as required by Part I.C.3 of the Hideaway Permit.

16. On February 19, 2010, the Department issued NOV Number W2010-02-P-0006 to the County for its failure to adhere to permitted limits as required by the Hideaway Permit Part I.A, Va. Code § 62.1-44.5, and 9 VAC 25-31-50. The monitoring results reported on the October and December 2009 DMRs noted the average concentrations of Enterococci at 83 n/c m/L and 100 n/c mL respectively, versus a permit allowable average concentration of 35 n/c mL. The monitoring results reported on the December 2009 DMR noted the average concentration of BOD_5 at 38 mg/L versus a permit allowable average concentration of 30 mg/L. The County failed to report the noncompliance for the October and December 2009 monitoring periods as required by the Hideaway Permit. The County failed to submit an updated O&M Manual, as required by Part I.C.3 of the Hideaway Permit.

17. On July 13, 2010, the Department issued NOV Number W2010-06-P-0005 to the County for its failure to adhere to permitted limits as required by the Hideaway Permit Part I.A, Va. Code § 62.1-44.5, and 9 VAC 25-31-50. The monitoring results reported on the January and February 2010 DMRs noted the average concentrations of Enterococci at 115 n/c m/L and 48 n/c mL respectively, versus a permit allowable average concentration of 35 n/c mL. The County failed to perform weekly Enterococci sampling and analysis for the May 2010 monitoring period. The County failed to report the noncompliance for the January and February 2010 monitoring periods as required by the Hideaway Permit. The County failed to submit an updated O&M Manual, as required by Part I.C.3 of the Hideaway Permit. The County failed to submit an annual progress report by March 29, 2010.

18. On February 17, 2011, the Department issued NOV Number W2011-02-P-0008 to the County for its failure to adhere to permitted limits as required by the Hideaway Permit Part I.A, Va. Code § 62.1-44.5, and 9 VAC 25-31-50. The monitoring results reported on the December 2010 DMR noted the average concentration of Enterococci at 329.2 n/c m/L versus a permit allowable average concentration of 35 n/c mL.

19. On August 5, 2011, the Department issued NOV Number W2011-08-P-0003 to the County for its failure to adhere to permitted limits as required by the Hideaway Permit Part I.A, Va. Code § 62.1-44.5, and 9 VAC 25-31-50. The DEQ collected field sample calculated with the monitoring results reported on the June 2011 DMR indicate the Total Chlorine monthly average concentration of 0.14 mg/L versus a permit allowable average concentration of 0.0047 mg/L and a maximum weekly average concentration of 4.4 mg/L versus a permit allowable maximum concentration of 0.0058 mg/L. The NOV also noted; failure to amend the O&M Manual for the use of a splash board to prevent overflows, as required by Part I.C.3 of the Hideaway Permit; failure to report an unpermitted overflow of sewage sludge from the Facility; failure to obtain samples during the required timeline, as required by Part I.A.1.a of the Hideaway Permit; failure to use the appropriate procedures when conducting monitoring, as required by Part II.A.2 of the Hideaway Permit; and failure to properly maintain DMRs and on site records, as required by Part II.A.1 and the O&M Manual.

20. On March 27, 2012, the Department issued NOV Number W2012-03-P-0008 to the County for its failure to adhere to permitted limits as required by the Hideaway Permit Part I.A, Va. Code § 62.1-44.5, and 9 VAC 25-31-50. The monitoring results reported on the January 2012 DMR noted the minimum concentration of DO at 6.0 mg/L versus a permit allowable average concentration of 6.5 mg/L, the maximum concentration of BOD_5 at 51 mg/L versus a permit allowable average concentration of 45 mg/L, the maximum loading of TSS at 3662 g/day, the average concentration of TSS at 32 mg/L and, the maximum concentration of TSS at 108 mg/l, versus the permit allowable limits of 3400 g/day, 32 mg/L, and 45 mg/L respectively, and monitoring results reported on the February 2012 DMR noted the maximum concentration of pH at 9.46 SU versus the permit allowable concentration of 9.0 SU. The monitoring results reported on the January 2012 and February 2012 DMRs noted the average concentration of Enterococci at 62 #C/ml and 51 #C/ml respectively, versus the permit allowable concentration of 35 #C/ml. The NOV also noted the County's failure to report the noncompliance for the February 2012 monitoring period as required by the Hideaway Permit and the County's failure to amend the O&M Manual for the use of a splash board to prevent overflows, as required by Part I.C.3 of the Hideaway Permit.

21. On August 14, 2012, the Department issued NOV Number W2012-08-P-0003 to the County for its failure to adhere to permitted limits as required by the Hideaway Permit Part I.A, Va. Code § 62.1-44.5, and 9 VAC 25-31-50. The monitoring results reported on the March 2012 DMR noted the minimum concentration of DO at 6.05 mg/L versus a permit allowable average concentration of 6.5 mg/L, and the average concentration of

Enterococci at 65 #C/ml, versus the permit allowable concentration of 35 #C/ml. The monitoring results reported on the April 2012 DMR noted the average concentration of Enterococci at 52 #C/ml, versus the permit allowable concentration of 35 #C/ml. The monitoring results reported on the May 2012 DMR noted the minimum concentration of DO at 6.25 mg/L versus a permit allowable average concentration of 6.5 mg/L, the average concentration of Enterococci at 71 #C/ml, versus the permit allowable concentration of 35 #C/ml, and the minimum concentration of pH at 5.75 SU versus a permit allowable average concentration of 6.0 SU. The monitoring results reported on the June 2012 DMR noted the minimum concentration of DO at 5.21 mg/L versus a permit allowable average concentration of 6.5 mg/L, the average concentration of Enterococci at 468 #C/ml, versus the permit allowable concentration of 35 #C/ml, and the minimum concentration of pH at 3.58 SU versus a permit allowable average concentration of 6.0 SU, and the maximum concentration of pH at 9.39 SU versus the permit allowable concentration of 9.0 SU. The monitoring results reported on the July 2012 DMR noted the total contact chlorine and the instantaneous chlorine at 0.36 mg/L, versus the permit allowable concentrations of 1.0 mg/L and 0.60 mg/L and the minimum concentration of DO at 4.95 mg/L versus a permit allowable average concentration of 6.5 mg/L. The NOV also noted failure to obtain samples during the required timeline, as required by Part I.A.1.a of the Hideaway Permit; the analytical summary submitted for the April 2012 monitoring period qualified the CBOD data 'G', indicating that 'GGA/Int. QC was not 198.5+/-30.5'; the CBOD eDMR data submitted for the April 2012 monitoring period did not contain a qualifier; failure to report the noncompliance for the March and May 2012 monitoring periods as required by the Hideaway Permit; and failure to report all the permit required information with its noncompliance reports for the April and July 2012 monitoring periods as required by the Hideaway Permit.

22. On July 31, 2012, the Department received a compliance update from the County that maintenance and repairs are being done at the Hideaway Facility and that the County expects to see compliance in data by September 1, 2012, that it had hired an independent contractor that is a certified wastewater treatment plant operator in August 2011 and that the contract can be obtained from the County's office, that the Hideaway Facility is fundamentally sound and able to handle the volume and type of waste being discharged to it and that proper maintenance will allow the system to be used as it is, that it has implemented the practice of log books which the public works director is checking weekly and that disciplinary actions will be taken if employees fail to document appropriately. The County also submitted a policy for base-level and continued operator training and a certification that it had adequate funding for fiscal year 2012-2013 to operate, repair, and maintain the Hideaway Facility.

23. On October 5, 2012, the Department received a response from the County regarding NOV No. W2012-08-P-0003:

    a. The County asserted that since the time these violations occurred, the County has made significant improvements in staffing, training, and work schedules for

specific operators; all of which has worked to improve effluent quality and plant operations and maintenance.

b. Since these violations, the County has purchased and installed a new blower and motor to increase aeration, improved site security and modified process control to include alkalinity monitoring.

c. The cause of the chlorine violation was attributed to inadequate training of operators in responding to low chlorine residuals. The County stated that staff have been provided the proper training.

d. The County will amend and resubmit the eDMR for the month of April 2012 to include the CBOD5 qualifier. Additionally, the Reports of Non-Compliance for February, March and May 2012 were enhanced and resubmitted.

24. On November 7, 2012, the County provided a status update regarding activities completed at the Hideaway Facility: the purchase and installation of a new alarm panel with autodialer; the completion of an 8-foot security fence around the Facility; the purchase of two new blowers and an emergency generator; the purchase of alkalinity test equipment; adoption of a staffing policy that placed responsibility for operation on a single employee, and modification of the surge tank pump discharge lines to allow diversion of flow back to the surge tank.

25. On December 6, 2012, the Department issued NOV Number W2012-12-P-0001 to the County for its failure to adhere to permitted limits as required by the Hideaway Permit Part I.A, Va. Code § 62.1-44.5, and 9 VAC 25-31-50. The monitoring results reported on the August 2012 DMR noted the minimum concentration of DO at 5.89 mg/L versus a permit allowable average concentration of 6.5 mg/L. The monitoring results reported on the September 2012 DMR noted the minimum concentration of DO at 5.89 mg/L versus a permit allowable average concentration of 6.5 mg/L, and the minimum pH of 5.77 SU versus the permit allowable minimum of 6.0 SU. The monitoring results reported on the October 2012 DMR noted the minimum concentration of DO at 6.40 mg/L versus a permit allowable average concentration of 6.5 mg/L. In addition, the NOV also noted that at least one DO reading reported on the October DMR was obtained on November 4, 2012; that an enterococci sample reported as having been rejected on the October DMR was obtained on November 12, 2012, and failure to report all the permit required information with its noncompliance reports for the August, September and October 2012 monitoring periods as required by the Hideaway Permit.

26. Va. Code § 62.1-44.5 states that: "Except in compliance with a certificate issued by the Board, it shall be unlawful for any person to discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances."

27. The Permit Regulation, at 9 VAC 25-31-50, also states that except in compliance with a VPDES permit, or another permit issued by the Board, it is unlawful to discharge into state waters sewage, industrial wastes or other wastes.

28. Va. Code § 62.1-44.15(5a) states that a VPDES permit is a "certificate" under the statute.

29. The Department has issued no permits or certificates to the County for this Facility other than VPDES Permit No. VA0080233.

30. The Chickahominy River is a surface water located wholly within the Commonwealth and is a "state water" under State Water Control Law.

31. Based on the Department records, the Board concludes that the County has violated the Hideaway Permit, the State Water Control Law and the Regulations, as described above.

32. In order for the County to return to compliance, DEQ staff and representatives of the County have agreed to the Schedule of Compliance, which is incorporated as Appendix A of this Order.

SECTION D: Agreement and Order

Accordingly, by virtue of the authority granted it in Va. Code §§62.1-44.15, the Board orders the County, and the County agrees to perform the actions described in Appendix A of this Order.

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend this Order with the consent of the County for good cause shown by the County, or on its own motion pursuant to the Administrative Process Act, Va. Code § 2.2-4000 *et seq.*, after notice and opportunity to be heard.

2. This Order addresses and resolves only those violations specifically identified in Section C of this Order. 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; or (3) taking subsequent action to enforce the Order.

3. For purposes of this Order and subsequent actions with respect to this Order only, the County admits the jurisdictional allegations, findings of fact, and conclusions of law contained herein.

4. The County 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. The County declares it has received fair and due process under the Administrative Process Act 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 modify, rewrite, amend, or enforce this Order.

6. Failure by the County 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. The County 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. The County shall show that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. The County shall notify the DEQ Regional Director verbally within 24 hours and in writing within three business days 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 verbally within 24 hours and in writing within three business days, of learning of any condition above, which the County 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 the County. Nevertheless, the County agrees to be bound by any compliance date which precedes the effective date of this Order.

11. This Order shall continue in effect until:

    a. The County 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' written notice to the County.

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

12. Any plans, reports, schedules or specifications attached hereto or submitted by the County and approved by the Department pursuant to this Order are incorporated into this Order. Any non-compliance with such approved documents shall be considered a violation of this Order.

13. The undersigned representative of the County certifies that he is a responsible official authorized to enter into the terms and conditions of this Order and to execute and legally bind the County to this document. Any documents to be submitted pursuant to this Order shall also be submitted by a responsible official of the County.

14. This Order constitutes the entire agreement and understanding of the parties concerning settlement of the violations identified in Section C of this Order, and there are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this Order.

15. By its signature below, Charles City County, Virginia voluntarily agrees to the issuance of this Order.

And it is so ORDERED this _____ day of _____, 2013.

_____

Michael P. Murphy, Regional Director
Department of Environmental Quality

Charles City County, Virginia voluntarily agrees to the issuance of this Order.

Date: 3/28/13 By: _____, _____
Zach Trogdon County Administrator

Commonwealth of Virginia
~~City~~/County of Charles City

The foregoing document was signed and acknowledged before me this 28th day of March, 2013, by Zach Trogdon who is the County Administrator of Charles City County, Virginia.

Gina L Sandy Patterson
Notary Public

7310887
Registration No.

My commission expires: 8/31/2014

Notary seal:

GINA L. SANDY PATTERSON
NOTARY PUBLIC
REGISTRATION # 7310887
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES
AUGUST 31, 2014

APPENDIX A

1. **The County shall immediately** comply with the provisions of the Hideaway Permit and the approved O&M Manual with respect to maintenance, monitoring, recordkeeping and reporting requirements.

2. **The County shall immediately** implement the corrective actions as described in Hideaway item 1 of the May 11, 2011 CAP response letter. Because the County has yet to achieve consistent compliance with Hideaway Permit it shall, **no later than April 1, 2013**, submit a plan and schedule of further corrective actions to the Department for review and approval.

3. **Until the Environmental Management System described in Appendix B of the Charles City County Administrative Building Consent Order is implemented, the County shall immediately** implement the Quality Assurance/Quality Control program as described in the November 2010 Corrective Action Plan (CAP) and in the general comments item 1 of the May 11, 2011 CAP response letter.

4. **No later than April 1, 2013,** the County shall submit to DEQ, for review and approval, a new or revised solids management plan, procedures for addressing overflow issues and procedures for maintaining appropriate alkalinity levels in the aeration basin, as part of a revision to the Hideaway Facility's O&M Manual.

5. **No later than April 1, 2013,** the County shall redesign the alarms at the Hideaway Facility so that they are visible and audible in areas near the equipment being monitored. The County shall submit photographs to DEQ upon completion of this item **no later than April 15, 2013.**

6. The County shall provide additional training to the operators of the Hideaway Facility and the County Director of Public Works by requiring that these employees attend the following training courses as described in the DEQ Wastewater Operator Training Workshop Catalog:

   a) Basic Wastewater Licensure Review (ENV-40)
   b) Basic Lab Skills (DEQ-19)
   c) VPDES Permit Recordkeeping and Reporting (DEQ-16)
   d) Wastewater Math for Operators (DEQ-20)
   e) Sampling and Testing for Small Plants (DEQ-12)

   The employees shall attend and successfully complete all of the above referenced courses at the first date they are offered by the Department after the date of issuance of this Order. Documentation of the completion of the courses shall be maintained with the Hideaway Facility records and made available to DEQ staff for review.

7. **Beginning May 10, 2013,** the County shall submit quarterly reports to DEQ, including, but not limited to, the following information:

    a. Any Hideaway Facility repairs undertaken in the preceding calendar quarter.
    b. Records of any sludge hauling undertaken in the preceding calendar quarter.
    c. Calibration records (pH, DO, and chlorine)

    Updates shall be due every August 10, November 10, February 10, and May 10 while this Consent Order is in effect. In addition, the February 10th report shall include a certification to DEQ that the County has allocated the appropriate funding to operate, repair, update, and/or replace the Hideaway Facility.

All requirements of Appendix A of this Order shall be submitted to:

Kyle Ivar Winter, P.E.
Deputy Regional Director
VA DEQ – Piedmont Regional Office
4949-A Cox Road
Glen Allen, Virginia 23060
804-527-5052
804-527-5106 (fax)
kyle.winter@deq.virginia.gov