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
ROXBURY INDUSTRIAL CENTER WWTP
VPA Permit No. VPA00524

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 regulation.

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

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

7. "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.

8. "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.

9. "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.

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

11. "Regulation" means the VPA Permit Regulation, 9 VAC 25-32-10 *et seq.*

12. "Roxbury Facility" means Charles City County Roxbury Industrial Center Wastewater Treatment Plant (WWTP) located at 6640 Chambers Road, in Charles City, Virginia.

13. "Roxbury Permit" means the VPA Permit No. VPA00524 issued for the Roxbury Facility which became effective on July 15, 2005, and expires on July 14, 2015.

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

15. "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.

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

17. "VAC" means Virginia Administrative Code.

18. "VPA" means Virginia Pollution Abatement.

19. "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 Roxbury Industrial Center Wastewater Treatment Plant located at 6640 Chambers Road, in Charles City, Virginia. The Roxbury Facility is subject to the Roxbury Permit which allows the County to manage wastes in strict compliance with terms, limitations and requirements outlined in the Roxbury Permit. The Roxbury Permit became effective on July 15, 2005 and expires on July 14, 2015.

2. On March 4, 2008, Department staff sent an e-mail to a County representative requesting a status update on the annual project summary reports for the Roxbury Facility. Based on a review conducted by DEQ staff it appeared that the annual project reports were not submitted for calendar years 2005 through 2007, as required by Part I.F.11 of the Roxbury Permit.

3. On March 14, 2008, the Department received the 2007 annual project summary report from the County. Part I.F.11 of the Roxbury Permit requires the annual project summary report for the preceding year be submitted annually by the 10th of February.

4. On March 20, 24, 25, and 28, 2008, the Department notified the County that the 2007 annual project summary report was not complete and informed it of the remaining deficiencies. The Department still has not received the annual project summary reports for calendar years 2005, 2006, and has not received a revised report for calendar year 2007.

5. On August 14, 2008, the Department performed an inspection of the Roxbury Facility and reviewed the DEQ Roxbury Permit file. The following violations were noted as the result of the inspection and file review:

    a. Failure to balance nitrogen loadings, as required by Part I.F.4 of the Roxbury Permit and the O&M manual sections 3.19 and 3.21 of division 7. The O&M manual requires harvesting and removal of the cover crop on a frequency of two

to four times per year to ensure that nitrogen loading is balanced. Department staff noted that the area where land application was occurring had not been harvested.

b. Failure to properly operate and maintain systems of treatment and control, as required by Part II.Q of the Roxbury Permit. During the inspection Department staff noted an accumulation of sludge in the aerated lagoons; that repairs were necessary on the discharge line running between the holding pond and the chlorine tank; an accumulation of solids in the chlorine tank; and a lack of annual certification on cross-connection control devices.
c. Failure to calibrate and perform maintenance procedures on monitoring instrumentation, as required by Part II.A.3 of the Roxbury Permit. During the inspection Roxbury Facility staff could not provide Department staff with documentation to verify that calibration and maintenance on monitoring instrumentation were being performed at the Roxbury Facility.
d. Failure to maintain on site records of monitoring information, including all calibration records, as required by Part II.B.1 and Part II.B.2 of the Roxbury Permit. Department staff noted during the inspection all records could not be located. Department staff reviewed the records that were available and found that the laboratory records, monitoring reports, and bench sheets were not being maintained to the extent required.

6. On September 19, 2008, the Department sent the County the report from the August 2008 inspection. The Department requested the County to respond to the Compliance Recommendations by October 24, 2008. The Department did not receive a response from the County.

7. On November 14, 2008, the Department issued NOV Number W2008-10-P-0002 to the County for the violation described in paragraph C.5.b. The NOV also included a citation for the failure to provide a written response to the Compliance Recommendations made in the inspection reports, as required by Section 62.1-44.21 and Part II.D of the Roxbury Permit.

8. On January 22, 2009, the Department performed a follow-up inspection of the Roxbury Facility and reviewed the DEQ Roxbury Permit file. The following violations were noted as the result of the inspection and the subsequent file review:

   a. Failure to balance nitrogen loadings, as required by Part I.F.4 of the Roxbury Permit and the O&M manual sections 3.19 and 3.21 of division 7. Department staff noted that the land application area still had not been harvested.
   b. Failure to properly operate and maintain systems of treatment and control, as required by Part II.Q of the Roxbury Permit. Department staff noted that the violations observed during the August inspection had not been corrected.
   c. Failure to calibrate and perform maintenance procedures on monitoring instrumentation, as required by Part II.A.3 of the Roxbury Permit. Department

staff noted that the violations observed during the August inspection had not been corrected.

d. Failure to maintain on site records of monitoring information, including all calibration records, as required by Part II.B.1 and Part II.B.2 of the Roxbury Permit. Department staff noted that the violations observed during the August inspection had not been corrected.

e. Failure to submit annual project summary reports by the 10th of February for calendar years 2005 and 2006, and complete project summary reports for calendar years 2007 and 2008, as required by Part I.F.11 of the Roxbury Permit. DEQ staff noted that reports for calendar years 2005 and 2006 still had not been received, that the 2007 report remained incomplete, and that the 2008 report was received late on February 26, 2009.

f. Failure to provide a written response to the Compliance Recommendations section of the inspection report dated September 19, 2008, as required by Section 62.1-44.21 and Part II.D of the Roxbury Permit. DEQ staff noted during the file review that the Department still had not received a response to the Compliance Recommendations from the County.

g. Failure to submit annual groundwater monitoring data to DEQ in a timely manner as required by the Roxbury Permit Part I.C.4. The data was due to DEQ by October 10, 2008 and was received on November 10, 2008.

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

10. On March 10, 2009, the Department received a status update from the County. The update, in part, included the following information: the electric breakers for the mechanical aerators had been replaced; the aerators were pulled, cleaned and were operating properly at this time; new chlorinator and injector system were installed; groundwater monitoring wells had been locked and were secure; and the County was contacting local farmers to harvest the field.

11. On March 13, 2009, the Department issued NOV Number W2009-03-P-0002 (March NOV) 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. The update included the following information: reports have been resubmitted for calendar years 2005-2007 mailed on February 21, 2009, local farmer has been hired to harvest the field, a land application pump has been ordered, all required information and documentation was being recorded and is maintained as required.

13. On April 27, 2009, the Department received the annual project summary reports for calendar years 2005, 2006, 2007, and 2008.

14. On May 12, 2009, the Department performed a follow-up inspection of the Roxbury Facility and reviewed the DEQ Roxbury Permit file. The following violations were noted as the result of the inspection and file review:

    a. Failure to balance nitrogen loadings, as required by Part I.F.4 of the Roxbury Permit and the O&M manual sections 3.19 and 3.21 of division 7. Department staff noted that the application field still had not been harvested.
    b. Failure to properly operate and maintain systems of treatment and control, as required by Part II.Q of the Roxbury Permit. Department staff noted that some of the violations observed during the August and January inspections were uncorrected.
    c. Failure to calibrate and perform maintenance procedures on monitoring instrumentation, as required by Part II.A.3 of the Roxbury Permit. Department staff noted that some of the violations observed during the August and January inspections were uncorrected.
    d. Failure to maintain on site records, as required by Part II.B.1 and Part II.B.2 of the Roxbury Permit. Department staff reviewed the records and found that they were not being maintained to the extent required. The violations observed during the August and January inspections were uncorrected.
    e. Failure to measure and report permitted parameters, as required by Part I.A.4 of the Roxbury Permit. Department staff noted during the file review that the Department had not received Attachment A of the Roxbury Permit from the County from 2007 to present date.

15. On August 10, 2009, the Department issued NOV Number W2009-07-P-0005 to the County for the violations described in paragraph C.14.

16. On December 3, 2009, the Department issued NOV Number W2009-12-P-0001 to the County for its failure to submit annual groundwater monitoring data to DEQ in a timely manner as required by the Roxbury Permit Part I.C.4. The data was due to DEQ by October 10, 2009 and was received on November 16, 2009.

17. On August 26, 2010, the Department issued NOV Number W2010-08-P-0003 to the County for its failure to properly operate and maintain systems of treatment and control, as required by Part II.Q of the Roxbury Permit; failure to balance nitrogen loadings, as required by Part I.F.4 of the Roxbury Permit and the O&M manual sections 3.19 and 3.21 of division 7; failure to maintain records, as required by Part II.B.1 and Part II.B.2 of the Roxbury Permit, and that the 2009 annual project summary report, due by February 10, 2010, was received late on March 10, 2010.

18. On June 21, 2011, the Department issued NOV Number W2011-06-P-0003 to the County for its failure to submit annual groundwater monitoring data to DEQ in a timely manner as required by the Roxbury Permit Part IF.11.

19. On August 5, 2011, the Department issued NOV Number W2011-08-P-0001 to the County for its failure to submit annual groundwater monitoring data to DEQ in a timely manner as required by the Roxbury Permit Part I.F.11; failure to properly operate and maintain systems of treatment and control, as required by Part II.Q of the Roxbury Permit; and failure to balance nitrogen loadings, as required by Part I.F.4 of the Roxbury Permit and the O&M manual sections 3.19 and 3.21 of division 7.

20. On July 31, 2012 and August 1, 2012, the Department received a compliance update from the County 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 Roxbury 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, a photograph of the repaired floating aerators in the lagoons at the Roxbury Facility, a photograph of the repaired valves on the influent well, the 2011 annual life expectancy report for the harvest field and lagoon at the Roxbury Facility, a report of the total tons that were harvested from the Roxbury Facility, an outline of how the County will use one lagoon as the treatment scheme, the 2010 and 2011 annual project summary reports, and a certification that it had adequate funding for fiscal year 2012-2013 to operate, repair, and maintain the Roxbury Facility.

21. On August 23, 2012, the Department issued NOV Number W2012-08-P-0008 to the County for its failure to submit annual soil monitoring report to DEQ as required by the Roxbury Permit Part I.E.3.

22. On August 21, 2012, Department performed a follow-up inspection of the Roxbury Facility. The following violations were noted as the result of the inspection:

    a. An unpermitted discharge resulting from an ongoing overflow (estimated to be 15,000 gallons) at the Main Pump Station; not reported to the Department by the County per Part II.G of the Roxbury Permit, but observed by Department staff during the inspection.
    b. Failure to properly operate and maintain systems of treatment and control, as required by Part II.Q. of the Roxbury permit. During the inspection Department staff noted an accumulation of material in the influent wet well/distribution box; solids accumulation in the chlorine contact tank (CCT) and wet well; failure to remove harvested hay from the application field; failure of the second transfer pump between the chlorine contact tank and the holding pond; failure of the flow meter between the transfer well and the land application field; failure of the alarms at the Main Pump Station; vegetation growing through the liner of the holding pond.

c. Failure to calibrate and perform maintenance procedures on monitoring instrumentation, as required by Part II.A.3 of the Roxbury Permit.
d. Failure to monitor pH and TRC when effluent was land applied, as required per Part I.B.2 of the Roxbury Permit.
e. On June 19, 2012, the chlorine residual was 1.39 mg/L, versus a minimum chlorine limit of 2.0 mg/l per Part I.B.2.c of the Roxbury Permit.
f. Pages 1 and 2 of Attachment B (Monthly Effluent Monitoring) were not submitted for the June 2012 monitoring period per Part II.C.1 of the Roxbury Permit.
g. Based on the June 25, 2012 Chain of Custody (COC), it appears that a grab sample was collected for the monthly effluent monitoring; not a composite sample, as required by Part I.B.2 of the Roxbury permit.

23. On September 25, 2012, the Department issued NOV Number W2012-09-P-0008 to the County for the conditions observed by Department Staff during the August 21, 2012 inspection.

24. On October 5, 2012, the Department received a response from the County regarding NOV No. W2012-08-P-0008:

a. The sewage pump station was checked on the morning of the inspection by an Operator in Training (OIT) and upon discovery of the spill, promptly disclosed to the inspector later that day.

b. The County has installed a new auto-dialer. An OIT has been assigned responsibility for the Roxbury Facility and has been instructed to place a trash can next to the influent well and remove rags daily, applying lime to the rags prior to disposal. Photos from the inspection show the CCT had duckweed visible on the surface; this is removed before spray application. At the time of the inspection, 19 days had passed since the pond was pumped. The County asserted that solids were not present in the CCT, based on a 4 hour composite sample taken while spraying on August 2nd; i.e., $BOD_5$7.0 mg/l, TSS 17.4 mg/l, Total Nitrogen 4.9 mg/l and Ammonia 0.9 mg/l (all in compliance with the Roxbury Permit). Bales of hay from the harvesting in May have been disposed of in a roll-off container the County has placed at the Facility. The fields were harvested and bailed on September 25th and the bales of hay were disposed of in the roll-off container. The second transfer pump was removed for repair prior to the inspection and the County asserts that this was a proactive measure.

c. On September 13th the County had a meter specialist evaluate the existing flow meter between the transfer well and the land application field. It was determined at that time that the meter was in need of replacement. The County is currently obtaining the required quotes to move forward with a new meter purchase and installation.

d. The materials are onsite and the road to the Main pump station will be repaired on or before October 30, 2012.

e. The grass at the Main pump station and barscreen area was cut on September 3, 2012 and the Grounds Supervisor has been instructed to include this station in their regular mowing schedule.

f. The OIT staff will receive training in the proper O&M and testing of the chlorine alarm system by October 30, 2012.

g. The County continues to move forward with repairing the components that will allow for accurate accountability of the flows within the Facility. The County will continue as it has since January 2012 to self-report findings on the holding pond condition to DEQ.

h. At the time of the inspection, Mr. Finch recalled seeing one small area, high on the freeboard area that once the weed was pulled was less than ¾ of an inch in diameter.

i. Following the inspection, it was determined that the control floats of the land application pump had fallen into the bottom of the wetwell. Once the well was emptied, the floats were pulled up and properly installed. As of September 7th both pumps were operating properly.

j. The County has begun bailing the groundwater well weekly in order to rehabilitate or clear the well of rust and achieve more accurate results. This was a self-reported item that the County has taken a proactive approach to resolving.

k. Each day the pH and Chlorine meter are calibrated and the required information is placed on the benchsheets for the Facility. The OIT neglected to transpose the calibration information on June 14th, 16th, and 29th. During the inspection, DEQ staff was shown the County's lab equipment and was provided a narrative of the calibration procedures. The calibration information was transposed to the June benchsheet and submitted to DEQ for review.

l. All OIT have received training in the requirements for pH and TRC monitoring at the Roxbury Facility, with the OIT assigned to the Roxbury Facility receiving training on composite sampling and the Chlorine Residual requirements when spraying on the fields.

m. The County's records indicate that page 1 and 2 of Attachment B (Monthly Effluent Monitoring) was submitted for June 2012.

25. On November 1, 2012, the Department issued NOV Number W2012-11-P-0001 to the County for its failure to submit annual groundwater monitoring report to DEQ as required by the Roxbury Permit Part I.C.4.

26. On February 8, 2013, the County notified the Department that it had reconsidered the proposed practice of idling one of the aerated lagoons and that for the time being the current mode of operation would be retained.

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

28. 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 Roxbury Permit and the approved O&M Manual with respect to maintenance, monitoring, recordkeeping and reporting requirements.

2. **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.

3. **No later than June 1, 2013,** the County shall evaluate/investigate the influent flow and water usage at the Roxbury Industrial Center to evaluate the integrity of the liner at the Roxbury Facility and the County shall be able to accurately account for influent flow and effluent flows. The County shall submit a report of its findings to DEQ for review and approval **no later than June 15, 2013.** If DEQ approves the report and determines that the results of the investigation indicate that repairs to the facility liner are necessary because the flow data submitted by the County indicates that the liner is leaking, all repairs shall be completed **no later than September 1, 2013.** The County shall submit notification to DEQ upon completion of the repairs at the Roxbury Facility **no later than September 15, 2013.**

4. The County shall provide additional training to the operators of the Roxbury 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 Roxbury Facility records and made available to DEQ staff for review.

5. **No later than April 1, 2013,** the County shall generate and maintain on site a log book that documents operations and maintenance. The log book shall include but is not limited to: when the operator is at the Roxbury Facility, land application schedule, routine equipment maintenance, process tests, and lab equipment maintenance.

6. **No later than April 1, 2013,** the County shall update the O&M Manual to include daily inspections of the bar screen at the Roxbury Facility, daily removal of duckweed at the Roxbury Facility, harvesting of the application fields no less than 2 times per year, and operation of **three** lagoons at the Roxbury Facility. The County shall submit the updated O&M Manual to DEQ **no later than March 15, 2013. If the County desires to modify the O&M manual to use only one of the two aerated lagoons, the County shall submit its plan and schedule for usage of less than three lagoons to DEQ for review and approval prior to implementation.** If DEQ approves the plans and schedule they will become an enforceable part of the O&M Manual.

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

   a. Any Roxbury Facility repairs undertaken in the preceding calendar quarter.
   b. Records of any sludge hauling undertaken in the preceding calendar quarter.
   c. Records of any harvesting of the application fields undertaken in the preceding calendar quarter.
   d. Calibration records (pH 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 Roxbury Facility, and a revised evaluation of the life expectancy of each harvest field and lagoon approved for use in managing pollutants at the Roxbury Facility under the Roxbury Permit.

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