



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY
TIDEWATER REGIONAL OFFICE

5636 Southern Boulevard, Virginia Beach, Virginia 23462
(757) 518-2000 Fax (757) 518-2009
www.deq.virginia.gov

Doug Domenech
Secretary of Natural Resources

David K. Paylor
Director

Maria R. Nold
Regional Director

STATE WATER CONTROL BOARD ENFORCEMENT ACTION – AMENDMENT TO ORDER BY CONSENT ISSUED TO

the HAMPTON ROADS SANITATION DISTRICT, the cities of CHESAPEAKE,
HAMPTON, NEWPORT NEWS, POQUOSON, PORTSMOUTH, SUFFOLK, VIRGINIA
BEACH and WILLIAMSBURG; the counties of GLOUCESTER, ISLE OF WIGHT, and
YORK; the JAMES CITY SERVICE AUTHORITY; and the town of SMITHFIELD

SECTION A: Purpose

This is an Amendment of an Order by Consent (Amendment) issued under the authority of Va. Code §§ 62.1-44.15(8a), between the State Water Control Board (Board) and the Hampton Roads Sanitation District, the cities of Chesapeake, Hampton, Newport News, Poquoson, Portsmouth, Suffolk, Virginia Beach and Williamsburg; the counties of Gloucester, Isle of Wight, and York; the James City Service Authority; and the town of Smithfield (HRSD and the Hampton Roads Localities), for the purpose of revising certain provisions of the Special Order by Consent (Order) issued by the Board to HRSD and the Hampton Roads Localities on September 26, 2007.

SECTION B: Basis for Amendment

1. The State Water Control Board entered into the Order with HRSD and the Hampton Roads Localities effective September 26, 2007.
2. The Order requires HRSD and the Hampton Roads Localities to cooperatively address sanitary sewer overflows in the Hampton Roads region.
3. The Order includes as attachment and incorporated into the Order, as Attachment 1, the Regional Technical Standards (RTS). The RTS provides detailed requirements for completion of the work embodied in the Order, and were developed to ensure a consistent regional approach for such work. The RTS includes completion dates for various activities, which are described in terms of months from the effective date of the Order.

4. RTS Section 7.6.1 requires that HRSD and the Hampton Roads Localities submit to DEQ for approval Rehabilitation Plans within 62 months of the effective date of the Order (due date of November 26, 2012). These plans are to define specific measures that will be taken to reduce sanitary sewer overflows (SSOs) at the selected level of service¹, the cost associated with the proposed rehabilitations, and the planned timeframe for rehabilitation activities.
5. The Order at Section D. 3. requires that HRSD and the Hampton Roads Localities jointly develop and submit to DEQ for approval within 74 months of the effective date of the Order (due date is November 26, 2013) a Regional Wet Weather Management Plan (RWWMP). The RWWMP is to establish a level of service that will form the basis for planning capacity enhancements; identify, quantify, prioritize, and propose a schedule for implementing regional sanitary sewer system enhancements; and address the funding of such enhancements, among other things.
6. HRSD is subject to a Consent Decree between, HRSD, the Commonwealth of Virginia and the United States of America, effective February 23, 2010, that also requires HRSD to undertake certain activities to address SSOs and that requires submission of a RWWMP by November 26, 2013. The RWWMP is to establish and support a selected level of service. The Consent Decree at Section XXIX provides that if the Parties to the Consent Decree agree, the deadline of November 26, 2013 may be extended as appropriate to July 31, 2014.
7. DEQ recognizes potential conflicts and timing issues associated with the submission of the Rehabilitation Plans and the RWWMP scheduled in the Order. Modification of the Order as proposed provides the following benefits:
 - a. allows for consideration of the level of service during the rehabilitation planning phase,
 - b. allows negotiation of the estimated post rehabilitation peak flows to be based on HRSD and Hampton Roads Locality discussions regarding cost effective regional capacity management solutions,
 - c. provides for more effective and efficient rehabilitation implementation scheduling, and
 - d. provides for submittal of the RWWMP consistent with the Consent Decree.
8. Based on the information available to DEQ to date, HRSD and the Hampton Roads Localities are in compliance with the Order and are current with all monitoring and reporting requirements.

¹ Pursuant to the RTS, Level of Service means the peak sewer flow recurrence interval that the Regional Sanitary Sewer system can convey without resulting in a capacity-related sanitary sewer overflow.

SECTION C: Agreement and Order

Accordingly, by virtue of the authority granted it in Va. Code §§ 62.1-44.15(8a), the Board orders HRSD and the Hampton Roads Localities, and HRSD and the Hampton Roads Localities agree to comply with the below specified Order and RTS modifications as indicated by underline and strikeout. The State Water Control Board, HRSD, and the Hampton Roads Localities understand and agree that this Amendment does not alter, modify or amend any other provision of the Order and the RTS and that the unmodified provisions of the Order and RTS remain in effect by their own terms.

1. Order at Section D.3. Regional Wet Weather Management Plan.

In cooperation with the other parties to this Order, HRSD and the Hampton Roads Localities shall jointly develop, and by the date required in that certain Consent Decree, effective February 23, 2010, between HRSD, the Commonwealth of Virginia and the United States of America, as it may be amended from time to time, for the submission of HRSD's Regional Wet Weather Management Plan within 74 months of the effective date of this Order, submit to the DEQ for approval, a final Regional Wet Weather Management Plan. The Plan shall be based on data collected from the flow and pressure meters and the system model and shall analyze a full range of capital and operating alternatives designed to improve system performance and thereby reduce the occurrence of un-permitted discharges both short term and long term. The Plan shall identify, quantify, prioritize, and propose a schedule for implementing regional system enhancements and address the funding of such enhancements between HRSD and the Hampton Roads Localities. The Plan shall include short and long term operating plans to maximize available capacity in the system through effective and proactive operations. HRSD and the Hampton Roads Localities shall implement the approved Plan in accordance with the approved schedule.

2. RTS at Section 7.6.1 Rehabilitation Plan and Schedule

Rehabilitation Plans shall be developed to define specific measures that will be taken to reduce SSOs, the cost associated with the proposed rehabilitation, and the planned timeframe for rehabilitation activities. The HRSD and Hampton Road Locality Rehabilitation Plans shall be submitted to DEQ for review and approval by the date required in that certain Consent Decree, effective February 23, 2010, between HRSD, the Commonwealth of Virginia and the United States of America, as it may be amended from time to time, for the submission of HRSD's Regional Wet Weather Management Plan within 62 months of the effective date of the Consent Order. In addition, each Locality shall submit their estimated post rehabilitation peak flows to the Regional Wet Weather Management Planning Group which will rely upon these in the completion of the RWWMP within 62 months of the effective date of the Consent Order. If HRSD, the Hampton Road Localities, and DEQ agree, the deadline for submission of the estimated post rehabilitation peak flows to the Regional Wet Weather Management Planning Group may be extended as appropriate, for an amount of time justified by the circumstances without public comment or Consent Order modification.

Amendment to Special Order by Consent
HRSD and Hampton Roads Localities
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By their signatures below, HRSD and the Hampton Roads Localities voluntarily agree to the issuance of this Amendment and agree to be bound by the terms hereof.

Date: _____

By: _____

Maria R. Nold
Regional Director
Department of Environmental Quality

(Remainder of this page intentionally left blank)

The terms and conditions of this Amendment to the Order are voluntarily accepted by HRSD.

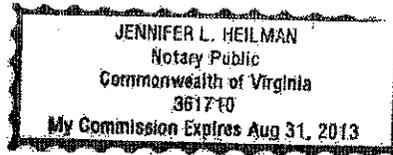
Date: 4/10/2012

By: [Signature]
General Manager

The foregoing instrument was acknowledged before me this 18th day of April, 2012 by Edward G. Henifin, General Manager of HRSD, on behalf of HRSD.

[Signature]
Notary Public

My commission expires: August 31, 2013



The terms and conditions of the Order are voluntarily accepted by:

Date: 4/9/12

By: [Signature]
INTERIM City Manager

Commonwealth of Virginia
City of Chesapeake

The foregoing instrument was acknowledged before me this 10 day of April by
AMOR Dwanamuth ^{INTERIM} City Manager, on behalf of the City of Chesapeake.

[Signature]
Notary Public



Frances M. Hudson
Commonwealth of Virginia
Notary Public

My commission expires: 5-31-2015
Registration # 190908

Approved as to form:
Ronald S. Hallman
City Attorney

The terms and conditions of the Order are voluntarily accepted by:

Date: 4/6/12

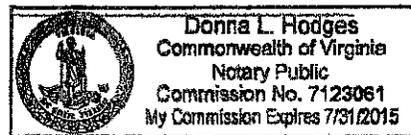
By: Mary B. Bunting
City Manager

Commonwealth of Virginia
City of Hampton

The foregoing instrument was acknowledged before me this 6th day of April, 2012 by
Mary B. Bunting, City Manager, on behalf of the City of Hampton.

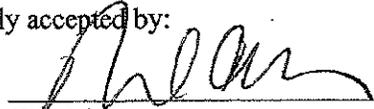
Donna L. Hodges
Notary Public

My commission expires: July 31, 2015



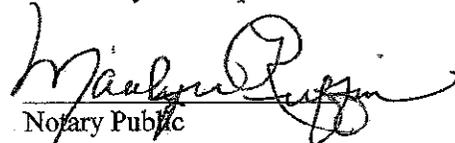
The terms and conditions of the Order are voluntarily accepted by:

Date: 4/23/12

By: 
City Manager

Commonwealth of Virginia
City of Newport News

The foregoing instrument was acknowledged before me this 23 day of APRIL by
NEIL A. MORGAN, City Manager, on behalf of the City of Newport News.


Notary Public

My commission expires: 8/31/13

REGISTRATION NO.: 246429

The terms and conditions of the Order are voluntarily accepted by:

Date: 4/10/2012
yes

By:

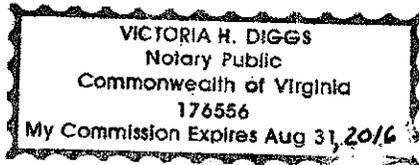
James Wheeler
City Manager

Commonwealth of Virginia
City of Poquoson

The foregoing instrument was acknowledged before me this 10th day of April, 2012, by J. Randall Wheeler, City Manager, on behalf of the City of Poquoson.

Victoria A. Diggs
Notary Public

My commission expires: 8-31-2016



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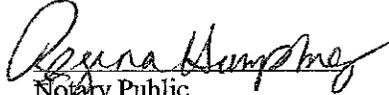
The terms and conditions of the Order are voluntarily accepted by:

Date: 04-18-12

By: 
City Manager

Commonwealth of Virginia
City of Portsmouth

The foregoing instrument was acknowledged before me this 18th day of April 2012 by Kenneth Chandler, City Manager, on behalf of the City of Portsmouth.


Notary Public

My commission expires: July 31, 2013

Regina Humphrey
Notary Public
Commonwealth of Virginia
255181

The terms and conditions of the Order are voluntarily accepted by:

Date: 4/20/12

By: Selena Cuffe-Blair
City Manager

Commonwealth of Virginia
City of Suffolk

The foregoing instrument was acknowledged before me this 20th day of April 2012 by Selena Cuffe-Blair, City Manager, on behalf of the City of Suffolk.

Deborah E. Minnick
Notary Public

My commission expires:

My Commission Expires
July 31, 2012

7221489



The terms and conditions of the Order are voluntarily accepted by:

Date: 4/11/12

By: *James K. Spore*
City Manager

Commonwealth of Virginia
City of Virginia Beach

*Just the way it was, name
city here*

The foregoing instrument was acknowledged before me this 11th day of April by *James K. Spore*, City Manager, on behalf of the City of Virginia Beach.

Gloria S. Winkler
Notary Public

My commission expires: 9/30/2015
#158930

Gloria S. Winkler
Notary Public 158930
Commonwealth of Virginia

Approved as to Content:

Thomas M. Leahy III
Department of Public Utilities

Approved as to Legal Sufficiency:

William M. Wood
City Attorney's Office

The terms and conditions of the Order are voluntarily accepted by:

Date: 4/17/12

By: [Signature]
City Manager

Commonwealth of Virginia
City of Williamsburg

The foregoing instrument was acknowledged before me this 17th day of April by
JACKSON C. TUTTLE City Manager, on behalf of the City of Williamsburg.



My commission expires:

[Signature]
Notary Public

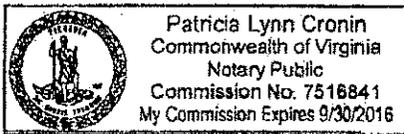
The terms and conditions of the Order are voluntarily accepted by:

Date: 4/5/12

By: Brenda G. Garton
County Administrator

Commonwealth of Virginia
County of Gloucester

The foregoing instrument was acknowledged before me this 5th day of April by
BRENDA G. GARTON County Administrator, on behalf of the County of Gloucester.



Patricia Lynn Cronin
Notary Public

My commission expires: 30 Sep 2012

The terms and conditions of the Order are voluntarily accepted by:

Date: April 20, 2012

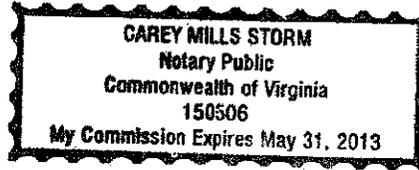
By: W. Douglas Casey
County Administrator

Commonwealth of Virginia
County of Isle of Wight

The foregoing instrument was acknowledged before me this 20th day of April by
W. Douglas Casey County Administrator, on behalf of the County of Isle of Wight.

Carey Mills Storm
Notary Public

My commission expires:
May 31, 2013



The terms and conditions of the Order are voluntarily accepted by:

Date: 4-11-12

By: [Signature]
County Administrator

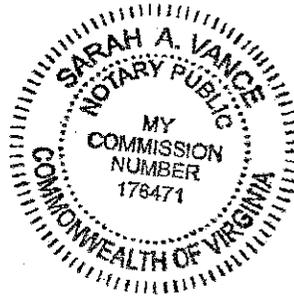
Commonwealth of Virginia
County of York

The foregoing instrument was acknowledged before me this 11th day of April by James D. McReynolds County Administrator, on behalf of the County of York.

[Signature]
Notary Public

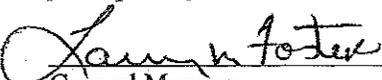
My commission expires:

12-31-2012



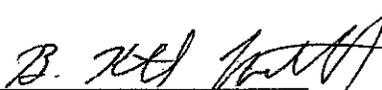
The terms and conditions of the Order are voluntarily accepted by:

Date: 4/9/12

By: 
General Manager

Commonwealth of Virginia
James City Service Authority

The foregoing instrument was acknowledged before me this 9th day of Apr. by
Larry M. Foster, General Manager, on behalf of the James City Service Authority.


Notary Public

#295549

My commission expires: July 31, 2012

Amendment to Special Order by Consent
HRSD and Hampton Roads Localities
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The terms and conditions of the Order are voluntarily accepted by:

Date: 04/20/2012

By: [Signature]
Town Manager

Commonwealth of Virginia
Town of Smithfield

The foregoing instrument was acknowledged before me this 20th day of April by Peter M. Stephenson, Town Manager, on behalf of the Town of Smithfield.

[Signature]
Notary Public



My commission expires: 10/31/2016