COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY
SOUTH CENTRAL REGIONAL OFFICE
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L. Preston Bryant, Jr.
Secretary of Natural Resources

David K. Paylor
Director

Thomas L. Henderson
Regional Director

STATE WATER CONTROL BOARD ENFORCEMENT ACTION

AMENDMENT

TO

SPECIAL ORDER BY CONSENT

ISSUED TO

The Town of Appomattox
Permit Number VA0020249

SECTION A: Purpose

This is an Amendment to a Special Order By Consent issued under the authority of Va. Code §§ 10.1-1185 and 62.1-44.15(8a), between the State Water Control Board and the Town of Appomattox, for the purpose of revising certain provisions of that Special Order By Consent.

SECTION B: Basis for Amendment

1. The facility's VPDES discharge permit was re-issued on October 18, 2004, that contained a final daily maximum copper limitation of 21µg/l, which the Town could not consistently meet. The Town entered into a Special Order by Consent with the Department effective December 7, 2005, which required the Town to maintain sequestering agents in its potable water supply wells for a period of one year to reduce copper levels in the distribution system, and achieve compliance with its copper limit.
2. Based on the discharge monitoring reports (DMR) submitted by the Town in 2005 and 2006, the Department issued Warning Letter (WL) number W2005-12-L-

1002 on December 15, 2005, for an unpermitted discharge to state waters; WL number W2006-03-L-1014 on March 13, 2006, for an interim copper limit violation, and a TSS limit violation; WL number W2006-04-L-1004 on April 10, 2006, for an interim copper limit violation, and a TSS violation; Notice of Violation (NOV) number W2006-05-L-0005 on May 10, 2006, for an interim copper limit violation; and WL number W2006-11-L-1001 on November 2, 2006, for failure to notify the Department within 24 hours of an overflow event.

3. Va. Code § 62.1-44.5.A prohibits, *inter alia*, the discharge of "sewage, industrial wastes, other wastes, or any noxious or deleterious substances" to State waters except in compliance with a permit issued by the Board.

4. Va. Code § 62.1-44.3 defines state waters as "all water, on the surface or under the ground, wholly or partially within or bordering the Commonwealth or within its jurisdiction, including wetlands."

5. Va. Code § 62.1-44.31 addresses violation of a special order or certificate, or failure to cooperate with the Board.

6. In a letter dated October 19, 2005, the Town attributed the overflow cited in the WL to a break in a sewer line, as well as a line blockage due to root intrusion and debris. The line was cleared of debris, and the broken section replaced. The Town sent in a letter on February 9, 2006, with an explanation for the copper and TSS violations. Excessive solids inventory and poor performance of the trickling filter unit were to blame for the TSS violation, while the copper violation remained largely a leaching of copper piping in the potable water distribution system. The Town sent in a letter on September 5, 2006, reporting the overflow event on September 5; however, the Department did not receive the required 24-hour verbal notification. The 24-hour verbal notification violation has been resolved. The Town understands that in the future it must provide 24-hour notification in accordance with the requirements of the Permit.

7. On November 30, 2006, the Town formally requested an extension of the Order's compliance schedule that required submission of a plan of action within sixty (60) days of the final compliance deadline (December 7, 2006) if the copper limit could not be consistently met. The request was reviewed by Department staff, and

was subsequently approved on February 28, 2007 based on the proactive approach being utilized by the Town in its efforts to return to compliance.

8. From 2002 to the present, the Town has investigated numerous treatment options for controlling copper levels discharged at the Town's Trickling Filter Plant (TFP). These options include air stripping (removal of CO_2 at the potable water supply wells), membrane filtration, engineered reed beds, sacrificial anode installation, adjustment of effluent hardness, chemical treatment, eliminating the TFP and pumping to the Town's other treatment plant, and relocating the outfall discharge point. All of these options have been removed from consideration due to ineffectiveness, capital costs incurred, unavailable land area, or a combination of these.

9. The Town has been adding soda ash (pH control) and AquaMag (sequestering agent) to its potable water supply since 2005 in an effort to reduce the amount of copper leached from copper plumbing due to slightly corrosive water. The Town's major industry, Thomasville Furniture, has replaced all accessible copper plumbing in the factory building with PVC. The Town has been conducting a flushing program to remove deposits within the distribution system that potentially contain copper.

10. Based on 2007 effluent data, the mean effluent copper value is 24μg/l, which is slightly above the original Permit limit of 21μg/l. The Town's initial copper discharge values before controls were established approached 200μg/l, therefore, the Town has shown due diligence in reducing copper discharge levels in its attempt to return to compliance.

11. The Town, in conjunction with its environmental consultant, proposes to conduct a pilot study involving chemical treatment addition at the Trickling Filter Plant, and a Site-Specific Water Effect Ratio (SSWER) Study, using the USEPA Streamlined WER Procedure for Discharges of Copper (EPA-822-R-01-005, 2001).

12. The Town believes that the Study will result in a less stringent copper limit for the Facility by site-specific modification of the discharge Permit. The Amendment allows for the additional time required for the Department to review the results of

the Study, submittal to EPA for conditional approval, Permit amendment procedures, and final approval by EPA.

13. The Town has been studying the feasibility of constructing a potable water supply line from the Town to Concord, which is served by the Campbell County Utility Service Authority (CCUSA).

SECTION C: Agreement and Order

Accordingly, the Board, by virtue of the authority granted in Va. Code § 62.1-44.15(8a), orders Appomattox, and Appomattox consents, to perform the actions contained in Appendix A and Appendix B of this Amendment, which supersede Appendix A and B of the Order.

And it is so ORDERED this _____ day of _____, 2008.

_____

Thomas L. Henderson, Director
South Central Regional Office
Department of Environmental Quality

Appomattox consents to the issuance of this Order.

Date: 3-20-08 By: _____
David T. Garrett, Jr., Town Manager, Town of Appomattox

Commonwealth of Virginia
City/County of Appomattox
The foregoing document was signed and acknowledged before me this 20th day

of March, 2008, by David T. Garrett, Jr., Town Manager, Town of Appomattox.

_____ # 337339
Notary Public

My commission expires: 7-31-2011.

APPENDIX A

COMPLIANCE SCHEDULE

In order to attain compliance with the requirements of this Order and the Permit, the Town of Appomattox shall perform the following:

1. Within sixty (60) days of the effective date of this amendment, submit to the Department for review and approval a Plan of Action (POA), which describes the Town's options for complying with the copper discharge limitation contained in VPDES Permit No. VA0020249. The Plan of Action shall contain, at a minimum, the sequence of the options, a detailed description of each proposed project, a timeline from initiation to completion and demonstration of compliance. Upon approval by the Department, the Town's POA shall be incorporated into the Order, and enforceable as to the terms contained herein.
2. Upon receipt of the Department's approval of the POA, the Town shall immediately implement the Plan in accordance with the Department's approval.
3. In regards to the capital projects proposed, the POA shall be updated to include all Preliminary Engineering Reports (PER), project specifications, agency review and approvals, as well as auxiliary data as it becomes available. The updates shall be incorporated into the approved POA, and therefore an enforceable part of this Order.
4. During the period this Order remains in effect, the Town shall submit quarterly progress reports which describe its efforts during the period to reduce copper levels and return to permit compliance. Progress reports are to be submitted with the monthly Discharge Monitoring Reports (DMR) on or before January 10, April10, July 10, and October 10 for the preceding quarter.
5. During the period covered by this Order, Appomattox shall continue the use of Best Management Practices (BMP) to control copper levels. These practices include, but are not limited to, maintaining the use of chemical

treatment additions in the Town's potable water supply system for pH and alkalinity control, addition of sequestering agents ("Aqua-Mag") to the potable system in order to reduce copper leaching from household plumbing, and Operations and Maintenance procedures (i.e., periodic flushing of lines within the distribution system).

6. At no time shall the implementation of the approved POA exceed thirty-six (36) months from the effective date of this Order without the written consent of the Regional Director.

7. The Town shall perform due diligence in the operation of the Town's Sewage Treatment Plant (STP), and associated collection system and related appurtenances in order to prevent unauthorized discharges to state waters, and maintain compliance with all discharge Permit limits.

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APPENDIX B

Interim Copper Limitation:

During the period beginning with the effective date of this Amendment, discharges from the STP shall be limited and monitored in accordance with VPDES Permit VA0020249, except as specified below:

	Monthly Average	Weekly Average
Copper, Total Recoverable	47 ug/L	47 ug/L

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