# *COMMONWEALTH of VIRGINIA*

David K. Paylor
Director

Douglas W. Domenech
Secretary of Natural Resources

DEPARTMENT OF ENVIRONMENTAL QUALITY
Blue Ridge Regional Office
www.deq.virginia.gov

Robert J. Weld
Regional Director

**Lynchburg Office**
7705 Timberlake Road
Lynchburg, Virginia 24502
(434) 582-5120
Fax (434) 582-5125

**Roanoke Office**
3019 Peters Creek Road
Roanoke, Virginia 24019
(540) 562-6700
Fax (540) 562-6725

## STATE WATER CONTROL BOARD ENFORCEMENT ACTION – AMENDMENT TO ORDER BY CONSENT ISSUED TO DARE TO CARE CHARITIES, INC. FOR DARE TO CARE CHARITIES, INC. WASTEWATER TREATMENT PLANT VPDES Permit No. VA0060909

### SECTION A: Purpose

This is an Amendment of a Consent Order (Amendment) issued under the authority of Va. Code § 62.1-44.15, between the State Water Control Board and Dare to Care Charities, Inc., regarding the Dare to Care Charities, Inc. Wastewater Treatment Plant, for the purpose of revising certain provisions of the Consent Order (Order) issued by the Board to Dare to Care Charities, Inc. on March 19, 2010 and for resolving certain violations of the Order.

### SECTION B: Basis for Amendment

1. Among other requirements, the Order required DTCC to install and operate an in-ground wastewater treatment system to replace the existing Plant not later than December 31, 2010.

2. In part due to weather-related delays in obtaining a detailed soils evaluation, DTCC has requested an extension of the deadlines of the Order for completing construction and operation of the in-ground wastewater treatment system and decommissioning of the Plant.

3. Additional requirements of the Order included payment of a civil charge of $7,000.00; submittal of a Treatment Works Closure Plan for the Plant; submittal of correct and complete DMRs for the months of August, September, and October 2008; and submittal of a revised and corrected Operations and Maintenance Manual for the Plant. Although late in doing so, DTCC has completed all these activities, but for submission of the Closure Plan which will be an integral part of DTCC's Preliminary Engineering Report (PER) for installation of the in-ground system.

4. In submitting its DMRs, as required by the Permit, DTCC has indicated that it exceeded discharge limitations contained in Part I.A.1 of the Permit for: $BOD_5$ average and maximum concentration, for the month of May and failed to report a DO minimum, for the month of June 2010. Correspondence attached to the May 2010 DMR indicates that the Plant performance problems were related to failure of a blower for aeration. DTCC has repaired the blower and this problem is not expected to recur.

**SECTION D: Agreement and Order**

Accordingly, by virtue of the authority granted it in Va. Code § 62.1-44.15, the Board orders DTCC, and DTCC agrees to perform the actions described in Appendix A of this Amendment, which supersedes and cancels only Appendix A of the Order. Both the Board and DTCC understand and agree that this Amendment does not alter, modify or amend any other provision of the Order and that the unmodified provisions of the Order remain in effect by their own terms.

And it is so ORDERED this _____ day of _____, 2010.

_____
Robert J. Weld, Regional Director
Department of Environmental Quality

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Dare to Care Charities, Inc. voluntarily agrees to the issuance of this Order.

Date: 10/22/2010 By: _____
Robert Marshall Chairman
Dare to Care Charities, Inc.

Commonwealth of Virginia
City/County of James City

The foregoing document was signed and acknowledged before me this 22nd day of October, 2010, by Robert Marshall who is Chairman of Dare to Care Charities, Inc., on behalf of the corporation.

Heather Lynn Schlesinger
Notary Public commissioned as Heather Lynn Fuller

202343
Registration No.

My commission expires: 5/31/2014

Notary seal:

HEATHER LYNN FULLER
NOTARY PUBLIC
Commonwealth of Virginia
Reg. #202343
My Commission Expires 5/31/2014

# APPENDIX A
# SCHEDULE OF COMPLIANCE

DTCC shall:

1. Not later than 30 days after the effective date of this Order, submit a PER for an in-ground wastewater disposal system to the Virginia Department of Health (VDH). The PER shall include the Treatment Works Closure Plan required under Part I(E)(10) of the Permit. DTCC shall send a copy of the PER to the Department when it submits the PER to VDH.

2. Not later than March 1, 2011, submit Plans and Specifications (P&S) for the in-ground wastewater disposal system to the VDH. DTCC shall send a copy of the P&S to the Department when it submits the P&S to VDH.

3. Not later than July 1, 2011, commence construction of the in-ground wastewater disposal system.

4. Not later than December 1, 2011, complete construction of the in-ground wastewater disposal system.

5. Not later than December 31, 2011, complete decommissioning of the Plant in accordance with the Treatment Works Closure Plan required under Part I(E)(10) of the Permit.

6. DTCC shall immediately comply with all interim limits specified in Part I(A)(1) of the Permit except ammonia.

7. The parties acknowledge that during the period of corrective action, DTCC may experience additional violations of ammonia permit limitations. Accordingly, pending completion of the corrective action, DTCC shall operate the Plant in a manner that produces the best quality effluent of which it is capable, in order to minimize such additional violations and minimize potential impacts to water quality.

8. Beginning January 10, 2011, DTCC shall submit quarterly progress reports to DEQ. Quarterly reports shall be due on January 10, April 10, July 10, and October 10 of each year. Quarterly reports shall include a description of progress in completing the requirements of Appendix A of this Amendment, including the status of any required construction or closure projects and whether such activities are on schedule for completion within required timeframes.

9. Unless otherwise specified in this Order, DTCC shall submit all requirements of Appendix A of this Amendment to:

   Robert Steele

Regional Enforcement Coordinator
VA DEQ –BRRO-R
3019 Peters Creek Road
Roanoke, VA 24019
(540) 562-6777 (phone)
(540) 562-6725 (fax)
**Robert.Steele@deq.virginia.gov**