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L. Preston Bryant, Jr.
Secretary of Natural Resources

David K. Paylor
Director

~~Jeffery A. Steers~~
Regional Director

STATE WATER CONTROL BOARD ENFORCEMENT ACTION

AMENDMENT TO

A SPECIAL ORDER BY CONSENT

ISSUED TO

EVERGREEN COUNTRY CLUB, INC

FOR THE

EVERGREEN COUNTRY CLUB SEWAGE TREATMENT PLANT

(*VPDES Permit No. VA0087891*)

SECTION A: Purpose

This is an Amendment to a Consent Special Order issued under the authority of Va. Code §§62.1-44.15 (8a) and (8d) and 10.1-1185, between the State Water Control Board and Evergreen Country Club, Inc. ("Evergreen") regarding the Evergreen Country Club Sewage Treatment Plant, for the purpose of revising provisions of the Order issued by the State Water Control Board to Evergreen on October 8, 2002.

SECTION B: Basis for Amendment

1. Evergreen Country Club, Inc. owns the Evergreen Country Club STP which is operated by Environmental Systems Service ("ESS") and located in Prince William County, Virginia. The Board issued a Consent Special Order to Evergreen on October 8, 2002 ("2002 Order") to resolve violations of the State Water Control Law and Regulations including Permit limit exceedences of TSS, TKN, DO, chlorine, and CBOD5.

2. The Order required Evergreen, among other things, to design and construct a new STP and complete it within 18 months of beginning construction. Construction on the new STP began on April 10, 2005 yielding a required completion date, October 10, 2006.

3. The Order also required Evergreen to submit a closure plan for the existing STP within 30 days of beginning construction (i.e. May 10, 2005). DEQ did not receive the closure plan until November 28, 2005.

4. DEQ received correspondence from ESS dated September 29, 2006 which provided a new completion date for the STP as November 15, 2006 due to delays caused by lack of adequate electrical service from the Northern Virginia Electrical Company (NOVEC).

5. DEQ staff conducted a site visit on January 31, 2007. Dave Anderson, the Golf Course Superintendent, informed DEQ that while the new STP was still not online, the electrical issues with NOVEC had been resolved and that the STP should be online by the end of February 2007.

6. DEQ received no additional communication from Evergreen until February 20, 2007 when Anderson advised DEQ that the electrical work had to be delayed due to an outdated easement. Evergreen then provided completion dates of the week of March 30, 2007 and then the week of April 9, 2007. Neither of these completion dates were met as evident during a site inspection conducted by DEQ staff on April 11, 2007.

7. DEQ and Evergreen representatives met on May 23, 2007 and Evergreen explained that the current delay was caused by necessary rewiring of the new STP that had to be undertaken due to a design flaw. They expected the new STP to be online by June 1, 2007. This information was memorialized in a letter Evergreen submitted to DEQ on May 29, 2007.

8. Bryan Dolieslager, Evergreen's General Manager, contacted DEQ on June 5, 2007 to advise that it had run into additional complications including problems with both the STP pumps and blowers and that he was unable to provide a completion date. Mr. Dolieslager also contacted DEQ on July 17, 2007 advising of additional complications delaying the start-up of the STP.

9. DEQ received a letter from Evergreen's engineer, Waste Water Management, Inc., on July 23, 2007 requesting approval to place the STP in service. This request was verbally approved by DEQ Office of Wastewater Engineering on July 25, 2007.

10. Evergreen placed the new STP in service on July 30, 2007. During this initial period, Evergreen experienced various control system failures resulting in the discharge of effluent that failed to meet permitted effluent limits. As a result, beginning on August 31, 2007, Evergreen utilized pump and haul of the effluent and ceased discharging until equipment failures could be corrected.

11. Evergreen remained on pump and haul until it began discharging again on October 28, 2007. On November 5, 2007, Evergreen's operator discovered that the UV system had backed up due to a failing air control valve resulting in the loss of solids from the treatment plant into the receiving stream. Evergreen again initiated pump and haul of the effluent.

12. Evergreen began discharging from the STP in late November 2007 and was unable to meet permitted effluent limits, therefore, pump and haul was initiated until corrections could be made. In addition to the permit limit exceedances, DEQ learned through documentation attached to the November DMR received December 11, 2007, that the filtration unit was being bypassed beginning on November 28, 2007. Per the Permit, Part II, Section U, DEQ shall be notified within 24 hours of any unanticipated bypass. Evergreen failed to provide notification to DEQ of the bypass within this timeframe.

13. Due to the foregoing, the Board has evidence that Evergreen has violated its Permit, the 2002 Consent Order, and Va. Code § 62.1-44.5 which prohibits the discharge of sewage or any noxious or deleterious substances into state waters except in compliance with a Permit issued by the Board. These violations have been noted in the following Notices of Violation ("NOV") issued by DEQ:

    - NOV No. W2007-02-N-0006, dated February 9, 2007 citing a violation of the 2002 Order by failing to complete construction and close the old STP within the timeframe specified and a violation of the Permit for exceeding the weekly and monthly concentration average maximum limit for CBOD and the monthly concentration average limit for TKN as reported on the December 2006 DMR;

    - NOV No. W2007-03-N-0004, dated March 9, 2007 citing a violation of the 2002 Order for failing to complete construction and close the old STP within the timeframe specified;

    - NOV No. W2007-04-N-0002, dated April 12, 2007 citing a violation of the 2002 Order by failing to complete construction and close the old STP within the timeframe specified and a violation of the Permit for exceeding the monthly concentration average maximum limit for CBOD as reported on the February 2007 DMR;

    - NOV No. W2007-05-N-0002, dated May 11, 2007 citing a violation of the 2002 Order by failing to complete construction and close the old STP within the timeframe specified;

    - NOV No. W2007-06-N-0004, dated June 5, 2007 citing a violation of the 2002 Order by failing to complete construction and close the old STP within the timeframe specified;

- NOV No. W2007-07-N-0004, dated July 11, 2007 citing a violation of the 2002 Order by failing to complete construction and close the old STP within the timeframe specified and a violation of the Permit for failing to meet the instantaneous minimum limit for chlorine as reported on the May 2007 DMR;

- NOV No. W2007-08-N-0007, dated August 10, 2007 citing a violation of the 2002 Order by failing to complete construction and close the old STP within the timeframe specified;

- NOV No. W2007-09-N-0013, dated September 6, 2007 citing a violation of the 2002 Order by failing to complete construction and close the old STP within the timeframe specified and a violation of the Permit for exceeding the monthly concentration average limit for TSS and CBOD as reported on the July 2007 DMR;

- NOV No. W2007-10-N-0003, dated October 3, 3007 citing a violation of the Permit for exceeding the weekly concentration maximum limit for E. Coli and the monthly concentration average limit for TSS as reported on the August 2007 DMR;

- NOV No. W2007-11-N-0008, dated November 2, 2007 citing a violation of the 2002 Order by failing to complete construction and close the old STP within the timeframe specified;

- NOV No. W2007-12-N-0009, dated December 6, 2007 citing a violation of the Permit for exceeding the monthly concentration average limit for TKN and CBOD and also the weekly concentration average maximum limit for E. Coli as reported on the October 2007 DMR;

- NOV No. W2008-01-N-0002, dated January 9, 2008 citing a violation of the Permit for exceeding the monthly and weekly concentration average maximum limit for TKN, the weekly concentration average maximum limit for E. Coli, failing to submit a revised Operations and Maintenance Manual within 90 days of any changes, failing to submit a permit application at least 180 days prior to the expiration date of the existing permit, failing to notify DEQ of a bypass event, and a violation of the 2002 Consent Order for failing to close the old STP within the timeframe specified.

14. Evergreen has since submitted an updated Operations and Maintenance Manual that DEQ is reviewing. Evergreen is also currently working on the Permit application for submittal and continues to utilize pump and haul while design and construction deficiencies at the new STP are addressed.

SECTION C: Agreement and Order

Accordingly, the Board, by virtue of its authority granted in Va. Code §§62.1-44.15(8a) and (8d), orders Evergreen Country Club, Inc., and Evergreen Country Club, Inc. agrees to:

1. Perform the actions described in Appendix A of this Amended Order, which supersedes and cancels Appendix A and Appendix B of the 2002 Order. Both the State Water Control Board and Evergreen understand and agree that this Amendment does not alter, modify, or amend any other provision of the Order and that unmodified provisions of the Order remain in effect by their own terms.

2. Pay a civil charge of $28,250.00 within 30 days of the effective date of this Amendment in the settlement of the violations cited in this Amendment. Payment shall be made by check payable to the "Treasurer of Virginia", delivered to:

   Receipts Control
   Department of Environmental Quality
   Post Office Box 1104
   Richmond, Virginia 23218

Either on a transmittal letter or as a notation on the check, Evergreen shall indicate that this payment is submitted pursuant to this Order and shall include the Federal Identification Number for Evergreen.

And it is so ORDERED this 1st day of March, 2008.

Thomas A. Faha, Regional Director
Northern Department of Environmental Quality

Evergreen Country Club voluntarily agrees to the issuance of this Order.

By: [signature]

Date: 3/1/08

Commonwealth of Virginia
City/County of Prince William

The foregoing document was signed and acknowledged before me this 1st day of March, 2008, by Bryan K. Dolieslager who is
(name)

General Manager for Evergreen Country Club, Inc..
(title)

Teri J Melvin
Notary Public

My commission expires: 6/30/08

TERI J. MELVIN
Notary Public
Commonwealth of Virginia
My Commission Expires Jun 30, 2008

Commission # 230617

APPENDIX A

Evergreen Country Club, Inc. agrees to:

1. Complete and submit to DEQ for review and approval by April 1, 2008, an assessment of the STP completed by a licensed engineer to determine the condition of and needed repairs of the STP including an evaluation of any discrepancies that may exist between the DEQ approved plans and specifications and the STP as built. The assessment shall include recommendations and a schedule for the repairs or upgrades that need to be made to the STP. Said schedule shall not exceed July 31, 2008 and upon approval by DEQ shall become an enforceable part of this Order.

2. By August 1, 2008, submit a written request for a Final Certificate to Operate (CTO) from DEQ for the new STP.

3. By April 30, 2008, complete construction of adequate fencing to protect the new STP electrical control components to ensure continuous reliability in compliance with 9 VAC 25-790-470(E)(4a).

4. By March 31, 2008, complete insulation of the new STP.

5. By August 31, 2008, close the existing STP in accordance with the approved closure plan.

6. Beginning March 1, 2008 and lasting for the life of this Order, increase E.Coli monitoring from once per month (1/M) to once per week (1/W). In addition, increase monitoring for CBOD, TKN, and TSS from once per month (1/M) to twice a month (2/M). Said sampling shall be reported on the applicable Discharge Monitoring Report.

7. Continue to have a licensed operator with at least a Class III wastewater treatment plant operator license perform daily routine maintenance a minimum of one hour each day at the STP.