



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

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Molly Joseph Ward
Secretary of Natural Resources

David K. Paylor
Director

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**STATE WATER CONTROL BOARD
ENFORCEMENT ACTION - ORDER BY CONSENT
ISSUED TO
ARCHER WESTERN CONTRACTORS, LLC
FOR
YORKTOWN NAVAL WEAPONS STATION
P984 REGIMENTAL HEADQUARTERS AND P985 BACHELOR
ENLISTED QUARTERS
Virginia Pollutant Discharge Elimination System Permit
Registration No. VAR10C942**

SECTION A: Purpose

This is a Consent Order issued under the authority of Va. Code §§ 62.1-44.15, 62.1-44.15:25, and 62.1-44.15:48, between the State Water Control Board and Archer Western Contractors, LLC, regarding the P984 Regimental Headquarters and P985 Bachelor Enlisted Quarters at the Yorktown Naval Weapons Station for the purpose of resolving certain violations of the State Water Control Law and the applicable permit and regulations.

SECTION B: Definitions

Unless the context clearly indicates otherwise, the following words and terms have the meaning assigned to them below:

1. "2009 Permit" means the General Permit for Discharges of Stormwater from Construction Activities, No. VAR10, which was promulgated at 4 VAC 50-60-1170 and subsequently transferred to 9 VAC 25-880-70, issued under the Stormwater Management Act, the VSMP Regulations, and the General Permit Regulation on July 1, 2009 and which expired on June 30, 2014.

2. "2014 Permit" means the General VPDES Permit for Discharges of Stormwater from Construction Activities, No. VAR10, promulgated at 9 VAC 25-880-70, which was issued under the State Water Control Law, the VSMP Regulations, and the General Permit Regulation on July 1, 2014 and which expires on June 30, 2019.
3. "Archer" means Archer Western Contractors, LLC, a limited liability company authorized to do business in Virginia and its members, affiliates, partners, and subsidiaries. Archer is a "person" within the meaning of Va. Code § 62.1-44.3.
4. "Board" means the State Water Control Board, a permanent citizens' board of the Commonwealth of Virginia, as described in Va. Code §§ 10.1-1184 and 62.1-44.7.
5. "Construction activity" means any clearing, grading or excavation resulting in land disturbance of equal to or greater than one acre, or disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one acre.
6. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia, as described in Va. Code § 10.1-1183.
7. "Director" means the Director of the Department of Environmental Quality, as described in Va. Code § 10.1-1185.
8. "Discharge" means the discharge of a VWP or Stormwater Pollutant.
9. "Discharge of a pollutant" means:
 - a. Any addition of any VWP or Stormwater Pollutant or combination of pollutants to surface waters from any point source; or
 - b. Any addition of any VWP or Stormwater Pollutant or combination of pollutants to the waters of the contiguous zone or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation.
10. "Fill Material" means any VWP pollutant which replaces portions of surface water with dry land or which changes the bottom elevation of a surface water for any purpose. 9 VAC 25-210-10.
11. "General Permit Regulation" means the General VPDES Permit for Discharges of Stormwater from Construction Activities, 9 VAC 25-880-1 et seq.
12. "Impacts" means results caused by human-induced activities conducted in surface waters, as specified in Va. Code § 62.1-44.15:20(A) of the Code of Virginia.
13. "Land disturbance" or "land-disturbing activity" means a man-made change to the land surface that potentially changes its runoff characteristics including clearing, grading, or

excavation, except that the term shall not include those exemptions specified in Va. Code § 62.1-44.15:34.

14. "NOV" means a type of Notice of Alleged Violation under Va. Code § 62.1-44.15.
15. "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.
16. "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.
17. "Site" means the P984 Regimental Headquarters and P985 Bachelor Enlisted Quarters, located at the Yorktown Naval Weapons Station, from which discharges of stormwater associated with construction activity occur.
18. "State Water Control Law" means Chapter 3.1 (§ 62.1-44.2 et seq.) of Title 62.1 of the Va. Code.
19. "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 and 9 VAC 25-870-10.
20. "Stormwater" means precipitation that is discharged across the land surface or through conveyances to one or more waterways and that may include stormwater runoff, snow melt runoff, and surface runoff and drainage. Va. Code § 62.1-44.15:24.
21. "Stormwater 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 U.S.C. § 2011 et seq.)), heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water. . . ." 9 VAC 25-870-10.
22. "SWPPP" means Stormwater Pollution Prevention Plan, which is a document that is prepared in accordance with good engineering practices and that identifies potential

sources of Stormwater Pollutants that may reasonably be expected to affect the quality of stormwater discharges. A SWPPP required under a VSMP for construction activities shall identify and require the implementation of control measures, and shall include, but not be limited to the inclusion of, or the incorporation by reference of an approved erosion and sediment control plan, an approved stormwater management plan, and a pollution prevention plan. 9 VAC 25-870-10.

23. "TMDL" means Total Maximum Daily Load, the sum of the individual wasteload allocations for point sources, load allocations for nonpoint sources, natural background loading and a margin of safety. TMDLs can be expressed in terms of either mass per time, toxicity, or other appropriate measure. The TMDL process provides for point versus nonpoint source trade-offs.
24. "TRO" means the Tidewater Regional Office of DEQ, located in Virginia Beach, Virginia.
25. "Virginia Stormwater Management Act" means Article 2.3 (§ 62.1-44.15:24 et seq.) of Chapter 3.1 of Title 62.1 of the Va. Code.
26. "Va. Code" means the Code of Virginia (1950), as amended.
27. "VAC" means the Virginia Administrative Code.
28. "VPDES" means Virginia Pollutant Discharge Elimination System.
29. "VSMP" means the Virginia Stormwater Management Program, which is a program approved by the Soil and Water Conservation Board after September 13, 2011, and until June 30, 2013, or the State Water Control Board on and after June 30, 2013, that has been established by a VSMP authority to manage the quality and quantity of runoff resulting from land-disturbing activities and shall include such items as local ordinances, rules, permit requirements, annual standards and specifications, policies and guidelines, technical materials, and requirements for plan review, inspection, enforcement, where authorized in the Virginia Stormwater Management Act, and evaluation consistent with the requirements of the Virginia Stormwater Management Act and associated regulations. Va. Code § 62.1-44.15:24.
30. "VSMP authority" means an authority approved by the Board after September 13, 2011, to operate a VSMP or, until such approval is given, the Department. An authority may include a locality; state entity, including the Department; federal entity; or for linear projects subject annual standards and specifications in accordance with subsection B of § 62.1-44.15-31, electric, natural gas, and telephone utility companies, interstate and intrastate natural gas pipeline companies, railroad companies, or authorities created pursuant to § 15.2-5102. Va. Code § 62.1-44.15:24.
31. "VSMP Regulations" means the Virginia Stormwater Management Program (VSMP) Regulations, 9 VAC 25-870-10 et seq.

32. "VWP Permit" means an individual or general permit issued under Va. Code § 62.1-44.15:20 that authorizes activities otherwise unlawful under Va. Code § 62.1-44.5 or otherwise serves as the Commonwealth's certification under § 401 of the federal Clean Water Act (33 United States Code ("USC") § 1344).
33. "VWP Pollutant" means any substance, radioactive material, or heat which causes or contributes to, or may cause or contribute to pollution. 9 VAC 25-210-10.

SECTION C: Findings of Fact and Conclusions of Law

1. Archer is the operator of the Site, from which stormwater associated with construction activity is discharged.
2. DEQ is the VSMP authority for the Yorktown Naval Weapons Station.
3. On January 31, 2014, DEQ granted Archer coverage under the 2009 Permit for construction activities at the Site. DEQ reissued coverage to Archer under the 2014 Permit on September 5, 2014. DEQ assigned Archer registration number VAR10C942.
4. The 2014 Permit allows Archer to discharge stormwater associated with construction activities from the Site to surface waters within the Commonwealth, in strict compliance with the terms and conditions of the 2014 Permit.
5. Stormwater from construction activities at the Site is discharged to the Eastern Branch of Blows Mill Run, which is a surface water located wholly within the Commonwealth and is a State Water under the State Water Control Law.
6. The Eastern Branch of Blows Mill Run is in the Lower James River watershed, which is subject to a TMDL for sediment and nutrients. The Eastern Branch of Blows Mill Run flows directly into the Skiffe's Creek drinking water reservoir.
7. During DEQ Site inspections on June 22, 2015 and August 5, 2015, DEQ staff observed that erosion and sediment control ("ESC") measures were not installed or maintained in accordance with the ESC plans in the SWPPP for the Site as follows:
 - a. On June 22, 2015, dams, dikes, and diversions were not stabilized.
 - b. On June 22, 2015, one sediment trap required by ESC plan was not installed prior to upslope land disturbance.
 - c. On June 22, 2015, sediment traps were full of sediment and had not been maintained in effective operating condition. On August 5, 2015, one sediment trap exhibited scouring and channelized flow at base of the emergency spillway, indicating it was not maintained in effective operating condition.
 - d. On June 22, 2015 and August 5, 2015, areas dormant longer than fourteen days were not stabilized.
 - e. On June 22, 2015 and August 5, 2015, soil stockpiles were not stabilized or protected by perimeter controls.

- f. On June 22, 2015 and August 5, 2015, inlet protection was not maintained in effective operating condition in accordance with the ESC plan.
- g. On June 22, 2015 and August 5, 2015, silt fence required by ESC plan was not installed between sites, and silt fence in other areas was not maintained in effective operating condition.

9 VAC 25-870-54(B) of the VSMP Regulations states, "An erosion and sediment control plan consistent with the requirements of the Virginia Erosion and Sediment Control Law and regulations must be designed and implemented during construction activities."

9 VAC 25-870-95(L) of the VSMP Regulations states, "Land-disturbing activities shall comply with the Virginia Erosion and Sediment Control Law and attendant regulations."

9 VAC 25-840-40(1) of the Erosion and Sediment Control Regulations states, "Temporary soil stabilization shall be applied within seven days to denuded areas that may not be at final grade but will remain dormant for longer than 14 days."

9 VAC 25-840-40(2) of the Erosion and Sediment Control Regulations states, "During construction of the project, soil stock piles and borrow areas shall be stabilized or protected with sediment trapping measures."

9 VAC 25-840-40(4) of the Erosion and Sediment Control Regulations states, "Sediment basins and traps, perimeter dikes, sediment barriers and other measures intended to trap sediment shall be constructed as a first step in any land-disturbing activity and shall be made functional before upslope land disturbance takes place."

9 VAC 25-840-40(5) of the Erosion and Sediment Control Regulations states, "Stabilization measures shall be applied to earthen structures such as dams, dikes and diversions immediately after installation."

9 VAC 25-840-40(10) of the Erosion and Sediment Control Regulations states, "All storm sewer inlets that are made operable during construction shall be protected so that sediment-laden water cannot enter the conveyance system without first being filtered or otherwise treated to remove sediment."

9 VAC 25-840-60(A) of the Erosion and Sediment Control Regulations states, "All erosion and sediment control structures and systems shall be maintained, inspected and repaired as needed to insure continued performance of their intended function."

2014 Permit Part II(E) states, The operator shall implement the SWPPP and subsequent amendments, modifications, and updates from commencement of land disturbance until termination of general permit coverage"

2014 Permit Part II(E)(1) states, "All control measures must be properly maintained in effective operating condition in accordance with good engineering practices and, where applicable, manufacturer specifications."

8. During DEQ Site inspections on June 22, 2015 and August 5, 2015, DEQ staff documented that the SWPPP for the Site was not signed.

2014 Permit Part II(A)(8) states, "The SWPPP shall be signed and dated in accordance with Part III K."

9. During DEQ Site inspections on June 22, 2015 and August 5, 2015, DEQ staff documented that the SWPPP for the Site was not updated to address requirements of the 2014 Permit, changes in site conditions impacting the discharge of pollutants, changes in SWPPP implementation, and changes in personnel. On June 22, 2015 and August 5, 2015, the SWPPP did not include provisions addressing an applicable TMDL wasteload allocation, changes in the sequence of construction, and information regarding individuals currently conducting inspections. On June 22, 2015, the SWPPP did not include a delegation of authority to the individual currently conducting inspections. On August 5, 2015, the SWPPP did not include current site-specific conditions in the pollution prevention plan.

2014 Permit Part II states in part, "Any operator that was authorized to discharge under the general permit issued in 2009, and that intends to continue coverage under this general permit, shall update its stormwater pollution prevention plan to comply with the requirements of this general permit no later than 60 days after the date of coverage under this general permit."

2014 Permit Part II(B)(1) states, "The operator shall amend the SWPPP whenever there is a change in the design, construction, operation, or maintenance that has a significant effect on the discharge of pollutants to surface waters and that has not been previously addressed in the SWPPP."

2014 Permit Part II(B)(4) states, "The operator shall update the SWPPP no later than seven days following any modification to its implementation."

2014 Permit Part II(A)(4) and (5) , respectively, set forth the SWPPP requirements for a pollution prevention plan and TMDL elements.

2014 Permit Part II(A)(6) requires the SWPPP to include, "The name, phone number, and qualifications of the qualified personnel conducting inspections required by this general permit."

2014 Permit Part II(A)(7) requires the SWPPP to include, "The individuals or positions with delegated authority, in accordance with Part III K, to sign inspection reports or modify the SWPPP."

10. During DEQ Site inspections on June 22, 2015 and August 5, 2015, DEQ staff documented that the two erosion and sediment control plans included in Archer's SWPPP

were not implemented as approved and were not modified to account for potential or actual changes to drainage areas impacting the design of control measures.

2014 Permit Part II(B)(1) states, “The operator shall amend the SWPPP whenever there is a change in the design, construction, operation, or maintenance that has a significant effect on the discharge of pollutants to surface waters and that has not been previously addressed in the SWPPP.”

2014 Permit Part II(E) states, The operator shall implement the SWPPP and subsequent amendments, modifications, and updates from commencement of land disturbance until termination of general permit coverage”

9 VAC 25-870-54(B) of the VSMP Regulations states, “An erosion and sediment control plan consistent with the requirements of the Virginia Erosion and Sediment Control Law and regulations must be designed and implemented during construction activities.”

11. During a DEQ Site inspection on July 6, 2015, DEQ staff documented fill material in the wetland and stream system downslope of the Site, in the form of measurable accumulations of sediment and gravel (VWP pollutants), with impacts to 4,870 linear feet of streams and greater than 2.77 acres of wetlands. Discharges of VWP pollutants from the Site due to stormwater runoff from denuded areas at the Site without effective erosion and sediment controls were contributing causes of these impacts.

Va. Code § 62.1-44.15:20(A) states: “Except in compliance with an individual or general Virginia Water Protection Permit issued in accordance with this article, it shall be unlawful to: . . . On or after October 1, 2001, conduct the following in a wetland: . . . Filling or dumping; . . . or New activities that cause significant alteration or degradation of existing wetland acreage or functions; or Alter the physical, chemical, or biological properties of state waters and make them detrimental to the public health, animal or aquatic life, or to the uses of such waters for domestic or industrial consumption, or for recreation, or for other uses unless authorized by a certificate issued by the Board.”

9 VAC 25-210-50(A) states: “Except in compliance with a VWP permit, unless the activity is otherwise exempted or excluded, no person shall . . . fill or discharge any pollutant into, or adjacent to surface waters, . . . otherwise alter the physical, chemical or biological properties of surface waters and make them detrimental to the public health, or to animal or aquatic life, or to the uses of such waters for domestic or industrial consumption, or for recreation, or for other uses . . .”

12. Based on the results of the inspections on June 22, 2015, July 6, 2015, and August 5, 2015 the Board concludes that Archer violated Va. Code § 62.1-44.15:20; 9 VAC 25-210-50; 9 VAC 25-840-40; 9 VAC 25-840-60; 9 VAC 25-870-54; 9 VAC 25-870-95; and the conditions of 2014 Permit Parts II, II(A), II(B), and II(E), as described in paragraphs C(7)-(11) of this Order.
13. On October 16, 2015, TRO issued an NOV for the violations described above.

14. On November 16, 2015, DEQ staff met with Archer representatives to discuss the violations.
15. DEQ staff verified that the impacts described in paragraph C(11) have naturally attenuated and do not require further remediation.
16. In order for Archer to complete its return to compliance, DEQ staff and Archer 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, 62.1-44.15:25, and 62.1-44.15:48, the Board orders Archer, and Archer agrees to:

1. Perform the actions described in Appendix A of this Order; and
2. Pay a total civil charge of \$50,000 within 30 days of the effective date of the Order in settlement of the violations cited in this Order. The total civil charge is comprised of the following components:
 - a. Construction Stormwater Civil Charge: \$18,304
 - b. Virginia Water Protection Program Civil Charge: \$31,696

Payment shall be made by check, certified check, money order or cashier's check payable to the "Treasurer of Virginia," and delivered to:

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

Archer shall include its Federal Employer Identification Number (FEIN) (____ - _____), with the civil charge payment. Archer shall indicate that the payment is being made in accordance with the requirements of this Order for deposit into the Virginia Stormwater Management Fund for the Construction Stormwater Civil Charge set forth in Section (D)(2)(a) above and for deposit into the Virginia Environmental Emergency Response Fund (VEERF) for the Virginia Water Protection Program Civil Charge set forth in Section (D)(2)(b) above. If the Department has to refer collection of moneys due under this Order to the Department of Law, Archer shall be liable for attorneys' fees of 30% of the amount outstanding.

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend this Order with the consent of Archer for good cause shown by Archer, 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 and in the NOV dated October 16, 2015. 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, Archer admits to the jurisdictional allegations, and agrees not to contest, but does not admit, the findings of fact and conclusions of law in this Order.
4. Archer 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. Archer 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 Archer 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. Archer 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 unforeseeable circumstances beyond its control and not due to a lack of good faith or diligence on its part. Archer shall demonstrate that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. Archer 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 parties intend 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 and any 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 Archer. Nevertheless, Archer 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 Director or his designee terminates the Order after Archer has completed all of the requirements of the Order;
 - b. Archer 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
 - c. The Director or Board terminates the Order in his or its sole discretion upon 30 days' written notice to Archer.

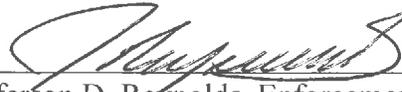
Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve Archer from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.

12. Any plans, reports, schedules or specifications attached hereto or submitted by Archer 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 Archer certifies that he or she is a responsible official authorized to enter into the terms and conditions of this Order and to execute and legally bind Archer to this document. Any documents to be submitted pursuant to this Order shall also be submitted by a responsible official of Archer.

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, Archer voluntarily agrees to the issuance of this Order.

And it is so ORDERED this 17th day of May, 201~~8~~⁷



Jefferson D. Reynolds, Enforcement Director
Department of Environmental Quality

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Archer Western Contractors, LLC voluntarily agrees to the issuance of this Order.

Date: 12/28/2016 By: JOHN A. LIPP, JR
JAL (Person), AREA MANAGER (Title)
Archer Western Contractors, LLC

~~Commonwealth of Virginia~~

~~City/County of _____~~

District of Columbia: SS

The foregoing document was signed and acknowledged before me this 28th day of December, 2016, by John A. Lipp Jr who is Area Manager of Archer Western Contractors, LLC on behalf of the company.

District of Columbia: SS
Subscribed and Sworn to before me
this 28th day of December, 2016

KBW

Notary Public

KBW

Kelli Brown, Notary Public, D.C.
My commission expires February 14, 2018

Registration No.

My commission expires: February 14, 2018

Notary seal:



APPENDIX A SCHEDULE OF COMPLIANCE

1. SWPPP

- a. By January 13, 2017, Archer shall submit an updated SWPPP for DEQ review and approval, including the following:
 - i) A revised ESC Plan for the Site that addresses current conditions at the Site, including drainage areas. The revised ESC Plan shall be consistent with the requirements of the Virginia Erosion and Sediment Control Law and Regulations, including the minimum standards set forth in 9 VAC 25-840-40.
 - ii) An updated pollution prevention plan addressing potential pollutant-generating activities at the Site in accordance with the requirements of 2014 Permit Part II(A)(4).
 - iii) Updates reflecting any changes in the sequence of construction.
 - iv) Information to address the applicable TMDL wasteload allocation in accordance with the requirements of 2014 Permit Part II(A)(5).
 - v) A dated signature in accordance with 2014 Permit Part III(K).
- b. Archer shall respond to any DEQ comments regarding the items submitted pursuant to paragraph 1(a) within fourteen days from the date of the DEQ comments.
- c. Upon DEQ approval, Archer shall immediately implement the updated SWPPP.

2. ESC Controls

- a. Within fourteen days of the effective date of this order Archer shall complete the following work on ESC controls at the Site:
 - i) Apply soil stabilization to all denuded areas at the Site that will remain dormant for longer than fourteen days.
 - ii) Stabilize stockpiles or protect stockpiles with sediment trapping measures.
 - iii) Repair inlet protection to restore it to effective operating condition in accordance with the specifications in the ESC plan.
 - iv) Repair sediment traps restore to restore it to effective operating condition in accordance with the specifications in the ESC plan.
 - v) Repair silt fence to restore it to effective operating condition in accordance with the specifications in the ESC plan.

3. **DEQ Contact**

Unless otherwise specified in this Order, Archer shall submit all requirements of Appendix A of this Order to:

Carla Pool
Enforcement Adjudication Manager
VA DEQ – Central Office
629 East Main Street
Richmond, Virginia 23219
(804) 698-4150
Carla.Pool@deq.virginia.gov