



# COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Street address: 629 East Main Street, Richmond, Virginia 23219

Mailing address: P.O. Box 1105, Richmond, Virginia 23218

www.deq.virginia.gov

Molly Joseph Ward  
Secretary of Natural Resources

David K. Paylor  
Director

(804) 698-4000  
1-800-592-5482

**STATE WATER CONTROL BOARD  
ENFORCEMENT ACTION - ORDER BY CONSENT  
ISSUED TO  
BELL - MER, L.L.C.  
FOR  
BAILEY RIDGE SUBDIVISION  
Virginia Pollutant Discharge Elimination System Permit Registration No.  
VAR10E166**

## **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 Bell – Mer, L.L.C., regarding the Bailey Ridge Subdivision, for the purpose of resolving certain violations of the State Water Control Law and the applicable permit and regulation.

## **SECTION B: Definitions**

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

1. “Bell - Mer” means Bell - Mer, L.L.C., a Virginia limited liability company authorized to do business in Virginia and its members, affiliates, partners, and subsidiaries. Bell - Mer is a “person” within the meaning of Va. Code § 62.1-44.3.
2. “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.
3. “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.

4. “County” means Richmond County, Virginia.
5. “Department” or “DEQ” means the Department of Environmental Quality, an agency of the Commonwealth of Virginia, as described in Va. Code § 10.1-1183.
6. “Director” means the Director of the Department of Environmental Quality, as described in Va. Code § 10.1-1185.
7. “Discharge” means the discharge of a pollutant.
8. “Discharge of a pollutant” means:
  - a. Any addition of any pollutant or combination of pollutants to surface waters from any point source; or
  - b. Any addition of any 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.
9. “Erosion and Sediment Control Plan” means a plan for the control of erosion and sedimentation associated with land disturbing activities developed pursuant to Va. Code § 62.1-44.15:55.
10. “Erosion and Sediment Control Law” means Article 2.4 (§ 62.1-44.15:51 *et seq.*) of Chapter 3.1 of Title 62.1 of the Va. Code.
11. “General Permit Regulation” means the General VPDES Permit for Discharges of Stormwater from Construction Activities, 9 VAC 25-880-1 *et seq.*
12. “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.
13. “Notice of Violation” or “NOV” means a type of Notice of Alleged Violation under Va. Code § 62.1-44.15.
14. “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.
15. “PRO” means the Piedmont Regional Office of DEQ, located in Glen Allen, Virginia.
16. “Site” means the Bailey Ridge Subdivision project site located in Richmond County, Virginia at 187 Memorial Drive, Warsaw, Virginia 22572, from which discharges of stormwater associated with construction activity have occurred.

17. “Site E&S Control Plan” means the Erosion and Sediment Control Plan for the Site associated with the Site-wide land disturbing activities and related erosion and sediment control measures.
18. “State 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.
19. “State Water Control Law” means Chapter 3.1 (§ 62.1-44.2 et seq.) of Title 62.1 of the Va. Code.
20. “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.
21. “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.
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 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. “Va. Code” means the Code of Virginia (1950), as amended.
25. “VAC” means the Virginia Administrative Code.
26. “VESCP” means the Virginia Erosion and Sediment Control Program adopted the Board pursuant to the Erosion and Sediment Control Law, 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 VESCP Authority to control erosion and sedimentation resulting from land-disturbing activities and shall include such items as local ordinances, rules, standards and

specifications, policies and guidelines, technical materials, and requirements for plan review, inspection, enforcement, where authorized, and evaluation consistent with the requirements of this article and associated regulations. Va. Code § 62.1-44.15:54.

27. “VESCP Authority” means an authority required or approved to operate a Virginia Erosion and Sediment Control Program pursuant to Va. Code § 62.1-44.15:54. VESCP Authorities include cities and counties, as well as state entities, federal entities, or, for linear projects subject to annual standards and specifications, electric, natural gas, and telephone utility companies, interstate and intrastate natural gas pipeline companies, railroad companies, or authorities created pursuant to Va. Code § 15.2-5102.
28. “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.
29. “VPDES” means Virginia Pollutant Discharge Elimination System.
30. “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 this article, and evaluation consistent with the requirements of this article and associated regulations. Va. Code § 62.1-44.15:24.
31. “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.
32. “VSMP Regulations” means the Virginia Stormwater Management Program (VSMP) Regulations, 9 VAC 25-870-10 et seq.
33. “Warning Letter” or “WL” means a type of Notice of Alleged Violation under Va. Code § 62.1-44.15.

### **SECTION C: Findings of Fact and Conclusions of Law**

1. Bell - Mer is the operator of construction activities at the Site, located in Richmond County, Virginia, which discharges stormwater associated with construction activity. Bell – Mer is the developer of the Site, but not the homebuilder.

2. DEQ is the VSMP authority for Richmond County, Virginia.
3. Bell - Mer applied for and, on August 22, 2014 was granted coverage under the State Permit, VAR10 of the General Permit Regulation. Bell - Mer was assigned registration number VAR10E166.
4. The State Permit allows Bell - Mer to discharge stormwater associated with construction activities from the Site to Jugg Creek and Little Carter Creek, in compliance with the terms and conditions of the State Permit.
5. Jugg Creek and Little Carter Creek are surface waters located wholly within the Commonwealth and are “state waters” under the State Water Control Law.
6. Jugg Creek and Little Carter Creek are located in the Rappahannock River Basin. The Rappahannock River is subject to a TMDL for sediment and nutrients.
7. Pursuant to 9 VAC 25-870-47(B), the land disturbing activities performed as part of Bell - Mer’s Site-wide development under the State Permit are subject to the technical criteria found in Part II.C of the VSMP Regulations at 9 VAC 25-870-93 through 9 VAC 25-870-99.
8. On or about October 10, 2014, Bell - Mer submitted to the County as the VESCP Authority a Site E&S Control Plan for Site-wide development activities. The County concurred in December 2014 that the Site was subject to the technical criteria of Part II.C of the VSMP Regulations as described in Paragraph C.7 above and that the water quantity criteria of 9 VAC 25-840-40(19) would apply to the Site.
9. In connection with Bell - Mer’s submission of the E&S Control Plan to the County, and as required by the County’s VESCP ordinance and pursuant to the Town of Warsaw’s stormwater Low Impact Development best management practices ordinance, Bell - Mer submitted to the County for review and approval calculations for the management of stormwater at the Site (“Original LID Calculations”), including calculations for the design and minimum necessary capacity of the low impact development stormwater best management practice basin (“LID Basin”) proposed for the Site to manage postdevelopment stormwater from the Site. The County informed Bell - Mer’s engineer by e-mail dated December 4, 2014 that “after talking it over with [DEQ staff], the post-development (LID) calculations will be sufficient for showing a reduction in the post-development 10-year rate of runoff below the predevelopment rate; which would not require any further analysis of the downstream system for adequacy.” The County found such calculations to be compliant with 9 VAC 25-840-40(19)(c), the County’s VESCP requirements, and the Town of Warsaw’s stormwater management ordinance requirements, and the County approved the Original LID Calculations and related minimum design capacity for the LID Basin.
10. On June 3, 2015, the County approved an amended Site E&S Control Plan (dated March 9, 2015 and as revised further based on comments by the County).

11. Bell - Mer's Site development land disturbing activities commenced on or about October 26, 2015 and were completed by August 31, 2016. During that period, stormwater associated with Bell - Mer's Site development construction activity was discharged from the Site.
12. On March 11, 2016, the County approved further amendments to the Site E&S Control Plan submitted at the recommendation of Bell - Mer's engineer.
13. DEQ performed inspections of the Site on March 5, March 18, April 5, April 11, and May 5, 2016.
14. Based on a review of the record, the SWPPP did not include documentation and calculations verifying compliance with the water quality technical criteria at the time of DEQ Site inspections on March 5, March 18, April 5, and April 11, 2016. Based on a review of the record, the SWPPP did not include documentation and calculations verifying compliance with the water quantity technical criteria at the time of DEQ Site inspections on March 5, March 18, April 5, April 11, and May 5, 2016.

State Permit Part II(A)(3)(b) 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 ensure compliance with the requirements of 9VAC25-870-93 through 9VAC25-870-99 of the VSMP Regulation, including but not limited to the water quality and quantity requirements. The SWPPP shall include a description of, and all necessary calculations supporting, all post-construction stormwater management measures that will be installed prior to the completion of the construction process to control pollutants in stormwater discharges after construction operations have been completed."

9 VAC 25-870-55(B) of the VSMP Regulations requires the stormwater management plan to include "[h]ydrologic and hydraulic computations, including runoff characteristics," and "[d]ocumentation and calculations verifying compliance with the water quality and quantity requirements of [the VSMP] regulations."

15. Based on a review of the record, the SWPPP was not updated to include information such as a record of dates of major grading activities, dates when construction activities temporarily or permanently ceased, and dates of initiating stabilization measures at the time of DEQ Site inspections on March 5, March 18, April 5, April 11, and May 5, 2016.

State Permit Part II(B)(4) requires the operator to "update the SWPPP no later than seven days following any modification to its implementation. All modifications or updates to the SWPPP shall be noted and shall include the following items:

- a. A record of dates when:
  - (1) Major grading activities occur;

- (2) Construction activities temporarily or permanently cease on a portion of the site; and
- (3) Stabilization measures are initiated; . . . .”

9 VAC 25-870-54(G) of the VSMP Regulations requires the SWPPP to be “amended whenever there is a change in design, construction, operation, or maintenance that has a significant effect on the discharge of pollutants to state waters and that has not been previously addressed in the SWPPP.”

16. During DEQ Site inspections on March 5, March 18, April 5, April 11, and May 5, 2016, DEQ staff documented that notice of the location of the SWPPP and information for public access was not conspicuously posted near the main entrance of the Site. Bell – Mer asserts that the SWPPP was not located at the Site due to lack of secure storage at the Site.

State Permit Part II (D)(2) states, “The operator shall make the SWPPP and all amendments, modifications, and updates available upon request to the department . . . . If an on-site location is unavailable to store the SWPPP when no personnel are present, notice of the SWPPP’s location must be posted near the main entrance of the construction site.”

State Permit Part II (D)(3) states in part, “The operator shall make the SWPPP available for public review in an electronic format or in hard copy. Information for public access to the SWPPP shall be posted and maintained in accordance with Part II C.” Permit Part IIC requires the operator to post the information conspicuously near the main entrance of the construction site and maintain the posted information until termination of general permit coverage.

9 VAC 25-870-54(G) of the VSMP Regulations states in part, “The SWPPP must be maintained at a central location onsite. If an onsite location is unavailable, notice of the SWPPP’s location must be posted near the main entrance at the construction site.”

17. During the DEQ Site inspection on May 5, 2016, DEQ staff observed that the Site E&S Control Plan in the Site’s SWPPP was not implemented as follows:
  - a. The sediment trap discharging to Pipe Entrance #4 was removed prior to upslope stabilization, contrary to the Site E&S Control Plan.
  - b. The sediment trap discharging to Pipe Entrance #3 was receiving runoff from greater area than shown as the basis of design on the Site E&S Control Plan.
  - c. The soil stockpile was not protected with adequate stabilization or sediment trapping measures.
  - d. Some operable stormwater inlets were not protected with sediment trapping measures in accordance with the Site E&S Control Plan.
  - e. Some operational outlets were not protected with adequate outlet protection.

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(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(6) of the Erosion and Sediment Control Regulations states, “Sediment traps and sediment basins shall be designed and constructed based upon the total drainage area to be served by the trap or basin.”

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 25-840-40(11) of the Erosion and Sediment Control Regulations states, “Before newly constructed stormwater conveyance channels or pipes are made operational, adequate outlet protection and any required temporary or permanent channel lining shall be installed in both the conveyance channel and receiving channel.”

18. Based on the results of the inspections on March 5, March 18, April 5, April 11, and May 5, 2016 and a review of the record, the Board concludes that Bell - Mer violated 9 VAC 25-840-40, 9 VAC 25-870-54, 9 VAC 25-870-55, 9 VAC 25-870-95, and the conditions of Parts II(A)(3), II(B)(4), II(D)(2), and II(D)(3) of the State Permit, as described in paragraphs C(14)-(17) of this Order.
19. PRO issued a Warning Letter and a Notice of Violation for the violations noted above as follows: WL No. W2016-03-P-1001, issued March 8, 2016; and NOV No. W2016-04-P-002, issued May 13, 2016.
20. On June 28, 2016, Department staff met with Bell - Mer’s representative to discuss the violations.
21. Based on photographs submitted by Bell - Mer on July 1, 2016, DEQ staff verified that the violation described in paragraph C(16) has been corrected.

22. Bell - Mer asserts that corrective actions were taken to address the issues described in paragraph C(17) promptly following DEQ's May 5, 2016 inspection.
23. DEQ staff observed the Site from a public right-of-way on August 22, 2016 and verified that the violations described in paragraph C(17)(d) and (e) have been corrected. The sediment trap discharging to Pipe Entrance #3 had been removed prior to fully achieving stabilization of the upslope areas.
24. On August 31, 2016, Bell - Mer's engineer submitted its certification letter to Richmond County as the VESCP Authority certifying that all Site-wide land-disturbing activities to be conducted by Bell - Mer were completed and that all requirements pursuant to the Site E&S Control Plan had been satisfied.
25. On September 5, 2016, Bell - Mer requested termination of State Permit coverage due to completion of all land-disturbing activities by submission of a Notice of Termination General VPDES Permit for Discharges of Stormwater from Construction Activities. However, DEQ did not terminate State Permit coverage because Bell – Mer did not submit a long term maintenance agreement for permanent control measures at the Site.
26. By September 10, 2016, all lots created by the subdivision of the Site were sold to a builder.
27. Since the fall of 2016, other than the builder's single-family home construction on a lot-by-lot basis, no construction related land disturbing activity has occurred at the Site. Bell – Mer asserts that all areas of former Site-wide land disturbing activities by Bell - Mer and associated stormwater drainage conveyance inlet and outlet locations installed by Bell - Mer have achieved sufficient final stabilization with sufficient permanent vegetation or other impervious surfaces, and there are no ongoing construction related activities by Bell - Mer subject to the VSMP Regulations or State Permit coverage.
28. In light of the phase of construction activities at the Site, no additional corrective actions are necessary to resolve the violations described in paragraph C(15) and C(17)(a-c).
29. Documentation submitted by Bell-Mer on March 16, 2016 and April 20, 2016 verified compliance with water quality criteria. Additional documentation submitted by Bell-Mer on March 21, 2017 and February 16, 2018 indicated compliance with water quantity criteria, resolving the violations described in paragraph C(14).

#### **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 Bell - Mer, and Bell - Mer agrees to pay a civil charge of \$6,162.81 within 30 days of the effective date of the Order in settlement of the violations cited in this Order.

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

Bell - Mer shall include its Federal Employer Identification Number (FEIN) with the civil charge payment **and** shall indicate that the payment is being made in accordance with the requirements of this Order for deposit into the Virginia Stormwater Management Fund. If the Department has to refer collection of moneys due under this Order to the Department of Law, Bell - Mer 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 Bell - Mer for good cause shown by Bell - Mer, 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 NOV No. W2016-04-P-002 dated May 13, 2016 and WL No. W2016-03-P-1001 dated March 8, 2016. 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, Bell - Mer 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. Bell - Mer 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. Bell - Mer 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 Bell - Mer 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. Bell - Mer 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. Bell - Mer shall demonstrate that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. Bell - Mer 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.

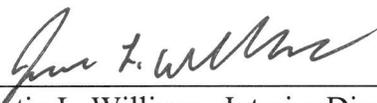
9. This Order is binding on the parties hereto and any successors in interest, designees and assigns, jointly and severally.
10. This Order shall become effective upon execution by both the Director or his designee and Bell - Mer. Nevertheless, Bell - Mer agrees to be bound by any compliance date which 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 Bell - Mer has completed all of the requirements of the Order;
  - b. Bell - Mer 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 Bell - Mer.

Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve Bell - Mer 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 Bell - Mer 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 Bell - Mer 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 Bell - Mer to this document. Any documents to be submitted pursuant to this Order shall also be submitted by a responsible official of Bell - Mer.
- 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, Bell - Mer voluntarily agrees to the issuance of this Order.

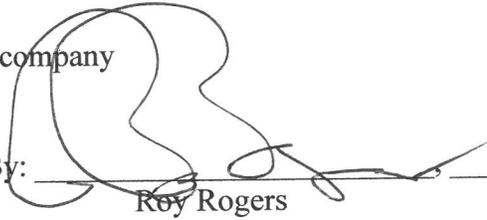
And it is so ORDERED this 10th day of July, 2018.

  
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Justin L. Williams, Interim Director  
Division of Enforcement  
Department of Environmental Quality

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Bell - Mer, L.L.C. voluntarily agrees to the issuance of this Order.

**BELL - MER, L.L.C.,**  
a Virginia limited liability company

Date: 6/4/18 By:  Member  
Roy Rogers Manager

Commonwealth of Virginia

City/County of King William

The foregoing document was signed and acknowledged before me this 4<sup>th</sup> day of  
June, 2018, by Roy Rogers who is  
member of Bell - Mer, L.L.C., on behalf of the company.

Carolyn B. Britt  
Notary Public

7044172  
Registration No.

My commission expires: 12-31-18

Notary seal:

