COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY
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STATE WATER CONTROL BOARD
ENFORCEMENT ACTION - ORDER BY CONSENT
ISSUED TO
BUCHANAN COUNTY PUBLIC SERVICE AUTHORITY
FOR
Conaway Wastewater Treatment Plant
VPDES Permit No. VA0090531
Incident Report (IR) Nos.: 2015-S-2239 and 2015-S-2240

SECTION A: Purpose

This is a Consent Order issued under the authority of Va. Code § 62.1-44.15, between the State Water Control Board and the Buchanan County Public Service Authority, regarding the Conaway Wastewater Treatment Plant, 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. "305(b) report" means the report required by Section 305(b) of the Clean Water Act (33 United States Code § 1315(b)), and Va. Code § 62.1-44.19:5 for providing Congress and the public an accurate and comprehensive assessment of the quality of State surface waters.

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. "Buchanan County PSA" or "PSA" means the Buchanan County Public Service Authority, an authority created pursuant to the Virginia Water and Waste Authorities Act, Va. Code § 15.2-5100 *et seq.* The Buchanan County Public Service Authority is a "person" within the meaning of Va. Code § 62.1-44.3.

4. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia, as described in Va. Code § 10.1-1183.

5. "Director" means the Director of the Department of Environmental Quality, as described in Va. Code § 10.1-1185.

6. "Discharge" means discharge of a pollutant. 9 VAC 25-31-10

7. "Discharge of a pollutant" when used with reference to the requirements of the VPDES permit program 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.

8. "DMR" means Discharge Monitoring Report.

9. "Effluent" means wastewater – treated or untreated – that flows out of a treatment plant, sewer, or industrial outfall.

10. "Facility", "Plant" or "WWTP" means the Conaway Wastewater Treatment Plant located at Rt. 610, Conaway Road, Big Rock, Virginia, which treats and discharges treated sewage and other municipal wastes, for the residents and businesses of the Buchanan County Public Service Authority's service area.

11. "I/I" means inflow/infiltration.

12. "Notice of Violation" or "NOV" means a type of Notice of Alleged Violation under Va. Code § 62.1-44.15.

13. "O&M" means operations and maintenance.

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. "Permit" means VPDES Permit No. VA0090531, which was reissued under the State Water Control Law and the Regulation to the Buchanan County Public Service Authority on October 7, 2015 and which expires on October 6, 2020.

16. "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 USC § 2011 *et seq.*)), heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water… 9 VAC 25-31-10.

17. "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.

18. "Regulation" means the VPDES Permit Regulation, 9 VAC 25-31-10 *et seq.*

19. "SEP" means Supplemental Environmental Project. As used in this Order and Appendix B, SEP means an environmentally beneficial project undertaken as partial settlement of a civil enforcement action and not otherwise required by law.

20. "State Water Control Law" means Chapter 3.1 (§ 62.1-44.2 *et seq.*) of Title 62.1 of the Va. Code.

21. "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.

22. "SWRO" means the Southwest Regional Office of DEQ, located in Abingdon, Virginia.

23. "Va. Code" means the Code of Virginia (1950), as amended.

24. "VAC" means the Virginia Administrative Code.

25. "VDH" means the Virginia Department of Health.

26. "VPDES" means Virginia Pollutant Discharge Elimination System.

27. "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. The Buchanan County PSA owns and operates the WWTP. The Permit allows the PSA to discharge treated sewage and other municipal wastes from the Plant to Levisa Fork, in strict compliance with the terms and conditions of the Permit.

2. The Levisa Fork of Big Sandy River is located in the Tennessee-Big Sandy River River Basin, Big Sandy River Subbasin, Section 3, Class IV, Special Standards None. This segment of the Levisa Fork is listed in DEQ's 305(b) report as impaired for Recreation (E. coli), Aquatic Life (sediment) and Fish Consumption (PCBs) uses. It is included in the following TMDL: E. coli, Phased Benthic and Phased Total PCB TMDL Development for Levisa Fork, Slate Creek and Garden Creek. The TMDL was approved by EPA on March 18, 2011, but has not been approved by the SWCB. Slate Creek is located in the Tennessee-Big Sandy River River Basin, Big Sandy River Subbasin, Section 3, Class IV, Special Standards None. Slate Creek is listed in DEQ's 305(b) report as impaired for Recreation (E. coli) and Aquatic Life (sediment) uses. Slate Creek is included in the TMDL listed above. The major potential sources of impairment listed in the Levisa Fork TMDL are failing residential sewage systems and raw sewage discharges in unsewered areas. The wastewater discharge from the Plant is not listed among the potential sources of the impairment of the Levisa Fork.

3. On March 5, 2015, PSA personnel reported to DEQ's SWRO staff that, due to significant flood damage to the Facility's collection system on March 4 and 5, 2015, no wastewater was entering the Facility. All wastewater normally treated at the 2.0 MGD Facility (average flow of approximately 1.5 MGD) was discharging from the collection system to the Levisa Fork of the Big Sandy River.

4. On March 24, 2015, PSA staff reported to DEQ staff that water levels in the Levisa Fork had receded to the point that assessment of damage and initial repair work could begin. The PSA reported the events as two overflows, one each for the Levisa Fork (IR No. 2015-S-2240) and Slate Creek (IR No. 2015-S-2239), which is a tributary of Levisa Fork.

5. Letters regarding assessments of flood damage were received by DEQ on March 30, 2015 and April 13, 2015.

6. After initially trying to clean manholes and sewer lines by hand, the PSA contacted a vendor regarding rental of a vacuum truck on April 14, 2015. Delivery of the truck was delayed. The truck arrived and training of employees in its use began May 6, 2015.

7. DEQ staff conducted site visits to the WWTP and/or the sewage collection system on April 20, 2015, May 13, 2015, May 28, 2015, May 29, 2015 and June 15, 2015.

8. On May 8, 2015, Department staff met with representatives of the PSA and the VDH to discuss the ongoing discharge of untreated sewage, flood damage to the sewage collection system and the PSA's response regarding repairs to the collection system.

9. The VDH issued a public health advisory and posted notices on Levisa Fork and Slate Creek regarding possible high bacteria levels on May 12, 2015.

10. The SWRO issued Notice of Violation No. W2015-05-S-0001 to the PSA for the unpermitted discharge of sewage to state waters on May 21, 2015.

11. DEQ staff conducted sampling at water quality monitoring station 6LEV131.52 on April 8, 2015. Results show an E. coli level of 275 MPN/100 ml sample.

12. Results from a DEQ sampling effort May 18, 2015 show the following:

    Levisa, upstream of Dismal Creek (6ALEV152.46): E. coli = 135 MPN/100ml
    Levisa, KY State Line (6ALEV131.52) E. coli = 336 MPN/100ml

13. Results from a DEQ sampling effort June 9, 2015 show the following:

    Levisa, upstream of Dismal Creek (6ALEV152.46): E. coli = 168 MPN/100ml
    Levisa, KY State Line (6ALEV131.52) E. coli = 1,320 MPN/100ml

14. Results from a DEQ sampling effort June 15, 2015 show the following:

    Levisa, upstream of Dismal Creek (6ALEV152.46): E. coli = 402 MPN/100ml
    Levisa, KY State Line (6ALEV131.52) E. coli = 10 MPN/100ml

15. On June 17, 2015, DEQ staff met with representatives of the PSA to discuss the status of repairs and steps that need to be taken to be better prepared for future flood events.

16. Repair work continued, with updates regarding the situation submitted to DEQ at least twice per week. Per e-mails received from PSA staff, the last line cleanout and overflow repair was completed on June 22, 2015. A total of 5,990 linear feet of 8-inch, 10-inch, 12-inch and 20-inch sewer lines were cleaned of creek cobble and flood debris.

17. The PSA's operating logs indicate that it discharged untreated wastewater from the WWTP's collection system every day from March 4, 2015 until June 22, 2015.

18. The VDH lifted the Public Health Advisory issued May 12, 2015 on June 26, 2015.

19. DEQ received a Sewer System Management Plan Corrective Action Plan submittal from the PSA on July 1, 2015.

20. Va. Code § 62.1-44.5 states that: "[E]xcept in compliance with a certificate issued by the Board, it shall be unlawful for any person to discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances."

21. The Regulation, at 9 VAC 25-31-50, also states that except in compliance with a VPDES permit, or another permit issued by the Board, it is unlawful to discharge into state waters sewage, industrial wastes or other wastes.

22. VPDES Permit No. VA0090531, Part II, Section F states that except in compliance with this permit, or another permit, issued by the board, it shall be unlawful for any person to discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances.

23. Va. Code § 62.1-44.15(5a) states that a VPDES permit is a "certificate" under the statute.

24. The Department has issued no permits or certificates to the Buchanan County PSA other than VPDES Permit No. VA0090531.

25. The Levisa Fork and Slate Creek are surface waters located either wholly or partially within the Commonwealth and are "state waters" under State Water Control Law.

26. Based on the results of site visits conducted April 20, 2015, May 13, 2015, May 28, 2015, May 29, 2015 and June 15, 2015, results of sampling conducted April 8, 2015, May 18, 2015, June 9, 2015 and June 15, 2015, meetings held on May 8, 2015 and June 17, 2015 and documentation submitted on March 30, April 13, 2015 and June 22, 2015, the Board concludes that the PSA has violated the Permit, Va. Code § 62.1-44.5 and Regulation 9 VAC 25-31-50, by discharging untreated sewage and municipal wastes from the WWTP's collection system, failing to comply with the conditions of the Permit, as described in paragraphs C(3) through C(17), above.

27. In order for the Buchanan County PSA to complete its return to compliance, DEQ staff and representatives of the Buchanan County PSA have agreed to the Schedules of Compliance, which are incorporated as Appendices A and B of this Order.

SECTION D: Agreement and Order

By virtue of the authority granted it pursuant to Va. Code § 62.1-44.15 and upon consideration of Va. Code § 10.1-1186.2, the Board orders the Buchanan County Public Service Authority, and the Buchanan County Public Service Authority agrees:

1. To perform the actions described in Appendices A and B of this Order; and

2. To a civil charge of $21,450.00 in settlement of the violations cited in this Order, to be paid as follows:

   a. The Buchanan County Public Service Authority shall pay $2,145.00 of the civil charge within 30 days of the effective date of this Order. Payment shall be made by check, certified check, money order or cashier's check payable to the "Treasurer of Virginia," delivered to:

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

The Buchanan County Public Service Authority 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 Environmental Emergency Response Fund (VEERF).

b. The Buchanan County Public Service Authority shall satisfy $19,305.00 of the civil charge by satisfactorily completing the Supplemental Environmental Project (SEP) described in Appendix B of this Order.

c. The net project costs of the SEP to the Buchanan County Public Service Authority shall not be less than the amount set forth in Paragraph D.2.b. If it is, the Buchanan County Public Service Authority shall pay the remaining amount in accordance with Paragraph D.2.a of this Order, unless otherwise agreed to by the Department. "Net project cost" means the net present after-tax cost of the SEP, including tax savings, grants, and first-year cost reductions and other efficiencies realized by virtue of project implementation. If the proposed SEP is for a project for which the party will receive an identifiable tax savings (e.g., tax credits for pollution control or recycling equipment), grants, or first-year operation cost reductions or other efficiencies, the net project cost shall be reduced by those amounts. The costs of those portions of SEPs that are funded by state or federal low-interest loans, contracts, or grants shall be deducted.

d. By signing this Order the Buchanan County Public Service Authority certifies that it has not commenced performance of the SEP.

e. The Buchanan County Public Service Authority acknowledges that it is solely responsible for completing the SEP project. Any transfer of funds, tasks, or otherwise by the Buchanan County Public Service Authority to a third party, shall not relieve the Buchanan County Public Service Authority of its responsibility to complete the SEP as described in this Order.

f. In the event it publicizes the SEP or the SEP results, the Buchanan County Public Service Authority shall state in a prominent manner that the project is part of a settlement of an enforcement action.

g. The Department has the sole discretion to:

   i. Authorize any alternate, equivalent SEP proposed by the Facility; and

   ii. Determine whether the SEP, or alternate SEP, has been completed in a satisfactory manner.

h. Should the Department determine that the Buchanan County Public Service Authority has not completed the SEP, or alternate SEP, in a satisfactory manner, the Department shall so notify the Buchanan County Public Service Authority in writing. Within 30 days of being notified, the Buchanan County Public Service Authority shall pay the amount specified in Paragraph D.2.b, above, as provided in Paragraph D.2.a, above.

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend this Order with the consent of the Buchanan County PSA for good cause shown by the PSA, 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.W2015-05-S-0001, dated May 21, 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, the PSA admits the jurisdictional allegations, findings of fact, and conclusions of law contained herein.

4. The PSA 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. The PSA 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 the PSA 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. The PSA 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. The PSA shall demonstrate that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. The PSA 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 the PSA. Nevertheless, the PSA 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 the PSA has completed all of the requirements of the Order;

    b. The PSA 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 the PSA.

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

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, the PSA voluntarily agrees to the issuance of this Order.

And it is so ORDERED this 5th day of January, 2016.

Allen J. Newman, P.E., Regional Director
Department of Environmental Quality

The Buchanan County Public Service Authority voluntarily agrees to the issuance of this Order.

Date: 11-5-2015 By: Gregory McClanahan, Executive Director
(Person) (Title)
Buchanan County Public Service Authority

Commonwealth of Virginia

City/County of Buchanan

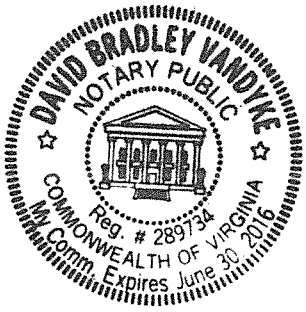
The foregoing document was signed and acknowledged before me this 5th day of NOVEMBER, 2015, by GREGORY McClanahan who is EXECUTIVE DIRECTOR of the Buchanan County Public Service Authority, on behalf of the Authority.

David Bradley VanDyke
Notary Public

289734
Registration No.

My commission expires: JUNE 30, 2016

Notary seal:



APPENDIX A
SCHEDULE OF COMPLIANCE

In order to comply with the provisions of the State Water Control Law, the Regulation and the Permit, the Buchanan County PSA agrees to implement the following actions by the dates noted below:

1. Submit a final report documenting: A.) Damage to the Conaway WWTP collection system by the March, 2015 flood event; B.) The scope and completion of work required to return the collection system to full operation; and, C.) the MOM (item 3) activities completed or to be completed by the end of 2015 to protect the system from future flood events..... .....no later than December 1, 2015.

2. Report and monitor all overflows from the Conaway WWTP sewage collection system as required by the Permit. In addition, the PSA shall conduct E. coli bacterial sampling at the Route 733 bridge across the Levisa Fork River 0.3 mile above the Virginia/Kentucky state line when any overflow of the Levisa interceptor exceeds twelve (12) hours. The Levisa Fork sampling shall be conducted such that samples are representative of midstream flow and depth, considering time of travel, to ensure that the sample accurately reflects the sewage "slug" approaching the state line. The first sampling event shall coincide with the arrival of the "slug" at the identified sampling point. Within three (3) days of each sampling event, the PSA shall report the E. coli results to DEQ. Within ten (10) days of the overflow, the sampling analysis results, the time-of-travel calculations and all facts related to the overflow shall be submitted to DEQ in writing. Should the overflow last for more than seven (7) days, the PSA shall sample the Levisa Fork every seven (7) days and report accordingly to DEQ. Sampling, handling and analytical procedures for E. coli shall comply with standard procedures as required by the Permit.

3. Develop and submit to SWRO for review a Management, Operations and Maintenance ("MOM") Plan. This plan shall address both emergency response (i.e., flood damage assessment & repair) and non-emergency operation [identifying routine performance goals with respect to Operation, Maintenance and Repair ("O, M & R") activity]. This plan shall identify the subsystems of the collection system and the need for further investigation to determine the present condition of, and the presence of I/I in, each subsystem. The plan shall project a prioritized schedule for internal investigation of each subsystem, with a goal of inspecting all of the subsystems within 5 years of the plan submittal date. The plan shall identify those sections of the sewer collection system that are subject to I/I, in need of additional investigation, damaged, in need of repair or replacement, or most vulnerable to future flood damage. The plan shall include an initial grading scale for each line inspected to facilitate a priority ranking of repairs and a basis for asset management. The plan shall also include additional specific activities, such as sections of line to be routinely cleaned and video inspected, manholes to be further evaluated (i.e., lowering, installing or replacing of frames and covers, installation of straps), etc.....no later than January 1, 2016.

4. Establish an emergency fund of at least $25,000.00 (and provide documentation to DEQ of the existence of the fund) to be utilized to immediately hire contractors to assist the PSA with repairs to the sewage collection system after flood events.....no later than January 1, 2016. (The PSA shall restore the emergency fund to $25,000.00 within three months of utilizing funds from this account).

5. Submit semi-annual reports of MOM prioritized and implemented O, M, & R activities conducted during the previous six months and specific performance goals for the next six months for sewer system inspection, cleaning, maintenance, rehabilitation, and capital improvement activities planned. Submittals shall be due January 1 and July 1 each year for the next five years (2016 through 2020). Each semi-annual report shall include an update regarding the status of the emergency fund established in item 4.

6. Obtain interim financing, successfully complete the procurement process, sign a contract for purchase and take delivery of both a properly sized and equipped vacuum truck (reviewed as qualifying for and acceptable to Virginia Clean Water Revolving Loan Fund Program requirements for reimbursement) and collection system inspection camera equipment for inspection and maintenance of the Conaway WWTP collection system.....no later than April 1, 2016.

7. Following any declared local or state flood event, immediately assess damages to the sewage collection system, prioritize repair work, hire contractor(s) to assist with repairs and submit a schedule reflecting the scope of work and timeframes for completion.....within 14 days of the initial damage occurring.

8. Unless otherwise specified in this Order, the PSA shall submit all requirements of Appendix A of this Order to:

   Ruby Scott
   Compliance Auditor
   VA DEQ – Southwest Regional Office
   355-A Deadmore Street
   Abingdon, Virginia 24210
   Phone: (276) 676-4882
   Fax: (276) 676-4899
   ruby.scott@deq.virginia.gov

APPENDIX B
BUCHANAN COUNTY PUBLIC SERVICE AUTHORITY SUPPLEMENTAL ENVIRONMENTAL PROJECT (SEP)

In accordance with Va. Code § 10.1-1186.2, the Buchanan County Public Service Authority shall perform the Supplemental Environmental Project (SEP) identified below in the manner specified in this Appendix.

1. The SEP to be performed by the PSA is the installation of five flow meters near tributaries and at other strategic locations throughout Buchanan County's Conaway WWTP sewage collection system, as per the Hach Technical Proposal #091415-01 (Proposal), dated September 14, 2015 and submitted to DEQ by the PSA on September 29, 2015. The cost of monitoring will be $650 per meter per month.

2. The SEP shall be completed when twelve (12) months of flow monitoring per the Proposal have been fulfilled and all required reports or documents related to the SEP have been submitted to DEQ. The contract shall be signed and effective no later than April 1, 2016, with completion of the SEP no later than May 1, 2017.

3. The PSA shall submit progress reports on the SEP on a quarterly basis, due the 10th day each month following the end of the quarter. The first quarterly report shall be due April 10, 2016, with succeeding quarterly reports due July 10, October 10 and January 10 until the SEP has been completed.

4. The PSA shall submit a written final report on the SEP, verifying that the SEP has been completed in accordance with the terms of this Order, and certified either by a Certified Public Accountant or by a responsible corporate officer or owner. The PSA shall submit the final report and certification to the Department within thirty (30) days after completion of twelve (12) months of flow monitoring per the Proposal.

5. If the SEP has not or cannot be completed as described in the Order, the PSA shall notify DEQ in writing no later than ten (10) days after such determination is made. Such notification shall include:

    a. an alternate SEP proposal, or
    b. payment of the amount specified in Paragraph D.2.b as described in Paragraph D.2.a.

6. The PSA hereby consents to reasonable access by DEQ or its staff to property or documents under the party's control, for verifying progress or completion of the SEP.

7. The PSA shall submit to the Department written verification of the final overall and net project cost of the SEP in the form of a certified statement itemizing costs, invoices and proof of payment, or similar documentation within thirty (30) days after completion of twelve (12) months of flow monitoring per the Proposal. For the purposes of this submittal, net project costs can be either the actual, final net project costs or the projected net project costs if such projected net project costs statement is accompanied by a CPA certification or certification from the PSA's Chief Financial Officer concerning the projected tax savings, grants or first-year operation cost reductions or other efficiencies.

8. Documents to be submitted to the Department, other than the civil charge payment described in Section D of the Order, shall be sent to the contact identified in Appendix A of this Order.