



VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

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**STATE WATER CONTROL BOARD
ENFORCEMENT ACTION - ORDER BY CONSENT
ISSUED TO
Gurcharan Lail
FOR
One Stop Trailer Park
VPDES Permit No. VA0074934**

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 Gurcharan Lail, regarding the One Stop Trailer Park facility, 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. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia, as described in Va. Code § 10.1-1183.

4. "Director" means the Director of the Department of Environmental Quality, as described in Va. Code § 10.1-1185.
5. "Discharge" means discharge of a pollutant. 9 VAC 25-31-10
6. "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.
7. "DMR" means Discharge Monitoring Report.
8. "Effluent" means wastewater – treated or untreated – that flows out of a treatment plant, sewer, or industrial outfall.
9. "Facility" or "Plant" means the One Stop Trailer Park facility located at 14425 James Monroe Highway, Leesburg Virginia 20176, which treats and discharges treated sewage and other municipal wastes, for the residents and businesses of Gurcharan Lail.
10. "Gurcharan Lail" means Mr. Gurcharan Lail, currently a resident of Loudoun County, Virginia. Mr. Gurcharan Lail is a "person" within the meaning of Va. Code § 62.1-44.3
11. "Notice of Violation" or "NOV" means a type of Notice of Alleged Violation under Va. Code § 62.1-44.15.
12. "NRO" means the Northern Regional Office of DEQ, located in Woodbridge, Virginia.
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. VA0074934, which was issued under the State Water Control Law and the Regulation to Mr. Gurcharan Lail on September 1, 2018, and which expires on August 31, 2023.
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. "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. "Va. Code" means the Code of Virginia (1950), as amended.
22. "VAC" means the Virginia Administrative Code.
23. "VPDES" means Virginia Pollutant Discharge Elimination System.
24. "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. Gurcharan Lail owns the Plant. The Permit allows Gurcharan Lail to discharge treated sewage and other municipal wastes from the Plant, to Clarks Run, in strict compliance with the terms and conditions of the Permit.
2. Clarks Run is located in the Potomac River Basin. Clarks Run is listed in DEQ's 305(b) report as impaired for recreational use, due to bacterial impairment.

3. In submitting DMRs, as required by the Permit, Gurcharan Lail has indicated that effluent from the Plant exceeded discharge limitations contained in Part I.A of the Permit, as follows:
 - a. In May 2019 Gurcharan Lail reported a minimum dissolved oxygen (DO) of 2.98 mg/L (limit 5.0 mg/L), total residual chlorine (TRC) monthly concentration average of 0.04 mg/L (limit 0.018 mg/L), and TRC weekly concentration average maximum of 0.09 mg/L (limit 0.022 mg/L).
 - b. In June 2019 Gurcharan Lail reported a weekly concentration average maximum of ammonia (as N) of 14.4 mg/L (limit 8.9 mg/L), TRC monthly concentration average of 0.59 mg/L (limit 0.018 mg/L), and a TRC weekly concentration average maximum of 1.73 mg/L (limit 0.022 mg/L).
 - c. In July 2019 Gurcharan Lail reported a minimum DO of 3.13 mg/L (limit 5.0 mg/L), TRC monthly concentration average of 0.1 mg/L (limit 0.018 mg/L), and a TRC weekly concentration average maximum of 0.2 mg/L (limit 0.022 mg/L).
 - d. In August 2019 Gurcharan Lail reported a minimum pH of 5.6 SU (limit 6.0 SU).
 - e. In September 2019 Gurcharan Lail reported a 5-day biochemical oxygen demand (BOD₅) monthly concentration average of 115 mg/L (limit 30 mg/L), a BOD₅ weekly concentration average maximum of 115 mg/L (limit 45 mg/L), a BOD₅ monthly quantity average of 1.29 kg/day (limit 0.70 kg/day), and a BOD₅ weekly quantity average maximum of 1.29 kg/day (limit 1.1 kg/day)
 - f. In December 2019 Gurcharan Lail reported an oil & grease concentration of 26 mg/L (limit 15 mg/L).
4. Part I.A of the Permit specifies the parameters that Gurcharan Lail shall monitor, and the discharge limits of those parameters, as indicated in paragraphs C(3)(a) through C(3)(e).
5. A report on the investigation of sources of infiltration and inflow (I&I) into the collection system of the Plant, and a plan for corrective actions, was due to be received by DEQ on or before September 1, 2019, and was not received until January 17, 2020.
6. Part I.C.12 of the Permit states that "The permittee shall investigate possible inflow and infiltration issues within the collection system. A report detailing the investigation, findings and timeline (corrective action plan) to mediate any problems discovered is due on or before 1 September 2019 for DEQ review and approval."
7. NRO issued Warning Letters and Notices of Violation for the violations as follows: WL No. W2019-07-N-1002, issued July 16, 2019; WL No. W2019-08-N-1003, issued August 8, 2019; WL No. W2019-09-N-1004, issued September 17, 2019; NOV No. W2019-11-N-003, issued November 21, 2019; NOV No. W2019-12-N-0001, issued December 13, 2019; and NOV No. W2020-01-N-0007, issued January 22, 2020.

8. Gurcharan Lail responded to the Warning Letter W2019-09-N-1004, through the Plant's contracted operator, stating that the exceedances from the July 2019 DMR were the result of operator error in the calibration of the DO meter, and chlorine tablets not making contact with the effluent flow through the feeder assembly. Gurcharan Lail also responded to the Notice of Violation W2019-11-N-003 by stating that high BOD₅ readings were the result of increased fats, oils, and grease in the influent to the plant, in combination with a proliferation of filamentous bacteria at the plant. These responses specified increased training on plant operation, and increased inspection and cleaning frequency of grease traps as methods undertaken to address the deficiencies. A response to the aforementioned NOV, received on January 17, 2020, noted the completion of the I&I source report.
9. 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."
10. 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.
11. Va. Code § 62.1-44.15(5a) states that a VPDES permit is a "certificate" under the statute.
12. The Department has issued no other active permits or certificates to Gurcharan Lail other than VPDES Permit No. VA0074934.
13. Clarks Run is a surface water located wholly within the Commonwealth and is a "state water" under State Water Control Law.
14. Based on the results of the documentation submitted on June 10, 2019, July 10, 2019, August 10, 2019, and September 10, 2019, and DEQ file review, the Board concludes that Gurcharan Lail has violated the Permit, Va. Code § 62.1-44.5, and 9 VAC 25-31-50, by discharging treated sewage and municipal wastes from the Plant while concurrently failing to comply with the conditions of the Permit, as described in paragraphs C(3) and C(5), above.
15. In order for Gurcharan Lail to return to compliance, DEQ staff and Gurcharan Lail 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, the Board orders Gurcharan Lail, and Gurcharan Lail agrees to:

1. Perform the actions described in Appendix A of this Order; and
2. Pay a civil charge of \$7,201.25 in settlement of the violations cited in this Order. The civil charge shall be paid in accordance with the following schedule:

Due Date	Amount
Execution date + 30 days	\$600.10 or balance
+ 60 days	\$600.10 or balance
+ 90 days	\$600.10 or balance
+ 120 days	\$600.10 or balance
+ 150 days	\$600.10 or balance
+ 180 days	\$600.10 or balance
+ 210 days	\$600.10 or balance
+ 240 days	\$600.10 or balance
+ 270 days	\$600.10 or balance
+ 300 days	\$600.10 or balance
+ 330 days	\$600.10 or balance
+ 365 days	\$600.15 or balance

3. If the Department fails to receive a civil charge payment pursuant to the schedule described above, the payment shall be deemed late. If any payment is late by 30 days or more, the entire remaining balance of the civil charge shall become immediately due and owing under this Order, and the Department may demand in writing full payment by Mr. Gurcharan Lail. Within 15 days of receipt of such letter, Mr. Gurcharan Lail shall pay the remaining balance of the civil charge. Any acceptance by the Department of a late payment or of any payment of less than the remaining balance shall not act as a waiver of the acceleration of the remaining balance under 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

Gurcharan Lail 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). If the Department has to refer collection of moneys due under this Order to the Department of Law, Gurcharan Lail 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 Gurcharan Lail for good cause shown by Gurcharan Lail, or on his 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. 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, Gurcharan Lail admits the jurisdictional allegations, findings of fact, and conclusions of law contained herein.
4. Gurcharan Lail 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. Gurcharan Lail declares he has received fair and due process under the Administrative Process Act and the State Water Control Law and he 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 Gurcharan Lail 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. Gurcharan Lail 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 his control and not due to a lack of good faith or diligence on its part. Gurcharan Lail shall demonstrate that such circumstances were beyond his control and not due to a lack of

good faith or diligence on its part. Gurcharan Lail 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 Gurcharan Lail. Nevertheless, Gurcharan Lail 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 Gurcharan Lail has completed all of the requirements of the Order;
 - b. Gurcharan Lail petitions the Director or his designee to terminate the Order after he 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 Gurcharan Lail.

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

And it is so ORDERED this 11th day of June, 2020.



Thomas A. Faha, Regional Director
Department of Environmental Quality

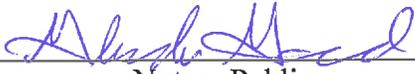
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Mr. Gurcharan Lail voluntarily agrees to the issuance of this Order.

Date: 4/15/20 By: 
(Person)
Gurcharan Lail

Commonwealth of Virginia
City/County of Loudoun

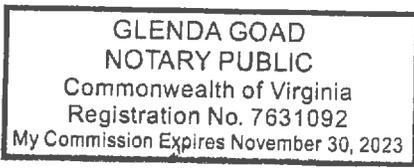
The foregoing document was signed and acknowledged before me this 15th day of April, 2020, by Gurcharan Lail.


Notary Public

7631092
Registration No.

My commission expires: 11/30/2023

Notary seal:



APPENDIX A SCHEDULE OF COMPLIANCE

1. Unpermitted Discharge/Spill

- a. Within 30 days of the execution of this Order, Gurcharan Lail shall submit a corrective action plan to DEQ for review, including professional recommendations for any relevant changes, repairs, or upgrades to the STP in order to consistently meet Permit limits for effluent parameters.
- b. The submission described above shall become an enforceable part of this Order upon completion and submission. Gurcharan Lail shall respond within 7 days to DEQ requests for further information or amendment to these submissions.

2. DEQ Contact

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

**Virginia Department of Environmental Quality
Northern Regional Office
Attn: Enforcement
13901 Crown Court
Woodbridge, VA 22193**

