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COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

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STATE WATER CONTROL BOARD ENFORCEMENT ACTION AMENDMENT TO ORDER BY CONSENT ISSUED TO HAMPTON ROADS SANITATION DISTRICT FOR ACQUISITION OF TOWN OF SURRY WASTEWATER TREATMENT PLANT VPDES Permit No. VA0061646

SECTION A: Purpose

This is an Amendment of an Order by Consent (Amendment) issued under the authority of Va. Code § 62.1-44.15, between the State Water Control Board (Board) and the Hampton Roads Sanitation District (HRSD), regarding the Town of Surry's Wastewater Treatment Plant. The purpose of this amendment is to change the name of the responsible party from the Town of Surry (the Town) to HRSD, to establish a schedule to transfer the Town's discharge and to re-establish certain interim limits of the Order by Consent (Order) issued by the Board to the Town on June 25, 2010, and amended October 3, 2013.

SECTION B: Basis for Amendment

1. On September 28, 2017, HRSD submitted change of ownership forms to the Department for the Town of Surry Wastewater Treatment Plant (Facility) in Surry, Virginia. HRSD has Permit¹ coverage which allows HRSD to discharge treated sewage and other municipal wastes from the Facility to an unnamed tributary of Dark Swamp, in strict compliance with the terms and conditions of the Permit.
2. The Board entered into the Order with the Town effective June 25, 2010, for violations of TKN, CBOD, copper, and chlorine effluent limitations as well as reporting violations.
3. The Order required the Town to raise sewer rates, identify and complete Inflow and Infiltration (I&I) work on the Plant's collection system, and to complete a corrective action plan at the Plant to meet VPDES Permit effluent limits. The Town increased the

¹ "Permit" means Virginia Pollutant Discharge Elimination (VPDES) Permit No. VA0061646, which was issued to HRSD on October 1, 2017, and which expires on November 30, 2021.

sewer rates and completed I&I work on the collection system. The work on the collection system expended all of the resources available to the Town for corrective action.

4. The Town decided it was in its best interest to transfer ownership and operation of the treatment system to HRSD, which has the resources and expertise to operate the Plant and to eliminate its discharge.
5. HRSD is a political subdivision of the Commonwealth that was established as a governmental instrumentality to provide for the public health and welfare, including for the prevention of discharges any sewage, industrial wastes or other refuse which would contribute or tend to contribute to water pollution.
6. HRSD voluntarily agreed to assume ownership and operation of the Plant from the Town and thereby assist the Board in returning the Facility to compliance with applicable regulatory requirements. Furthermore, HRSD and the Board have agreed to the course of action memorialized by this Amendment and the schedule in Appendix A hereto to collaboratively and cooperatively pursue this mutual objective.

SECTION C: Agreement and Order

Accordingly, by virtue of the authority granted it in Va. Code § 62.1-44.15, the Board orders HRSD, and HRSD agrees, as follows.

1. The parties acknowledge and agree that in accordance with Paragraph E.9. of the 2010 Order, as amended, HRSD is the Town's successor in interest and assign as to all rights and benefits of such Order.
2. HRSD shall perform the actions described in Appendix A of this Amendment, which supersedes and cancels Appendices A and B of the 2010 Order and Appendix C of the 2013 amendment.
3. The definitions (Section A) and administrative provisions (Section E) of the June 25, 2010 Order remain in effect except paragraph E.2. is hereby updated to provide that the Order addresses and resolves, as to HRSD, all past violations as of the date HRSD voluntarily assumed ownership of the Facility. The Board agrees to not take any action authorized by law regarding any additional, subsequent or subsequently discovered violations that occurred prior to HRSD assuming ownership of the Facility.
4. For the purpose of assurance and confirmation to HRSD, the Board acknowledges that no civil charges previously assessed in connection with the Facility remain outstanding as of the date of this Order.
5. In light of the voluntary nature of HRSD's role in returning the Facility to compliance, the Board will consider any request by HRSD for funding related to performance of the actions described in Appendix A of this Amendment.

And it is so ORDERED this 28 day of March, 2018.



Jefferson D. Reynolds,
Department of Environmental Quality
Enforcement Division Director

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Hampton Roads Sanitation District voluntarily agrees to the issuance of this Order.

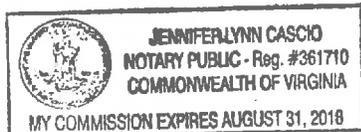
Date: 1/23/18 By: 
Edward G. Henifin, General Manager
Hampton Roads Sanitation District

Commonwealth of Virginia
City/County of Virginia Beach

The foregoing document was signed and acknowledged before me this 23rd day of January, 2018, by Edward G. Henifin who is General Manager of Hampton Roads Sanitation District.


Jennifer Lynn Cascio, Notary Public

Registration No.: 361710
My commission expires: August 31, 2018
Notary seal:



APPENDIX A SCHEDULE OF COMPLIANCE

Hampton Roads Sanitation District shall:

1. On or before April 1, 2018, submit to the Department effluent data for the calculation of interim effluent permit limits that will be effective during the Plan's implementation schedule. Sampling must be conducted as specified in the Permit at a frequency required to collect a minimum of 12 data points prior to the April 1st deadline. After analysis of the data, the Department will provide interim effluent limitations, based on the performance capability of the Facility considering the submitted data for those pollutant parameters that the Department determines require those limits. The parties acknowledge that it is the intent of this provision to provide interim effluent limitations with which the Facility is capable of compliance assuming operation in a workmanlike manner. Upon issuance the interim limits will become an enforceable part of this Order and will expire on November 1, 2020 or upon completion of the Plan whichever comes first.
2. Until the Department calculates and imposes the interim limits, both the Department and HRSD acknowledge that during the term of the Plan's implementation schedule authorized by this Order that the Facility may experience what would otherwise be considered violations of permit effluent limitations. Therefore, until the Department imposes the interim limit, in lieu of the permit effluent limitations HRSD shall operate and maintain the Town of Surry's Facility in a workmanlike manner, in order to ensure that the Facility produces the best quality effluent of which it is capable in order to minimize such additional violations and minimize potential impacts to water quality.
3. On or before May 1, 2018, submit to the Department for review a Discharge Elimination Plan and implementation schedule (the Plan) for elimination of the wastewater discharge from the Town of Surry's Facility by way of a sewage collection system connection to Surry County's Regional Wastewater Treatment Facility. The implementation schedule must include at a minimum, a date for 1) Submittal of an application, suitable for Department approval, for a Certificate to Construct (CTC) the sewage collection system, 2) Submittal of an application, suitable for Department approval, for a Certificate to Operate (CTO) the sewage collection system; and, 3) closure and proper disposal of the Town's treatment works.
4. On or before November 1, 2020, eliminate the discharge from the Town of Surry's Facility to Dark Swamp and submit a letter to the Department requesting the termination of VPDES Permit VA0061646.
5. Submit to the Department a quarterly update on the progress of the Plan. The first update shall be due on May 15, 2018, and continue quarterly until the discharge is eliminated.

DEQ Contact

Unless otherwise specified in this Order, Hampton Roads Sanitation District shall submit all requirements of Appendix A of this Order to: Frank Lupini-Enforcement Specialist
VA DEQ -Piedmont Regional Office, 4949A Cox Road, Glen Allen, Virginia 23060
Frank.Lupini@deq.virginia.gov