



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

VALLEY REGIONAL OFFICE

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Regional Director

**STATE WATER CONTROL BOARD
ENFORCEMENT ACTION –
AMENDMENT TO ORDER BY CONSENT
ISSUED TO
TOWN OF ELKTON
FOR
ELKTON STP
Permit No.: VA0026433**

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 Town of Elkton, regarding the Elkton STP for the purpose of revising certain provisions of the Order by Consent (Order) issued by the Board to the Town of Elkton on May 17, 2018.

SECTION B: Basis for Amendment

1. Elkton owns and operates the Plant in Elkton, Virginia. The Permit allows Elkton to discharge treated sewage and other municipal wastes from the Plant to the South Fork of the Shenandoah River in compliance with the terms and conditions of the Permit.

2. The Board entered into the Order with Elkton effective May 17, 2018 for increasing Plant size due to the average influent flow exceeding 95% of the authorized design capacity of the Plant. The Order requires Elkton to:
 - a. Submit Certificate to Construct (CTC) application by April 6, 2019, completed March 28, 2019;
 - b. Secure funding by April 6, 2019, completed on March 28, 2019;
 - c. Acquire land by April 6, 2019, completed April 5, 2019;
 - d. Advertise for bids by May 11, 2019, completed on October 29, 2019;
 - e. Award contract for construction by July 14, 2019, not completed;
 - f. Begin construction by August 13, 2019, not completed;
 - g. Apply for CTO by August 13, 2021;
 - h. Complete construction by September 19, 2021; and
 - i. Quarterly Reporting Requirements.
3. On July 3, 2019, DEQ received notification from Elkton that funding was delayed based on updates required by United States Department of Agriculture (USDA) in regards to the Preliminary Engineering Report (PER). Elkton needed to make changes to reflect USDA's comments, and would need to extend the date for bid.
4. On October 29, 2019, Elkton advertised for bids for the Plant upgrades. The lowest bidder was confirmed on December 2, 2019. However the contract was not awarded by Elkton, as USDA required additional approval from DEQ's Water Quality Improvement Fund (WQIF) Grant Program, prior to fund dispersal. The bids as received were higher than expected, and required additional funding needs for Elkton. The bids expired December 29, 2019.
5. On January 6, 2020, Elkton submitted a report to DEQ detailing the need for additional WQIF funding review and approval.
6. On February 26, 2020, DEQ notified Elkton that the WQIF commitment was complete and approved. Additionally, on February 26, 2020, Elkton submitted an updated schedule of compliance for inclusion into this Amendment.
7. Based on the information available to DEQ to date, Elkton is otherwise in compliance with the Order and is current with all monitoring and reporting requirements.

SECTION C: Agreement and Order

Accordingly, by virtue of the authority granted it in Va. Code §§ 62.1-44.15, the Board orders Elkton, and Elkton agrees to:

1. Perform the actions described in Appendix A of this Amendment, which supersedes and cancels only Appendix A of the Order. Both the Board and

Elkton understand and agree that this Amendment does not alter, modify or amend any other provision of the Order and that the unmodified provisions of the Order remain in effect by their own terms.

And it is so ORDERED this 14th day of July, 2020.



Amy T. Owens, Regional Director
Department of Environmental Quality

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Town of Elkton voluntarily agrees to the issuance of this Amendment.

Date: 5/11/2020 By: Joshua J. Gooden, Mayor
(Person) (Title)
Town of Elkton

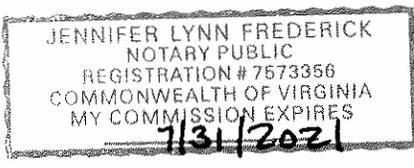
Commonwealth of Virginia
City/County of Rockingham

The foregoing document was signed and acknowledged before me this 11th day of May, 2020, by Joshua J. Gooden who is Mayor of Town of Elkton on behalf of the Town of Elkton.

Jennifer L. Frederick
Notary Public
7573356
Registration No.

My commission expires: 7/31/2021

Notary seal:



APPENDIX A SCHEDULE OF COMPLIANCE

Plant Upgrades:

Elkton shall upgrade the Plant to a capacity of at least 0.8 MGD, in accordance with the following schedule:

1. Award contract for construction by **August 31, 2020**;
2. Begin construction by **October 31, 2020**;
3. Substantially complete construction and make application for the Certificate to Operate (CTO) by **July 31, 2022**;
4. Complete construction, obtain a CTO, and revisit the Plant's Operations and Maintenance Manual to fully document operation and maintenance procedures of the upgraded Plant by **September 30, 2022**.

General Requirements:

5. Elkton shall submit quarterly reports to DEQ, with the first report being due July 10, 2020. Subsequent quarterly progress reports will be due October 10, January 10, and April 10, along with the Plant's DMR until cancellation of this Amendment. The quarterly progress reports shall contain:
 - a. A summary of all work completed since the previous quarterly progress report in accordance with this order;
 - b. A project of the work to be completed in the upcoming quarterly period in compliance with this Amendment; and
 - c. A statement regarding any anticipated problems in complying with this Amendment.
6. No later than 14 days following a date identified in the above schedule of compliance, Elkton shall submit to DEQ's Valley Regional Office a written notice of compliance or noncompliance with the scheduled item. In the case of noncompliance, the notice shall include the cause of the noncompliance, any remedial actions taken, and the probability of meeting the next scheduled item.

DEQ Contact:

Unless otherwise specified in this Amendment, Elkton shall submit all requirements of Appendix A of this Amendment to:

Amendment to Consent Order
Town of Elkton; Permit No. VA0026433
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