COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY
VALLEY REGIONAL OFFICE
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Molly Joseph Ward
Secretary of Natural Resources

David K. Paylor
Director

Amy Thatcher Owens
Regional Director

STATE WATER CONTROL BOARD
ENFORCEMENT ACTION - ORDER BY CONSENT
ISSUED TO
TWO SPRUCE ENTERPRISES, LLC
FOR
BLUE RIDGE MEATS OF FRONT ROYAL, INC.
VPA Permit No. VPA01517

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 Two Spruce Enterprises, LLC regarding Blue Ridge Meats of Front Royal, Inc. for the purpose of resolving certain violations of the State Water Control Law, 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. "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.

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

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

4. "Discharge" means discharge of a pollutant. 9 VAC 25-32-10.

5. "Facility" or "Site" means Blue Ridge Meats of Front Royal, Inc. located at 2391 Guard Hill Rd, Middletown, Virginia, where Two Spruce manages pollutants which are the subject of the Permit.

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

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

8. "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.

9. "Permit" means VPA Permit No. VPA01517, which was issued under the State Water Control Law and the Regulation to Two Spruce on June 3, 2011 and which expires on May 31, 2020.

10. "Point source" means any discernible, defined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, vessel or other floating craft, from which pollutants are or may be discharged. 9 VAC 25-32-10.

11. "Pollutant" means any substance, radioactive material, or heat which causes or contributes to, or may cause or contribute to, pollution. It does not mean (i) sewage from vessels; or (ii) water, gas, or other material which is injected into a well to facilitate production of oil or gas, or water derived in association with oil or gas production and disposed of in a well, if the well is used either to facilitate production or for disposal purposes if approved by Department of Mines Minerals and Energy unless the Board determines that such injection or disposal will result in the degradation of ground or surface water resources. 9 VAC 25-32-10.

12. "Regulation" means the VPA Permit Regulation, 9 VAC 25-32-10 *et seq.*

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

14. "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.

15. "Two Spruce" means Two Spruce Enterprises, LLC, a limited liability company authorized to do business in Virginia and its members, affiliates, partners, and subsidiaries. Two Spruce is a "person" within the meaning of Va. Code § 62.1-44.3.

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

17. "VAC" means the Virginia Administrative Code.

18. "VPA" means Virginia Pollution Abatement.

19. "VRO" means the Valley Regional Office of DEQ, located in Harrisonburg, Virginia.

SECTION C: Findings of Fact and Conclusions of Law

1. Two Spruce Enterprises, LLC, dba Blue Ridge Meats of Front Royal, Inc. owns and operates a small animal slaughter house and meat processing plant located at 2391 Guard Hill Road, Front Royal, Warren County, Virginia where it slaughters animals for local growers and butchers/packages the meat for either the grower or for resale to the local markets. Two Spruce Enterprises, LLC is an 'owner' within the meaning of Va. Code § 62.1-44.3.

2. The Site is the subject of the Permit which allows Two Spruce to manage industrial and sanitary wastewater from its slaughter house and meat processing operations in strict compliance with the terms and conditions of the Permit. The Permit requires Two Spruce to:
    a. Submit Quarterly Industrial Wastewater Monitoring Reports due on the 10th day of January, April, July and October of every year the Permit is effective;
    b. Submit an Annual Ground Water Monitoring report due by the 10th day of February of the year following the monitoring period;
    c. Submit a plan and schedule to DEQ for approval by July 31, 2011, to bring the lagoon liner integrity into conformance with the permeability requirement of 10^{-6} cm/sec or to replace the existing treatment facility;
    d. Maintain a minimum two feet of freeboard in the lagoon (implicit in this requirement is the necessity to pump and haul wastewater to maintain proper freeboard).

3. Two Spruce failed to submit quarterly monitoring reports due on October 10, 2011 and January 10, 2012. On February 13, 2012, DEQ issued Warning Letter No. W2012-02-V-1001 to Two Spruce for lack of submission of Quarterly Industrial Wastewater Monitoring Reports. Additionally, Two Spruce did not submit a lagoon liner integrity plan or a plan for replacing the existing treatment facility by the July 31, 2011 due date. The Warning Letter requested that Two Spruce respond to DEQ within twenty days.

4. On April 20, 2012, DEQ issued NOV No. WS-12-5-VRO-2 to Two Spruce due to lack of submission of the lagoon liner integrity plan. The NOV requested that Two Spruce respond to DEQ within ten days.

5. On April 25, 2012, during a telephone conversation between DEQ staff and a representative of Two Spruce, Two Spruce stated that they did not have the money to repair

the lagoon liner and that they would submit a plan for an alternative septic system, which would allow closure of the lagoon, and pump and haul receipts for the lagoon wastewater before the end of the week. DEQ staff did not receive either submittal by the end of the week.

6. On May 9, 2012, DEQ staff received a written response to the NOV in which Two Spruce stated that Two Spruce: 1) had just received copies of the lagoon replacement plans from the engineer, 2) was working to obtain funding for installation of the alternative septic system, 3) had contacted the wastewater removal company to come pump and haul the lagoon wastewater for the third time this year (2011), and 4) would make an appointment with the Warren County Health Department to discuss the alternative septic plan.

7. On May 9, 2012, DEQ staff contacted Two Spruce to inquire why neither a copy of the plans nor of the pump and haul receipts were submitted with the May 9, 2012, letter. Two Spruce stated that they had a 22-page plan that they were unable to copy (due to its size). These were the plans that were supposed to be filed by their contractor with the Warren County Health Department; no record exists to indicate that these plans were filed. DEQ staff told Two Spruce that a copy of these plans was needed and to submit them to DEQ. Two Spruce agreed to do so by Monday of the following week. Two Spruce also agreed to submit copies of the pump and haul receipts at the same time. DEQ staff did not receive either submittal by the May 21, 2012 deadline.

8. On June 5, 2012, DEQ sent a letter to Two Spruce containing a DEQ review of the soil evaluation report submitted to on May 9th as a prerequisite of the development of a corrective action plan for replacement of the existing lagoon with an alternative system. The letter requested submittal of the Permit required plan (a soil evaluation report by itself does not constitute a full plan), the schedule and pump and haul receipts previously requested, and that Two Spruce contact the DEQ within ten days.

9. On June 8, 2012, DEQ staff received a copy of an alternative septic system plan required by the Permit, an acceptable alternative to the lagoon liner integrity plan. DEQ staff reviewed the plan and found it to be an acceptable course of action to comply with the Permit, provided the plan for subsurface disposal was approved by either the Warren County Health Department or the Environmental Protection Agency under their Underground Injection Control Program.

10. On June 15, 2012, DEQ staff called Two Spruce to discuss a schedule for implementing the plan. Two Spruce stated that they intended to install the alternative septic system and that Two Spruce was working to obtain funding (~$70,000) for the alternative septic system; Two Spruce stated their intention was to apply for some grants for the alternative system. They agreed to submit the following items by a scheduled July 17, 2012 meeting:

    a. Bids for installation of the system from multiple contractors;
    b. Any grant applications that Two Spruce intended to submit;
    c. All potential funding sources Two Spruce intended to pursue;

d. A corrected set of plans from Two Spruce's P.E.;
e. A date outlined plan of action for installation of the system.

11. On July 16, 2012, DEQ staff received an email from Two Spruce stating that it could not meet with DEQ staff on July 17, 2012. The email stated that Two Spruce had lost power for about 10 days due to the impact of a severe wind and thunderstorm storm (derecho) Virginia experienced about a week prior and also lost a key employee. The meeting was rescheduled to August 22, 2012 and then again to September 6, 2012.

12. On August 22, 2012, DEQ staff contacted Two Spruce in regards to the lack of submission of items discussed during the June 15, 2012 phone call (see paragraph 10). Two Spruce stated most of the contractors contacted were too busy to prepare bids for them, but that a local contractor had been located and agreed to prepare one. Two Spruce stated that a loan application had been submitted to Chase Bank for securing funds for the alternative system, but that it had not been processed yet. DEQ requested that Two Spruce submit all the items previously agreed to (see paragraph 10) prior to the meeting scheduled for September 6, 2012.

13. On September 6, 2012, DEQ staff met with representatives of Two Spruce to discuss the plan and an implementation schedule. During the meeting, Two Spruce contacted a contractor to confirm that a bid proposal for installation of the system was forthcoming. Additionally, the financial difficulties Two Spruce was experiencing were discussed and also the current status of Two Spruce's loan applications. Two Spruce reviewed some grant opportunities for which they were considering applying and a federal tax debt which Two Spruce was currently negotiating. The meeting resulted in the agreement of these future actions; Two Spruce agreed to:

    a. Obtain and submit a revised plan;
    b. Ensure good communication between the installation contractors and design contractors on any revisions to the plan;
    c. Obtain a written bid for installation of the alternative system;
    d. Provide DEQ staff with contact information for their loan officer at Chase Bank;
    e. Provide DEQ staff with copies of any grant applications Two Spruce submitted.

14. On October 16, 2012, DEQ staff received a bid proposal, dated October 2, 2012, for installation of the alternative system.

15. On January 28, 2014, DEQ staff inspected the Facility for compliance with the requirements of the State Water Control Law, the Permit, and the Regulation. Based on the inspection and follow-up information, DEQ staff made the following observations:

    a. The wastewater lagoon was observed to have about six inches of freeboard;

b. A discharge of wastewater was observed seeping through the side of the lagoon berm entering an unnamed tributary to West Run;
c. Facility records were not available;
d. No Quarterly Wastewater Monitoring reports or Annual Groundwater Monitoring reports were available or had been received by DEQ;
e. Wastewater was leaking from the lagoon berm, ground on the north end of the berm was soft with liquid oozing to the surface in several locations along the wastewater lagoon berm, and no reports were available showing DEQ notification per the Permit, and no 5 day letters were generated;
f. No schedule for replacing the existing facility was available or has been received by DEQ.

16. Part II.B.2 of the Permit states: "The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application."

17. Part I.B.5 of the Permit states: "The permittee shall ensure that all industrial wastewater storage ponds maintain a minimum freeboard of 2 feet at all times."

18. Part I.B.6 of the Permit states: "By July 31, 2011, the permittee shall submit for approval a plan and schedule to bring the lagoon liner integrity into conformance with the permeability requirement of 10^{-6} cm/sec or to replace the existing treatment facility. Upon approval, the plan and schedule become an enforceable part of the permit. Noncompliance with the approved plan and schedule shall be deemed a violation of the permit."

19. Part II.C of the Permit states: "The permittee shall submit the results of the monitoring required by this permit not later than the 10th day of the month after the monitoring takes place, unless another reporting schedule is specified elsewhere in this permit."

20. Part II.F of the Permit states: "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..."

21. Part II.H of the Permit states: "If any unusual or extraordinary discharge including a bypass or upset should occur from a treatment works and the discharge enters or could be expected to enter State waters, the permittee shall promptly notify, in no case later than 24 hours, the Department by telephone after the discovery of the discharge..."

22. Part II.I states of the Permit states: "The permittee shall report any noncompliance which may adversely affect State waters or may endanger public health.... A written report shall be submitted within 5 days..."

23. 9 VAC 25-32-30.B states that: "it shall be unlawful for any person to discharge into, or adjacent to, state waters sewage, industrial wastes, other wastes..."

24. 9 VAC 25-32-30.C states that "Any person required to obtain a permit pursuant to this chapter who discharges or causes or allows a discharge of sewage, industrial waste, other wastes or any noxious or deleterious substance into or upon state waters in violation of subsection B of this section; or who discharges or causes or allows a discharge that may reasonably be expected to enter state waters in violation of subsection B of this section shall notify the department of the discharge immediately upon discovery of the discharge and, in any event, no later than 24 hours after the discovery."

25. On March 13, 2014, DEQ issued NOV No. W2014-03-V-0005 to Two Spruce, citing violations as listed in paragraph C(15).

26. A request for inspection to allow the Army Corps of Engineers on site with DEQ staff was made to Two Spruce via email, on Tuesday, February 25, 2014 to ascertain if wastewater from the lagoon did or did not reach state waters. Two Spruce expressed concern with allowing the Army Corps on site, so DEQ responded with an inspection request for DEQ staff only. Entry was denied via phone conversation between DEQ staff and Two Spruce on Wednesday, February 26, 2014.

27. On March 31, 2014, DEQ obtained an Inspection Warrant/Order from Warren County Circuit Court as a result of denial of entry for DEQ staff.

28. Permit Part II.W states: "Upon presentation of credentials, any duly authorized agent of the Board may, at reasonable times and under reasonable circumstances:

    1. Enter upon any permittee's property, public or private and have access to records required by this permit;

    2. Have access to, inspect and copy any records that must be kept as part of permit conditions;

    3. Inspect any facility's equipment (including monitoring and control equipment) practices or operations regulated or required under the permit; and

    4. Sample or monitor any substances or parameters at any locations for the purpose of assuring permit compliance or as otherwise authorized by the State Water Control Law.

    For purposes of this section, the time for inspection shall be deemed reasonable during regular business hours, and whenever the facility is involved in managing pollutants. Nothing contained herein shall make an inspection unreasonable during an emergency."

29. On April 15, 2014, DEQ staff performed a follow up site visit with the following observations:

    a. The wastewater lagoon was observed to have about four inches of freeboard;
    b. Ground on the north end of the berm was soft with liquid oozing to the surface in several locations along the wastewater lagoon berm;
    c. A discharge of wastewater was observed seeping through the side of the lagoon berm, entering an unnamed tributary to West Run; and
    d. Wastewater was leaking from the lagoon berm and no reports were available showing Department notification per the Permit, and no 5 day letters were received by DEQ.

30. On May 1, 2014, DEQ issued NOV No. W2014-04-V-003, to Two Spruce, citing violations as noted in paragraphs C(15) and C(29).

31. On May 14, 2014, Two Spruce submitted a written response to the NOV.

32. On June 17, 2014, an enforcement meeting was held at the Valley Office of DEQ. DEQ staff met representatives of Two Spruce, including a hired consultant from Timmons Group. Two Spruce agreed to submit a blanket 5-day letter for the discharge from the berm lagoon and to submit to DEQ a schedule of actions for reaching compliance.

33. Based on the results of the January 28, 2014 inspection, the April 15, 2014 site visit, and the June 17, 2014 meeting, the Board concludes that Two Spruce has violated Permit conditions, Va. Code § 62.1-44.5 and 9 VAC 25-32-30, as described in paragraphs C(16-18) and (24) above.

34. Va. Code § 62.1-44.5 states that: "Except in compliance with a certificate issued by the Board, it shall be unlawful for any person to: (1) discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances....

35. 9 VAC 25-32-30 states that: "All pollutant management activities covered under a VPA permit shall maintain no point source discharge of pollutants to surface waters except in the case of a storm event greater than the 25-year, 24-hour storm. The Regulation also states that: "[E]xcept in compliance with a VPA permit, or another permit issued by the board, it shall be unlawful for any person to...discharge into, or adjacent to, state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances... .".

36. The Department has issued no permits or certificates to Two Spruce other than VPA Permit No. VPA01517.

37. The unnamed tributary to West Run is a surface water located wholly within the Commonwealth and is a "state water" under State Water Control Law.

38. In order for Two Spruce to return to compliance, DEQ staff and representatives of Two Spruce 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 Two Spruce and Two Spruce agrees to:

1. Perform the actions described in Appendix A of this Order; and

2. Pay a civil charge of $12,775 in settlement of the violations cited in this Order. The civil charge shall be paid in accordance with the following schedule:

Due Date	Amount
January 15, 2015	$ 3,193.75 or balance
April 15, 2015	$ 3,193.75 or balance
July 15, 2015	$ 3,193.75 or balance
October 15, 2015	$ 3,193.75 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 Two Spruce. Within 15 days of receipt of such letter, Two Spruce 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.

4. 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

5. Two Spruce shall include its Federal Employer Identification Number (FEIN) 20-5697278 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). If the Department has to refer collection of moneys due under this Order to the Department of Law, Two Spruce 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 Two Spruce for good cause shown by Two Spruce 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. 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, Two Spruce admits the jurisdictional allegations, findings of fact, and conclusions of law contained herein.

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

b. Two Spruce 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 Two Spruce.

Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve Two Spruce 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 Two Spruce 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 Two Spruce 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

Two Spruce to this document. Any documents to be submitted pursuant to this Order shall also be submitted by a responsible official of Two Spruce.

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, Two Spruce voluntarily agrees to the issuance of this Order.

And it is so ORDERED this 15th day of January, 2015.

Amy T. Owens, Regional Director
Department of Environmental Quality

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RECEIVED
DEQ – Valley
NOV 18 2014
To: IRS
FILE:

Two Spruce Enterprises, LLC voluntarily agrees to the issuance of this Order.

Date: 11·12·14 By: Lois Aylestock, Vice President / Owner
(Person) (Title)

Two Spruce Enterprises, LLC

Commonwealth of Virginia
City/County of Clarke

The foregoing document was signed and acknowledged before me this 12th day of November, 2014, by Lois Aylestock who is Vice President / Owner of Two Spruce Enterprises, LLC, on behalf of the company.

Judy Laing Bowman
Notary Public

173441
Registration No.

My commission expires: 10-31-2018

Notary seal:

JUDY LAING BOWMAN
NOTARY PUBLIC
REGISTRATION # 173441
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES
10-31-2018

APPENDIX A
SCHEDULE OF COMPLIANCE

1. **Storage Lagoon**

   a. Two Spruce shall maintain at least three feet of freeboard at all times in its liquid waste storage lagoon, except in case of a storm event greater than a 25-year, 24-hour storm. The increased freeboard is expected to reduce pressure on the compromised berm and reduce the potential for overflow. The increased freeboard requirement shall remain in effect until an approved, alternative septic system is operational.

   b. A gauge showing the lagoon's freeboard level shall be installed to monitor freeboard and lagoon level by December 1, 2014.

      i. The level of the lagoon shall be logged daily by Facility staff. Within 10 days of the end of each calendar month, Two Spruce shall submit monthly reports to DEQ of the lagoon freeboard level readings.

   c. Two Spruce shall pump the lagoon and haul wastewater to an approved wastewater treatment facility in order to maintain the required freeboard.

   d. Two Spruce shall inspect the lagoon on a weekly basis for floating debris, overflows, leaks, in addition to the freeboard level.

   e. In order to limit surface water and stormwater flow to the lagoon:

      i. Two Spruce shall install concrete caps on outside drainage collections by December 1, 2014;
      ii. Two Spruce shall install low flow fixtures within the Facility by December 31, 2014;

   f. Two Spruce shall immediately cease production operations which result in the generation of industrial wastewater if the three-foot of lagoon freeboard is not maintained. In the event of such an occurrence Two Spruce shall notify the DEQ-Valley Regional Office within 24 hours of failing to maintain the freeboard, describing the problem and corrective measures taken. Within 5 days of the notification, Two Spruce shall submit to the DEQ-Valley Regional Office, a written statement of explanation and corrective measures.

   g. By December 15, 2014, Two Spruce shall train all staff in proper procedures and notification should an overflow/upset and/or freeboard encroachment occur. Training shall be recorded to include names of employee trained, date, time and nature of

training. Within two weeks of completion of training, Two Spruce shall notify DEQ that training has been completed.

h. Two Spruce shall comply with Permit requirements, Part II.G. and Part II.H., regarding notification of unauthorized or extraordinary discharges.

i. A lagoon closure plan shall be developed and submitted to the Department for approval within 60 days of the effective date of this Order. The plan shall incorporate, but is not limited to, the following:
   i. The volume, percent solids, nutrient content and other waste characterization information appropriate to the nature of the waste materials;
   ii. A listing of all waste products at the facility along with a description of the procedures for removal, land application, or other proper disposal of the wastes.

2. **Alternative Treatment System:**

a. By January 1, 2015, Two Spruce shall submit an alternative treatment system (ATS) plan to DEQ for review. Two Spruce shall respond to any DEQ comments on the plan within 30 days.

b. By March 15, 2015, Two Spruce shall submit the ATS plan to the proper plan approving authority, i.e. Virginia Department of Health (VDH), Environmental Protection Agency (EPA), etc. Two Spruce shall notify DEQ of plan submittal.

c. By July 1, 2015, Two Spruce shall submit approval correspondence from plan approving authority to DEQ and begin construction of ATS. Two Spruce shall obtain proper permits as required by activities occurring at the Facility.

d. By July 1, 2016, Two Spruce shall complete construction of and begin operation of ATS. Two Spruce shall notify DEQ of operation date of ATS.

e. By October 1, 2016, Two Spruce shall close the lagoon in accordance with approved closure plan. Two Spruce shall notify DEQ upon completion of lagoon closure.

f. By October 15, 2016, Two Spruce shall request termination of any permits no longer required at the Facility.

3. **Reporting:**

a. Two Spruce shall maintain records of all wastewater shipments (pump and hauls) to include volume, shipment date, receipt date and name of receiving facility. Two Spruce shall submit these records monthly to DEQ no later than the 10th day of the following month. Reports shall be submitted until the alternative system has been installed and is operational.

b. Two Spruce shall keep daily logs of freeboard and lagoon inspections. These logs will include all observations, date, time and name of person performing the inspection.

4. **DEQ Contact**: Unless otherwise specified in this Order, Two Spruce shall submit all requirements of Appendix A of this Order to:

Tiffany R. Severs
Enforcement Specialist
VA DEQ –Valley Regional Office
4411 Early Road, Harrisonburg, VA 22801
Mailing: P.O. Box 3000, Harrisonburg, VA 22801
540-574-7859
540-574-7878
tiffany.severs@deq.virginia.gov