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COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

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EXECUTIVE COMPLIANCE AGREEMENT

VIRGINIA DEPARTMENT OF CORRECTIONS JAMES RIVER WORK CENTER DAIRY OPERATIONS PREP # 2016-P-2825

This is an Executive Compliance Agreement ("Agreement") between the Virginia Department of Corrections ("DOC") and the Virginia Department of Environmental Quality ("DEQ") pursuant to the Director's authority, as set forth in §§ 10.1-1185, -1192 and 62.1-44.15 of the Code of Virginia, to administer and enforce the State Water Control Law and/or regulations.

The DOC owns and operates the James River Work Center Dairy Operations (Facility) in Powhatan County, Virginia. On November 19, 2015, two DEQ inspectors responded to a report of a fish kill discovered that day in an onsite pond at the James River Correctional Center located at 1954 State Farm Road, State Farm, Virginia. DOC reported that between Friday, November 13, 2015 and Sunday, November 15, 2015, a DOC employee had utilized a pump to transfer over 800,000 gallons of manure, water and solids out of the solids holding lagoon located near the Facility into a nearby drainage swale. The swale drains into and forms the headwaters of an unnamed ephemeral stream which flows approximately 0.3 miles to an onsite man-made pond. The pond overflows into a ditch that drains into the James River approximately 0.35 miles north of the pond.

DEQ staff observed that the water in the pond was discolored and that fish were dead and dying. The fish were observed along the shoreline, with the majority of dead fish located on the north end of the pond near the overflow structure. Approximately 268 dead fish were observed in the pond. DEQ staff tested the dissolved oxygen (DO) in the pond and along the ditch/tributary that receives overflow from the pond. The DO readings in the north and south ends of the pond showed depleted readings of 0.60 mg/L and 2.17 mg/L respectively, and the DO readings taken in the ditch increased as it flowed closer toward the confluence with the James River to 5.15 mg/L near its confluence with the river. The observed discharge of manure, water and solids from the holding lagoon to the swale and into state waters is not covered by a permit or certificate issued by the Board.

§ 62.1-44.5(A) of the Code of Virginia (the "Code") states that except in compliance with a certificate or 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; and § 62.1-44.5(B) of the Code states that any person 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 shall, upon learning of the discharge, promptly notify, but in no case later than 24 hours the Board.

DEQ issued Notice of Violation No. 2015-12-PRO-201 (“NOV”) to DOC on December 28, 2015, for the above described violations. In response to the NOV, DOC contacted DEQ on January 5, 2016, to schedule a meeting.

DOC representatives met with DEQ staff on February 8, 2016, to discuss resolution of the violations. DOC reported that the unauthorized discharge was a mixture of manure, water and solids from the solids lagoon located near the Facility. DOC submitted preliminary information regarding the Facility lagoon management, two and one half months of lagoon freeboard readings, and manure spreading practices. DOC also discussed taking the following steps to achieve compliance: 1) further training of personnel; 2) limiting the inflow of institutional water that may be entering the solids holding lagoon; and 3) the need for providing an irrigation system that pumps the manure from the solids lagoon to crop fields.

To remedy the unauthorized discharge from the solids holding lagoon, DOC and DEQ agree to the following plan and schedule of action:

1. By no later than **June 1, 2016**, DOC shall file a VPA General Permit Registration Statement for the management of pollutants at the dairy animal feeding operations.
2. By no later than **June 1, 2016**, DOC shall provide a “notification tree” for potential noncompliance issues or emergency situations.
3. By no later than **August 1, 2016**, DOC shall develop and submit an Operations and Maintenance (O&M) Manual for the Facility. The O&M Manual shall detail the practices and procedures that will be followed by DOC to ensure compliance with the requirements of the permit. The O&M Manual shall include, but not necessarily be limited to, the following items, as appropriate:
 - a. Title Page
 - b. Table of Contents
 - c. Introduction (include location map, owner, facility name, address, phone number, and the purpose of the manual)
 - d. Copy of current permit
 - e. Pollution management system design and operation
 - f. Flow diagram of process showing all unit operations and components with description of each unit
 - g. Routine preventative maintenance of treatment units
 - h. Critical spare parts inventory
 - i. Reporting requirements and record keeping
 - j. Outline of responsibilities for operation personnel and routine work schedules
 - k. Recommendation for planning and scheduling of routine maintenance tasks to be performed on daily, weekly, monthly, or annual basis
 - l. Examples of operator’s worksheets and daily operating logs
 - m. Discussion of emergency operations (Procedures for maintaining operations during power outages or equipment malfunctions)

- n. Schedule of testing for back-up systems, such as standby power or portable equipment
 - o. Discussion of reporting procedures for spills, overflows, and unusual discharges of wastes
 - p. Listing of emergency phone numbers
4. Upon approval, DOC shall implement the O&M Manual and operate the pollution management system in accordance with the approved O&M Manual. Revisions to the O&M Manual may be required based on monitoring results or changes in methods of operation.

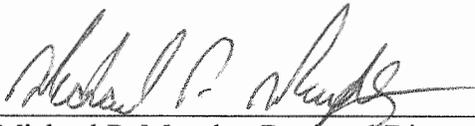
This Agreement shall become effective upon the date of its execution by the Director of the Department of Environmental Quality or his designee. DOC agrees to be bound by any compliance dates in this Agreement that may predate its effective date.



Harold W. Clarke, Director
Department of Corrections

5-13-16

Date



Michael P. Murphy, Regional Director
Department of Environmental Quality

4-26-2016

Date