

STATE WATER CONTROL BOARD ENFORCEMENT ACTION

SPECIAL ORDER BY CONSENT

ISSUED TO

**DOMINION CAMPGROUND, INC.
FOR**

**DOMINION CAMPGROUND STP
(VPDES PERMIT NO. VA0091014)**

SECTION A: Purpose

This is a Consent Special Order issued under the authority of Va. Code §§ 62.1-44.15(8a) and 10.1-1185 between the State Water Control Board and Dominion Campground, Inc. regarding the Dominion Campground, Inc. sewage treatment plant for the purpose of resolving certain violations of the State Water Control Law and Regulations.

SECTION B: Definitions:

Unless the context clearly indicates otherwise, the following words and terms have the meaning assigned to them below:

1. “Va. Code” means the Code of Virginia (1950), as amended.
2. “Board” means the State Water Control Board, a permanent citizens’ board of the Commonwealth of Virginia as described in Va. Code §§ 62.1-44.7 and 10.1-1184.

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.
5. "Order" means this document, also known as a Consent Special Order.
6. "Dominion" means Dominion Campground, Inc., a Virginia corporation, and its affiliates, partners, subsidiaries, and parents.
7. "STP" or "facility" means the Dominion Campground, Inc. sewage treatment plant located in Spotsylvania County, Virginia.
8. "Campground" means the Dominion Campground, Inc. facility serviced by the STP.
9. "NVRO" means the Northern Virginia Regional Office of DEQ, located in Woodbridge, Virginia.
10. "Permit" means Virginia Pollution Discharge Elimination System Permit No. VA0091014.

SECTION C: Findings of Fact and Conclusions of Law

1. Dominion took over ownership and operation of the Campground and STP in January 2002. The STP discharges wastewater to an unnamed tributary of Gravel Run in the York River Basin. Discharges of wastewater are the subject of the Permit that was issued on July 12, 2002, and expires on July 11, 2007.
2. The Board has evidence to indicate that Dominion has violated VPDES Permit Regulation 9 VAC 25-31-50.A as follows: (1) by failing to report Permit effluent limit loading values for biological oxygen demand (BOD₅) and total suspended solids ("TSS") from August through November 2002; (2) by exceeding Permit effluent limits for BOD₅ in September and October 2002, for ammonia from August 2002 through January 2003 and chlorine in January 2003; and (3) for failure to meet the dissolved oxygen ("DO") minimum Permit effluent limit in August, September, October, and November 2002 and exceeding the pH maximum in August 2002; and (4) for late submission of an Operations and Maintenance Manual. DEQ NVRO issued three Warning Letters and two Notices of Violation ("NOV") for those apparent violations as follows: WL No. W2002-10-N-1013 issued October 8, 2002; WL No. W2002-11-N-1011 issued November 7, 2002; WL No. W2002-12-N-1004 issued December 12, 2002; NOV Referral No. W2003-01N-0004 January 6, 2003; NOV No. W2003-02-N-0002 issued February 4, 2003; and NOV No. W2003-03-N-0003 issued March 7, 2003.

3. The Campground and STP have been in operation for approximately 34 years. The STP is a type of facultative lagoon for which the local Health Service issued an LHS 120 discharge certificate until 1992 when such facilities were brought under the jurisdiction of the State Water Control Board. At that time, the STP's LHS 120 discharge certificate should have been converted to an individual VPDES Permit but it was not converted because the Campground's prior owner, who had purchased the Campground and STP in 1976, was not aware of the requirement.
4. In the winter of 2001, the prior owner, while negotiating the sale of the Campground and STP to Dominion, investigated the possibility of expanding the Campground and discovered through his consulting engineers that the STP required a VPDES permit. The prior owner notified DEQ of the discharge and requested the necessary permit application. Dominion purchased the Campground and STP on January 1, 2002, and on January 31, 2002, met with DEQ staff to discuss the requirements and conditions of a VPDES permit and the need to upgrade and expand the STP. Dominion submitted a permit application and fee on February 19, 2002. As noted above, the Board issued the Permit on July 12, 2002, and Dominion submitted the first discharge monitoring report for the STP in August 2002.
5. From August through November 2002, Dominion did not have any means of measuring flow from the STP and, for this reason, could not report on the DMR either an average or maximum loading value for BOD₅ and TSS. In November 2002, Dominion installed chlorination and dechlorination treatment units in order to achieve compliance with chlorine Permit effluent limits. These units allow for instantaneous flow measurement which, in turn, allowed Dominion to begin reporting loading values in December 2002. The reported loading values are in compliance with Permit effluent limits for December 2002 and January through March 2003. Dominion also has installed flow meters on the Campground's two potable water wells and is able to report flows based on total water use at the Campground.
6. Dominion now employs a contract operator for the STP and has implemented additional operational improvements including installation of post-aeration in the chlorine contact tank in order to ensure consistent compliance with BOD₅, DO, and chlorine effluent limits. The STP is not designed to treat ammonia, but because, when the Permit was issued, the facility had an existing discharge, the Permit could not include a four-year upgrade construction schedule for achieving compliance with ammonia limits. Dominion representatives met with DEQ staff on March 6, 2003, to discuss Dominion's plans for upgrading or replacing the STP to ensure consistent compliance with final Permit effluent limits for ammonia. On March 26, 2003, Dominion submitted to DEQ a plan and schedule for choosing an

alternative to achieve compliance. The plan and schedule have been incorporated into Appendix A of this Order.

SECTION D: Agreement and Order

Accordingly the Board, by virtue of the authority granted it in Va. Code § 62.1-44.15(8a), orders Dominion, and Dominion agrees, to perform the actions described in Appendices A and B of this Order.

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend the Order with the consent of Dominion, for good cause shown by Dominion, or on its own motion after notice and opportunity to be heard.
2. This Order addresses and resolves those violations specifically identified herein, including those matters addressed in the Warning Letters issued on October 8, November 7, and December 12, 2002, and NOV's issued January 6, February 4, and March 7, 2003, as listed above in Section C2. 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 as may be authorized by law; or (3) taking subsequent action to enforce the Order. This Order shall not preclude appropriate enforcement actions by other federal, state, or local regulatory authorities for matters not addressed herein.
3. For purposes of this Order and subsequent actions with respect to this Order, Dominion admits the jurisdictional allegations, factual findings, and conclusions of law contained herein.
4. Dominion 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. Dominion declares it has received fair and due process under the Administrative Process Act, Va. Code § 2.2 - 4000 *et seq.*, 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 enforce this Order.

6. Failure by Dominion 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. Dominion shall be responsible for its 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 occurrence. Dominion shall show that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. Dominion shall notify the DEQ Regional Director of NVRO in writing 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 within 24 hours of learning of any condition above, which Dominion intends 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, their 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 Dominion. Notwithstanding the foregoing, Dominion agrees to be bound by any

compliance date which precedes the effective date of this Order.

11. This Order shall continue in effect until the Director or Board terminates the Order in his or its sole discretion upon 30 days written notice to Dominion. Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve Dominion from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.
12. By its signature below, Dominion voluntarily agrees to the issuance of this Order.

And it is so ORDERED this day of _____, 2003.

Robert G. Burnley, Director
Department of Environmental Quality

Dominion voluntarily agrees to the issuance of this Order.

By: _____

Date: _____

Commonwealth of Virginia
City/County of _____

The foregoing document was signed and acknowledged before me this ____ day of

_____, 2003 by _____, who is
(name)

_____ for Dominion on behalf of the corporation.
(title)

Notary Public

My commission expires: _____.

APPENDIX A
SCHEDULE OF COMPLIANCE

Dominion shall:

1. By May 1, 2003, begin evaluating alternatives for achieving compliance with final effluent limits for ammonia including whether the STP should be upgraded or replaced with a new treatment facility, based on whether the STP's discharge outfall can be moved from the unnamed tributary of Gravel Run to the Ni River, and the results of a flow study to be conducted by Dominion during the summer months of 2003; and
2. By September 15, 2003, submit to DEQ for review and approval a plan and schedule for upgrading the existing STP or replacing it with a new treatment facility in order to achieve compliance with final Permit effluent limits for ammonia. Upon approval, the plan and schedule shall become an enforceable part of this Order;
3. Upon completion of the upgrade or replacement in accordance with approved schedule, comply with final permit effluent limits for ammonia within 90 days of the issuance of a CTO for the upgraded or replaced facility; and
4. Pending completion of the upgrade, operate the STP in a manner that produces the best quality effluent of which it is capable in order to minimize any additional exceedences of the ammonia Permit effluent limit and impacts to water quality that may occur while the upgrade is under construction.