



COMMONWEALTH of VIRGINIA

STATE WATER CONTROL BOARD

2111 N. Hamilton Street

Richard N. Burton
Executive Director

Post Office Box 11143
Richmond, Virginia 23230-1143
(804) 367-0056
TDD (804) 367-9763

BOARD MEMBERS

William T. Clements
Henry O. Hollimon, Jr.
Ronald M. Plotkin
Velma M. Smith
Patrick L. Standing
W. Bidgood Wall, Jr.
Robert C. Winger

STATE WATER CONTROL BOARD ENFORCEMENT ACTION

A SPECIAL ORDER

ISSUED TO THE

TOWN OF CAPE CHARLES

This is a Special Order ("Order") issued by the State Water Control Board ("Board") under the authority of Section 62.1-44.15(8) of the Code of Virginia ("Code") to the Town of Cape Charles ("Cape Charles"), which has voluntarily consented to the issuance of the Order.

Cape Charles owns and operates a sewage treatment facility which is located on Bay Shore Road, Route T1108 in Cape Charles, Virginia. Treated wastewater is discharged from this facility to Cape Charles Harbor and the Chesapeake Bay. The Town's discharge of treated wastewater is the subject of VPDES Permit No. VA0021288 ("Permit") that was issued to Cape Charles on January 25, 1989, and will expire on January 25, 1994.

Cape Charles has violated the permit by falsifying monitoring data provided to the Board (violation of Section 62.1-44.31 of the Code) as cited in Notice of Violation TRO-06-90-021, issued to the Town on June 25, 1990. In addition Cape Charles has submitted discharge monitoring reports (DMRs) late for the months of January, February, and April of 1990 as cited in Notice of Violation TRO-05-90-064, issued on June 1, 1990. An inspection of the facility performed on June 5, 1990 found the facility not operating in accordance with its Operations and Maintenance manual and in violation of the fecal coliform permit effluent limitation (violation of Section 62.1-44.31 of the Code and of Section 1.5A of Permit Regulation No. VR 680-14-01). The June 5, 1990 inspection also found sewage pump stations in the collection system for the treatment plant were not in compliance with their certificates to operate (violation of Section 62.1-44.31 of the Code and of Section 22.01.11 of the Virginia Sewerage Regulations).

In order to come into compliance with the Permit and applicable laws and regulations, Cape Charles shall comply with the requirements of Appendix A of this Order. Cape Charles shall also comply with the monitoring and reporting requirements in Appendix B of this Order in addition to the monitoring requirements of the Permit. Cape Charles shall submit copies of the monthly laboratory bench sheets, the monthly operator logs, the monitoring requirements of Appendix B, and the monthly Discharge Monitoring Report along with a signed notarized statement from the Town Manager attesting to their validity. These submittals shall be delivered to the Tidewater Regional Office of the Board by the 10th of each month.

Upon the completion of the items in Appendix A, Cape Charles shall comply with all the requirements of the Permit, operate the sewage treatment plant in accordance with the approved Operations and Maintenance manual, and maintain all sewage pump stations in accordance with the Virginia Sewerage Regulations. In the event, Cape Charles is unable to operate the plant in accordance with the approved Operations and Maintenance manual, Cape Charles shall immediately notify the Tidewater Regional Office by telephone of such changes and submit a written letter of explanation within five business days. Such notification shall also be provided in the event that chlorine disinfection is required in lieu of ultraviolet disinfection after October 1, 1990.

Cape Charles shall not contract for or perform any laboratory analyses or wastewater treatment consulting work for any facilities other than the Town of Cape Charles while this Order remains in effect.

The Board orders Cape Charles and Cape Charles agrees that within fifteen (15) days of the effective date of this Order, Cape Charles shall deliver to the State Water Control Board a check in the amount of \$5,000 payable to the Commonwealth of Virginia/State Water Control Board. This civil charge shall be in voluntary settlement of the civil violations listed above.

Cape Charles agrees to be bound by any compliance dates in this Order that precede the effective date of this Order.

Nothing herein shall be construed as altering, modifying, or amending any other term or condition contained in VPDES Permit No. VA0021288, that is not specifically stated above.

Cape Charles waives its rights to a hearing on, to judicial review of, and to service of this Order. Cape Charles also waives its right to written findings of fact and conclusions of law to support this Order. Cape Charles further agrees that the Board may cancel this Order in its sole discretion upon thirty days written notice; otherwise the Order may be modified only with Cape Charles's agreement or after due notice and opportunity for a hearing.

This Order shall become effective upon the date of its execution by the Executive Director of the Board or his designee.

IT IS SO ORDERED THIS 24 DAY OF Sept, 1990.


Richard N. Burton
Executive Director

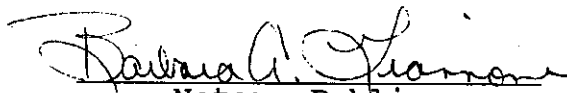
The Town of Cape Charles voluntarily agrees to the issuance of this Order.

Date: August 8, 1990 BY: Richard Barton
Title: Town Manager

State of Virginia
County/City of Northampton

The foregoing document was signed and acknowledged before me this 8th day of August, 1990
by RICHARD BARTON, TOWN MANAGER,
(Name and Title of above)

on behalf of the Town of Cape Charles.


Notary Public
My Commission expires:
Feb. 16, 1991

APPENDIX A

TOWN OF CAPE CHARLES

Cape Charles agrees to:

1. By September 1, 1990, implement a program for daily inspection of all pump stations and keep a written log of all inspections, problems noted and corrective actions undertaken.
2. By October 1, 1990, repair all sewage pump stations to comply with Class I reliability as defined in the Virginia Sewerage Regulations.
3. By October 1, 1990, repair all process unit alarms at the sewage treatment plant.
4. By October 1, 1990, repair and operate the ultraviolet disinfection system in accordance with the operations and maintenance manual. Maintain a written log of maintenance, cleaning, and bulb replacement for the ultraviolet unit.
5. By November 1, 1990, acquire an adequate inventory of repair parts for the ultraviolet disinfection unit.
6. By October 1, 1990, replace or repair the comminutor and grit removal system at the Main St. pump station.
7. By October 1, 1990, replace or repair the air diffusers in the aeration tank, the foam control system for the aeration tank, the sludge collection system in the clarifiers, and the grit removal system.
8. By October 1, 1990, have four operational blowers in place for the aeration tank.
9. By January 1, 1991, hire a licensed Class III operator to operate the plant for a minimum of eight hours per day, seven days per week and provide for additional staffing of eight hours per day, seven days per week.

APPENDIX B

TOWN OF CAPE CHARLES

Cape Charles agrees to perform the following monitoring requirements in addition to the monitoring requirements contained in VPDES Permit VA0021288.

Sampling Point	Parameter	Frequency	Sample Type
influent	pH	daily	grab
influent	diss. oxygen	daily	grab
influent	temperature	daily	grab
influent	BOD	3D/week	8-Hr. Comp.
influent	TSS	3D/week	8-Hr. Comp.
aeration basin	diss. oxygen	daily	grab
aeration basin	pH	daily	grab
sludge return	settl. solids	daily	grab
digester	diss. oxygen	daily	grab
digester	pH	daily	grab