

Attachment 1A
MEETING OF
DIRECTORS OF UTILITIES COMMITTEE
July 2, 2014
Newport News

1. Summary of the June 4, 2014 Joint Meeting of the Directors of Utilities Committee, the Directors of Health, and the Regional Emergency Management Technical Advisory Committee

There were no comments on, or revisions to the summary of the June 4, 2014 joint meeting.

ACTION: The summary of the June 4, 2014 joint meeting was approved.

2. Public Comment

There were no public comments.

3. Regional Source Water Assessment Land Use Maps and Inventory of Risk Activities

HRPDC staff briefed the Committee on the 2002 Regional Source Water Assessment land use maps and land use activity risk maps that were prepared to assist utilities in protecting surface and groundwater supplies. Staff presented a project concept for updating this information (see Attachment 1C). The Committee found the project concept to be acceptable and directed HRPDC staff to develop a proposal with input from locality staff.

During the discussion, the following comments were made:

- Periodic updates of land use and land use activity information would be valuable for risk assessment.
- Utility concerns and interests vary and may include shallow wells, pipelines at river crossings, and transportation facilities in proximity to key resources. Information for the Lake Gaston area has already been captured in a 2004-05 watershed analysis completed by Dominion Power.
- GIS is the preferable format for updated land use and land use activity information.

ACTION: HRPDC staff will recruit utility staff volunteers for input; staff will develop the FY15 project proposal for presentation to the Committee.

4. Management of Private Wells

The Committee discussed the draft white paper describing policy proposals for managing the use of private wells and groundwater withdrawals less than 300,000 gallons per month to mitigate impacts to the Eastern Virginia Groundwater Management Area. The Department of Environmental Quality is looking to reduce groundwater withdrawals; since approximately 28% of all groundwater withdrawals in the Coastal Plain aquifer are unpermitted and attributed to small domestic well users, the white paper proposes tracking and permitting small users. Without new policies, more homeowners and businesses will install wells and increase the total groundwater withdrawals from the aquifer system even if other water sources are available.

The Committee noted that the concept of permitting all users has merit, as this process would provide missing water use information. Issues for consideration include irrigation wells, drought wells, riparian rights, mandatory connection to public water where available, customer impacts of municipal permit reductions, water constraints for economic development, land subsidence, and sea level rise.

HRPDC staff will revise the paper to propose reducing the permit threshold from 300,000 gallons per month to 100,000 gallons per month and to establish a funding source for updating VDH well records.

ACTION: No action.

5. DEQ'S Long Range Planning Initiative

HRPDC staff briefed the Committee on DEQ's 2015 pilot project for long range environmental planning in Hampton Roads. Pilot projects, also being undertaken in Northern Virginia and New River Valley, will employ a collaborative model to be coordinated by DEQ and led by Planning District Commissions. The Committee's input on regional priorities will be solicited as the project gets underway.

ACTION: No action.

6. Onsite Sewage Disposal Systems

HRPDC staff briefed the Committee on efforts by the Middle Peninsula Planning District (MPPD) to explore the legal and financial aspects of sustaining permanent funding sources to address septic repairs. The MPPD found gaps in the enforcement process which prevented effective use of grant funding available for sewer hookups. HRPDC staff asked the Committee to comment on any similar issues in Hampton Roads.

Committee members provided perspectives on the two key issues:

- Limited county authority to require sewer system connections: While all cities have the authority to require homes in city service areas to connect to the sanitary sewer system, only nine counties have this authority. Gloucester has

been unsuccessful in seeking legislative action to be designated with this authority as well. Some cities regularly exercise their authority to require hookups based on proximity of the property to service lines, while others do not. In cases where systems are failing, enforcement action may be taken by VDH and some cities may condemn the structure for not having a functioning sewer system.

- Funding needs: More funding is needed to assist with sewer system connections. It was noted that in 2015, VDH received a grant to assist with septic system upgrades, but changed the agreement to allow funds to be used for connection to sanitary sewer systems. A total of \$150,000 in grant funds is available; a maximum of \$7500 is allowed per property and a 50% match is required. Such funding tools will make it feasible for more homeowners to connect to sewer.

VDH currently keeps track of septic tank pumpouts. The Committee agreed that VDH is the appropriate agency to:

- Track all septic tanks;
- Track which tanks have completed pumpouts; and
- Track which tanks have not completed pumpouts.

ACTION: No action.

7. Drinking Water Reservoirs and the Chesapeake Bay Model

HRPDC staff briefed the Committee on efforts by the Chesapeake Bay Program to revisit how reservoirs are treated in the Bay watershed model. Currently, only four reservoirs are included in the Chesapeake Bay Model. To improve the model, the Bay program is looking at including all reservoirs and is considering how reservoirs and the pollutant loads captured in reservoirs should be represented in the model. This will impact where localities will focus retrofit activities. In the current model, rather than representing a reservoir as a pollutant sink, loading rates are being reduced in the drainage area contributing to the reservoir. This means that areas upstream of reservoirs appear to produce less pollutants and that localities are not getting full credit for the load reductions that are happening at reservoirs.

The Committee discussed comments and concerns on how the model represents reservoirs and potential impacts to utility operations:

- Stormwater programs may want to influence utility reservoir management.
- Dredging requirements, if mandated, could be a burden to utilities.
- The implementation and maintenance of BMPs upstream of reservoirs provides some level of treatment before stormwater enters reservoirs. Watershed protection efforts ensure better raw water quality; utilities spend less on treatment costs and can provide water service to customers at the lowest cost.

- Regarding credits for load reductions, complicating issues include reservoir ownership versus watershed land ownership and the level of development (retrofit potential) within the watershed.

HRPDC staff will discuss these concerns with the Regional Stormwater Workgroup and continue to coordinate with the Bay Program on changes to the model.

ACTION: No action.

8. Staff Reports

- **DEQ Groundwater Monitoring:** USGS is working on a scope of work, including optimal well siting and monitoring frequency for the chloride monitoring network. HRPDC staff is drafting a white paper summarizing available data.
- **Consent Decree Amendment:** HRPDC submitted correspondence in support of the Third Amended Consent Decree prior to the public comment deadline of July 9, 2014.
- **State Water Commission Meeting:** Three members of the Commission are from the Hampton Roads region: two from the Peninsula and one from the Southside. In 2015, Virginia Tech anticipates offering a new interdisciplinary degree in Water Resource Policy and Management.
- **Regulatory Advisory Panel for Waterworks Regulations:** The Virginia Department of Health completed the selection process for the regulatory advisory panel (RAP) on the proposed revisions to the Waterworks Regulations. Four representatives are from Hampton Roads: Chris Harbin, Norfolk Utilities; Jerry Peaks, Bowman Consulting (Williamsburg); Andy Snyder, Draper Aden (Newport News); Mike Vergakis, James City Service Authority.
- **HRPDC Administration:** Mr. Randy Keaton is serving as HRPDC's Interim Executive Director as of July 1, 2014.

ACTION: No action.

9. Other Business

- Mr. Bill Meyer is retiring as Assistant Director with Chesapeake Public Utilities as of August 1, 2014.
- The circuit court for the City of Virginia Beach ruled that the City is permitted to charge sewer maintenance fees to a large multi-family residential complex that tried to claim exemption from the fee (Shore Drive Associates, LLLP v. City of Virginia Beach, Virginia).

Committee Meeting Sign-In Sheet
 July 2, 2014

Attachment 1B

Locality/Agency	Representative	Representative	Representative	Representative
HRSD	Phil Hubbard			
Chesapeake	David Jurgens			
Franklin				
Gloucester	Martin Schlesinger	Arnie Francis		
Hampton	Tony Reyes	Jason Mitchell		
Isle of Wight				
James City County	Doug Powell			
Newport News	Scott Dewhirst	Dave Morris		
Newport News	Everett Skipper			
Newport News				
Norfolk	Kristen Lentz			
Poquoson	Bob Speechley			
Portsmouth	Bryan Foster			
Smithfield				
Southampton				
Suffolk	Craig Ziesemer			
Surry				
Virginia Beach	Tom Leahy	Bob Montague		
Williamsburg				
Windsor				
York				
HRPDC	Whitney Katchmark	Julia Hillegass	Jennifer Tribo	Tiffany Smith
HRPDC				
New Kent				
DEQ				
EPA				
USGS				
VDH				
VDH				
VDH				
Emergency Managers				
Emergency Managers				
Emergency Managers				
AECOM				
AquaLaw				
Arcadis	Ryan Nagel			
Brown & Caldwell				
CH2M-Hill				
Christian Barton				
Golder Associates				
HDR				
Hurt & Proffitt, Inc.				
McGuire Woods				
Rice Associates				
REMSA				
Troutman Sanders				
Virginia Fusion Center				
Virginia WARN				
URS				
Whitman, Requardt & Assoc.				
Private citizens				

Source Water Protection Land Use Maps and Inventory of Risk Activities

Project Concept – 2015 Update

Whitney S. Katchmark, P.E.
Principal Water Resources Engineer

Directors of Utilities Committee
July 2, 2014

1

Background

At the September 4, 2013 meeting, the Committee agreed to update components of the 2002 Regional Source Water Assessment:

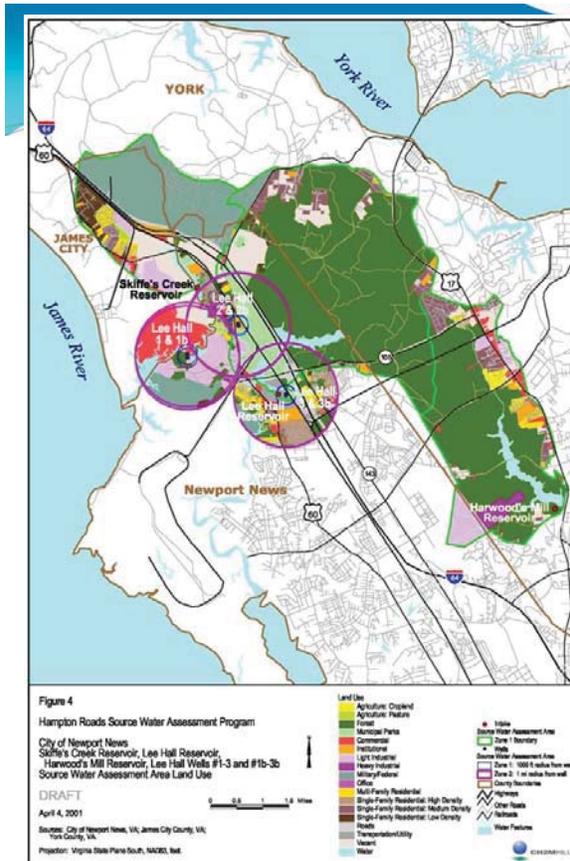
- Update map of likely sources of contamination and revisit recommendations in the regional plan.
- Examine land uses surrounding reservoirs and potential impacts water quality.

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2002 Regional Source Water Assessment

- The Regional Source Water Assessment (August 2002) included an inventory of land use activities that are, or could become potential sources of contamination for groundwater and surface water sources.
- VDH funding limited the focus of the assessment to eight water utilities that relied on surface water sources and conjunctive use wells: Chesapeake, Gloucester, Newport News, Norfolk, Portsmouth, Suffolk, Virginia Beach, and Williamsburg.
- Land use maps and land use activity inventories have not been updated.

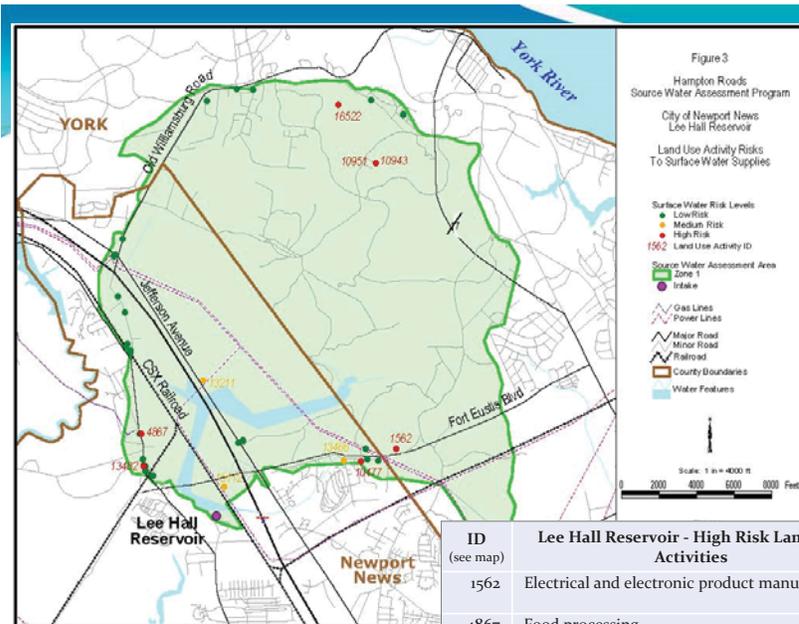
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2002 Example: Land Use Map & Summary Table Lee Hall Reservoir

Land Use Description	Area in Watershed (acres)
Commercial	15
Forest	6,642
Institutional	87
Light Industrial	70
Military/Federal	170
Municipal Parks	674
Residential: Single Family - Low Density	74
Residential: Single Family - Med Density	417
Residential: Single Family - High Density	11
Residential: Multi-Family	24
Roads	435
Transportation/Utility	83
Vacant	553
Water	229
Total	9,458

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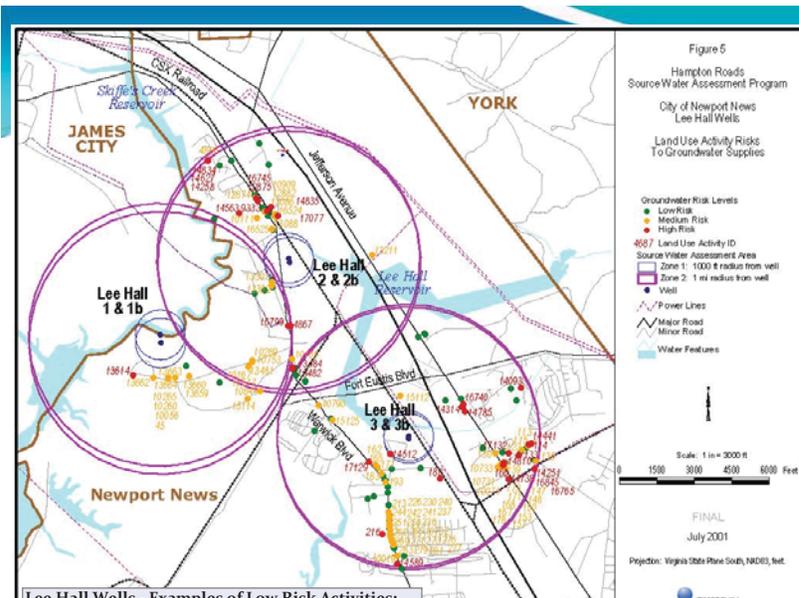
2002 Example: Lee Hall Reservoir Land Use Activity Risk Map & Summary Tables

Land Use Activity Risk Summary (sites)			
	High	Med	Low
Lee Hall Reservoir	7	3	44

- Lee Hall Reservoir - Examples of Low Risk Activities:**
- Gasoline stations/service centers, paint shops
 - Construction/contractor facility
 - Heating/cooling/refrigeration service/supplies
 - Parks, amusement centers, and golf courses
 - Restaurants and motels/hotels
- Lee Hall Reservoir - Examples of Medium Risk Activities:**
- Fertilizer/manufacturer/distributor/storage
 - Campground

ID (see map)	Lee Hall Reservoir - High Risk Land Use Activities	Distance to Intake (ft)	Facility Name
1562	Electrical and electronic product manufacturing	10,244	Virginia Power
4867	Food processing	5,933	Pepsi-Cola Bottling Co.
10477	Tire pile	8,287	Wynn Property
10943	Barge & vessel traffic for surface sources	20,691	Laurier Maurice J
10951	Military base	20,691	USCG Training Center
13482	Dry cleaning establishment	4,721	Parkview Cleaners
16522	Hazardous waste transfer, storage or disposal	22,898	Comnavbase Norfolk

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2002 Example: Lee Hall Wells Land Use Activity Risk Map & Summary Tables

Land Use Activity Risk Summary (sites)			
	High	Med	Low
Lee Hall Wells 1 & 1b	3	18	8
Lee Hall Wells 2 & 2b	13	16	24
Lee Hall Wells 3 & 3b	18	50	74
Total	34	84	106

- Lee Hall Wells - Examples of Low Risk Activities:**
- Parking lots and vehicle storage and service
 - Restaurants and motels/hotels
 - Food processing
 - Parks and Amusement Centers
 - Heating/Cooling/Refrigeration Service/Supplies
- Lee Hall Wells - Examples of Medium Risk Activities:**
- Electrical and electronic product manufacturing
 - Paper/Wood/Pulp Processing and Mills
 - Gasoline station/service center and truck terminals
 - Photo processor/printer
 - Dry cleaning establishment
 - Health Care Services/Supply/Sales

ID (see map)	Wells 1/1b - High Risk Land Use Activities	Distance to Intake (ft)	Facility Name
4867	Food processing	5251	Pepsi-Cola Bottling Co.
13614	Hazardous waste transfer, storage or disposal	1696	Kinyo Virginia Inc
16799	Underground storage tanks	5158	F&J Auto Repair

Notes:
 - Wells 2/2b are associated with 34 high risk land use activities
 - Wells 3/3b are associated with 18 high risk land use activities



Concept

Pre-project planning is needed to:

- Identify source waters where updated information on surrounding land uses would be valuable.
- Identify relevant land use activities for risk inventory.
- Develop a project proposal and appropriate scope of work for consideration by the Directors of Utilities Committee.

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Proposed Action

Direct HRPDC staff to:

1. Form a small group of volunteers from utility staff to provide input and feedback on project planning.
2. Develop a project proposal for FY15 to address the following:
 - Study extent: Regional vs. specific localities?
 - Resources of interest: Reservoirs, rivers, and groundwater wells?
 - Land use activity inventory: Keep or amend the 2002 list?
 - Deliverables: Formal report, maps, or GIS layers updated annually?

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From: Wortzel, Andrea W. [<mailto:Andrea.Wortzel@troutmansanders.com>]

Sent: Friday, July 18, 2014 3:52 PM

To: Bob Steidel; Carole Hamner; Charles Stiff; Dave Kearney; Dennis Slade; Ed Bruce; Ed Tankard; Ellen Snyder; Greg Prelewicz; Jacque Taylor; Jamie Bain Hedges; Jason Ericson; Jeff Miller; Jeff Rinker; John Beasley; Karen Pallansch; Lawrence Heyd; Matt Shreckhise; Mike Lawless; Morgan German; Niall O'Shaughnessy; Nina Butler; Paula Hamel; Raye Moore; Rick Linker; Steve Edgemon; Tim Morse; Tom Roberts; Traci Kammer Goldberg; Virginia Rockwell; Britt McMillan; Craig Maples; Dan Holloway; Eric Lasalle; Eric Tucker; Katie Frazier; Marty Schlesinger; matt@bcnursery.com; Mike Lang; Randy Musselwhite; Ron Harris; Samford, Jerrold; Sean Maconaghy; Stewart Leeth; Vernon Land; Whitney Katchmark

Subject: MH2O Alert - Groundwater Management

DEQ is scheduling meetings with the 14 largest groundwater users in the Eastern Virginia Groundwater Management Area between now and October. At these meetings, DEQ will present an overview of the current status and impacts of groundwater usage, and will propose an aggressive reduction in permitted withdrawal capacity for each user. Note that this reduction will be proposed for those with pending permits, as well as for those with existing/recently renewed permits.

DEQ has also indicated that it will be introducing legislation during the 2015 General Assembly session aimed at "closing the loopholes" in the groundwater withdrawal statute. A draft of that legislation is not yet available, but it is my understanding that the goals of the legislation will be to identify and prevent unregulated water users in the management area. This legislative package may provide an opportunity to seek funding for develop alternative water sources in the region, and/or to seek legislative support for groundwater recharge.

The legislation will be presented to the State Water Commission in September.

I will schedule a call with MH2O and MH2O Groundwater members once the legislation becomes available for review. I will also schedule a meeting with the MH2O Groundwater Subgroup after the State Water Commission meeting.

Please let me know if you have any questions.

Thanks,
Andrea

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Draft Policy Proposal

Permitting of Homeowner and Small Business Groundwater Withdrawals

The Virginia Department of Environmental Quality is concerned~~has determined~~ that groundwater withdrawals in the Virginia Coastal Plain are not sustainable. Current withdrawals are causing declines in water levels, land subsidence, and saltwater intrusion. The Department of Environmental Quality has identified these three impacts as reasons for significant concerns that require the state to respond with management policies to minimize future impacts to the aquifer system.

DEQ should include a new policy to accurately quantify track and permit groundwater withdrawals from homeowners and small businesses. Currently, DEQ only requires a permit for withdrawals of 300,000 gallons per month or more. A typical household withdraws less than 5,000 gallons per month. Collectively, the estimated withdrawals from these groundwater users equal approximately 28% of the total groundwater withdrawals in the Coastal Plain. Without new policies, more homeowners and businesses will install wells and increase the total groundwater withdrawals from the aquifer system even if other water sources are available.

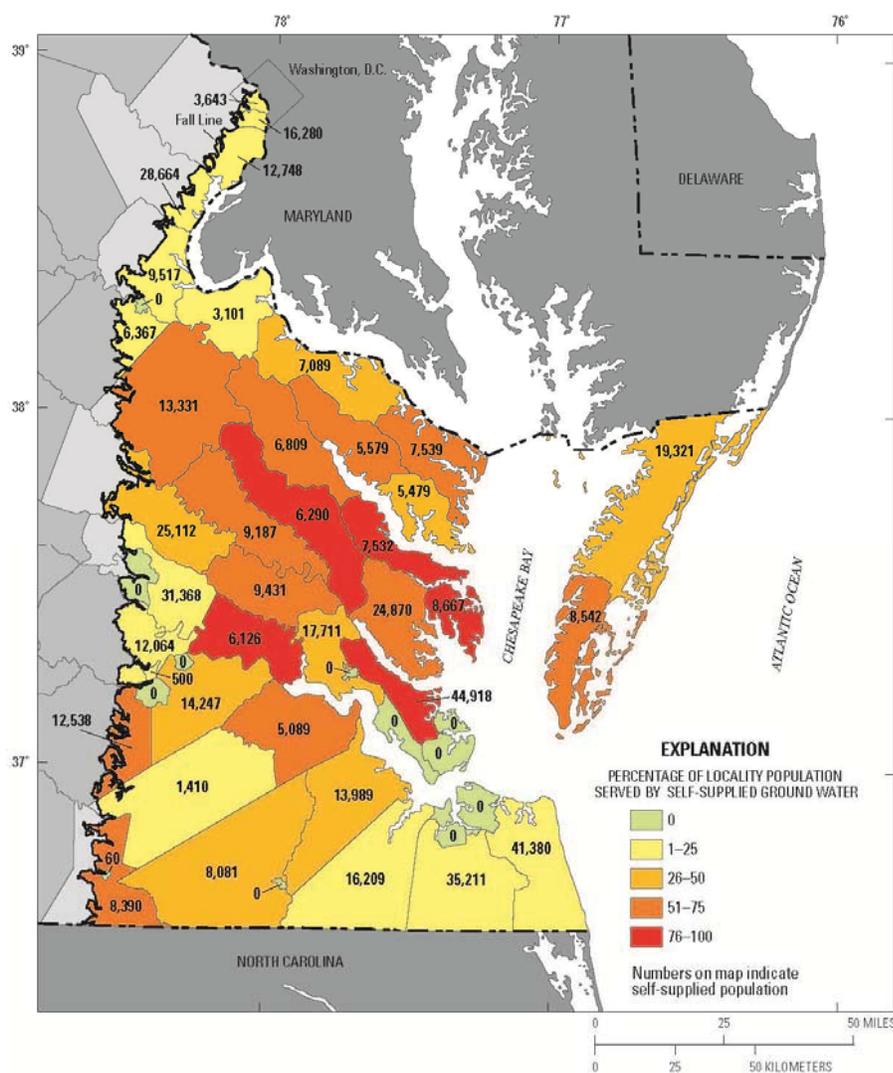


Figure 1. The localities in Virginia's Coastal Plain and the portion of the population that relies on private wells for drinking water are illustrated at left. (Source: Pope, J.P., McFarland, E.R., and Banks, R.B., 2008, Private domestic-well characteristics and the distribution of domestic withdrawals among aquifers in the Virginia Coastal Plain: U.S. Geological Survey Scientific Investigations Report 2007-5250, 47 p., <http://pubs.water.usgs.gov/sir2007-5250>.)

Problem with Status Quo

Current policies for small groundwater withdrawals do not discourage groundwater use or require reporting or fees that would provide data needed to manage the resource. DEQ has estimated that existing groundwater use for large and small users is roughly equal to sustainable use of the aquifers system. DEQ has the existing regulatory authority to manage existing large withdrawals and reject new withdrawals through Groundwater Withdrawal Permits. However, DEQ does not have a policy to manage or limit small withdrawals. Therefore, future use by small, private wells will likely increase and contribute to mining the groundwater system which reduces the long-term groundwater supply.

Water withdrawn from the deep aquifers in the Coastal Plain is not quickly replaced by rainwater seeping into the ground. There is a net loss in available groundwater which is also called “groundwater mining”. Basically, the aquifer system is made up of layers of sand and clay. Water flows through the sand layers horizontally. The clay layers inhibit water from flowing vertically. Therefore, groundwater that is pumped from the deepest aquifers does not quickly get replaced. The deep aquifers are recharged near the western edge of the system (Fall Line near Richmond) and receive a little vertical flow from the shallower aquifers. For example, a house that pumps from a deep aquifer might put most of the water back into the soil with a septic tank. The septic field is in the shallowest aquifer. Less than 10% of the water from the septic tank will ever reach the deep aquifer. Most of it will be used by plants, evaporate, or flow into a ditch or creek.

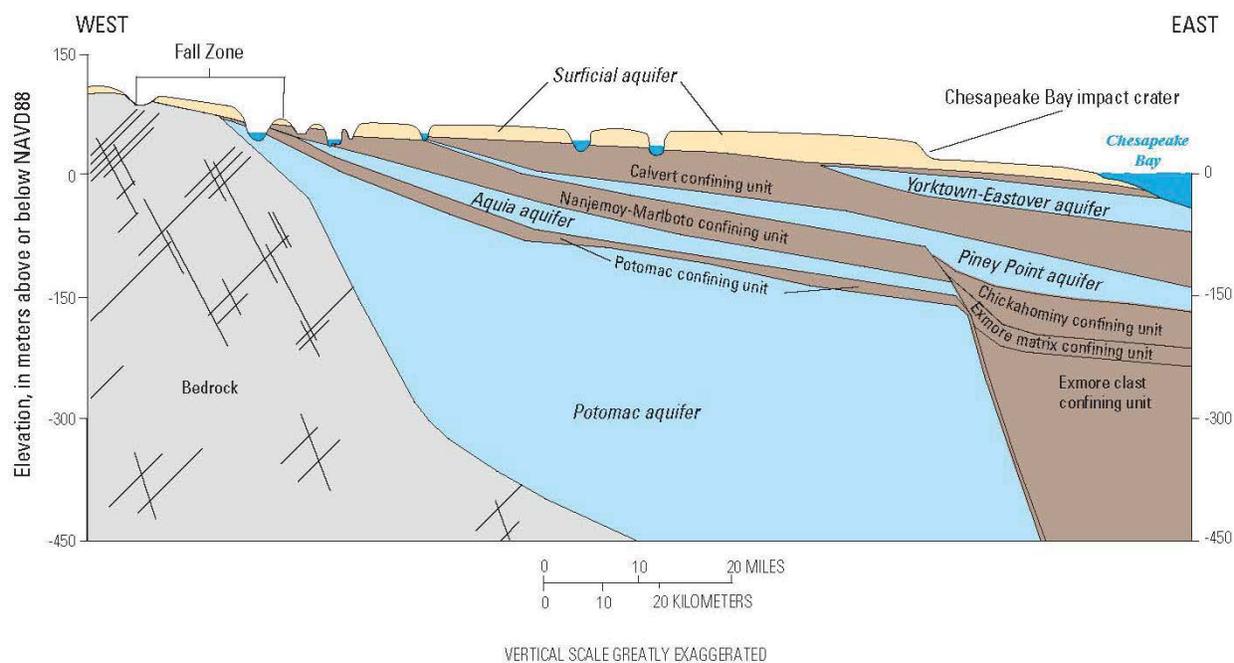


Figure 2. The Potomac aquifer is the deepest and thickest water bearing unit in the Virginia Coastal Plain “layer cake” of aquifers and confining units. (Source: Eggleston, Jack, and Pope, Jason, 2013, Land subsidence and relative sea-level rise in the southern Chesapeake Bay region: U.S. Geological Survey Circular 1392, 30 p., <http://dx.doi.org/10.3133/cir1392>.)

Drivers for Overuse: Legal Framework

Virginia's riparian law grants property owners the right to reasonable use of the groundwater. Reasonable use has not been defined by the courts. It is possible to drill a well almost anywhere in the Virginia Coastal Plan and install a well producing enough potable water to supply a home or business with all the water the owner needs. A permit is required from the Virginia Health Department to confirm that the water is safe but the permit does not limit the amount of groundwater that can be withdrawn. DEQ requires a permit if the owner withdraws more than 300,000 per month. A wasteful homeowner or business could use sixty times more water than a typical home before reaching the permit threshold. Because the permit threshold is so high, there isn't an incentive for these well owners to conserve water or check for leaks. Virginia's laws and regulations don't provide any incentives for homeowners and businesses to choose public water systems over private wells. Over 200,000 people in Hampton Roads rely on private wells for drinking water. There are no estimates of the number of irrigation wells in the region. ~~Public water systems in Hampton Roads primarily use surface water sources. These reservoirs and river intakes require sustainable management and are regularly replenished by rainfall. Using available surface water as a priority allows Virginia to save the groundwater in the aquifer system. Groundwater in the deep aquifers under Hampton Roads has been in the aquifers for tens of thousands of years and will not be quickly replenished.~~

Drivers for Overuse: Groundwater is free

Homeowners and businesses that rely on groundwater or have irrigation wells do not pay for the amount of groundwater that they withdraw. The well installation and Health Department permit fee typically cost \$4,000 to \$12,000 depending on the depth of the well. These are one-time costs. The operation of a well is less than \$10 per month to cover electricity and water softener salt, if needed. In comparison, a household that uses 5,000 gallons of water per month would pay \$17 to \$57 per month to buy water from the public water systems in Hampton Roads. The homeowner with a well can use up to 300,000 gallons and the only increased costs would be electricity. In comparison, most public water system rates increase with volume and provide a strong disincentive for excessive water use.

Policy Proposal and Objectives

Groundwater use by homeowners and small businesses is likely to grow for two reasons:

1. New development outside of public water system service areas will require well water.
2. Existing owners will install wells to save money, especially for irrigation.

The state needs accurate records of this groundwater use in order to assess the resource capacity and incorporate that information into long range water supply planning. To improve the data, the state should fund a project to review and analyze existing VDH well construction records and estimate the number of irrigation wells using surveys of homeowners or companies that install wells. Virginia should make enforcement of existing requirements for drillers to submit well construction records a priority. To capture more information about groundwater use, DEQ should lower the permit threshold from 300,000 gallons per month to 100,000 gallons per month. These efforts would provide DEQ with data to manage the resource by supporting better predictions of future demands and impacts to the available groundwater supply.

~~A new policy for small groundwater withdrawals should strive to manage our water resources and minimize groundwater mining. The following objectives would promote these goals:~~

- ~~• Maximize the use of surface water instead of groundwater~~

- Promote groundwater conservation
- Improve the data available to make informed management decisions
- Eliminate “free” access to groundwater that undermines revenue to support public systems and stresses or overuses our shared groundwater resources.
- Reserve groundwater for remote locations that would be the most expensive to serve by extending public water system service areas

DEQ should proposed regulations to require a permit to operate all wells including irrigation wells. Permits should not be granted to homeowners and business that have access to public water systems. All wells should be metered and report withdrawals annually. A nominal fee for withdrawals of less than 10,000 gallons per month should be collected annually. A fee for withdrawals between 10,000 gallons per month and 300,000 gallons per month should be based on volume of groundwater withdrawn.



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

TIDEWATER REGIONAL OFFICE

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July 18, 2014

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Re: Modification of the September 26, 2007 Consent Order

Dear Ladies and Gentlemen:

As you are aware, the existing September 26, 2007 Consent Order provides that HRSD and the Localities submit a corrective action plan to address capacity related sanitary sewer overflows in the Hampton Roads regional sewer system. As the basic framework regarding the responsibility for development and implementation of the corrective action plan (the Regional Wet Weather Management Plan or RWWMP) has shifted from the initial concept where the Localities and the Hampton Roads Sanitary Sewer District (HRSD) would jointly develop and implement the plan, to a regionalized approach where HRSD will assume responsibility for all aspects of the RWWMP, the existing consent order must be modified. Modification of the Consent Order requires agreement among all parties. As such, I am requesting your comments on the proposed consent order.

The enclosed draft order is not an amendment to the September 2007 Consent Order; rather, it is a new order that terminates the September 2007 Consent Order. Development of a new order streamlines the paper trail and facilitates addition of the City of Norfolk as a "Locality" for inclusion in the order. In addition, since all HRSD RWWMP requirements are outlined in the Federal Consent Decree, there is no need to include HRSD in this consent order.

The draft order requirements are limited to implementation of a sanitary sewer maintenance, operation, and management (MOM) program. The minimum requirements for a MOM program in the draft order are the same as previously provided to all Localities under the September 2007 Consent Order. These programs have already been reviewed and approved by DEQ and as such, the proposed order does not include submittal of the MOM plans.

The new consent order requires signatory concurrence by all the parties and must be public noticed and provide for a 30 day comment period. Although dependent on public comment, at this point I do not expect that the order will require presentation to the State Water Control Board.

I would like to emphasize that this proposed consent order will not become effective until after the Third Amendment to the Consent Decree previously entered in United States and Commonwealth of Virginia v. Hampton Roads Sanitation District, Civil Action No. 2:09-cv-481 is filed with the U.S. District Court Eastern District of Virginia.

Attached is the proposed consent order for your review. Please notify me by email if you concur with the language as proposed. If you have questions, concerns, or do not concur with the proposed modification, please contact me. I am hopeful that I can forward the final consent order for signature by each Locality next month. As you will note, the final consent order will include the date of the filed Consent Decree inserted in Section C.9.

Thank you for the resources and efforts you and your staff have put forth in the implementation of the 2007 Consent Order and for your consideration of the proposed. I can be reached at (757) 518-2173 or by email at Maria.Nold@deq.virginia.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Maria R. Nold". The signature is fluid and cursive, with the first name "Maria" being the most prominent.

Maria R. Nold

Cc: Whitney Katchmark, HRPDC
Kathleen O'Connell, DEQ
Mark Zolanz, EPA

Enclosure

DRAFT CONSENT ORDER

STATE WATER CONTROL BOARD ENFORCEMENT ACTION - ORDER BY CONSENT ISSUED TO

**the cities of CHESAPEAKE, HAMPTON, NEWPORT NEWS, POQUOSON, PORTSMOUTH,
SUFFOLK, VIRGINIA BEACH, NORFOLK, and WILLIAMSBURG; the counties of
GLOUCESTER, ISLE OF WIGHT, and YORK; the JAMES CITY SERVICE AUTHORITY;
and the town of SMITHFIELD**

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 the cities of Chesapeake, Hampton, Newport News, Norfolk, Poquoson, Portsmouth, Suffolk, Virginia Beach, and Williamsburg; the counties of Gloucester, Isle of Wight, and York; the James City Service Authority; and the town of Smithfield (the “Localities” collectively or “Locality” separately) for the purpose of resolving certain violations of the State Water Control Law and the applicable regulation and to supersede and cancel those certain Orders by Consent between the Board, the Hampton Roads Sanitation District (HRSD) and the Localities.

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 25-31-10
5. “Discharge of a pollutant” when used with reference to the requirements of the VPDES permit program means:
 - (a) Any addition of any pollutant or combination of pollutants to surface waters from any point source; or
 - (b) Any addition of any pollutant or combination of pollutants to the waters of the contiguous zone or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation.

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6. “HRSD” means the Hampton Roads Sanitation District, a political subdivision created by a 1940 Act of the General Assembly of Virginia and charged with the responsibility to provide sewage treatment services for the communities in the Hampton Roads metropolitan area. HRSD is a “person” within the meaning of Va. Code §62.1-44.3
7. “MOM” means management, 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. “Pollutant” means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials (except those regulated under the Atomic Energy Act of 1954, as amended (42 USC § 2011 *et seq.*)), heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water... 9 VAC 25-31-10.
10. “Pollution” means such alteration of the physical, chemical, or biological properties of any state waters as will or is likely to create a nuisance or render such waters (a) harmful or detrimental or injurious to the public health, safety, or welfare or to the health of animals, fish, or aquatic life; (b) unsuitable with reasonable treatment for use as present or possible future sources of public water supply; or (c) unsuitable for recreational, commercial, industrial, agricultural, or other reasonable uses, provided that (i) an alteration of the physical, chemical, or biological property of state waters or a discharge or deposit of sewage, industrial wastes or other wastes to state waters by any owner which by itself is not sufficient to cause pollution but which, in combination with such alteration of or discharge or deposit to state waters by other owners, is sufficient to cause pollution; (ii) the discharge of untreated sewage by any owner into state waters; and (iii) contributing to the contravention of standards of water quality duly established by the Board, are “pollution.” Va. Code § 62.1-44.3.
11. “Regulation” means the VPDES Permit Regulation, 9 VAC 25-31-10 *et seq.*
12. “Significant Defect” means a physical condition in the sanitary sewer, including (1) existing or imminent structural failures, cave-ins, and similar defects and (ii) significant sources of inflow and infiltration (including but not limited to missing and/or damaged public clean-outs, missing manhole inserts, direct storm water connections, and unsealed manhole pipe penetrations).
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. “STP” means sewage treatment plant.
16. “TRO” means the Tidewater Regional Office of DEQ, located in Virginia Beach, Virginia.
17. “Va. Code” means the Code of Virginia (1950), as amended

18. "VAC" means the Virginia Administrative Code.
19. "VPDES" means Virginia Pollutant Discharge Elimination System.

SECTION C: Findings of Fact and Conclusions of Law

1. HRSD owns and operates an interceptor sewer system, which includes both gravity and force mains, and nine (9) STPs, which serve the Hampton Roads area (HRSD System). Discharges of treated wastewater from the STPs into State waters are regulated by VPDES permits issued by the Board.
2. The Localities individually own and operate sanitary sewer collection systems which collect sewage within their individual jurisdictional boundaries and deliver it to the HRSD System for treatment.
3. Due to pipe breaks, electrical outages, infiltration and inflow, insufficient capacity in the collection, interceptor and treatment systems, and other factors, untreated sewage has been and is being discharged from various locations in the individual sanitary sewer collection systems of the Localities and HRSD to various state waters in the area. The low-lying nature of the Hampton Roads region and corresponding high groundwater table, together with periodic widespread flooding in the region's urbanized areas, are significant factors contributing to the discharge of untreated sewage.
4. Section 62.1-44.5.A of the Code and the Regulation at 9 VAC 25-31-50.A prohibit the discharge of sewage to state waters except as authorized by a permit issued by the Board. The Board has not issued the Localities permits authorizing said discharges of untreated sewage. Accordingly, the Board finds that the Localities have violated Va. Code § 62.1-44.5.A and 9 VAC 25-31-50.A.
5. To address the unpermitted discharge of sewage due to wet weather occurrences, the Board entered into an Order by Consent with HRSD and the Localities (excluding Norfolk) effective September 26, 2007. This Order by Consent, as amended, requires that HRSD and the Localities (excluding Norfolk) jointly develop a Regional Wet Weather Management Plan ("RWWMP") that identifies, quantifies, prioritizes, and proposes a schedule for implementing regional sewer system enhancements among other things.
6. To address the unpermitted discharge of sewage due to wet weather occurrences, the Board entered into two Orders by Consent with HRSD and the City of Norfolk effective December 17, 2001 and March 17, 2005.
7. To address regional wet weather sewer capacity requirements, on February 23, 2010, HRSD, DEQ, and the United States Environmental Protection Agency entered into a Federal Consent Decree. The Federal Consent Decree requires, among other things, that HRSD work in consultation with the Localities (excluding Norfolk) to develop a RWWMP that will ensure adequate wet weather sewer capacity in HRSD's portion of the regional sewer system.
8. During the ongoing planning for the RWWMP, HRSD and the Localities researched the most cost effective and practical means for development and implementation of the RWWMP. The studies

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resulted in unanimous support of an alternate regionalization approach whereby HRSD would take responsibility for regional wet weather capacity. Under this approach, HRSD will assume sole responsibility for drafting, funding, and implementing the RWWMP without assuming ownership of Locality sewer system assets. The approach was formally adopted by all the Localities and HRSD through a regional Memorandum of Agreement dated March 10, 2014.

9. On **XXXXXX** the United States Environmental Protection Agency amended the Federal Consent Decree to reflect the alternate regionalization plan specifying HRSD's responsibility to develop, fund and implement the RWWMP.
10. As the responsibility for the RWWMP has been transferred to HRSD solely, the RWWMP requirements and conditions contained in the Order by Consent, as amended, are no longer applicable to the Localities.
11. Proper management, operation, and maintenance of sanitary sewer infrastructure must be conducted by the Localities to prevent dry weather unpermitted sanitary sewer overflows. Pursuant to the September 26, 2007 Order by Consent as amended, the Localities (excluding Norfolk) developed MOM plans for DEQ approval and implementation. This order serves to formalize the Localities commitment to implement individual MOM programs.

SECTION D: Agreement and Order

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

1. From the effective date of this consent order forward, implement a MOM program designed to maintain and operate Locality-owned collection system assets in accordance with industry accepted practices relating to sewer inspection, evaluation and repair of Significant Defects (not scheduled to be addressed by the RWWMP and excluding those for which HRSD is responsible pursuant to the Consent Decree as amended) and that at minimum includes the parameters described in Appendix A of this Order. The MOM program must document the MOM program elements used to manage each Locality's sewer system and minimize unpermitted sanitary sewer overflows. The MOM program shall include a sanitary sewer overflow response plan and quantifiable parameters for assessing program implementation. Throughout the life of the MOM program, a meaningful set of enforceable quantitative performance measures must be maintained. Performance assessment measures may be added, deleted, and/or modified if such revision results in a better assessment of the performance and effectiveness of the MOM program.
2. Both the Board and the Localities understand and agree that this Order supersedes and terminates the Orders by Consent issued by the Board on September 26, 2007, December 17, 2001 and March 17, 2005.

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend this Order with the consent of the Localities for good cause shown by the Localities, 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.

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Hampton Roads Localities
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2. This Order addresses and resolves all system overflows and releases from the sewer systems owned by the Localities and known or reported to the DEQ up to the date of execution of this Order by the Localities. 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, the Localities admit to the jurisdictional allegations, and agree not to contest, but neither admit nor deny the findings of fact and conclusions of law in this Order.
4. The Localities consent to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order.
5. The Localities declare they have received fair and due process under the Administrative Process Act and the State Water Control Law and waive 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 any Locality to comply with its respective individual obligations under the terms of this Order shall constitute a violation of an order of the Board by the party who fails to comply. 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. The Localities do not waive any rights or objections they may have in any enforcement action by other federal, state, or local authorities arising out of the same or similar facts to those recited in this Order.
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. The Localities shall be responsible for failure to comply with their individual obligations under this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other unforeseeable circumstances beyond their control and not due to a lack of good faith or diligence on their part. The Locality claiming this defense shall demonstrate that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. The Locality 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;

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Hampton Roads Localities
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- 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.
9. 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.
10. This Order is binding on the parties hereto and any successors in interest, designees and assigns, jointly and severally.
11. This Order shall become effective upon execution by both the Director or his designee and the Localities.
12. This Order shall continue in effect until:
 - a. The Director or his designee terminates the Order after the Localities have completed all of the requirements of the Order;
 - b. The Localities petition the Director or his designee to terminate the Order after they have 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 the Localities.
13. Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve each Locality from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.
14. The undersigned representative of each Locality 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 the Locality to this document. Any documents to be submitted pursuant to this Order shall also be submitted by a responsible official of the Locality
15. 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.

Special Order by Consent
Hampton Roads Localities
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16. By their signatures below, the Localities voluntarily agrees to the issuance of this Order.

And it is so ORDERED this _____ day of _____, 2014.

Maria Nold, Regional Director
Department of Environmental Quality

------(Remainder of Page Intentionally Blank)-----

Special Order by Consent
Hampton Roads Localities
Page 8 of 23

The terms and conditions of the Order are voluntarily accepted by:

Date: _____

By: _____
City Manager

Commonwealth of Virginia
City of Chesapeake

The foregoing instrument was acknowledged before me this ____ day of _____ by _____, City Manager, on behalf of the City of Chesapeake.

Notary Public

My commission expires:

Special Order by Consent
Hampton Roads Localities
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The terms and conditions of the Order are voluntarily accepted by:

Date: _____

By: _____

City Manager

Commonwealth of Virginia
City of Hampton

The foregoing instrument was acknowledged before me this ____ day of _____ by _____, City Manager, on behalf of the City of Hampton.

Notary Public

My commission expires:

Special Order by Consent
Hampton Roads Localities
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The terms and conditions of the Order are voluntarily accepted by:

Date: _____

By: _____
City Manager

Commonwealth of Virginia
City of Newport News

The foregoing instrument was acknowledged before me this ____ day of _____ by _____, City Manager, on behalf of the City of Newport News.

Notary Public

My commission expires:

Special Order by Consent
Hampton Roads Localities
Page 11 of 23

The terms and conditions of the Order are voluntarily accepted by:

Date: _____

By: _____
City Manager

Commonwealth of Virginia
City of Poquoson

The foregoing instrument was acknowledged before me this ____ day of _____ by _____, City Manager, on behalf of the City of Poquoson.

Notary Public

My commission expires:

Special Order by Consent
Hampton Roads Localities
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The terms and conditions of the Order are voluntarily accepted by:

Date: _____

By: _____
City Manager

Commonwealth of Virginia
City of Portsmouth

The foregoing instrument was acknowledged before me this ____ day of _____ by
_____, City Manager, on behalf of the City of Portsmouth.

Notary Public

My commission expires:

Special Order by Consent
Hampton Roads Localities
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The terms and conditions of the Order are voluntarily accepted by:

Date: _____

By: _____
City Manager

Commonwealth of Virginia
City of Suffolk

The foregoing instrument was acknowledged before me this ____ day of _____ by _____, City Manager, on behalf of the City of Suffolk.

Notary Public

My commission expires:

Special Order by Consent
Hampton Roads Localities
Page 14 of 23

The terms and conditions of the Order are voluntarily accepted by:

Date: _____

By: _____
City Manager

Commonwealth of Virginia
City of Virginia Beach

The foregoing instrument was acknowledged before me this ____ day of _____ by _____, City Manager, on behalf of the City of Virginia Beach.

Notary Public

My commission expires:

Special Order by Consent
Hampton Roads Localities
Page 15 of 23

The terms and conditions of the Order are voluntarily accepted by:

Date: _____

By: _____
City Manager

Commonwealth of Virginia
City of Williamsburg

The foregoing instrument was acknowledged before me this ____ day of _____ by _____, City Manager, on behalf of the City of Williamsburg.

Notary Public

My commission expires:

Special Order by Consent
Hampton Roads Localities
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The terms and conditions of the Order are voluntarily accepted by:

Date: _____

By: _____
County Administrator

Commonwealth of Virginia
County of Gloucester

The foregoing instrument was acknowledged before me this ____ day of _____ by _____, County Administrator, on behalf of the County of Gloucester.

Notary Public

My commission expires:

Special Order by Consent
Hampton Roads Localities
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The terms and conditions of the Order are voluntarily accepted by:

Date: _____

By: _____
County Administrator

Commonwealth of Virginia
County of Isle of Wight

The foregoing instrument was acknowledged before me this ____ day of _____ by
_____, County Administrator, on behalf of the County of Isle of Wight.

Notary Public

My commission expires:

Special Order by Consent
Hampton Roads Localities
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The terms and conditions of the Order are voluntarily accepted by:

Date: _____

By: _____
County Administrator

Commonwealth of Virginia
County of York

The foregoing instrument was acknowledged before me this ____ day of _____ by _____, County Administrator, on behalf of the County of York.

Notary Public

My commission expires:

Special Order by Consent
Hampton Roads Localities
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The terms and conditions of the Order are voluntarily accepted by:

Date: _____

By: _____
General Manager

Commonwealth of Virginia
James City Service Authority

The foregoing instrument was acknowledged before me this ____ day of _____ by
_____, General Manager, on behalf of the James City Service Authority.

Notary Public

My commission expires:

Special Order by Consent
Hampton Roads Localities
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The terms and conditions of the Order are voluntarily accepted by:

Date: _____

By: _____
Town Manager

Commonwealth of Virginia
Town of Smithfield

The foregoing instrument was acknowledged before me this ____ day of _____ by _____, Town Manager, on behalf of the Town of Smithfield.

Notary Public

My commission expires:

Special Order by Consent
Hampton Roads Localities
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The terms and conditions of the Order are voluntarily accepted by:

Date: _____

By: _____
City Manager

Commonwealth of Virginia
City of Norfolk

The foregoing instrument was acknowledged before me this ____ day of _____ by _____, City Manager, on behalf of the City of Norfolk.

Notary Public

My commission expires:

APPENDIX A

MOM Program

The following are guidelines that provide the minimum components to be included in a MOM Program:

1. Major program goals

- a. Proper management, operation, and maintenance of the collections system over which you have operational control,
- b. Stop/reduce and mitigate the impact of SSO in the portion of the collection system over which you have operational control,
- c. Providing notification to parties with a reasonable potential for exposure to pollutants associated with SSO events.

2. Organization

- a. Administrative and maintenance positions responsible for implementing measures in the MOM program, including lines of authority by organization chart or similar documents
- b. The chain of communication for reporting SSOs

3. Legal Authority (i.e., sewer use ordinances, service agreements or other legally binding documents)

- a. List legal authority to control infiltration and connections from inflow sources
- b. List legal authority that requires that sewers and connections be properly designed and constructed
- c. List legal authority to ensure proper installation, testing, and inspection of new and rehabilitated sewers (collector lines or service laterals)

4. Measures and Activities (address applicable elements and identify the person/position responsible for each element)

- a. Provide adequate maintenance facilities and equipment
- b. Maintenance of a map of the collection system
- c. Management of information and use of timely, relevant information to establish and prioritize appropriate MOM activities and identify and illustrate trend in overflows (frequency and volume)
- d. Routine preventive operation and maintenance activities
- e. Identification and prioritization of structural deficiencies and identification and implementation of short-term and long-term rehabilitation actions to address deficiencies
- f. Appropriate training on a regular basis
- g. Equipment and replacement parts inventories including identification of critical replacement parts.

5. Design and Performance Provision

- a. Requirements and standards for the installation of new sewers, pumps and other appurtenances, and rehabilitation and repair projects
 - b. Procedures and specifications for inspecting and testing the installation of new sewers, pumps, and other appurtenances and for rehabilitation and repair projects
6. Monitoring, Measurement and Program Modifications
- a. Monitor the implementation and, where appropriate, measure the effectiveness of each element of your MOM program
 - b. Update program elements as appropriate based on monitoring or performance evaluations
7. Overflow Emergency Response Plan (Plan must identify measures to protect public health and the environment)
- a. Ensure you are made aware of all overflow to the greatest extent possible.
 - b. Ensure overflows are appropriately responded to, including reporting requirements
 - c. Ensure appropriate immediate notification to the public, health agencies, and other impacted entities (i.e. water suppliers). Identify the public health and other officials who will receive immediate notification.
 - d. Provide emergency operations
9. Communications. Communicate on the implementation and performance of the MOM program with interested parties as requested.

From: Henifin, Ted [<mailto:EHenifin@hrsd.com>]
Sent: Tuesday, July 29, 2014 6:55 AM
To: Whitney Katchmark
Cc: Hubbard, Phil; Stahr, Richard; Justin Curtis (justin@aqualaw.com)
Subject: FW: draft consent order

Whitney,

I assume we will be discussing this at the July DUC meeting. While HRSD is not party to this order as written, we think there are 3 areas that could use some modifications:

Section C. Paragraph 8: While the MOA is referenced in this section we would like to see the following added to the end of paragraph 8:

The Memorandum of Agreement creates mutually enforceable obligations by and between HRSD and each of the Localities to facilitate the agreed-upon regionalization approach. The Memorandum Agreement and HRSD's Federal Consent Decree work in conjunction with this Order by Consent to form a coordinated regional approach to providing and maintaining regional wet weather capacity.

Section C. Paragraph 11: As the localities are responsible for wet weather overflows that do not exceed the level of service as identified in the RWWMP, the words "dry weather" should be eliminated.

Section E. Paragraphs 8 and 9: Again, while HRSD is not impacted by these force majeure requirements, these notification requirements are very onerous and I would recommend the localities push back for a more reasonable notice requirement.

Will you forward these to the Committee with the agenda, assuming we are going to discuss?

Thanks, Ted

From: Nold, Maria (DEQ) [<mailto:Maria.Nold@deq.virginia.gov>]
Sent: Friday, July 18, 2014 9:15 AM
To: Henifin, Ted; Al Moor; Bob Speechley; Bryan Foster; Daniel Clayton; David Jurgens; Doug Powell; Ellen Roberts; Frank Haltom; John Hudgins; Kristen Lentz; mary Schlesinger; Stephenson, Peter. (VDOT); Reed Fowler; Henifin, Ted; Tom Leahy; Tony Reyes
Cc: Stahr, Richard; bdoobbins@hampton.gov; jfrancis@gloucesterva.info; Nelson, Aaron; aurenda@daa.com; atenney@prismce.com; ryokum@yorkcounty.gov; Morgan, Michael; Seron, Amy; czieemer@suffolkva.us; Wilson, Chris - BC; trimyere@portsmouthva.gov; runderhill@greeley-hansen.com; shelly.frie@ch2m.com; Holloway, Shonia; wkatchmark@hrpdcva.gov; tsmith@hrpdcva.gov; tgarty@cityofchesapeake.net; slasiter@suffolkva.us; swilliams@nngov.com; Motley, Steve; sland@nngov.com; sschiller@daa.com; Martz, Robert; Zolandz, Mark; richard.dempsey@norfolk.gov; rfowler@nngov.com; jheffington@nngov.com; Patterson, Ralph. (VDOT); jmitchell@hampton.gov; Melvin.Hopkins@norfolk.gov; james.canning@jamescitycountyva.gov; eskipper@nngov.com; DReaves@PrismCE.com; medforde@yorkcounty.gov; Hubbard, Phil; Butler, Kimberly (DEQ); kenneth.turner@norfolk.gov; melissa.lindgren@isleofwightus.net; david.powell@woolpert.com; jknowles@cityofchesapeake.net; jennifer.otis@norfolk.gov; danny.poe@jamescitycountyva.gov; Christopher.Krus@norfolk.gov; gwarren@prismce.com; wilsonf@portsmouthva.gov; Chip.Smith@Woolpert.com; eroberts@poquoson-va.gov; woodwarb@yorkcounty.gov;

bpayne@gloucesterva.info; bhopkins@smithfieldva.gov; asnyder@daa.com; OConnell, Kathleen (DEQ)
Subject: draft consent order

Folks:

Please see attached. I'm sure I've missed someone on this email, please forward as needed.

Thank you

Maria R. Nold
Regional Director
DEQ - Tidewater Regional Office
5636 Southern Boulevard
Virginia Beach, VA 23462
(757) 518-2173