



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

PIEDMONT REGIONAL OFFICE
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**STATE WATER CONTROL BOARD
ENFORCEMENT ACTION - ORDER BY CONSENT
ISSUED TO
COUNTY OF HENRICO
FOR
HENRICO COUNTY WATER RECLAMATION FACILITY
VPDES Permit No. VA0063690**

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 County of Henrico, Virginia regarding the Henrico County Water Reclamation Facility, for the purpose of resolving certain violations of the State Water Control Law and 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. "305(b) report" means the report required by Section 305(b) of the Clean Water Act (33 United States Code § 1315(b)), and Va. Code § 62.1-44.19:5 for providing Congress and the public an accurate and comprehensive assessment of the quality of State surface waters.
2. "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.
3. "cfu" means colony forming units.
4. "Collection system" or "sewage collection system" means the wastewater collection system owned by Henrico County and consisting of pipelines or conduits, pumping stations and force mains, and all other construction, devices and appliances appurtenant thereto, used for the collection and conveyance of waste streams to the Henrico County Water Reclamation Facility or point of ultimate disposal.

5. “Department” or “DEQ” means the Department of Environmental Quality, an agency of the Commonwealth of Virginia, as described in Va. Code § 10.1-1183.
6. “Director” means the Director of the Department of Environmental Quality, as described in Va. Code § 10.1-1185.
7. “Discharge” means discharge of a pollutant. 9 VAC 25-31-10
8. “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.
9. “DMR” means Discharge Monitoring Report.
10. “Effluent” means wastewater – treated or untreated – that flows out of a treatment plant, sewer, or industrial outfall.
11. “Facility” or “Plant” means the Henrico County Water Reclamation Facility located at 9101 WRVA Road in Henrico County, Virginia, which treats and discharges treated sewage and other municipal wastes, for the residents and businesses of Henrico County.
12. “Henrico” means the County of Henrico, a political subdivision of the Commonwealth of Virginia. Henrico is a “person” within the meaning of Va. Code § 62.1-44.3.
13. “Notice of Violation” or “NOV” means a type of Notice of Alleged Violation under Va. Code § 62.1-44.15.
14. “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.
15. “Permit” means VPDES Permit No. VA0063690, which was issued under the State Water Control Law and the Regulation to Henrico on June 1, 2017, and which expires on May 31, 2022.
16. “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.
17. “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.

18. “PRO” means the Piedmont Regional Office of DEQ, located in Glen Allen, Virginia.
19. “Regulation” means the VPDES Permit Regulation, 9 VAC 25-31-10 *et seq.*
20. “SSO” or “sanitary sewer overflow” means the discharge of wastewater (including infiltration and inflow) from a sewage collection system.
21. “State Water Control Law” means Chapter 3.1 (§ 62.1-44.2 *et seq.*) of Title 62.1 of the Va. Code.
22. “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.
23. “Va. Code” means the Code of Virginia (1950), as amended.
24. “VAC” means the Virginia Administrative Code.
25. “VPDES” means Virginia Pollutant Discharge Elimination System.

SECTION C: Findings of Fact and Conclusions of Law

1. Henrico owns and operates the Facility in Henrico County, Virginia. The Facility’s collection system serves Henrico residents and conveys sewage and municipal wastes to the Henrico County Water Reclamation Facility. The Permit allows Henrico to discharge treated sewage and other municipal wastes from the Facility, to the James River, in strict compliance with the terms and conditions of the Permit.
2. The James River is located in the Lower James River Basin. During the 2018 305(b)/303(d) Water Quality Assessment Integrated Report, the James River was considered a Category 5D waterbody (“The Water Quality Standard is not attained where Total Maximum Daily Loads (TMDLs) for a pollutant(s) have been developed but one or more pollutants are still causing impairment requiring additional TMDL development.”) The stream is impaired of the Recreation Use due to E. coli exceedances. The Aquatic Life Use is impaired due to inadequate submerged aquatic vegetation (SAV), excess chlorophyll a, and an altered benthic community. The Fish Consumption Use is impaired due to a Virginia Department of Health (VDH) fish consumption advisory for PCBs and exceedances of the PCB water quality criteria; arsenic, mercury, and the VDH fish consumption advisory for kepone are considered non-impairing “observed effects”. There was insufficient information to assess the Wildlife Use.

3. The Facility was included in the James River and Tributaries City of Richmond Bacterial TMDL (EPA approval November 4, 2010, Board approval June 29, 2012). The Facility received an E. coli wasteload allocation of $1.31e+14$ cfu/year. The Chesapeake Bay TMDL was approved by the EPA on December 29, 2010. The TMDL allocates loads for total nitrogen, total phosphorus, and total suspended solids to protect the dissolved oxygen and submerged aquatic vegetation criteria in the Chesapeake Bay and its tidal tributaries. The Facility is considered a significant nutrient discharger and was included in the aggregated wasteload allocations for significant nutrient dischargers in the upper tidal freshwater James River estuary (JMSTF2.) The James River is considered a Tier 1 water.
4. The receiving streams influenced by Henrico's collection system overflows are the James River and the following tributaries: Almond Creek, Almond Creek UT, Chickahominy River UTs, Gillies Creek, Horse Swamp Creek, Hungary Creek, Lake Overton, North Run, North Run UT, Rooty Branch, Meredith Branch UT, Piney Branch UT, Upham Brook, and Upham Brook UT in the Lower James River Subbasin; as well as Tuckahoe Creek, Deep Run, Deep Run UT, Georges Branch, and the Kanawha Canal in the Middle James River Subbasin.
5. The James River and many of the tributaries were assessed as impaired during the 2018 305(b)/303(d) Integrated Water Quality Assessment. Several bacterial TMDLs have been adopted for the streams, including the Tuckahoe Creek, Upham Brook, James River (City of Richmond), and Chickahominy River watersheds. In addition, the Chickahominy River Benthic TMDL was completed in 2013.
6. On December 17, 2010, the Department issued a Consent Order to Henrico that contained a collection system project schedule that ran from December 15, 2010 to June 15, 2018, and Henrico completed all the listed projects in April of 2018.
7. On July 19, 2018, the DEQ's Piedmont Regional Office (PRO) was notified by Henrico Department of Public Utilities of an unpermitted discharge/sanitary sewer overflow located at 6705 Northbury Court, Henrico, Virginia. The initial report indicated the unpermitted discharge lasted for approximately 585 minutes, involved an estimated 144,495 gallons, and listed Almond Creek as the receiving stream. On July 20, 2018, the Department conducted a site inspection and observed evidence of long-term overflow of sewage at the location based on excessive bacterial growth on the stream bottom as well as the existence of aged sewage solids. Additionally, sewage odor was very prominent in the area and Almond Creek was turbid and gray. Evidence of sewage was observed approximately 3700 feet downstream of the manhole. DEQ staff interviewed a resident near Oakland Road who stated that sewage odors were observed approximately 2 months prior to inspection.
8. Henrico reported SSOs from the collection system from September 28, 2016 to August 16, 2021 as described in the table in Appendix A. Henrico asserts that a significant volume of SSOs are associated with extraordinary precipitation events.
9. On September 18, 2018, the Department issued NOV No. W2018-09-P-0002 citing Henrico for 59 reported sanitary sewer overflows occurring from September 28, 2016 through August 18, 2018.

10. On November 1, 2018, the Department held an enforcement conference with Henrico to discuss the NOV. Henrico responded by submitting a plan and schedule of corrective action to address the unauthorized discharges from the sewer collection system.
11. On February 21, 2019, the Department issued NOV No. W2019-02-P-0002 to Henrico for 28 sanitary sewer overflows reported from September 17, 2018, through January 15, 2019.
12. On April 18, 2019, the Department issued NOV No. W2019-04-P-0001 to Henrico for 13 additional sanitary sewer overflows reported from January 17, 2019, through April 15, 2019.
13. On August 15, 2019, the Department issued an NOV No. W2019-08-P-0002 to Henrico for 5 additional sanitary sewer overflows reported from April 19, 2019, through July 8, 2019.
14. Henrico County reported to DEQ that beginning on February 6, 2020 at approximately 8 p.m. and ending on February 9, 2020 at approximately 6 a.m., the Facility experienced an intermittent loss of secondary and other solids. The loss of solids resulted in the following Outfall 001 Discharge Monitoring Report (DMR) data for the February 2020 monitoring period:

Parameter	Monitoring Period	
	February 2020	Permit Limit
004 TSS average loading (kg/day)	10497	2300
004 TSS maximum loading (kg/day)	38913	3400
004 TSS average concentration (mg/L)	38.6	8.0
004 TSS maximum concentration (mg/L)	136	12
120 E.coli average concentration (#C/mL)	480	126
213 Chlorine Inst. Tech. Min. Limit	0.15	0.60

15. Between October 16, 2019 and March 29, 2020, Henrico County notified the Department that 164 “partial filter bypass events” occurred at the Facility.
16. On April 3, 2020, the Department issued NOV No. W2020-04-P-0001 to Henrico citing it for the effluent and bypass violations reported on the February 2020 DMR.
17. During the March and April 2020 monitoring periods, Henrico reported exceedances of Permit effluent limits for average and maximum concentration and average and maximum loading for both TSS and CBOD. In addition Henrico reported that 20 “partial filter bypass events” occurred during March 2020 and 70 had occurred during April 2020.

Parameter	Monitoring Period		Permit Limit
	March 2020	April 2020	
004 TSS average loading (kg/day)		15,423	2,300
004 TSS maximum loading (kg/day)		27,750	3,400
004 TSS average concentration (mg/L)		93.7	8.0
004 TSS maximum concentration (mg/L)	18	177	12
073 CBOD ₅ (NOV-MAY) average loading (kg/day)		3,944	2,157

073 CBOD ₅ (NOV-MAY) maximum loading (kg/day)		9,011	3,236
073 CBOD ₅ (NOV-MAY) average concentration (mg/L)		24	8
073 CBOD ₅ (NOV-MAY) maximum concentration (mg/L)		56	11

18. On June 3, 2020, the Department issued NOV No. W2020-06-P-0001 to Henrico citing it for the effluent and bypass violations reported on the March and April 2020 DMR.
19. During the May and June 2020 monitoring periods, Henrico reported exceedances of Permit effluent limits for average and maximum concentration and average and maximum loading for TSS. In addition Henrico reported that 31 “partial filter bypass events” occurred during May 2020 and 57 had occurred during June 2020.

a. Parameter	Monitoring Period		Legal Req.*
	May 2020	June 2020	
004 TSS average loading (kg/day)	5740	n/a	2300
004 TSS maximum loading (kg/day)	7028	4321	3400
004 TSS average concentration (mg/L)	27.8	14.3	8.0
004 TSS maximum concentration (mg/L)	48.5	29	12

20. On June 24, 2020, the Department held an enforcement conference on the phone to discuss the violations. During the meeting, Henrico stated that they have recognized the need for final filter rehabilitation at the treatment plant and have initiated both an interim and a long term corrective action plan.
21. On August 11, 2020, the Department issued NOV No. W2020-08-P-0001 to Henrico citing it for the effluent and bypass violations reported on the May and June 2020 DMR.
22. A review of DMRs submitted by Henrico since June 2020 indicates the Facility failed to meet Permit limits for TSS in August, November, and December of 2020, and February, and March of 2021. The Facility also failed to meet CBOD in August and December of 2020, and in February of 2021.
23. While acknowledging its responsibility to meet Permit effluent limits every month, Henrico asserts for environmental protection context only that: (a) the CBOD effluent limits in question were derived on the basis of a low flow critical condition and thus are overly-protective in the wet weather conditions when the alleged permit limit violations occurred; and (b) TSS levels in the James River are naturally elevated in wet weather conditions when the alleged permit limit violations occurred.
24. A review of DMRs submitted by Henrico since March 2021 indicates the Facility has met Permit effluent limits for CBOD in March of 2021 and for CBOD and TSS in March, April, May, June, and July of 2021.
25. Va. Code § 62.1-44.5 states that: “[E]xcept in compliance with a certificate 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.”

26. Permit Part I.A.1 states “During the period beginning with the permit's effective date and lasting until the permit’s expiration date, the permittee is authorized to discharge from outfall serial number 001. a. Such discharges shall be limited and monitored by the permittee as specified,,,”
27. Permit Part II.U.3.a states “Bypass is prohibited, and the Board may take enforcement action against a permittee for bypass, unless: (1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and (3) The permittee submitted notices as required under Part II.U.2.
28. The Regulation, at 9 VAC 25-31-50, also states that except in compliance with a VPDES permit, or another permit issued by the Board, it is unlawful to discharge into state waters sewage, industrial wastes or other wastes.
29. Va. Code § 62.1-44.15(5a) states that a VPDES permit is a “certificate” under the statute.
30. The Department has issued no permits or certificates to Henrico other than VPDES Permit No. VA0063690 for discharges from the Facility.
31. The James River, Almond Creek, Almond Creek UT, Chickahominy River UTs, Gillies Creek, Horse Swamp Creek, Hungary Creek, Lake Overton, North Run, North Run UT, Rooty Branch, Meredith Branch UT, Piney Branch UT, Upham Brook, and Upham Brook UT, Tuckahoe Creek, Deep Run, Deep Run UT, Georges Branch, and the Kanawha Canal are surface waters located wholly within the Commonwealth and are “state waters” under State Water Control Law.
32. Based on the Department’s July 20, 2018 Almond Creek discharge investigation inspection, the November 1, 2018 meeting, and file review of the SSO reporting documentation Henrico submitted between September 2016 and July 2021, analysis of DMRs from October 2019 through July 2021, and the June 24, 2020 meeting, the Board concludes that Henrico has violated Va. Code 62.1-44.5, 9VAC 25-31-50, and Permit Parts I.A.1.a and II.U.3.
33. In order for Henrico to return to compliance, DEQ staff and representatives of Henrico have agreed to the following Schedules of Compliance, which are incorporated as: a) Appendix B: Henrico County SSO Repair and Maintenance Schedule & Statement of Work; b) Appendix C: Henrico County WRF Upgrade Schedule & Statement of Work; and c) Appendix D: Henrico County Supplemental Environmental Project of this Order. Henrico provided a project status report to DEQ on August 25, 2021 describing a series of projects completed between December 2019 and June 2021 to improve the sanitary sewer collection system, and to reduce SSO and infiltration/inflow (I&I)(Attachment 1).

SECTION D: Agreement and Order

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

1. Perform the actions described in Appendices B, C, and D of this Order; and
2. Pay a civil charge of \$207,680 in settlement of the violations cited in this Order, to be paid as follows:
 - a. Henrico shall pay \$51,920 of the civil charge within 30 days of the effective date of this Order. Payment shall be made by check, certified check, money order or cashier's check payable to the "Treasurer of Virginia," delivered to:

Receipts Control
Department of Environmental Quality
Post Office Box 1104
Richmond, Virginia 23218

Henrico shall include its Federal Employer Identification Number (FEIN) 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.

- b. Henrico shall satisfy \$155,760 of the civil charge by satisfactorily completing the Supplemental Environmental Project (SEP) described in Appendix D of this Order.
- c. The net project costs of the SEP to Henrico shall not be less than the amount set forth in Paragraph D.2.b. If it is, Henrico shall pay the remaining amount in accordance with Paragraph D.2.a of this Order, unless otherwise agreed to by the Department. "Net project cost" means the net present after-tax cost of the SEP, including tax savings, grants, and first-year cost reductions and other efficiencies realized by virtue of project implementation. If the proposed SEP is for a project for which the party will receive an identifiable tax savings (e.g., tax credits for pollution control or recycling equipment), grants, or first-year operation cost reductions or other efficiencies, the net project cost shall be reduced by those amounts. The costs of those portions of SEPs that are funded by state or federal low-interest loans, contracts, or grants shall be deducted.
- d. By signing this Order, Henrico certifies that it has not commenced performance of the SEP.
- e. Henrico acknowledges that it is solely responsible for completing the SEP project. Any transfer of funds, tasks, or otherwise by Henrico to a third party, shall not relieve Henrico of its responsibility to complete the SEP as described in this Order.
- f. In the event it publicizes the SEP or the SEP results, Henrico shall state in a prominent manner that the project is part of a settlement of an enforcement action.
- g. The Department has the sole discretion to:
 - i. Authorize any alternate, equivalent SEP proposed by the Facility; and
 - ii. Determine whether the SEP, or alternate SEP, has been completed in a satisfactory manner.

- h. Should the Department determine that Henrico has not completed the SEP, or alternate SEP, in a satisfactory manner, the Department shall so notify Henrico in writing. Within 30 days of being notified, Henrico shall pay the amount specified in Paragraph D.2.b, above, as provided in Paragraph D.2.a, above.
- i. If the Department has to refer collection of moneys due under this Order to the Department of Law, Henrico 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 Henrico for good cause shown by Henrico, 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 does not otherwise 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, Henrico admits the jurisdictional allegations, and agrees not to contest, but neither admits or denies, findings of fact, and conclusions of law contained herein.
4. Henrico 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. Henrico 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 Henrico 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. Henrico 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. Henrico shall demonstrate that such circumstances were beyond its

control and not due to a lack of good faith or diligence on its part. Henrico 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 Henrico. Nevertheless, Henrico 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 Henrico has completed all of the requirements of the Order;
 - b. Henrico 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 Henrico.

Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve Henrico 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 Henrico 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 Henrico 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 Henrico to this document. Any documents to be submitted pursuant to this Order shall also be submitted by a responsible official of Henrico.

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.

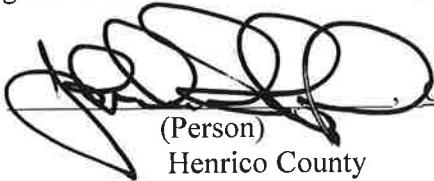
15. By its signature below, Henrico voluntarily agrees to the issuance of this Order.

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

James J. Golden
Piedmont Regional Director
Department of Environmental Quality

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County of Henrico voluntarily agrees to the issuance of this Order.

Date: August 25, 2021 By: , County Manager
(Person) (Title)
Henrico County

Commonwealth of Virginia
City/County of Henrico

The foregoing document was signed and acknowledged before me this 25th day of

August, 2021, by John A. Vithoulkas who is

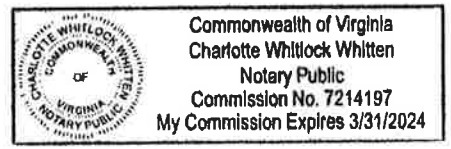
County Manager of Henrico County, on behalf of the County.

Charlotte Whitlock Whitten
Notary Public

7214197
Registration No.

My commission expires: 3/31/2024

Notary seal:



APPROVED AS TO FORM
Glenn M. Litendre
COUNTY ATTORNEY

APPENDIX A

HENRICO COUNTY SSO REPORT

Incident Date	Location	Volume Discharged in gallons	Receiving Stream
August 16, 2021	Stoney Run Parkway	77,000	Stoney Run
August 15, 2021	2057 Jennie Scher Rd.	353,000	Gillies Creek
August 3, 2021	9600 Greenmeadow Circle	400	Meredith Branch
July 8, 2021	Almond Creek SPS	6,170	Almond Creek
June 23, 2021	1 Raven Rock Lane	61,550	Westham Creek
June 11, 2021	Gillies Creek SPS	123,100	Gillies Creek
June 11, 2021	Almond Creek SPS	8,640	Almond Creek
May 2, 2021	7040 Senn Way	250	Beaverdam SPS
April 30, 2021	7765 Stand Circle	5000	Beaverdam SPS
March 24, 2021	Almond Creek SPS	14,200	Almond Creek
March 4, 2021	8021 Lee Davis Rd.	850	--
February 22, 2021	Gillies Creek SPS	22,000	Gillies Creek
February 19, 2021	Almond Creek SPS	39,500	Almond Creek
February 18, 2021	Almond Creek SPS	32,000	Almond Creek
February 16, 2021	Gillies Creek SPS	84,400	Gillies Creek
February 16, 2021	RiverRoad SPS	39,300	Tuckahoe Creek
February 16, 2021	Almond Creek SPS	24,700	Almond Creek
February 13, 2021	Gillies Creek SPS	313,000	Gillies Creek
February 13, 2021	Almond Creek SPS	21,600	Almond Creek
February 2, 2021	1918 Borden Street	575	--
January 29, 2021	2624 Kenwood Ave.	1,400	--
January 12, 2021	6201 River Rd.	1,330	Tuckahoe Creek
January 11, 2021	9633 Dove Hollow Lane	725	--
January 3, 2021	Gillies Creek SPS	75,500	Gillies Creek
December 25, 2020	Gillies Creek SPS	602,500	Gillies Creek
December 17, 2020	5226 Reids Point Road	157,000	Rooty Branch
December 16, 2020		723,000	Gillies,Rooty, Tuckahoe
December 6, 2020	6000 Bremo Road	2,080	Horsepen Branch
December 5, 2020	RiverRoad SPS	30,000	Tuckahoe Creek
December 5, 2020	Gillies Creek SPS	267,000	Gillies Creek
November 12, 2020	Gillies Creek SPS	125,000	Gillies Creek
November 12, 2020	Almond Creek SPS	33,000	Almond Creek
November 12, 2020	River Road SPS	37,000	Tuckahoe Creek
October 30, 2020	Gillies Creek SPS	39,200	Gillies Creek
October 11, 2020	Gillies Creek SPS	55,000	Gillies Creek
September 24, 2020	5201 Robins Road	492	Gillies Creek
September 22, 2020	4500 Broad Hill Drive	96	Tuckahoe Creek
August 9, 2020	Swanson Mill SPS	4,600	Stony Run
August 15, 2020	607 South Street	910	Gillies Creek
August 4, 2020	1806 Windsordale Drive	1,100	Oldhouse Branch
August 4, 2020	8413 Bronwood Road	150	Oldhouse Branch
July 27, 2020	5000 East Richmond Road	1,300	Gillies Creek
April 30, 2020	Gillies Creek SPS	156,620	Gillies Creek
April 30, 2020	Almond Creek SPS	32,230	Almond Creek
March 2, 2020	514 Ironington Rd.	24,500	Trib. To Chickahominy

February 7, 2020	Gillies Creek SPS	777,600	Gillies Creek
January 22, 2020	Almond Creek SPS	221,600	Almond Creek
January 14, 2020	Gillies Creek SPS	69,000	Gillies Creek
January 14, 2020	Almond Creek SPS	36,800	Almond Creek
December 27, 2019	2271 Lincoln Ridge Lane	3,050	North Run
December 21-22, 2020	Almond Creek SPS	201,500	Almond Creek
December 19, 2019	2300 Gordons Lane	1,320	Stony Run
December 4, 2019	1919 New Market Rd.	20,625	Cornelius Creek
December 4, 2019	1919 New Market Rd.	83,000	Cornelius Creek
November 19, 2019	6317 Rigsby Rd.	600	Roadway Discharge
September 10, 2019	1521 Pemberton Rd.	390	Trib. Of Deep Run
August 12, 2019	20 W. Washington St.	800	Roadway Discharge
August 6, 2019	Dumbarton & Gillespie	1,500	Upham Brook
August 2, 2019	8720 Brays Fork Dr.	500	Stormwater BMP
July 7-8, 2019	Almond Creek SPS	71,600	Almond Creek
June 7-8, 2019	Almond Creek SPS	208,200	Almond Creek
May 6, 2019	8107 Michael Rd.	2,200	Trib. Of Upham Branch
May 4, 2019	Gambles Mill SPS	108,000	Kanawha Canal
April 19, 2019	3010 N. Parham Rd.	1,100	Upham Branch
April 15, 2019	River Road SPS	7,200	Tuckahoe Creek
April 2, 2019	10136 Brookemoor Ln	2,805	North Run
March 26, 2019	Almond Creek SPS	27,100	Almond Creek
March 21-22, 2019	Almond Creek SPS	21,100	Almond Creek
March 21-22, 2019	River Road SPS	34,700	Tuckahoe Creek
March 4, 2019	Gillies Creek SPS	8,260	Gillies Creek
March 2, 2019	11260 West Broad St.	1,560	Trib. of Allen's Branch
March 1, 2019	8350 Hermitage High Blvd.	1,125	Rocky Branch
February 23-25, 2019	Gillies Creek SPS	122,234	Gillies Creek
February 23-25, 2019	8015 Wilkerson Rd.	11,925	Lake Overton
February 24, 2019	12608 Wilde Lake Ct.	15,750	Tuckahoe Creek
January 17, 2019	2811 N. Parham Rd.	1,050	Upham Branch
January 14-15, 2019	Gillies Creek SPS	165,200	Gillies Creek
December 5-20; 28-29, 2018	River Rd. SPS	4,794,300	Tuckahoe Creek
December 20, 2018	602 E. Laburnum Ave.	1,600	Horse Swamp Creek
December 19, 2018	237 Ross Rd.	78,000	James/Kanawha Canal
November 15, 2018	8015 Wilkerson Rd.	3,975	Lake Overton
November 15, 2018	Almond Creek SPS	117,100	Almond Creek
November 15, 2018	Gillies Creek SPS	96,000	Gillies Creek
November 8, 2018	2271 Lincoln Ridge Ln.	2,700	North Run
November 5, 2018	8015 Wilkerson Rd.	1,275	Lake Overton
October 27, 2018	8015 Wilkinson Rd.	2,400	Lake Overton
October 24, 2018	1105 Hillside Ave.	4,014	Trib. of Westham Creek
October 12, 2018	8015 Wilkinson Rd.	1,325	Lake Overton
October 12, 2018	237 Ross Rd.	10,500	James/Kanawha Canal
October 12, 2018	1700 Lakeside Ave.	5,175	North Run
October 11, 2018	2013 Hobson Ln.	5,100	Trib to Stony Run
October 11, 2018	3523 Mechanicsville Tpk.	2,550	Trib. to James River
October 11, 2018	Yeadon Rd. (3100 Block)	12,750	Trib. to James River
October 11, 2018	Gillies Creek SPS	191,250	Gillies Creek
October 11, 2018	Allen's Branch SPS	11,845	Allen's Branch
October 11, 2018	River Road SPS	25,410,000	Tuckahoe Creek
October 11, 2018	Almond Creek SPS	17,000	Almond Creek
October 7, 2018	300 Berwickshire Dr.	40,375	Westham Creek

September 17, 2018	River Road SPS	1,875,000	Tuckahoe Creek
September 17, 2018	1538 Cross Keys Court	2,850	Trib. to North Run
September 17, 2018	5410 Gillespie Ave.	5,700	Upham Brook
September 17, 2018	8015 Wilkinson Rd.	5,840	Lake Overton
September 17, 2018	6000 Club Rd.	7,425	Upham Brook
September 17, 2018	5505 Smith Ave.	3,300	Upham Brook
August 18, 2018	1700 Acton Street	12,740	Almond Creek
August 12, 2018	River Road SPS	178,000	Tuckahoe Creek
July 19, 2018	6705 Northbury Court	144,495	Almond Creek
June 23, 2018	Broadwater I SPS	17,200	Broadwater Creek
June 22, 2018	Broadwater I SPS	41,300	Broadwater Creek
June 3, 2018	Strawberry Hill SPS	646,000	Horse Swamp Creek
June 2, 2018	River Road SPS	325,000	Tuckahoe Creek
June 2, 2018	Gillies Creek SPS	812,000	Gillies Creek
June 2, 2018	Strawberry Hill SPS	998,000	Horse Swamp Creek
May 19, 2018	5801 Bloomingdale Ave.	22,140	Upham Brook
May 18, 2018	Broadwater I SPS	832,700	Broadwater Creek
May 18, 2018	Almond Creek SPS	664,000	Almond Creek
May 18, 2018	Strawberry Hill SPS	2.706 million	Horse Swamp Creek
May 18, 2018	Strawberry Hill SPS	95,100	Horse Swamp Creek
May 18, 2018	Gillies Creek SPS	854,000	Gillies Creek
May 18, 2018	1503 Cross Keys Court	29,655	Trib. to North Run
May 18, 2018	5505 Smith Ave.	4,500 gals	Upham Brook
May 17, 2018	River Road SPS	7.25 million	Tuckahoe Creek
May 17, 2018	8015 Wilkinson Road	14,100	Lake Overton
April 28 2018	5760 Oak Run Lane	2210	Trib. to Piney Run
March 21, 2018	3804 Francistown Road	1,200	Trib. to Meredith Branch
February 13, 2018	602 E. Laburnum Ave.	1670	Horse Swamp Creek
January 22, 2018	3900 Gaskins Road	1,500	Deep Run
January 20, 2018	10021 River Road	1,350	George's Branch
September 12, 2017	7608 Biscayne Road	2,584	Trib. to Upham Brook
July 28, 2017	1356 Gaskins Road	14,040	Deep Run
July 6, 2017	1811 E. Blackburn Rd.	1,500	Hungary Creek
June 17, 2017	8015 Wilkinson Road	3,900	Lake Overton
June 16, 2017	5501 Smith St.	9,000	Upham Brook
June 16, 2017	5200 Gillespie Ave.	22,500	Upham Brook
May 1, 2017	Rooty Branch SPS	8,000	Rooty Branch Creek
April 18, 2017	2201 Marroit Rd.	2,400 gals	Upham Branch
March 22, 2017	9100 Cloisters West	1,620 gals	Stony Run
March 17, 2017	602 E. Laburnum Ave.	1,075 gals	Horse Swamp Creek
January 23, 2017	Almond Creek SPS	188,700 gals	Almond Creek
January 23, 2017	Gillies Creek SPS	9,000 gals	Gillies Creek
January 19, 2017	602 E. Laburnum Ave.	6,750 gals	Horse Swamp Creek
November 26, 2016	2408 Ellerbee Rd.	14,100 gals	Hungary Creek
November 21, 2016	1616 Hollandale Rd.	13,500 gals	Tuckahoe Creek
October 12, 2016	5427 Luxford Way	9,420 gals	Chickahominy River
October 9, 2016	5200 Gillespie Ave.	57,400 gals	Upham Brook
October 9, 2016	Broadwater I SPS	110,000 gals	Broadwater Creek
October 9, 2016	River Road SPS	2.17 million gals	Tuckahoe Creek
October 9, 2016	6000 Club Road	27,500 gals	Upham Brook
October 9, 2016	5506 Smith Ave.	12,725 gals	Upham Brook
October 9, 2016	237 Ross Rd.	8,000 gals	Kanawha Canal

October 8, 2016	Yeadon Rd.	47,250 gals	James River
October 8, 2016	8015 Wilkerson Rd.	21,600 gals	Lake Overton
October 8, 2016	Gillies Creek SPS	96,000 gals	Gillies Creek
October 8, 2016	Almond Creek SPS	180,000 gals	Almond Creek
October 8, 2016	Strawberry Hill SPS	2.85 million gals	Horse Swamp Creek
October 8, 2016	1700 Lakeside Ave.	38,250 gals	Upham Brook
September 30, 2016	Gillies Creek SPS	433,000 gals	Gillies Creek
September 29, 2016	Gillies Creek SPS	673,000 gals	Gillies Creek
September 29, 2016	Strawberry Hill SPS	2.37 million gals	Horse Swamp Creek
September 29, 2016	Broadwater I SPS	125,700 gals	Broadwater Creek
September 29, 2016	1700 Lakeside Ave.	1,575 gals	North Run
September 29, 2016	6000 Club Rd.	3,150 gals	Upham Brook
September 28, 2016	Almond Creek SPS	92,300 gals	Almond Creek

**SCHEDULE OF COMPLIANCE APPENDIX B
 HENRICO COUNTY SSO REPAIR AND MAINTENANCE SCHEDULE, AND STATEMENT OF WORK**

Henrico shall complete maintenance of the collection system in accordance with the Schedule and Statement of Work provided in the table below. Henrico shall notify the Department within five days of completion of each project and submit progress reports describing work completion on a semi-annual basis, due on or before January 1 and July 1 of each year until work completion. Henrico shall provide a written justification in the event of any proposed revisions to the detailed Schedule and Statement of Work, and such revisions shall only become effective if approved by the Department in its sole discretion. Upon completion of all the projects, Henrico shall schedule a meeting with the Department to review work completion and performance.

Documents to be submitted to the Department, other than the civil charge payment described in Section D of the Order, shall be sent to:

Frank Lupini
Enforcement Specialist
VA DEQ –Piedmont Regional Office
4949A Cox Road,
Glen Allen, Virginia 23060
Frank.Lupini@deq.virginia.gov

PROJECT	NEAREST RECEIVING STREAM	COMPLETION	Project Description
Three Chopt & Pamela Dr Area Sewer Phase 1	Deep Run	December 15, 2019	Abandoned 1,525' of 8" concrete sewer pipe along Pamela Drive and provide 700' of 8" PVC sewer pipe along Pamela Drive, across Three Chopt Road, and along the southern property boundary of Woody's Funeral Home (Parham location).
Bloomingdale Ave & Dumbarton Rd Sewer Rehab	Upham Brook	June 1, 2020	Rehabilitated 1,300 linear feet of 8" sanitary sewer main including sewer laterals, and manholes.

Williamsburg Park & West Broad Park Area	Upham Brook	June 1, 2020	Replaced of 875 feet of 10" and 12" sewer pipe and rehabilitated of 7,650 linear feet of 8" sewer pipe including manholes and sewer services.
Stilwell Road Sewer Relocation	Horsepen Branch	June 1, 2020	Provided 355' of 8" diameter PVC pipe; abandoned 470' of concrete pipe and transferred 10 houses to the new sewer line.
Kings Hill Area S Rehab	Gillies Creek	December 15, 2020	Rehabilitated 2,015 feet of 8" gravity sewer pipe and sewer service in the area bounded by Parrish Street (north), McGill Street (west), Bromby Street (south), and Blackberry Patch Road (east).
Three Chopt Road (Westbury Shopping Center)	Little Westham Creek	December 15, 2019	Replaced 450' of 8" sewer pipe with ductile iron and replaced 2 manholes in the center of Three Chopt Road. Pavement and concrete median were also replaced.
Cornwall & Horsepen Esmt Sewer Rehab	Little Westham Creek	December 15, 2020	Rehabilitation of 800 linear feet of 8" sanitary sewer main including laterals and manholes.
Enterprise Pkwy & W Broad St Area	Upham Brook	December 15, 2020	Rehabilitated 2,400 linear feet of 8" sewer, replaced 5,100 linear feet of existing sewer with new 8" and 12" sewer, and rehabilitated or replaced 56 sewer service laterals.
Alycia Avenue (Hermitage to Dalmain)	Thorps Branch	June 1, 2023	Rehabilitate or replace 600 linear feet of sanitary sewer pipe and related structures along Alycia Avenue and Hermitage Road.
Essex Avenue Sewer Rehab	Little Westham Creek	June 1, 2021	Rehabilitation of 690 linear feet of 8" sanitary sewer including laterals and manholes.
Montrose Terrace Area Water & Sewer Rehab	Gillies Creek	December 1, 2022	Rehabilitating 3,600' of 8" sewer main and sewer services. Replace 1,600' of 4", 2,300' of 6", 1,100' of 8" water mains and water services.
Whispering Pines and Commerce Acres Area	Upham Brook	June 1, 2021	Replacement of 1,900 feet of 8" sewer pipe, rehabilitation of 10,275 linear feet of 8" sewer pipe including sewer laterals and manholes.

Upham Brook Trunk Sewer - Staples Mill to Brook Road	Upham Brook	July 1, 2022	The project consists of providing 14,200 linear feet of 48" and 1,500 linear feet of 54" gravity sanitary sewer and associated appurtenances, five (5) 72-inch diameter tunnels including a CSX railroad crossing, and rehabilitation of 2,450 linear feet of 8" sanitary sewer including rehabilitation of associated manholes and sewer service connections.
Chamberlayne Farms and Chamberlayne Hills Sewer Rehab	Upham Brook	December 15, 2025	Providing 900 feet of 8" sewer pipe, rehabilitation of approximately 6.6 miles of 8", 10" and 12" diameter gravity sewer pipe, rehabilitation of 156 manholes, and rehabilitation or replacement of approximately 435 sewer service connections.
Laburnum Square Shopping Center	Gillies Creek	June 1, 2023	Rehabilitate 225' of 8" asbestos cement pipe from 118SW035 to 118SW037 located near Laburnum Avenue and Williamsburg Road.
Rocky Branch Outfall & Abelia Rd frontage	Rocky Branch	December 15, 2022	Replacing 1,300' of 8", 3,900' of 12" and 2,800' of 20" sewer pipe. The project will start at CSX (south of Hermitage Rd.) and proceed west along Rocky Branch to Willow Crossing Terrace near Shrader Rd. and Wistar Rd..
Tuckahoe Park Subd. Sewer Rehab	Upham Brook	December 15, 2022	Relocate 1,800 LF of 12" sewer between Mayland Drive and Parham Road.
Tuckahoe Shopping Center	Little Westham Creek	June 1, 2023	Rehabilitate 760' of 8" concrete pipe from manhole 142NW013 to 143SW069 located behind the Tuckahoe Shopping Center at Forest Avenue and Ridge Road.
Almond Creek Sewer Shed SSES	Almond Creek	June 1, 2024	Provide an SSES evaluation for Almond Creek Sewer Service Area that includes approximately 32 miles of gravity sewer along Almond Creek in eastern Henrico. The SSES will provide as assessment of rehabilitation needed within the sewershed with expectations that approximately 60% of the pipe will require rehabilitation.

Bloomingdale & Brook Run Area	Upham Brook	December 15, 2025	Replace 4,500 linear feet of sanitary sewer pipe and rehabilitate 3,800 linear feet of sanitary sewer pipe. The main project area includes the streets of Bloomingdale Avenue, Smith Avenue, Gillespie Avenue, Walker Avenue, Michael Avenue, Dumbarton Road, Anderson Street, and Vale Street.
Bryan Pkwy & Bloomingdale Area	Upham Brook	December 15, 2025	Replace or rehabilitate 7,600 feet of sewer, ranging in size from 6- to 18-inches in diameter, in the area approximately bounded by Buckingham Avenue and Westlake Avenue (west/southwest), Westbrook Avenue (south), Bloomingdale Avenue (east), and Ginter Street (north).
Chamberlayne Heights & 3 Fountains N Sewer Rehab (SH-48)	Upham Brook	December 15, 2025	Rehabilitate and/or replace approximately 32,000 linear feet of sanitary sewer pipe. The area is generally bounded by N. Wilkinson Road (north), Point Hollow Court (east), Keeton Road (south) and Upham Drive (west).
Upham Brook Trunk Sewer - Brook Road to Route 301	Upham Brook	June 1, 2026	The project consists of furnishing and installing approximately 2,600' of 66" and 1,500' of 72" sewer pipe. Installation of 1,070' tunnel crossing under I-95 and Chamberlayne Road. The project limits are from Brook Road to Chamberlayne Road.
Gambles Mill SPS Flow Equalization Basin & Emergency Generator, Phase I	Little Westham Creek	December 15, 2027	This project will install an emergency generator for this site. The project will include new instrumentation room and electrical equipment.
Horsepen Creek Trunk Sewer	Horsepen Branch	December 15, 2027	The project will provide a new 42-inch parallel sanitary sewer along Horsepen Branch from West Broad Street to a point just east of Staples Mill Road. The new sewer is approximately 7,000 linear feet and includes crossings of West Broad Street, Bethlehem Road and Interstate 64 at the Staples Mill Road interchange.
White Oak SPS	White Oak Swamp	December 15, 2028	The project includes increasing the station capacity from 11.8 mgd to 22 mgd by installing 5 new pumps and misc.appurtenances.

White Oak SPS Force Main	White Oak Swamp	December 15, 2028	This project replaces the existing 30" FM with 36" FM connected to Eastern Force Main (Portugee Rd FM). The existing force main crosses RIC property under the main runway. The proposed force main will follow the Beulah Road ROW to connect to the Eastern Force Main at Portugee Rd.
East Highland Park Area	Shockoe Creek	December 15, 2028	The project consists of rehabilitating approximately 8 miles of 8", 10", 12" and 15" of sanitary sewer. The area approximately bounded by Laburnum Avenue (north), Bolling Road (east), Elkrigde Lane (south), and the Henrico County/City of Richmond border (west). SSES complete. Design not started.

**SCHEDULE OF COMPLIANCE APPENDIX C
HENRICO COUNTY WRF UPGRADE SCHEDULE AND STATEMENT OF WORK**

Henrico County shall:

1. Thirty days after the issuance of this Order, submit to the Department for review and approval, a Corrective Action Plan (“CAP”) with an implementation schedule for an upgrade to the Facility that enables the Facility to fully comply with all Permit terms. Henrico shall respond to any Department questions or concerns within ten days of receipt. The CAP must include, at a minimum, the following projects under design:
 - a) Clarifier Replacement Project: Phase I Rehabilitation of 3 primary clarifiers;
 - b) Boiler Burner Replacement: Replace 3 burners with dual fuel capability;
 - c) Clarifier Replacement Project: Phase II Rehabilitation of 3 primary clarifiers;
 - d) Asset Management Program: Complete Computerized Maintenance Management System (“CMMS”), WRF Equipment Replacement Plan, and Capital Improvement Program (CIP) Implementation Plan;
 - e) Return Activated Sludge (“RAS”) Pump Replacement: Replace and/or refurbish up to 9 vertical turbine pumps, Variable Frequency Drives (“VFDs”), and control systems;
 - f) Water Reclamation Facility Supervisory Control and Data Acquisition (“SCADA”) Replacement Project: Replace the existing Human Machine Interface (“HMI”), Programmable Logic Controls (“PLCs”) and SCADA software;
 - g) Plant Main Drain Sewage Pumping Station Renewal (Wet Well, Pumps, Controls, Switchgear): Remove existing vertical turbine pumps and replace with triplex submersible pump system to include wet well expansion and control system;
 - h) Filter Project (Phase I) Renew filters.
 - i) Clarifier Replacement Project, Phase III Rehabilitation of 6 secondary clarifiers
 - j) Clarifier Replacement Project, Phase IV Rehabilitation of 5 secondary clarifiers
2. Begin implementation of the CAP within ten days after receiving notification of the Department’s approval.
3. Within 60 (sixty) days of the Department’s CAP approval, begin public bid process on the construction phase of the CAP.
4. On or before December 15, 2028, complete the CAP deliverables.
5. Documents to be submitted to the Department, other than the civil charge payment described in Section D of the Order, shall be sent to:

**Frank Lupini - Enforcement Specialist
VA DEQ –Piedmont Regional Office
4949A Cox Road,
Glen Allen, Virginia 23060
Frank.Lupini@deq.virginia.gov**

APPENDIX D
HENRICO COUNTY SUPPLEMENTAL ENVIRONMENTAL PROJECT

1. This Supplemental Environmental Project (SEP) for Public Health, Pollution Prevention, Pollution Reduction, Environmental Restoration and Protection, and Environmental Compliance Promotion is for expanding Henrico County's public wastewater infrastructure to un-served properties, and take off-line private septic systems discharging on-site, and convey collected wastewater to the Facility for advanced treatment including nitrogen and phosphorus removal. Henrico shall expend \$155,760 on this septic system replacement effort to satisfy Section D.2.b. of this Order.
2. The SEP shall be planned and implemented by October 1, 2024.
3. Henrico shall submit progress reports on the SEP on a monthly basis, due the 10th day of each month.
4. Henrico shall submit a written final report on the SEP, verifying that the SEP has been completed in accordance with the terms of this Order, and certified either by a Certified Public Accountant or by a responsible public utility officer. Henrico shall submit the final report and certification to the Department within 30 days from the completion of the SEP.
5. If the SEP has not or cannot be completed as described in the Order, Henrico shall notify DEQ in writing no later than 15 days after discovery. Such notification shall include:
 - a. an alternate SEP proposal, or
 - b. payment of the amount specified in Paragraph D.2 as described in Paragraph D.1.
6. Henrico hereby consents to reasonable access by DEQ or its staff to property or documents under the party's control, for verifying progress or completion of the SEP.
7. Henrico shall submit to the Department written verification of the final overall and net project cost of the SEP in the form of a certified statement itemizing costs, invoices and proof of payment, or similar documentation within 30 days of the project completion date. For the purposes of this submittal, net project costs can be either the actual, final net project costs or the projected net project costs if such projected net project costs statement is accompanied by a CPA certification or certification from Henrico's Chief Financial Officer concerning the projected tax savings, grants or first-year operation cost reductions or other efficiencies.
8. Documents to be submitted to the Department, other than the civil charge payment described in Section D of the Order, shall be sent to:

Frank Lupini
Enforcement Specialist
VA DEQ –Piedmont Regional Office
4949A Cox Road,
Glen Allen, Virginia 23060
Frank.Lupini@deq.virginia.gov

ATTACHMENT 1



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

DEPARTMENT OF PUBLIC UTILITIES
804.501.4517

August 25, 2021

Mr. Frank Lupini
Enforcement Specialist
VA DEQ - Piedmont Regional Office
4949-A Cox Road
Glen Allen, VA 23060

CERTIFIED MAIL

RE: Consent Special Order
VPDES Permit No. VA0063690

Dear Mr. Lupini:

The following status report is submitted in conjunction with the Consent Special Order dated August 23, 2021 and updates a previous report dated August 16, 2021. The projects that have been completed prior to the signing of the document have been amended with the addition of Three Chopt Road (Westbury Shopping Center) that had been previously identified. The projects included address the County's commitment to correcting and improving its sanitary sewer collection system and minimizing overflows and Infiltration/Inflow (I/I).

PROJECT	NEAREST RECEIVING STREAM	STATUS
Three Chopt & Pamela Dr Area Sewer Phase 1	Deep Run	Complete Dec 2019
<i>Three Chopt Road (Westbury Shopping Center)</i>	<i>Little Westham Creek</i>	<i>Complete Dec 2019</i>
Bloomingdale Ave & Dumbarton Rd Sewer Rehab	Upham Brook	Complete June 2020
Williamsburg Park & West Broad Park Area	Upham Brook	Complete June 2020
Stilwell Road Sewer Relocation	Horsepen Branch	Complete June 2020
Kings Hill Area S Rehab	Gillies Creek	Complete Dec 2020
Enterprise Pkwy & W Broad St Area	Upham Brook	Complete Dec 2020
Cornwall & Horsepen Esmt Sewer Rehab	Little Westham Creek	Complete Dec 2020
Essex Avenue Sewer Rehab	Little Westham Creek	Complete June 2021
Whispering Pines and Commerce Acres Area	Upham Brook	Complete June 2021

We plan to move forward with the additional projects proposed for the Consent Special Order in accordance with a schedule provided. If you have any questions, please call me at 501-4280.

Sincerely,

Bentley P. Chan, PE
Director of Public Utilities

cc: Deputy County Manager for Community Operations