



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

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Director

**VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY
ENFORCEMENT ACTION - ORDER BY CONSENT
ISSUED TO
CHESAPEAKE AIRPORT AUTHORITY
FOR
CHESAPEAKE REGIONAL AIRPORT
VPDES Permit No. VA0068209**

SECTION A: Purpose

This is a Consent Order issued under the authority of Va. Code § 62.1-44.15, between the Department and Chesapeake Airport Authority, regarding the Chesapeake Regional Airport facility, for the purpose of resolving certain violations of the State Water Control Law and the applicable Permit and regulations.

SECTION B: Definitions

Unless the context clearly indicates otherwise, the terms in this Consent Order have the meanings assigned to them in Va. Code § 62.1-44.2 *et seq.*, the Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation at 9 VAC 25-31-10, and the Virginia Pollutant Discharge Elimination System ("VPDES") General Permit Regulation for Discharges of Stormwater Associated with Industrial Activity at 9 VAC 25-151-10.

SECTION C: Findings of Fact and Conclusions of Law

1. Chesapeake Airport Authority ("CAA") is a business entity authorized to do business in Virginia and references to CAA include its affiliates, partners, and subsidiaries. CAA is a "person" within the meaning of Va. Code § 62.1-44.3.
2. CAA owns and operates the Chesapeake Regional Airport facility ("Facility") located at 2800 Airport Drive, Chesapeake, Virginia, a municipal airport with a wastewater treatment plant ("WWTP").
3. CAA is subject to VPDES Permit No. VA0068209 ("Permit"), under the State Water Control Law and the Regulation. The Permit was issued on December 1, 2019, and expires on November 30, 2024. CAA submitted a renewal application deemed technically

complete with an expected reissuance date to December 1, 2024, to expire November 20, 2029. There are two permitted outfalls at the Facility, Outfalls 001, and Outfall 005. The Permit allows CAA to discharge treated waste water to the Twelve Foot Ditch, a tributary of the Northwest River, in strict compliance with the terms and conditions of the Permit.

4. The Northwest River, which flows to Chowan and Dismal Swamp Basin, Albemarle Sound subbasin. The Northwest River is listed in DEQ's 305(b) report as impaired for dissolved oxygen. The municipal point source discharges from the Facility are listed among the potential sources of the impairment.
5. During a DEQ file review in March 2024, DEQ staff documented the following compliance deficiencies with respect to the requirements of the Permit:
 - a. Effluent violations were observed on the following Discharge Monitoring Reports ("DMRs") for Outfall 001:

Report Period	Parameter	Loading/ Conc.	DMR Reported	Permit Limit
9/23*	Fecal Coliform	Conc. Average	522 N/CML	200 N/CML
9/23*	E. Coli	Conc. Average	274 N/CML	126 N/CML
11/23	Fecal Coliform	Conc. Average	1600 N/CML	200 N/CML
1/24	TSS	Conc. Average	31 mg/L	20 mg/L
1/24	TSS	Conc. Maximum	31 mg/L	30 mg/L
2/24	TSS	Conc. Average	31 mg/L	20 mg/L
2/24	TSS	Conc. Maximum	31 mg/L	30 mg/L
2/24	E. Coli	Conc. Average	283 N/CML	126 N/CML
2/24	Fecal Coliform	Conc. Average	254 N/CML	200 N/CML

*Warning Letter W2023-12-T-1005 dated December 11, 2023

Va. Code § 62.1-44.5 prohibits waste discharges or other quality alterations of state waters except as authorized by permit. 9 VAC 25-31-50 provides that "except in compliance with a VPDES permit, or another permit, issued by the board, it shall be unlawful for any person to discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances.

- b. In addition, CAA submitted the DMRs for Outfalls 001 and 005 after the due date for the October 2023 (due November 10, 2023, submitted November 15, 2023) monitoring period.
6. The DEQ Tidewater Regional Office issued a Notice of Violation ("NOV") for the violations noted above as follows: NOV No. W2024-04-T-0001, issued April 4, 2024.

7. On April 15, 2024, CAA responded to the NOV, and on April 29, 2024, DEQ and CAA held a meeting at the Facility to discuss the NOV.
8. After issuance of the April 4, 2024, NOV, DEQ observed that CAA submitted the DMRs for Outfalls 001 and 005 after the due date for the March 2024 (due April 10, 2024, submitted April 15, 2024) monitoring period.
9. During a DEQ Facility inspection on July 3, 2024, DEQ staff documented the following compliance deficiencies with respect to the requirements of the Permit:
 - a. The sewage pump station does not meet the Class I reliability requirements of an alternative motive force, alarm system monitoring, and continuous operability. An alternative source of electricity to the pump station was not observed. The pump station alarms were not operational and do not have ability to transmit and audible alarm.

Permit Part I.C.3. states that, “the permitted treatment works shall meet Reliability Class I.

9 VAC 25-790-390 “Reliability” states that, “A. Purpose. Reliability provisions are based on a measurement of the ability of a component or system to perform its designated function without failure or interruption of service. Overflow criteria, such as a period of discharge, are utilized solely for the establishment of reliability classification for design purposes and are not to be construed as authorization for, or defense of, an unpermitted discharge to state waters... 1. The objective of achieving reliability protection is to prevent the discharge of raw or partially treated sewage to any waters and to protect public health and welfare by preventing backup of sewage and subsequent discharge to basements, streets and other public and private property. Provisions for continuous operability of pumping stations shall be evaluated in accordance with the appropriate reliability classification... 2. For Class I Reliability, alternate motive force sufficient to operate the station at peak flow rates being received shall be operating the station prior to the expiration of an allowable time period. The maximum allowable period will be the time transpiring between the high liquid level alarm and the occurrence of an overflow, or backup and subsequent discharge, at flow rates being received (except when an emergency holding basin is provided to satisfy the requirement for continuous operability). The transpired time to be considered allowable may be the critical (shortest) transpired time (peak flow rates) or a spectrum of transpired times keyed to the 24 individual hours of the day. Certain Reliability Class I pump stations, for which it is feasible to shut down or discontinue operation during periods of power failure without bypassing or overflowing, may be exempted from the continuous operability requirement. Pump stations which may qualify for the exemption can be broadly categorized as those which serve facilities or institutions which would be closed during periods

of power failure, such as certain industrial plants, schools and recreational and park areas.

B. Continuous operability. The owner shall demonstrate, to the satisfaction of the department, that the time allowances for continuous operability will be met on a 24-hour basis. This information shall accompany the plans and specifications when submitted and shall be subsequently modified and resubmitted at any time in the future that the actual allowable time (transpiring between the high liquid level alarm and the time that an overflow or backup and subsequent discharge will occur at flow rates being received) becomes less than the allowable time claimed in the original submission. The demonstration shall include provision of instructions indicating the essentiality of routinely maintaining, and regularly starting and running, auxiliary and reserve units under field conditions. The following means for provision of continuous operability shall be acceptable:...

1. Alternate power sources or auxiliary stand-by generator that can operate sufficient pumps to deliver the design peak flow...
2. Alternate drive arrangements whereby all pumps are backed by internal combustion motors with "Y" mechanical couplings to the pump drive shafts or to permanently mounted reserve pumps capable of delivering total peak flows...
3. Portable pump resources in accordance with this chapter...
4. An emergency overflow holding basin with capacity to retain a minimum of one day of station design flow and having provisions for recycling flow to the pump station.

C. Electrical power. The sources of electrical power required to operate pump stations shall be evaluated in accordance with the reliability classification of the pump station...

1. For Class I Reliability, electric power shall be provided by alternate feed from distribution lines which are serviced by alternate feed from transmission lines (e.g., 115 KV) where possible. The transmission lines shall have alternate feed from the generating source or sources. The capacity of each power source shall be sufficient to operate the pumps during peak wastewater flow conditions, together with critical lighting and ventilation. The requirement for alternate feed can be satisfied by either a loop circuit, a "tie" circuit, or two radial lines. Where alternate feed lines terminate in the same substation, the circuit feeding the pumping station shall be equipped with two or more in-place transformers. Where alternate feed is not possible, provision of auxiliary power sources will be considered...
2. External alternate distribution lines shall be completely independent. The two sets of alternate feed distribution lines should not be supported from the same utility pole and, if used, should neither cross over, nor be located in an area where a single plausible occurrence (e.g., fallen tree) could disrupt both lines. A minimum separation of 25 feet for underground routes shall be maintained unless a properly designed and protected conduit bank is utilized. This shall apply to service connections into the pump station. Devices should be used to protect the system from lightning."

9 VAC 25-790-420 "Alarm Systems" states that, "A. The alarm system provided to monitor pump station operation shall meet the appropriate reliability

requirements... B. Class I. For Class I reliability, the alarm system shall monitor the power supplies to the station, auxiliary power source, failure of pumps to discharge liquid, and high liquid levels in the wet well and in the dry well, and shall include a test function. An on-site audio-visual alarm system shall be provided such that each announced alarm condition is uniquely identified. In addition, provisions shall be made for transmitting a single audible alarm signal to a central location where personnel competent to receive the alarm and initiate corrective action are either: (i) available 24 hours per day, or (ii) available during the periods that flow is received at the pump station. A sign indicating notification procedures (responsible persons, telephone numbers, etc.) to be followed in case of alarm actuation shall be displayed conspicuously... C. Classes II and III. For Class II or III reliability, the alarm system shall monitor high liquid levels in the wet well. An on-site audio-visual alarm signal shall be provided. A sign indicating notification procedures (responsible persons, telephone numbers, etc.) to be followed in case of alarm actuation shall be displayed conspicuously... D. Backup. A backup power supply, such as a battery pack with an automatic switchover feature, shall be provided for the alarm system, such that a failure of the primary power source would not disable the alarm system. A backup power supply for the alarm system should be provided for a Reliability Class I facility with dual electrical feed sources. Test circuits shall be provided to enable the alarm system to be tested and verified to be working properly.”

- b. The WWTP does not have a secondary or alternative power source and does not have alarms and the ability to transmit an alarm required as a Class I Reliability treatment works.

9 VAC 25-790-490. “Reliability protection” states that, “A. Reliability is a measurement of the ability of a component or system to perform its designated function without failure or interruption of service. Overflow criteria, such as a period of discharge, are utilized solely for the establishment of reliability classification for design purposes and are not to be construed as authorization for or defense of an unpermitted discharge to state waters. The treatment works design shall provide for satisfactory operation during power failures, flooding, peak loads, equipment failure, and maintenance shut-down (in accordance with the requirements of the appropriate reliability class). Such design features include: (i) additional electrical power sources; (ii) additional flow storage capacity; and (iii) additional treatment unit operations, that provide for alternate operation in accordance with the issued certificate permit requirements... B. Power feed. For Class I Reliability, two separate and independent sources of power feed shall be provided. Each source shall be capable of maintaining continuous treatment works operation at peak design flow during power failures, flooding, or equipment malfunction. Certain Reliability Class I treatment works for which it is feasible to shut down or discontinue treatment works operation during periods of power failure without bypassing or violating effluent limitations may be exempt from the alternate feed requirement... 1. Class I Reliability treatment works that may qualify for the alternate feed exemption can be broadly categorized as (i)

those that serve facilities or institutions that could be closed during periods of power failure, such as certain industrial plants, schools, and recreational and park areas; (ii) those equipped with an emergency overflow holding basin with sufficient capacity to retain a minimum of one day of treatment works design flow and having provisions for recycle to the treatment works; and (iii) those with sufficient operational resources for which it can be demonstrated that projected power failures will not result in public health problems, water quality damage, or socio-economic resource losses... C. Power source. Electric power shall be provided by alternate feed from distribution lines that are serviced by alternate feed from transmission lines (e.g., 115KV) where possible. The transmission lines shall have alternate feed from the generating source or sources. The requirement for alternate feed can be satisfied by either a loop circuit, a "tie" circuit, or two radial lines. Where alternate feed lines terminate in the same substation, the substation shall be equipped as follows: 1. Reliability Class I: two or more in-place transformers... 2. Reliability Class II and Class III: one in-place transformer and capability for a connection of a mobile transformer... On-site power generating equipment may be used as a substitute for alternate utility source feed. The capacity of the back-up power source shall be sufficient to operate all components vital to wastewater treatment operations during peak wastewater flow conditions, together with critical lighting and ventilation... F. Alarm systems. An audiovisual alarm system to monitor the condition of equipment whose failure could result in a bypass or a violation of effluent limitations shall be provided for all treatment works. Alarms shall also be provided to monitor conditions which could result in damage to vital components... 1. For continuously manned treatment works, the alarm system shall sound and be visible in areas normally manned and in areas near the equipment being monitored... 2. Treatment works not continuously manned shall have, in addition to a local audiovisual alarm, provisions for transmitting an audible alarm to a central location where personnel competent to receive the alarm and initiate corrective action are available 24 hours per day or during the period of time that the treatment works receives influent flow... 3. The following requirements apply to all treatment works: a. The on-site alarm system should be designed in such a manner that each announced condition is uniquely identified. b. A back up power supply, such as a battery pack with an automatic switchover feature, shall be provided for the alarm system (such that a failure of the primary power source would not disable the alarm system), unless an adequate alternate or backup power source is provided. c. Test circuits shall be provided to enable the alarm system to be tested and verified to be working properly."

- c. The Operations and Maintenance ("O&M") Manual is dated 1997 and does not include all required items.

Permit Part I.C.4 "CTC, CTO and O&M Manual Requirements" states that, "The permittee shall maintain a current Operations and Maintenance (O&M) Manual for the treatment works that is in accordance with Virginia Pollutant Discharge Elimination System Regulations, 9VAC25-31 and (for sewage treatment plants)

Sewage Collection and Treatment Regulations, 9VAC25-790... The O&M Manual and subsequent revisions shall include the manual effective date and meet Part II.K.2 and Part II.K.4 Signatory Requirements of the permit. Any changes in the practices and procedures followed by the permittee shall be documented in the O&M Manual within 90 days of the effective date of the changes. The permittee shall operate the treatment works in accordance with the O&M Manual and shall make the O&M manual available to Department personnel for review during facility inspections. Within 30 days of a request by DEQ, the current O&M Manual shall be submitted to the DEQ Regional Office for review and approval... The O&M manual shall detail the practices and procedures which will be followed to ensure compliance with the requirements of this permit. This manual shall include, but not necessarily be limited to, the following items, as appropriate: a. Permitted outfall locations and techniques to be employed in the collection, preservation, and analysis of effluent, storm water and sludge samples; b. Procedures for measuring and recording the duration and volume of treated wastewater discharged; c. Discussion of Best Management Practices, if applicable; d. Procedures for handling, storing, and disposing of all wastes, fluids, and pollutants characterized in Part I.C.11. that will prevent these materials from reaching state waters. List type and quantity of wastes, fluids, and pollutants (e.g. chemicals) stored at this facility; e. Discussion of treatment works design, treatment works operation, routine preventative maintenance of units within the treatment works, critical spare parts inventory and record keeping; f. Plan for the management and/or disposal of waste solids and residues; g. Hours of operation and staffing requirements for the plant to ensure effective operation of the treatment works and maintain permit compliance; h. List of facility, local and state emergency contacts; and, i. Procedures for reporting and responding to any spills/overflows/treatment works upsets.”

- d. Discharge monitoring reports (“DMRs”) submitted to DEQ for the months of March, April, May, June, September, October, and November of 2023 and the months of January and February of 2024 do not include actual values for all the bacteria samples. At least one result for each of these months reported “greater than” values.

Permit Part II.C. “Reporting Monitoring Results” states that, “1. The permittee shall submit the results of the monitoring required by the permit not later than the 10th day of the month after monitoring takes place, unless another reporting schedule is specified elsewhere in this permit.”

- e. The Stormwater Pollution Prevention Plan (“SWPPP”) site map has not been updated, as additional buildings and stormwater conveyances were observed.

Permit Part I.E.2.b.(2).(c) “Site Map” states that, “A site map identifying the following: (ii) The location and extent of significant structures and impervious surfaces (roofs, paved areas and other impervious areas); (iii) Locations of all stormwater conveyances including ditches, pipes, swales, and inlets, and the

directions of stormwater flow (use arrows to show which ways stormwater will flow).”

Permit Part I. E.2.f. “Maintaining an Updated SWPPP” states that, “(1) The permittee shall review and amend the SWPPP as appropriate whenever: (a) There is construction or a change in design, operation, or maintenance at the facility that has a significant effect on the discharge, or the potential for the discharge, of pollutants from the facility; (2) SWPPP modifications shall be made within 30 calendar days after discovery, observation or event requiring a SWPPP modification.”

- f. Quarterly visual monitoring (“QVM”) was not documented for the 2023 4th quarter and additional information for not obtaining the sample was not observed.

Permit Part I.E.1.e “Quarterly Visual Examination of Stormwater Quality” states that, “Unless another more frequent schedule is established elsewhere within this permit, the permittee shall perform and document a visual examination of a storm water discharge associated with industrial activity from each outfall, except discharges exempted below. The examination(s) must be made at least once in each of the following three-month periods: January through March, April through June, July through September, and October through December. The visual examination shall be made during normal working hours. If no storm event resulted in runoff from the facility during a monitoring quarter, the permittee is excused from visual monitoring for that quarter provided that documentation is included with the monitoring records indicating that no runoff occurred. The documentation must be signed and certified in accordance with Part II K of this permit... (2) Visual examination reports must be maintained onsite with the SWPPP. The report shall include the outfall location, the examination date and time, examination personnel, the nature of the discharge (i.e., runoff or snow melt), visual quality of the storm water discharge (including observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of storm water pollution), and probable sources of any observed storm water contamination.”

- g. Routine facility inspections that include all the minimum information were not observed. The inspection frequency is not specified in the SWPPP.

Permit Part I.E.2.b.(6).(b).(v) “Routine Facility Inspections” states that, “Facility personnel who possess the knowledge and skills to assess conditions and activities that could impact stormwater quality at the facility, and who can also evaluate the effectiveness of control measures shall regularly inspect all areas of the facility where industrial materials or activities are exposed to stormwater. These inspections are in addition to, or as part of, the comprehensive site evaluation required under Part I.E.2.d. At least one member of the Pollution Prevention Team shall participate in the routine facility inspections... The inspection frequency shall be specified in the plan based upon a consideration of the

level of industrial activity at the facility, but shall be a minimum of quarterly unless more frequent intervals are specified elsewhere in the permit or written approval is received from the Department for less frequent intervals. At least once each calendar year, the routine facility inspection must be conducted during a period when a stormwater discharge is occurring... Any deficiencies in the implementation of the SWPPP that are found shall be corrected as soon as practicable, but not later than within 30 days of the inspection, unless permission for a later date is granted in writing by the Director. The results of the inspections shall be documented in the SWPPP, and shall include at a minimum: (A) The inspection date and time; (B) The name and signature of the inspector(s); (C) Weather information and a description of any discharges occurring at the time of the inspection; (D) Any previously unidentified discharges of pollutants from the site; (E) Any control measures needing maintenance or repairs; (F) Any failed control measures that need replacement; (G) Any incidents of noncompliance observed; and (H) Any additional control measures needed to comply with the permit requirements.”

- h. A schedule of SWPPP training was not observed in the SWPPP. The training documented for 2023 does not include all types listed.

Permit Part I.E.2.b.(6).(b).(vi) “Employee Training” states that, “The permittee shall implement a stormwater training program for the facility. The SWPPP shall include a schedule for all types of necessary training and shall document all training sessions and employees who received the training. Training shall be provided for all employees who work in areas where industrial materials or activities are exposed to stormwater, and for employees who are responsible for implementing activities identified in the SWPPP (e.g., inspectors, maintenance personnel, etc.). The training shall cover the components and goals of the SWPPP, and include such topics as spill response, good housekeeping, material management practices, control measure operation and maintenance, etc. The SWPPP shall include a summary of any training performed.”

- i. The comprehensive site compliance evaluation documented for 2023 does not meet permit requirements. The scope of the evaluation is not documented, a summarizing report is not provided, and the evaluation is not signed in accordance with Permit Part II.K.

Permit Part I.E.2.d “Comprehensive Site Compliance Evaluation” states that, “The permittee shall conduct comprehensive site compliance evaluations at least once each calendar year. The evaluations shall be done by qualified personnel who possess the knowledge and skills to assess conditions and activities that could impact stormwater quality at the facility, and who can also evaluate the effectiveness of control measures. The personnel conducting the evaluations may be either facility employees or outside personnel hired by the facility. (1) Scope of the Compliance Evaluation. Evaluations shall include all areas where industrial materials or activities are exposed to stormwater, as identified in Part

I.E.2.b.(3) the personnel shall evaluate: (a) Industrial materials, residue or trash that may have or could come into contact with stormwater; (b) Leaks or spills from industrial equipment, drums, barrels, tanks or other containers that have occurred within the past three years; (c) Off-site tracking of industrial or waste materials or sediment where vehicles enter or exit the site; (d) Tracking or blowing of raw, final, or waste materials from areas of no exposure to exposed areas; (e) Evidence of, or the potential for, pollutants entering the drainage system; (f) Evidence of pollutants discharging to surface waters at all facility outfalls, and the condition of and around the outfall, including flow dissipation measures to prevent scouring; (g) Review of stormwater related training performed, inspections completed, maintenance performed, quarterly visual examinations, and effective operation of control measures, including BMPs; (h) Results of both visual and any analytical monitoring done during the past year shall be taken into consideration during the evaluation. (2) Based on the results of the evaluation, the SWPPP shall be modified as necessary (e.g., show additional controls on the map required by Part I.E.2.b.(2)(c); revise the description of controls required by Part I.E.2.b (6) to include additional or modified control measures designed to correct problems identified). Revisions to the SWPPP shall be completed within 30 days following the evaluation, unless permission for a later date is granted in writing by the Director. If existing control measures need to be modified or if additional control measures are necessary, implementation shall be completed before the next anticipated storm event, if practicable, but not more than 60 days after completion of the comprehensive site evaluation, unless permission for a later date is granted in writing by the Department; (3) Compliance Evaluation Report: A report shall be written summarizing the scope of the evaluation, name(s) of personnel making the evaluation, the date of the evaluation, and all observations relating to the implementation of the SWPPP, including elements stipulated in Part I.E.2.d(1)(a) through (h) above. Observations shall include such things as: the location(s) of discharges of pollutants from the site; location(s) of previously unidentified sources of pollutants; location(s) of control measures that need to be maintained or repaired; location(s) of failed control measures that need replacement; and location(s) where additional control measures are needed. The report shall identify any incidents of noncompliance that were observed. Where a report does not identify any incidents of noncompliance, the report shall contain a certification that the facility is in compliance with the SWPPP and this permit. The report shall be signed in accordance with Part II K and maintained with the SWPPP. (4) Where compliance evaluation schedules overlap with routine inspections required under Part I.E.2.b(6)(b)(v), the annual compliance evaluation may be used as one of the routine inspections”

- j. The permittee has not performed and documented all sampling and measurements in accordance with the procedures under 40 CFR Part 136. There were no records provided of periodic calibrations of all monitoring instrumentation performed onsite.

Permit Part II.A. "Monitoring" states that, "1. Samples and measurements required by this permit shall be taken at the permit designated or approved location and be representative of the monitored activity. a. Monitoring shall be conducted according to procedures approved under Title 40 Code of Federal Regulations Part 136 or alternative methods approved by the U.S. Environmental Protection Agency, unless other procedures have been specified in this permit. b. The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals that will ensure accuracy of measurements."

10. The DEQ Tidewater Regional Office issued a NOV for the violations noted above as follows: NOV No. W2024-08-T-0002, issued August 19, 2024.
11. On August 29, 2024, CAA responded to the August 19, 2024, NOV via email and a subsequent phone call. On September 18, 2024, CAA submitted a written response to the August 19, 2024, NOV. The written response provided the names of the Airfield Manager and the Manager of the Chesapeake Regional Airport as responsible for many of the deficiencies listed in the NOV. On September 23, 2024, DEQ staff met with CAA representatives at the Facility to discuss the August NOV and the NOV Response.
12. During a DEQ file review in September 2024, DEQ staff documented the following compliance deficiencies with respect to the requirements of the Permit:
 - a. Effluent violations were observed on the following DMR for Outfall 001:

Report Period	Parameter	Loading/ Conc.	DMR Reported	Permit Limit
8/24	TSS	Conc. Average	37 mg/L	20 mg/L
8/24	TSS	Conc. Maximum	48 mg/L	30 mg/L

13. Va. Code § 62.1-44.5 states that: "[E]xcept in compliance with a certificate issued by the Department, it shall be unlawful for any person to discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances.
14. The Regulation, at 9 VAC 25-31-50, also states that except in compliance with a VPDES permit, or another permit issued by the Department, it is unlawful to discharge into state waters sewage, industrial wastes or other wastes.
15. Va. Code § 62.1-44.15(5a) states that a VPDES permit is a "certificate" under the statute.
16. The Department has issued coverage under no permits or certificates to CAA other than under VPDES Permit No. VA0068209.
17. The Twelve Foot Ditch is a surface water located wholly within the Commonwealth and is a "state water" under State Water Control Law.

18. Based on the results of the March 2024 File Review, the July 3, 2024 inspection, and the September 2024 file review, the Department concludes that CAA has violated Va. Code § 62.1-44.5; 9 VAC 25-31-50; 9 VAC 25-790-490; and Permit Parts I.C.3; I.C.4; II.C; I.E.2.b(2)(c); I.E.2.f; I.E.1.e; I.E.2.b; I.E.2.b.6.b.vi; I.E.2.d; and, II.A, as noted in paragraphs C(5), (9), and (12) of this Order.

SECTION D: Agreement and Order

Accordingly, by virtue of the authority granted it in Va. Code §§ 62.1-44.15, the Department orders CAA, and CAA agrees to pay a civil charge of \$8,126 within 30 days of the effective date of the Order in settlement of the violations cited in this Order.

Payment shall be made by check, certified check, money order or cashier's check payable to the "Treasurer of Virginia," and delivered to:

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

CAA shall include its Federal Employer Identification Number (FEIN) [(xx-xxxxxxx)] 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). If the Department has to refer collection of moneys due under this Order to the Department of Law, CAA shall be liable for attorneys' fees of 30% of the amount outstanding.

SECTION E: Administrative Provisions

1. The Department may modify, rewrite, or amend this Order with the consent of CAA for good cause shown by CAA, 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 and NOV No. W2022-03-T-0001, issued March 7, 2022; NOV No. W2022-05-T-0002, issued May 27, 2022; and NOV No. W2022-09-T-0001, issued September 9, 2022. This Order shall not preclude the Department 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, CAA admits the jurisdictional allegations, findings of fact, and conclusions of law contained herein.

4. CAA 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. CAA 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 Department to modify, rewrite, amend, or enforce this Order.
6. Failure by CAA to comply with any of the terms of this Order shall constitute a violation of an order of the Department. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Department 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. CAA 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. CAA shall demonstrate that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. CAA 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 CAA. Nevertheless, CAA 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 CAA has completed all of the requirements of the Order;
 - b. CAA 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 Department terminates the Order in his or its sole discretion upon 30 days' written notice to CAA.

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

And it is so ORDERED this _____ day of _____, 20__.

Craig R. Nicol, Regional Director

Chesapeake Airport Authority voluntarily agrees to the issuance of this Order.

Date: 11/12/24 By: Charles C. Schrantz Airport Manager
(Person) (Title)
Chesapeake Airport Authority

Commonwealth of Virginia

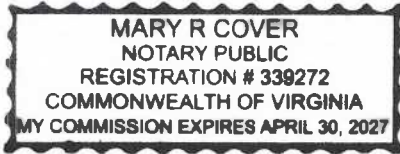
City/County of Chesapeake

The foregoing document was signed and acknowledged before me this 12th day of
November, 20 24, by Charles C. Schrantz who is

The Airport Manager of Chesapeake Airport Authority, on behalf of the company.

Mary Cover
Notary Public

339 272
Registration No.



My commission expires: April 30, 2027

Notary seal: