



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

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Stefanie K. Taillon
Secretary of Natural and Historic Resources

Michael S. Rolband, PE, PWD, PWS Emeritus
Director

**DEPARTMENT OF ENVIRONMENTAL QUALITY
AMENDMENT TO ORDER BY CONSENT
ISSUED TO
SUSSEX SERVICE AUTHORITY
FOR
SPRING BRANCH WASTEWATER TREATMENT FACILITY AND
COLLECTION SYSTEM
VPDES Permit No. VA0061310**

SECTION A: Purpose

This is an Amendment to a Special Order by Consent issued under the authority of Va. Code § 62.1-44.15 between the Department of Environmental Quality ("DEQ" or "Department") and Sussex Service Authority ("SSA") to revise certain provisions of the Special Order by Consent issued November 30, 2017 between the State Water Control Board and SSA ("2017 Order"), and amended on February 15, 2024 ("2024 Amendment"). In 2022, the Virginia General Assembly passed Senate Bill 657 which transferred the authority to issue consent special orders from the State Water Control Board to the Department.

SECTION B: Basis for Amendment

1. Sussex Service Authority owns and operates the wastewater treatment facility ("WWTF") located at 601 Jasper Lane in Waverly, Virginia, and its associated collection system. DEQ reissued to SSA Virginia Pollutant Discharge Elimination System ("VPDES") Permit No. VA0061310 on June 1, 2023 ("2023 Permit").
2. The 2024 Amendment contains corrective actions to address violations relating to the Bank Street Pump Station, sanitary sewer overflows, and total phosphorous limitations.
3. On February 6, 2025, DEQ and SSA discussed the status of the corrective actions in the 2024 Amendment.

4. Appendix A, Section A.1 of the 2024 Amendment requires SSA to upgrade the Bank Street Pump Station by May 31, 2025. SSA has requested an extension of the deadline for completing the Bank Street Pump Station upgrade due to delays with the bid process and lengthy equipment lead and delivery timeframes. SSA issued a Request for Bids on August 7, 2024 and the Notice of Award was issued on November 8, 2024. The Bank Street Pump Station improvements are expected to be complete by April 30, 2026.
5. Appendix A, Section A.2 of the 2024 Amendment contains corrective actions related to inflow and infiltration ("I&I") reduction. SSA has complied with the items in the I&I reduction section, or informed DEQ of the need for extensions, as follows:
 - a. SSA has continued the routine maintenance, cleaning and repair of the wastewater collection system.
 - b. SSA hired consultants to perform a comprehensive I&I study of conveyance systems. On May 30, 2023, CHA Consultants submitted an I&I Study Report to DEQ. The study report contained information available to SSA and CHA but due to the nature of the loan approval and bidding process, some of the information required by the 2024 Amendment was not available at the time of the study report such as specific project start and end dates. DEQ and SSA have agreed to modify the schedule in Appendix A to extend the deadline for these items.

Appendix A, Item 2.b states in part: "The corrective actions shall be incorporated into an itemized list of achievable projects contributing to the reduction of I&I in the Spring Branch WWTP collection system. Such projects shall be prioritized in accordance with phosphorus reduction gains, readily funded to the extent consistent with this Order, and have firm schedules of construction. The schedule shall include, but not be limited to, an itemized list of projects that contain the following information: a) project name; b) location; c) estimated start/completion dates; d) estimated cost; and e) project work description. The study report, including a recommended prioritized schedule for addressing and correcting I&I, shall be submitted by May 30, 2024."

Va. Code § 62.1-44.31 states: "It shall be unlawful for any owner to fail to comply with any order adopted by the Board..."

- c. On October 31, 2023, SSA submitted the flow monitoring analysis report to DEQ.
- d. On November 30, 2023, SSA submitted the smoke testing results report to DEQ.

- e. SSA prepared a closed-circuit television (“CCTV”) plan based on the smoke testing results. The CCTV monitoring was conducted from March 19, 2024 through May 13, 2024.
- f. SSA finalized construction documents for the I&I projects and submitted a review set of bidding documents to DEQ on August 8, 2024. Bid openings for CIPP/MH rehabilitation and pipe bursting/manhole replacement projects were held on November 6, 2024. Notice of Awards were issued on January 5, 2025. The loan closing was not completed within 60 days of the receipt of bids due to ongoing coordination between SSA and state agencies. SSA and DEQ have agreed to extend the deadline for the execution of a contract with the winning bidder.

Appendix A, Item 2.f states: “By July 30, 2024, SSA shall have finalized construction documents. SSA shall execute a contract with the winning bidder for the I&I reduction projects identified in Section A.2.b within 60 days of receipt of bids.”

See Va. Code §62.1-44.31 above.

6. Based on the information above, the Department concludes that SSA did not meet requirements in Appendix A.2.b and A.2.f of the 2024 Amendment.
7. Based on the information available to DEQ to date, SSA is otherwise in compliance with the Order and is current with all monitoring and reporting requirements.

SECTION C: Agreement and Order

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

1. Perform the actions described in Appendix A of this Amendment, which supersedes and cancels only Appendix A of the 2024 Amendment. Both the Department and SSA understand and agree that this Amendment does not alter, modify or amend any other provision of the 2017 Order and 2024 Amendment and that the unmodified provisions of the 2017 Order and 2024 Amendment remain in effect by their own terms.

And it is so ORDERED this _____ day of _____, 2025.

Enforcement Director
Department of Environmental Quality

Sussex Service Authority voluntarily agrees to the issuance of this Order.

Date: 8/25/25 By: Michael P. Kearns Executive Director
Signing Official Title

APPENDIX A SCHEDULE OF COMPLIANCE

The Authority shall complete the following:

Section A

1. Bank Street Pumping Station.
 - a. By December 31, 2025, the Bank Street Pump Station shall be substantially complete.
 - b. By April 30, 2026, the Bank Street Pump Station shall be fully operational and in service.
2. I&I identification and reduction.
 - a. Continue the Authority's routine wastewater collection system maintenance, cleaning and analysis program.
 - b. SSA shall execute the contracts with the winning bidders for the I&I/phosphorus reduction projects by October 31, 2025.
 - c. By November 15, 2025, SSA shall submit to DEQ an itemized list of projects for the CIPP and Manhole Rehab Project that includes the following information: a) project name; b) location; c) estimated start/completion dates; and d) brief project work description. By May 29, 2026, SSA shall submit to DEQ an itemized list of projects for the Pipe Bursting and Manhole Replacement Project that includes the following information: a) project name; b) location; c) estimated start/completion dates; and d) brief project work description.
 - d. By November 30, 2026, construction and implementation of the I&I/phosphorus reduction projects from Section A.2.c shall be completed.
 - e. Beginning no later than March 1, 2027, SSA shall start conducting post-construction flow monitoring and provide analyzed and raw flow data to DEQ for assessment by July 31, 2027.
 - f. SSA shall notify the Department within five days of completion of each project in Section A.2.c and submit quarterly progress reports to DEQ describing work completion and any anticipated delays on the 10th of each month following the end of the quarter (April 10th, July 10th, October 10th and January 10th). Progress reports will also be submitted as part of the Annual Compliance and Summary Progress Report required by Section B each year.
3. Spring Branch Treatment Alternatives Analysis.
 - a. By May 1, 2027, SSA shall evaluate the technical and economic feasibility of practicable wastewater treatment strategies (to at a minimum, include options for parallel process trains (partial and full treatment), sidestream treatment, enhanced chemical treatment, and biological treatment alternatives) and upgrades to provide further Total Phosphorus reductions, and provide a

- Preliminary Engineering Report (PER) on such alternatives to the Department for review and approval. SSA shall respond to any DEQ comments regarding the PER within 30 days.
- b. Within 180 days of the Department's approval of the PER, SSA shall propose a sequenced funding, design, and construction schedule for implementation of the PER recommendations or for other alternatives to achieve Total Phosphorus compliance. SSA shall respond to any DEQ comments regarding this proposal within 30 days.
 - c. SSA shall submit the PER and items in Section A.3.b to the Department at least 90 days before the expiration date of the existing permit.
4. Shunting Flow to, and Maximizing Treatment at, Black Swamp Regional Wastewater Treatment Plant
- a. For the duration of this Order and Amendment, continue to shunt flow to Black Swamp to the maximum extent practicable.
5. Continued Operation of Chemical Feed at Spring Branch
- a. SSA shall continue targeted phosphorus removal by chemical feed in the treatment process. SSA shall continue to work with SSA's chemical provider or other chemical expert(s) in maintaining dosing and proper chemical injection to further reduce phosphorus levels in the Facility's effluent discharge.

Section B

Beginning January 2024, and no later than January 30th of each year thereafter, the Authority shall submit an Annual Compliance and Summary Progress Report to the Department. The report shall describe progress made in the previous fiscal year in controlling phosphorus and plans for further implementation of phosphorus control projects in the near- and long-term future. The report shall include, at a minimum, the following elements:

1. A sewer rate report that includes a schedule of sewer rates and charges in effect during the year, an explanation of any changes in the sewer rates and charges during the year, and any planned sewer rate or charge changes in the next 12 months;
2. An accounting of all sums expended on implementation of specific phosphorus projects in Appendix A of this Order in the previous fiscal year and in each fiscal year since the effective date of this Order;
3. An accounting of all sums obligated in the current fiscal year, and funds projected to be obligated within the next five years for implementation of specific phosphorus projects contained in Appendix A of this Order;
4. A narrative report of the status of each phosphorus project identified in Appendix A of this Order, including projected completion dates;
5. A status report of progress being made in procuring state and federal grants and

low interest loans, for the purpose of implementing specific elements of the items in Appendix A of this Order.

Documents to be submitted to the Department shall be sent to:

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