

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103-2029



In the Matter of: :
 :
 :
 Hill MHP, LLC : **U.S. EPA Docket No.** CWA-03-2024-0044DN
 5805 Staples Mill Road :
 Richmond, VA 23228 :
 :
 :
 Respondent : **ADMINISTRATIVE ORDER FOR COMPLIANCE ON**
 : **CONSENT**
 : **PURSUANT TO 33 U.S.C. § 1319(a)**
 :
 Hill Mobile Home Park Sewage Treatment :
 Plant :
 Intersection of Lakewood Road and A.P. Hill :
 Boulevard :
 Bowling Green, VA 22427 :
 :
 Facility :
 :

I. STATUTORY AUTHORITY AND JURISDICTION

1. This Administrative Order on Consent (“AOC or Order”) is issued to Hill Mobile Home Park, LLC (“Hill” or “Respondent”), under the authority vested in the United States Environmental Protection Agency (“EPA”) by Section 309(a) of the Clean Water Act, 33 U.S.C. § 1319(a) (“CWA” or “Act”). The Administrator delegated this authority to the Regional Administrator of EPA Region 3, who further delegated it to the Director of the Enforcement & Compliance Assurance Division, EPA Region 3.
2. Section 309(a) of the Act provides, *inter alia*, that: “Whenever, on the basis of information available to [EPA], [EPA] finds that any person is in violation of any condition or limitation which implements section [301, 302, 306, 307, 308, 318, or 405] of this title in a permit issued under section [402] of this title,” EPA shall issue an order requiring such person to comply with such condition or limitation. See 33 U.S.C. § 1319(a)(3).
3. EPA has jurisdiction over the above-captioned matter, as described in Paragraphs 1 and 2, above.
4. EPA has consulted with the Virginia Department of Environmental Quality (“VADEQ”) regarding this action and, subsequent to the Effective Date, EPA will mail a copy of this fully executed AOC to the appropriate VADEQ representative.

I. GENERAL PROVISIONS

5. The provisions of this AOC shall apply to and be binding upon the Respondent and the officers, directors, employees, contractors, agents, trustees, successors and assigns of the Respondent.
6. Respondent shall bear its own costs and attorney's fees in connection with this proceeding and associated with the implementation or enforcement of this AOC, including any costs related to resolution of any dispute arising regarding this AOC.
7. EPA reserves the right to commence an action against any person, including Respondent, in response to any condition which EPA determines may present an imminent and substantial endangerment to the public health, public welfare, or the environment. EPA reserves all existing rights and remedies available to it under the CWA, 33 U.S.C. § 1251 – 1389, the regulations promulgated thereunder, and any other federal laws or regulations for which EPA has jurisdiction, including enforcement of this AOC.
8. This AOC does not constitute a waiver or modification of the terms or conditions of any permit issued to Respondent. Nothing in this Order shall relieve Respondent of its obligation to comply with all applicable provisions of federal, state, or local laws and regulations, nor shall it restrict EPA's authority to seek compliance with any applicable laws or regulations, nor shall it be construed to be a ruling on the validity of any federal, state or local permit. This Order does not constitute a waiver, suspension, or modification of the requirements of the Act, 33 U.S.C. § 1251 – 1389, or any regulations promulgated thereunder.
9. Respondent waives any and all remedies, claims for relief and otherwise available rights to judicial or administrative review that Respondent may have with respect to any issue of fact or law set forth in this AOC, including any right of judicial review pursuant to Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706.
10. EPA reserves all existing inspection authority otherwise available to EPA pursuant to Section 308 of the CWA, 33 U.S.C. § 1318, or pursuant to any other statute or law.
11. The undersigned representative of Respondent certifies that he or she is fully authorized by the Respondent to enter into the terms and conditions of this AOC and to execute and legally bind the Respondent.
12. By signing this AOC, Respondent acknowledges that this AOC may be available to the public and represents that, to the best of Respondent's knowledge and belief, this AOC does not contain any confidential business information or personally identifiable information from Respondent.
13. Respondent certifies that to the best of its knowledge and belief, any information or representation it has supplied or made to EPA concerning this matter was, at the time of submission, true, accurate, and complete and that there has been no material change

regarding the truthfulness, accuracy or completeness of such information or representation. EPA shall have the right to institute further actions to recover appropriate relief if EPA obtains evidence that any information provided and/or representations made by Respondent to the EPA regarding matters relevant to this AOC are knowingly false or, in any material respect, inaccurate. This right shall be in addition to all other rights and causes of action that EPA may have, civil or criminal, under law or equity in such event. Respondent and its officers, directors and agents are aware that the submission of false or misleading information to the United States government may subject a person to separate civil and/or criminal liability.

14. Tax Identification. For purposes of the identification requirement in Section 162(f)(2)(A)(ii) of the Internal Revenue Code, 26 U.S.C. § 162(f)(2)(A)(ii), and 26 C.F.R. § 162-21(b)(2), performance of Section IV of this Order (Compliance Order) is restitution, remediation, or required to come into compliance with the law.
15. Tax Reporting. Pursuant to 26 U.S.C. § 6050X and 26 C.F.R. § 1.6050X-1, EPA is required to send to the Internal Revenue Service (“IRS”) annually, a completed IRS Form 1098-F (“Fines, Penalties, and Other Amounts”) with respect to any court order or settlement agreement (including administrative settlements), that require a payor to pay an aggregate amount that EPA reasonably believes will be equal to, or in excess of, \$50,000 for the payor’s violation of any law or the investigation or inquiry into the payor’s potential violation of any law, including amounts paid for “restitution or remediation of property” or to come “into compliance with a law.” EPA is further required to furnish a written statement, which provides the same information provided to the IRS, to each payor (i.e., a copy of IRS Form 1098-F). Failure to comply with providing IRS Form W-9 or Tax Identification Number (“TIN”), as described below, may subject Respondent to a penalty, per 26 U.S.C. § 6723, 26 U.S.C. § 6724(d)(3), and 26 C.F.R. § 301.6723-1. In order to provide EPA with sufficient information to enable it to fulfill these obligations, EPA herein requires, and Respondent herein agrees, that:
 - a. Respondent shall complete an IRS Form W-9 (“Request for Taxpayer Identification Number and Certification”), which is available at <https://www.irs.gov/pub/irs-pdf/fw9.pdf>;
 - b. Respondent shall therein certify that its completed IRS Form W-9 includes Respondent’s correct TIN or that Respondent has applied and is waiting for issuance of a TIN;
 - c. Respondent shall email its completed Form W-9 to EPA’s Cincinnati Finance Center at henderson.jessica@epa.gov within 30 days after the Effective Date of this Order. EPA recommends encrypting IRS Form W-9 email correspondence; and
 - d. In the event that Respondent has certified in its completed IRS Form W-9 that it has applied for a TIN and that TIN has not been issued to Respondent within 30 days after the Effective Date, then Respondent, using the same email address identified in the

preceding sub-paragraph, shall further:

- i. notify EPA's Cincinnati Finance Center of this fact, via email, within 30 days after the 30 days after the Effective Date of this Order; and
 - ii. provide EPA's Cincinnati Finance Center with Respondent's TIN, via email, within five (5) days of Respondent's issuance and receipt of the TIN.
16. Respondent neither admits nor denies the specific factual allegations set forth in this AOC.

II. STATUTORY AND REGULATORY BACKGROUND

17. Section 402(a) of the Act, 33 U.S.C. § 1342(a), provides that the Administrator of EPA may issue permits under the National Pollutant Discharge Elimination System ("NPDES") program for the discharge of pollutants from point sources to waters of the United States. The discharges are subject to specific terms and conditions as prescribed in the permit. Section 402(b) of the Act, 33 U.S.C. § 1342(b), provides for the authorization of state programs to issue NPDES permits.
18. Pursuant to Section 402(b) of the Act, 33 U.S.C. § 1342(b), EPA authorized the Commonwealth of Virginia NPDES program on March 31, 1975. VADEQ was authorized to issue general NPDES permits on May 20, 1991. Pursuant to Section 402(b) of the Act, 33 U.S.C. § 1342(b), VDEQ is authorized to administer the NPDES program in the Commonwealth of Virginia.
19. Section 301(a) of the Act, 33 U.S.C. § 1311(a), prohibits the discharge of any pollutant by any person into waters of the U.S. except in compliance with sections 301, 302, 306, 307, 318, 402, and 404, 33 U.S.C. §§ 1311, 1312, 1316, 1317, 1328, 1342, and 1344, of the Act.
20. "Discharge of a pollutant" means "[a]ny addition of any 'pollutant' or combination of pollutants to 'waters of the United States' from any 'point source'." 40 C.F.R. § 122.2; *see also* 33 U.S.C. § 1362(12).
21. Pursuant to Section 402(i) of the CWA, 33 U.S.C. §1342(i), EPA retains its authority to take enforcement action within Virginia for NPDES permit violations.

III. FINDINGS OF FACT, JURISDICTIONAL ALLEGATIONS AND CONCLUSIONS OF LAW

22. Respondent is a “person” within the meaning of Section 502(5) of the Act, 33 U.S.C. § 1362(5).
23. Respondent owns and operates the Hill Mobile Home Park Sewage Treatment Plant (“STP” or “Facility”), a privately owned wastewater treatment plant located at the Intersection of Lakewood Road and A.P. Hill Boulevard, Bowling Green, Virginia. The STP discharges treated domestic wastewater at Outfall 001 to an unnamed tributary to Maracossic Creek which flows to the York River which flows to the Chesapeake Bay.
24. At all times relevant to this AOC, the operation of the STP has been subject to NPDES Discharge Permit No. VA0090689 (“Permit”), issued by VADEQ, effective August 1, 2022, with an expiration date of July 31, 2027.
25. Respondent is authorized to discharge pollutants, in the form of wastewater from the STP, to waters of the United States only in accordance with the terms and conditions of the STP Permit.
26. At all times relevant to this AOC, the STP discharged wastewater through a “point source,” as that term is defined at Section 502(14) of the Act, 33 U.S.C. § 1362(14), into the unnamed tributary to Maracossic Creek, which flows into Maracossic Creek, which flows into the York River which flows into Chesapeake Bay.
27. The unnamed tributary to Maracossic Creek, Maracossic Creek, the York River, and the Chesapeake Bay are “waters of the United States” within the meaning of Section 502(7) of the Act, 33 U.S.C. § 1362(7).
28. The Facility has a history of non-compliance and from August 1, 2022 through March 31, 2023 the facility had 72 exceedance violations over an 8-month period.
29. On October 29, 2020, representatives of EPA inspected the STP for purposes of determining compliance with the Permit (“Site Inspection”).
30. On December 23, 2020, EPA sent the previous owner of the Facility a copy of its Site Inspection report (“EPA Inspection Report”) identifying the following violations of the Permit and the CWA as described below.
31. On or about August 31, 2021, Respondent purchased and took over operational control of the Facility. On May 31, 2022, EPA sent Respondent a Notice of Potential Violations and Opportunity to Confer (“NOPVOC”) with the list of violations. On August 1, 2022, a new Permit was issued to Respondent, and Respondent became the Permittee.

Count 1
Effluent Exceedances at Outfall #1

32. Permit Part 1. Section A. Effluent Limitations and Monitoring Requirements states there shall be no discharge of floating solids or visible foam in other than trace amounts. In addition, all discharges at Outfall #001 shall be limited and monitored by the Respondent at the levels set forth in the Permit.

Table 1. Effluent Limits and Exceedances Permit #: VA0090689 – Hill MHP LLC
Monitoring Period Date Range: 8/01/2022 to 03/31/2023

Monitoring Period End Date	Outfall	Parameter Description	Limit Type	DMR Value	Limit Value	DMR Value and Limit Value Units	% Exceedance
8/31/2022	1	Solids, total suspended	WKLY MAX	1.91	0.28	kg/d	582
8/31/2022	1	Solids, total suspended	WKLY MAX	102	15	mg/L	580
8/31/2022	1	Solids, total suspended	MO AVG	70.5	10	mg/L	605
8/31/2022	1	Solids, total suspended	MO AVG	1.27	0.19	kg/d	568
8/31/2022	1	Nitrogen, Kjeldahl, total (as N)	WKLY MAX	14.26	4.5	mg/L	217
8/31/2022	1	Nitrogen, Kjeldahl, total (as N)	MO AVG	9.13	3	mg/L	204
8/31/2022	1	Nitrogen, Kjeldahl, total (as N)	MO AVG	0.17	0.06	kg/d	183
8/31/2022	1	Nitrogen, Kjeldahl, total (as N)	WKLY MAX	0.27	0.09	kg/d	200
8/31/2022	1	BOD, carbonaceous, 05 day, 20 C	WKLY MAX	1.32	0.28	kg/d	371
8/31/2022	1	BOD, carbonaceous, 05 day, 20 C	WKLY MAX	83	15	mg/L	453
8/31/2022	1	BOD, carbonaceous, 05 day, 20 C	MO AVG	73	10	mg/L	630

8/31/2022	1	BOD, carbonaceous, 05 day, 20 C	MO AVG	1.24	0.19	kg/d	553
9/30/2022	1	Solids, total suspended	MO AVG	0.31	0.19	kg/d	63
9/30/2022	1	Solids, total suspended	WKLY MAX	0.42	0.28	kg/d	50
9/30/2022	1	Solids, total suspended	WKLY MAX	290	15	mg/L	1833
9/30/2022	1	Solids, total suspended	MO AVG	162.8	10	mg/L	1528
9/30/2022	1	Nitrogen, Kjeldahl, total (as N)	WKLY MAX	6.81	4.5	mg/L	51
9/30/2022	1	Nitrogen, Kjeldahl, total (as N)	MO AVG	6.61	3	mg/L	120
9/30/2022	1	BOD, carbonaceous, 05 day, 20 C	WKLY MAX	19	15	mg/L	27
9/30/2022	1	BOD, carbonaceous, 05 day, 20 C	MO AVG	12	10	mg/L	20
10/31/2022	1	Solids, total suspended	MO AVG	682.2	10	mg/L	6722
10/31/2022	1	Solids, total suspended	MO AVG	1.97	0.19	kg/d	937
10/31/2022	1	Solids, total suspended	WKLY MAX	3.56	0.28	kg/d	1171
10/31/2022	1	Solids, total suspended	WKLY MAX	1233.3	15	mg/L	8122
10/31/2022	1	Nitrogen, Kjeldahl, total (as N)	WKLY MAX	11.03	4.5	mg/L	145
10/31/2022	1	Nitrogen, Kjeldahl, total (as N)	MO AVG	7.92	3	mg/L	164
10/31/2022	1	BOD, carbonaceous, 05 day, 20 C	MO AVG	21	10	mg/L	110
10/31/2022	1	BOD, carbonaceous, 05 day, 20 C	WKLY MAX	33	15	mg/L	120
11/30/2022	1	Solids, total suspended	MO AVG	281.5	10	mg/L	2715

11/30/2022	1	Solids, total suspended	MO AVG	2.78	0.19	kg/d	1363
11/30/2022	1	Solids, total suspended	WKLY MAX	5.25	0.28	kg/d	1775
11/30/2022	1	Solids, total suspended	WKLY MAX	520	15	mg/L	3367
11/30/2022	1	Nitrogen, Kjeldahl, total (as N)	WKLY MAX	0.12	0.09	kg/d	33
11/30/2022	1	Nitrogen, Kjeldahl, total (as N)	MO AVG	0.07	0.06	kg/d	17
11/30/2022	1	Nitrogen, Kjeldahl, total (as N)	WKLY MAX	12.12	4.5	mg/L	169
11/30/2022	1	Nitrogen, Kjeldahl, total (as N)	MO AVG	6.89	3	mg/L	130
11/30/2022	1	BOD, carbonaceous, 05 day, 20 C	MO AVG	0.26	0.19	kg/d	37
11/30/2022	1	BOD, carbonaceous, 05 day, 20 C	MO AVG	28	10	mg/L	180
11/30/2022	1	BOD, carbonaceous, 05 day, 20 C	WKLY MAX	0.42	0.28	kg/d	50
11/30/2022	1	BOD, carbonaceous, 05 day, 20 C	WKLY MAX	42	15	mg/L	180
12/31/2022	1	Solids, total suspended	MO AVG	0.84	0.19	kg/d	342
12/31/2022	1	Solids, total suspended	MO AVG	107	10	mg/L	970
12/31/2022	1	Solids, total suspended	WKLY MAX	1.32	0.28	kg/d	371
12/31/2022	1	Solids, total suspended	WKLY MAX	152.9	15	mg/L	919
12/31/2022	1	Nitrogen, Kjeldahl, total (as N)	MO AVG	0.09	0.06	kg/d	50
12/31/2022	1	Nitrogen, Kjeldahl, total (as N)	WKLY MAX	18.8	4.5	mg/L	318

12/31/2022	1	Nitrogen, Kjeldahl, total (as N)	WKLY MAX	0.11	0.09	kg/d	22
12/31/2022	1	Nitrogen, Kjeldahl, total (as N)	MO AVG	13.5	3	mg/L	350
12/31/2022	1	E. coli	GEO MEAN	178	126	#/100mL	41
1/31/2023	1	Solids, total suspended	WKLY MAX	122.5	15	mg/L	717
1/31/2023	1	Solids, total suspended	WKLY MAX	0.88	0.28	kg/d	214
1/31/2023	1	Solids, total suspended	MO AVG	0.47	0.19	kg/d	147
1/31/2023	1	Solids, total suspended	MO AVG	83.6	10	mg/L	736
1/31/2023	1	Nitrogen, Kjeldahl, total (as N)	MO AVG	3.06	3	mg/L	2
1/31/2023	1	BOD, carbonaceous, 05 day, 20 C	WKLY MAX	0.68	0.28	kg/d	143
1/31/2023	1	BOD, carbonaceous, 05 day, 20 C	WKLY MAX	95	15	mg/L	533
1/31/2023	1	BOD, carbonaceous, 05 day, 20 C	MO AVG	54	10	mg/L	440
1/31/2023	1	BOD, carbonaceous, 05 day, 20 C	MO AVG	0.35	0.19	kg/d	84
2/28/2023	1	Solids, total suspended	MO AVG	92.3	10	mg/L	823
2/28/2023	1	Solids, total suspended	WKLY MAX	0.53	0.28	kg/d	89
2/28/2023	1	Solids, total suspended	WKLY MAX	92.5	15	mg/L	517
2/28/2023	1	Solids, total suspended	MO AVG	0.33	0.19	kg/d	74
2/28/2023	1	Nitrogen, Kjeldahl, total (as N)	WKLY MAX	19.6	4.5	mg/L	336
2/28/2023	1	Nitrogen, Kjeldahl, total (as N)	MO AVG	17.8	3	mg/L	493

2/28/2023	1	BOD, carbonaceous, 05 day, 20 C	WKLY MAX	58	15	mg/L	287
2/28/2023	1	BOD, carbonaceous, 05 day, 20 C	MO AVG	37	10	mg/L	270
3/31/2023	1	Solids, total suspended	MO AVG	41.8	10	mg/L	318
3/31/2023	1	Solids, total suspended	WKLY MAX	66	15	mg/L	340
3/31/2023	1	Nitrogen, Kjeldahl, total (as N)	WKLY MAX	9.22	4.5	mg/L	105
3/31/2023	1	Nitrogen, Kjeldahl, total (as N)	MO AVG	5.56	3	mg/L	85
3/31/2023	1	BOD, carbonaceous, 05 day, 20 C	MO AVG	49	10	mg/L	390
3/31/2023	1	BOD, carbonaceous, 05 day, 20 C	WKLY MAX	53	15	mg/L	253

33. Per Table 1 information, which is from Discharge Monitoring Reports submitted by Respondent, the Facility had 72 exceedances for the period of 8/1/2022 to 03/31/2023. These exceedances all occurred at the Facility's only outfall, Outfall 001, and included reoccurring exceedances of total suspended solids ("TSS"), biochemical oxygen demand ("BOD"), Phosphorus, and Nitrogen.

34. In addition to exceeding effluent limits observed through analytical testing, at the time of the Site Inspection, the inspector observed light brown solids discharged directly under Outfall 001 and 40-50 ft downstream in the receiving water. The solids observed appeared different than the natural material in the creek bed. Turbidity was also observed in the post-aeration chamber and effluent holding tank.

35. Based on the above assertions and allegations, EPA concludes that by discharging reoccurring exceedances of TSS, BOD, Phosphorus, and Nitrogen from Outfall 001 at levels above what the Permit allowed as well as the discharge of floating solids at Outfall 001 during the Site Inspection, Respondent has violated Section 301 of the CWA, 33 U.S.C. § 1311, and the Permit issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342.

Count 2**Failure to Maintain Facility and Systems of Control to Achieve Compliance**

36. Permit Part II. Section Q. requires the Respondent to “at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the [Respondent] to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes effective plant performance, adequate funding, adequate staffing, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by the [Respondent] only when the operation is necessary to achieve compliance with the conditions of this permit.”
37. At the time of the Site Inspection, turbidity and cloudiness were observed in the effluent holding tank and post-aeration chamber, and light-colored solids were observed in the receiving water. Facility representatives stated they were unsure of what was causing the turbidity but guessed it was related to the chlorine tablets not dissolving fully. The ongoing effluent exceedances are also evidence that the treatment systems are not being maintained to achieve compliance with the Permit limits.
38. At the time of the Site Inspection, Facility representatives stated that there was no backup or auxiliary power source for the STP. In the event of a prolonged power outage, wastewater would be held in the wastewater collection tank and collection system and would overflow once capacity was exceeded. The previous STP operator attributed an August 2019 TSS exceedance to a power failure event that prevented the Sequencing Batch Reactor (“SBR”) from resetting, compromising treatment effectiveness.
39. Based on the above observations and allegations for failure to properly operate and maintain the Facility, EPA has concluded that Respondent failed to comply with Part II. Section Q. of its Permit issued under Section 402 of the CWA, 33 U.S.C. § 1342, and violated Section 301 of the CWA, 33 U.S.C. § 1311.

Count 3**Failure to Maintain and Follow a Current Operations and Maintenance (O&M) Manual**

40. Permit Part I. Section C.3 states, “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-NRO 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 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.
41. The Facility's O&M Manual shows influent coming into the SBR in the anaerobic chamber at the east end of the system. The O&M Manual also describes the anaerobic chamber as a location where solids can settle during the SBR process. However, at the time of the Site Inspection, influent was being pumped from the wastewater collection tank over the anaerobic chamber, directly into the Surge Anoxic Mix ("SAM") tank. The anaerobic chamber was being used to store wasted solids at the time of the Site Inspection.
42. Additionally, the "Sampling, Lab Procedures & Reporting" section of the O&M Manual states, "For the facility, flow is reported based on daily readings of the water supply flow meters and reporting the quantity of water used during the intervening period." At the time of the Site Inspection, Facility representatives stated that flow was actually calculated by totaling the number of 381-gallon batches discharged from the SBR instead of using the flow meter information. For example, four batches would equal a

calculated flow of 1,524 gallons/day. Respondent was made aware of these violations during discussions following receipt of the NOPVOC from EPA and in subsequent discussions with EPA and VADEQ.

43. Based on the above assertions and allegations, EPA concludes that Respondent was not operating the STP in accordance with the O&M Manual, in violation of Part I. Section C. of its Permit issued under Section 402 of the CWA, 33 U.S.C. § 1342, and therefore violated Section 301 of the CWA, 33 U.S.C. § 1311.

IV. COMPLIANCE ORDER

Therefore, based on the foregoing, Respondent is hereby ORDERED, pursuant to Section 309(a) of the CWA, 33 U.S.C. § 1319(a), to conduct, and consents to conduct, the following activities:

44. Respondent will continue pump and haul services for the STP's effluent, which it began on April 6, 2023. There will be no further discharge from the STP.
45. Within ninety (90) days of the Effective Date of the AOC, the Respondent shall provide to EPA for review and approval a Corrective Action Plan ("CAP"), which meets the requirements set forth in this AOC. The CAP shall include, at a minimum, plans and a schedule for implementing corrective actions to address the following to return to compliance with the CWA:
- a. A plan and schedule for the construction of a new STP facility.
 - b. A plan and schedule for removal and closure of the current wastewater treatment facility as required in the closure requirements in Part 1. Section C.11 of the STP Permit.
 - c. A plan and schedule for implementation of proper operation and maintenance of the new STP including updated O&M manual and demonstration of compliance with Permit Part II Section Q.
 - d. A report of infiltration and inflow ("I&I") work on the collection system in the Hill Mobile Home Park completed prior to submission of the CAP and a plan and schedule for implementation of further I&I work, if necessary for the operability of the new STP.
 - e. All work should be completed in compliance with Respondent's current NPDES permit, including revision of the current NPDES permit following completion of the new STP.
 - f. Notwithstanding the foregoing, in the event that Respondent determines that the replacement plant is infeasible, either due to cost estimates, including fines or penalties resulting from any noncompliance with the Permit or the CWA,

exceeding budget or other unforeseen contingencies, the CAP may simply call for ceasing all operations at the Hill Mobile Home Park. In the event that Respondent ceases all operations at the Hill Mobile Home Park, the AOC shall be deemed completed.

- 46. EPA will review the CAP and make a determination as to completeness, based on the requirements described in Paragraph 46, above. If EPA determines that the CAP is not complete or adequate, EPA shall notify Respondent in writing and Respondent shall resubmit an updated CAP within thirty (30) days of Respondent’s receipt of EPA’s notice. Upon a determination of completeness as provided in writing by EPA to the Respondent, Respondent will begin to implement the CAP in full.
- 47. Respondent shall submit a notice to EPA within thirty (30) days once all work as identified in and required by the CAP, if applicable, has been completed.
- 48. No later than sixty (60) Days from the Effective Date, Defendant shall submit to EPA for review a list of deadlines included in the AOC. The list shall be submitted in an electronic format (e.g., unlocked spreadsheet or similar format agreed to by the Parties). Within thirty (30) Days of any modification of any deadline under this Administrative Order, Defendant shall provide an updated list reflecting changes to the future schedule.

V. PROCEDURES FOR SUBMISSIONS

- 49. All documents required to be submitted by this Order and any Request for Termination shall be accompanied by a certification signed by a responsible officer, as defined in 40 CFR § 122.22(d), that reads as follows:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signed _____

Title: _____

Date: _____

- 50. Respondent may assert a business confidentiality claim covering part or all of the information which this AOC requires it to submit to EPA, but only to the extent and only in the manner described in Part 2 Subpart B of Title 40 of the C.F.R. The EPA will disclose information submitted under a confidentiality claim only as provided in Part 2 Subpart B of Title 40 of the C.F.R. If, at the time any information is submitted to EPA,

the Respondent submitting such information does not assert a confidentiality claim, EPA may make the submitted information available to the public without further notice to either Respondent.

51. Unless otherwise directed in writing, Respondent shall submit any submission or written communication, including any accompanying data, relating to this AOC via email to:

Email: Rebecca Serfass
serfass.rebecca@epa.gov
Life Scientist
Enforcement and Compliance Assurance Division
U.S. EPA, Region 3

and

R3_ORC_mailbox@epa.gov
[sent with subject line attn: Dan Gallo, Dkt. No. CWA-03-2024-0044DN]

Any information submitted electronically shall be submitted in a widely recognized electronic format.

VI. CERTIFICATION OF COMPLIANCE AND REQUEST FOR TERMINATION OF AOC

52. Upon completion of all items required by the CAP, a determination of completeness of each item, and after one year of implementation or upon cessation of operations at the Hill Mobile Home Park, the Respondent shall submit to EPA a Certification of Compliance and Request for Termination of this AOC. Such certification and request shall include:
- a. a certification that Respondent has maintained compliance with this AOC for the term of this AOC; and
 - b. all necessary documentation, including photo documentation as appropriate, to support a finding that Respondent has complied with Section VI (Compliance Order) of this AOC.
53. If, following review of any Certification of Compliance and Request for Termination of this AOC, EPA agrees that Respondent has adequately complied with all requirements of this AOC, then EPA may provide written notification of termination of this AOC.

VII. AOC MODIFICATIONS

54. Any request to modify the terms of, or parties to, this AOC shall be submitted, in writing, by Respondent to EPA and shall be subject to review and approval by EPA, in its sole and unreviewable discretion.

VIII. CHANGE OF OWNERSHIP OR OPERATION OF THE STP

55. Until or unless this AOC is modified or terminated, in accordance with the terms of this AOC, Respondent shall remain responsible for compliance with the terms of this AOC following any transfer of ownership or operation of the STP. At least ninety (90) days prior to any transfer of ownership or operation of the STP, Respondent shall submit a written notification to EPA of any such anticipated change in ownership or operation which shall include, at a minimum, a detailed summary of the anticipated change in ownership or operation, contact information for the proposed new owner or operator of the STP and a schedule for such anticipated change.
56. Respondent shall condition any sale or transfer of ownership or operation of the Hill Mobile Home Park Facility, in whole or in part, upon the execution by such Prospective Third-Party Purchaser, or Transferee, of an agreement, which creates an obligation that shall survive the closing of such sale or transfer of the STP, whereby such Prospective Third-Party Purchaser or Transferee agrees to comply with and be bound by the terms of this AOC.

IX. FORCE MAJEURE

57. "Force majeure," for purposes of this Consent Decree, is defined as any event arising from causes beyond the control of the Respondent claiming the occurrence of a force majeure event of any entity controlled by Respondent, or Respondent's contractor(s), that delays or prevents the performance of any obligation under this Consent Decree despite Respondent's best efforts to fulfill the obligation. The requirement that Respondent exercise "best efforts to fulfill the obligation" includes using best efforts to anticipate any potential force majeure event and best efforts to address the effects of any potential force majeure event (a) as it is occurring and (b) following the potential force majeure, such that the delay and any adverse effects of the delay are minimized. Force majeure does not include Respondent's financial inability to perform any obligation under this Order.
58. If any event occurs or has occurred that may delay the performance of any obligation under this Order, whether or not caused by a force majeure event, the Respondent shall provide notice by email within 72 hours of when Respondent first knew that the event might cause a delay. Within seven calendar days thereafter, Respondent shall provide in writing to EPA and VADEQ an explanation and description of the reasons for the delay; the anticipated duration of the delay; all actions taken or to be taken to prevent or minimize the delay; a schedule for implementation of any measures to be taken to prevent or mitigate the delay or the effect of the delay; Respondent's rationale for attributing such delay to a force majeure event if it intends to assert such a claim; and a statement as to whether, in the opinion of Respondent, such event may cause or contribute to an endangerment to public health, welfare or the environment. Respondent shall include with any notice all available documentation supporting the

claim that the delay was attributable to a force majeure. Failure to comply with the above requirements shall preclude Respondent from asserting any claim of force majeure for that event for the period of time of such failure to comply, and for any additional delay caused by such failure. Respondent shall be deemed to know of any circumstance of which Respondent, any entity controlled by Respondent, or Respondent's contractors knew or should have known. If EPA, after a reasonable opportunity for review and comment by VADEQ, agrees that the delay or anticipated delay is attributable to a force majeure event, the time for performance of the obligations under this Order that are affected by the force majeure event will be extended by EPA, after a reasonable opportunity for review and comment by VADEQ, for such time as is necessary to complete those obligations. An extension of the time for performance of the obligations affected by the force majeure event shall not, of itself, extend the time for performance of any other obligation. EPA will notify the applicable Respondent in writing of the length of the extension, if any, for performance of the obligations affected by the force majeure event.

59. If EPA, after a reasonable opportunity for review and comment by VADEQ, does not agree that the delay or anticipated delay has been or will be caused by a force majeure event, EPA will notify the Respondent in writing of its decision.
60. If the Respondent elects to invoke the dispute resolution procedures set forth herein, they shall do so no later than 15 Days after receipt of EPA's notice identified in the preceding Paragraph. In any such proceeding, the Settling Defendant(s) shall have the burden of demonstrating by a preponderance of the evidence that the delay or anticipated delay has been or will be caused by a force majeure event, that the duration of the delay or the extension sought was or will be warranted under the circumstances, that best efforts were exercised to avoid and mitigate the effects of the delay, and that Respondent has complied with the requirements of this Section X. If the Respondent carries this burden, the delay at issue shall be deemed not to be a violation by Respondents under this Order.

X. EFFECTIVE DATE

61. This AOC shall become effective upon the Respondent's receipt of a fully executed copy of this AOC.

FOR RESPONDENT HILL MHP, LLC

Date: April 17, 2024

By: 

(Name)

Authorized Signatory for
Hill MHP, LLC

*Steven W. Blaine, attorney
for Hill MHP, LLC*

SO ORDERED:

FOR U.S. ENVIRONMENTAL PROTECTION AGENCY

By:

[Digitally signed and dated]

Karen Melvin, Director

Enforcement and Compliance Assurance Division

U.S. Environmental Protection Agency, Region 3

(dated via electronic timestamp)

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103-2029**

In the Matter of:	:
	:
Hill MHP, LLC	:
5805 Staples Mill Road	:
Richmond, VA 23228	:
	:
	:
Respondent	:
	:
Hill Mobile Home Park Sewage Treatment	:
Plant	:
Intersection of Lakewood Road and A.P. Hill	:
Boulevard	:
Bowling Green, VA 22427	:
	:
	:
Facility	:
	:

U.S. EPA Docket No. CWA-03-2024-0044DN

ADMINISTRATIVE ORDER FOR COMPLIANCE ON CONSENT PURSUANT TO 33 U.S.C. § 1319(a)

CERTIFICATE OF SERVICE

I certify that the foregoing Administrative Order on Consent was filed with the EPA Region 3 Regional Hearing Clerk on the date that has been electronically stamped on the Administrative Order on Consent. I further certify that on the date set forth below, I caused to be served a true and correct copy of the foregoing Administrative Order on Consent to each of the following persons, in the manner specified below, at the following addresses:

Copies served via email and UPS, signature requested, to:

John Byrum, Jr.
Woods Rogers Vandeventer Black PLC
901 East Byrd Street, Suite 1550
Richmond, VA 23219
john.byrum@wrvblaw.com

Steven Blaine
Woods Rogers Vandeventer Black PLC
123 East Main Street, 5th Floor | Charlottesville, VA 22902
P (434) 220-6831 | F (434) 220-5687
steven.blaine@wrvblaw.com

with copies served via email to:

Daniel T. Gallo
Senior Assistant Regional Counsel
U.S. EPA, Region 3
gallo.dan@epa.gov

Rebecca Serfass
Life Scientist
U.S. EPA, Region 3
serfass.rebecca@epa.gov

[Digital Signature and Date]
Bevin Esposito
Regional Hearing Clerk
U.S. Environmental Protection Agency,
Region 3