

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
Philadelphia, Pennsylvania 19103

<b>In the Matter of:</b>	:	
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<b>HIWAY MHC, LLC.</b>	:	<b>U.S. EPA Docket No. CWA-03-2022-0040DN</b>
<b>14489 JAMES MONROE HIGHWAY</b>	:	
<b>LEESBURG, VA 20178</b>	:	
	:	
<b>Respondent.</b>	:	<b>ADMINISTRATIVE ORDER ON CONSENT</b>
	:	<b>PURSUANT TO 33 U.S.C. § 1319(a)</b>
	:	
<b>WASTEWATER TREATMENT FACILITY :</b>	:	
<b>14489 JAMES MONROE HIGHWAY :</b>	:	
<b>LEESBURG, VA 20178 :</b>	:	
	:	
<b>Facility.</b>	:	
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**I. STATUTORY AUTHORITY AND JURISDICTION**

1. This Administrative Order on Consent (“AOC” or “Order”) for compliance is issued to Hiway MHC, LLC (“Hiway” or “Respondent”), under the authority vested in the United States Environmental Protection Agency (“EPA”) by Section 309(a) of the Clean Water Act (“CWA” or “Act”), 33 U.S.C. § 1319(a). The Administrator delegated this authority to the Regional Administrator of EPA Region III, who further delegated it to the Director of the Enforcement & Compliance Assurance Division, EPA Region III.
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 [implementing section 1311, 1312, 1316, 1317, 1318, 1328, or 1345 of this title] in a permit issued under section 1342 ... 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 provide a copy of this fully executed AOC to the appropriate VADEQ representative.

## II. GENERAL PROVISIONS

5. The provisions of this AOC shall apply to and be binding upon the Respondent and its officers, directors, employees, contractors, agents, trustees, successors and assigns of the Respondent.
6. Respondent shall bear its own costs and attorneys' 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. Issuance of this AOC is intended to address the violations described herein. EPA reserves the right to commence 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 also reserves any existing rights and remedies available to it under the CWA, 33 U.S.C. §1311, et seq., the regulations promulgated thereunder, and any other federal laws or regulations for which EPA has jurisdiction. Further, EPA reserves any rights and remedies available to it under the CWA, the regulations promulgated thereunder, and any other federal laws or regulations for which EPA has jurisdiction, to enforce the provisions of this AOC, following the Effective Date, as defined below.
8. This AOC does not constitute a waiver or modification of the terms or conditions of any permit issued to either Respondent. Nothing in this Order shall relieve either 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 et seq., 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 party represented to enter into the terms and conditions of this AOC and to execute and legally bind the party.
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 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 either Respondent to the EPA regarding matters relevant to this AOC are 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.

### **III. STATUTORY AND REGULATORY BACKGROUND**

14. Section 301(a) of the Act, 33 U.S.C. § 1311(a), prohibits the discharge of any pollutant by any person except in compliance with sections 301, 302, 306, 307, 318, 402, and 404 of the Act.
15. 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.
16. “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).
17. Pursuant to Section 402(b) of the Act, 33 U.S.C. § 1342(b), EPA authorized VADEQ to administer the NPDES program in the Commonwealth of Virginia.

### **IV. FINDINGS OF FACT AND JURISDICTIONAL ALLEGATIONS**

18. As a corporation, Respondent is a “person” within the meaning of Section 502(5) of the Act, 33 U.S.C. § 1362(5).
19. At all times relevant to this AOC, Respondent owned and operated the Wastewater Treatment Facility (“WWTF” or “Facility”), a domestic wastewater treatment facility that treats wastewater from the Hiway mobile home community located at 14489 James Monroe Highway, Leesburg, Virginia. The WWTF discharges treated domestic sewage into an unnamed tributary to Limestone Branch, a tributary to the Potomac River.
20. At all times relevant to this AOC, the operation of the WWTF has been subject to Virginia NPDES Discharge Permit No. VA0074942 (“Permit”), which was issued by VADEQ on March 29, 2018, and became effective April 1, 2018. The Permit will expire on March 31, 2023.

21. Respondent is authorized to discharge pollutants, in the form of domestic wastewater from the WWTF, to waters of the United States only in accordance with the terms and conditions of the Permit.
22. Limestone Branch, a tributary of the Potomac River, is a “water of the United States” within the meaning of Section 502(7) of the Act, 33 U.S.C. § 1362(7).
23. At all times relevant to this AOC, the WWTF discharged wastewater into an unnamed tributary to Limestone Branch through a “point source,” as that term is defined at Section 502(14) of the Act, 33 U.S.C. § 1362(14).
24. On October 28, 2020, representatives of EPA inspected the WWTF for purposes of determining compliance with the Permit (“Inspection”).

**Count I**  
**Permittee Discharged Water to Outlet No. 001 in**  
**Exceedance of Permit Effluent Discharge Limitations**

25. Part I.A.1 of the Permit defines effluent limitations and monitoring requirements for Outfall 001 discharges.
26. From April 4, 2018 to May 31, 2021, Respondent has discharged wastewater from Outlet No. 001 in exceedance of its Permit’s effluent discharge limitations on multiple occasions. A summary of the exceedances identified are set forth in Enclosure 1.
27. Based on the above assertions and allegations, EPA concludes that Respondent violated Part I.A.1 of the Permit during the periods set forth in Enclosure 1 from April 4, 2018 to May 31, 2021.

**Count II**  
**Respondent was not Operating and Maintaining**  
**the WWTF as required by the Permit**

28. Permit Part II.Q requires the permittee 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 permittee to achieve compliance with the terms of and conditions of this permit.”
29. At the time of the Inspection, EPA inspectors saw the baffle wall that was designed to separate the primary settling chamber and the original aerobic digester compartment to be pitted and rotted through with holes, unable to separate flow between the two chambers.
30. Based on the above assertions and allegations in Paragraph 29, above, EPA concludes that Respondent violated Permit Part II.Q of the Permit on at least October 28, 2020.

**Count III****Respondent failed to maintain the O&M Manual as required by the Permit**

31. Permit Part I.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 shall detail the practices and procedures which will be followed to ensure compliance with the requirements of this permit.”
32. Respondent’s WWTP O&M manual states the Primary Settling Compartment “Provides a quiescent zone where settleable solids may settle out of the waste stream. Floating material, or scum, is also trapped in this compartment for removal by a scum air lift pump to the aerobic digester. The clarified wastewater flows from the primary settling compartment through a weir trough to the Contac [sic] Aerator. This chamber may be used for sludge holding as the septic tank prior to the plant provides preliminary settling. Settled influent is directed to the contact aerator.”
33. Respondent’s WWTP O&M manual section entitled “Sampling, Lab Procedures & Reporting” 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.”
34. At the time of the Inspection, EPA inspectors observed the primary settling compartment and the originally designed aerobic digestion compartment were functioning together as an aerated equalization basin because the baffle wall separating the two compartments had rotted through, allowing flow to pass from one chamber to the other.
35. Based on the above assertions and allegations in Paragraph 34, above, EPA concludes that Respondent violated Part I.C.3 of the Permit on at least October 28, 2020.

**V. COMPLIANCE ORDER**

Therefore, 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:

36. Within 30 days of the Effective Date of the AOC, the Respondent shall:
  - i. Remove the accumulation of sewage solids in the receiving stream, if any, and provide a plan and a weekly inspection schedule for the detection, reporting, and removal of all future accumulation of sewage solids.
  - ii. Provide a plan and inspection schedule for removing and properly disposing of scum daily from all three of the clarifier compartments and from the chlorine contact tank.
  - iii. Provide an update of the Plant’s current Operations and Maintenance practices and update the O&M manual accordingly.

37. Within ninety (90) days of the Effective Date of the AOC, the Respondent shall provide to EPA for review an Engineering Evaluation of the WWTF. The Engineering Evaluation must be completed by a certified Professional Engineer. This evaluation must include an analysis of the causes, and responsive recommendations to comply with the Permit effluent limitations and monitoring requirements to Outfall 001, including any and all repairs and upgrades to the WWTF to comply with the Permit effluent limitations and monitoring requirements to Outfall 001.
38. EPA will review the Engineering Evaluation and make a determination of completeness, based on the requirements described in Paragraph 37, above. If EPA determines that the Engineering Evaluation is not complete or adequate, EPA shall notify Respondent in writing and Respondent shall resubmit an updated Engineering Evaluation within thirty (30) days of Respondent's receipt of EPA's notice.
39. Within ninety (90) days of receiving written notification that EPA has completed its review of the submitted Engineering Evaluation, the Respondent shall provide to EPA for review 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:
  - i. A plan and schedule for implementing corrective actions to address effluent violations for the following parameters: 1) pH; 2) Suspended Solids; 3) Nitrogen, ammonia total; 4) E.Coli; and 5) 5-Day Biological Oxygen Demand (BOD5).
  - ii. A plan and schedule for the construction completion of a new WWTF within 2.5 years of the Effective Date of this AOC.
40. The schedule to implement the corrective actions identified in the CAP shall not exceed one-hundred eighty (180) days from the Effective Date of this AOC, except for item 39.ii, above.
41. After review of the CAP:
  - a. EPA will in writing: (a) accept the submission; (b) accept the submission upon specified conditions; (c) accept part of the submission and request resubmission of the remainder; or (d) request a new submission.
  - b. If the submission is accepted pursuant to Paragraph 41(a) (above), Respondent shall take all actions required by the CAP, in accordance with the schedule and requirements of the CAP, as approved. If the CAP is conditionally accepted or accepted only in part, pursuant to Paragraph 41.a.(b) or (c) (above), Respondent shall, upon written direction from EPA, take all actions required by the accepted CAP that EPA determines are technically severable from any unacceptable portions.
  - c. If the CAP is unacceptable in whole or in part, Respondent shall, within 15 Days or such other time as the Parties agree to in writing, correct all deficiencies and

resubmit the CAP, or any unacceptable portion thereof, for approval, in accordance with the preceding Paragraphs. If the resubmission is accepted in whole or in part, Respondent shall proceed in accordance with the preceding Paragraph.

- d. CAP Deadlines. No later than 10 Days from EPA's acceptance of the CAP, Respondent shall submit to EPA for review a list of deadlines included in the CAP. The list shall be submitted in an electronic format (e.g., unlocked spreadsheet or similar format agreed to by the Parties). Within 10 Days of modification of any deadline under the CAP, Respondent shall provide an updated list reflecting changes to the future schedule.
42. Respondent shall submit a notice to EPA within thirty (30) days of completing a scheduled event in the CAP until all work as identified in and required by the CAP has been completed.
43. Within 180 days of the Effective Date of the AOC, Respondent shall submit to EPA a Preventative Maintenance Plan ("PMP"). This PMP will detail the specific preventative maintenance requirements for each primary treatment, secondary treatment, and disinfection process or other equipment critical for optimal plant operation. As part of the preventative maintenance for each treatment process, include daily, weekly, or monthly schedules to be followed by the plant operator that prescribe Preventative Maintenance procedures, including, at a minimum, calibration, lubrication, cleaning and replacement of equipment. Each item identified in Paragraph 39, above, that has a corrective action shall have a corresponding preventative action described in the PMP. The PMP shall also include a process for regularly inspecting and correcting any issues identified at Outfall No. 001 for any prohibited characteristics which may be present due to the facility's discharges.
44. EPA will review the PMP and make a determination of completeness, based on the requirements described in Paragraph 43, above. Upon a determination of completeness as provided in writing by EPA to the Respondent, Respondent will begin implementation of the PMP.

## **VI. PROCEDURES FOR SUBMISSIONS**

45. 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: \_\_\_\_\_

- 46. 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.
- 47. 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: [crosby.monica@epa.gov](mailto:crosby.monica@epa.gov)  
 Ms. Monica Crosby  
 NPDES Enforcement  
 Enforcement and Compliance Assurance Division  
 U.S. EPA, Region III

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

**VII. CERTIFICATION OF COMPLIANCE AND REQUEST FOR TERMINATION OF AOC**

- 48. Upon completion of all items required by the CAP and a determination of completeness of each item, 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 that Respondent has completed the construction and installation of the new WWTP at the Facility; 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.
- 49. 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, in its unreviewable discretion, provide written notification of termination of this AOC.

### VIII. AOC MODIFICATIONS

50. 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. Respondent's submission of a written request for modification of this AOC shall not relieve Respondent of any obligation under this AOC and shall have no effect on EPA's statutory or regulatory authority to enforce the terms of this AOC, in its sole and unreviewable discretion.

### IX. CHANGE OF OWNERSHIP OR OPERATION OF THE WWTF

51. 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 WWTF.
52. At least ninety (90) days prior to any transfer of ownership or operation of the WWTF, Respondent shall submit a written notification to EPA of any such anticipated change in ownership or operation of the WWTF (Notification of Change of HIWAY Ownership or Operation). Each such Notification of Change of HIWAY Ownership or Operation 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 WWTF and a schedule for such anticipated change.
53. Respondent shall condition any sale or transfer of ownership or operation of the WWTF, 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 WWTF, whereby such Prospective Third Party Purchaser or Transferee agrees to comply with and be bound by the terms of this AOC.

### X. EXTENSION OF TIME BASED ON FORCE MAJEURE

54. "Force Majeure Event", for purposes of this AOC, is defined as any event arising from causes beyond the control of either Respondent, of any entity controlled by either Respondent or any contractor of either Respondent, that delays or prevents the performance of any obligation under this AOC subsequent to Respondent exercising best efforts to fulfill the obligation(s) at issue. The requirement that Respondent exercises "best efforts to fulfill the obligation" includes using best efforts to anticipate any Force Majeure Event and best efforts to address the effects of any such event: (a) as it is occurring and (b) after it has occurred, to prevent or minimize any resulting delay. Unanticipated or increased costs or expenses associated with the performance of Respondent's obligations under this AOC or Respondent's financial inability to perform any obligation under this AOC shall not constitute circumstances beyond Respondent's control nor serve as the basis for an extension of time under this AOC.
55. If at any time during the implementation of this AOC, any Force Majeure Event occurs that may delay the performance of any obligation under this AOC, including implementation of an EPA-approved plan or schedule, Respondent shall, within seven (7) calendar days of determining that such event may delay the performance of such

obligation, provide to EPA a written request for an extension of time to comply with any such obligation (Force Majeure Extension of Time Request). Such Extension of Time Request shall include, at a minimum, the following information for each specific obligation(s) for which an extension of time is sought.

- i. The specific obligation(s) for which an extension of time is sought, including each applicable deadline.
  - ii. A detailed explanation and description of the Force Majeure Event at issue and the reasons for the requested extension of time, including all supporting documentation.
  - iii. The amount of time for which an extension of time is sought.
  - iv. A detailed description of all actions taken to prevent or minimize the amount of time for which an extension of time is sought, including a detailed description of each Respondent's best efforts to fulfill the obligation.
  - v. A detailed description, including a schedule for implementation, of all actions to be taken to prevent or mitigate the amount of time for which an extension is sought and the effect of any delay on any other obligation pursuant to this AOC.
  - vi. A statement as to whether, in the opinion of each Respondent, the Force Majeure Event at issue may cause or contribute to an endangerment to public health, welfare, or the environment.
56. Respondent shall be deemed to know of the occurrence of, or reasonable likelihood of an occurrence of, any circumstance or event that may delay the performance of any obligation under this AOC of which either Respondent, any entity controlled by either Respondent, or any contractor of either Respondent knew or reasonably should have known.
57. Any Force Majeure Extension of Time Request shall be submitted in accordance with this AOC and EPA may, in its unreviewable discretion, approve or disapprove any Extension of Time Request.
58. EPA's approval, including conditional approval, of any Force Majeure Extension of Time Request shall not, of itself extend the time for performance of any other obligation not explicitly addressed in such approval.
59. Failure to comply with the above requirements may preclude Respondent from asserting any claim of Force Majeure or other related defense for non-compliance with the terms of this AOC for the time period such non-compliance is related to a reportable event.

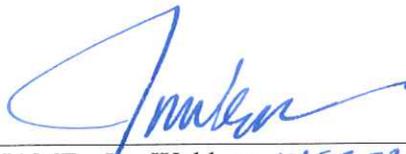
60. For purposes of the identification requirement in Section 162(f)(2)(A)(ii) of the Internal Revenue Code, 26 U.S.C. § 162(f)(2)(A)(ii), and 26 C.F.R. § 162-21(b)(2), performance of the tasks set forth in Paragraphs 35 through 39 of this AOC, above, is deemed restitution, remediation, or required to come into compliance with the law.

**X. EFFECTIVE DATE**

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

**FOR HIWAY MHC, LLC**

Date: 3/10/2022

By:   
NAME: Joe Webber ~~WEBER~~  
TITLE: Chief Operating Officer  
The Carlyle Group, Inc.  
General Partner of HIWAY MHC, LLC

**SO ORDERED:**

**FOR U.S. ENVIRONMENTAL PROTECTION AGENCY**

Date: \_\_\_\_\_

By:

*[Digital Signature and Date]*

Karen Melvin, Director

Enforcement & Compliance Assurance Division

U.S. Environmental Protection Agency, Region III

Attachment I  
Permit No. VA0074942 Effluent Exceedances (08/01/2016-01/31/2022)

Monitoring Period Date	Parameter Description	Limit Type	DMR Value	DMR Value Unit	Limit Value	Limit Value Unit
8/31/2016	BOD, 5-day, 20 deg. C	MO AVG	47	mg/L	25	mg/L
8/31/2016	BOD, 5-day, 20 deg. C	WKLY AVG	66	mg/L	38	mg/L
8/31/2016	BOD, 5-day, 20 deg. C	MO AVG	1.53	kg/d	1.1	kg/d
8/31/2016	BOD, 5-day, 20 deg. C	WKLY AVG	2.17	kg/d	1.7	kg/d
11/30/2017	BOD, 5-day, 20 deg. C	MO AVG	26	mg/L	25	mg/L
4/30/2018	Solids, total suspended	WKLY AVG	1.99	kg/d	1.7	kg/d
4/30/2018	Solids, total suspended	MO AVG	33	mg/L	25	mg/L
4/30/2018	Solids, total suspended	WKLY AVG	61	mg/L	38	mg/L
11/30/2018	Nitrogen, ammonia total (as N)	WKLY AVG	4.87	mg/L	3.1	mg/L
11/30/2018	Nitrogen, ammonia total (as N)	MO AVG	4.87	mg/L	3.1	mg/L
1/31/2019	Nitrogen, ammonia total (as N)	WKLY AVG	12.3	mg/L	3.1	mg/L
1/31/2019	Nitrogen, ammonia total (as N)	MO AVG	12.3	mg/L	3.1	mg/L
3/31/2019	Nitrogen, ammonia total (as N)	WKLY AVG	11.2	mg/L	3.1	mg/L
3/31/2019	Nitrogen, ammonia total (as N)	MO AVG	11.2	mg/L	3.1	mg/L
4/30/2019	BOD, 5-day, 20 deg. C	WKLY AVG	39	mg/L	38	mg/L
7/31/2019	BOD, 5-day, 20 deg. C	MO AVG	32	mg/L	25	mg/L
11/30/2019	Solids, total suspended	MO AVG	36.5	mg/L	25	mg/L
1/31/2020	Nitrogen, ammonia total (as N)	WKLY AVG	24.9	mg/L	3.1	mg/L
1/31/2020	Nitrogen, ammonia total (as N)	MO AVG	24.9	mg/L	3.1	mg/L
2/29/2020	Solids, total suspended	MO AVG	29.3	mg/L	25	mg/L
3/31/2020	Nitrogen, ammonia total (as N)	WKLY AVG	23.3	mg/L	3.1	mg/L
3/31/2020	Nitrogen, ammonia total (as N)	MO AVG	23.3	mg/L	3.1	mg/L
6/30/2020	Solids, total suspended	MO AVG	26.2	mg/L	25	mg/L
6/30/2020	Solids, total suspended	WKLY AVG	2.02	kg/d	1.7	kg/d
6/30/2020	Solids, total suspended	WKLY AVG	68	mg/L	38	mg/L
11/30/2020	Solids, total suspended	MO AVG	32	mg/L	25	mg/L
12/31/2020	Solids, total suspended	MO AVG	26	mg/L	25	mg/L
3/31/2021	Solids, total suspended	MO AVG	29	mg/L	25	mg/L
8/31/2021	Nitrogen, ammonia total (as N)	MO AVG	6	mg/L	2.1	mg/L
8/31/2021	Nitrogen, ammonia total (as N)	WKLY AVG	6	mg/L	2.1	mg/L

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**CERTIFICATE OF SERVICE**

I certify that the foregoing Administrative Order on Consent was filed with the EPA Region III 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 UPS and email to:

Joe Weber, COO  
The Carlyle Group, Inc.  
9073 Nemo St.  
W. Hollywood, CA 9009  
[joe@lacarlyle.com](mailto:joe@lacarlyle.com)

Matthew Raynor, Director  
REE Va. Inc.  
524 Meadow Ave. Loop  
Banner Elk, NC 28604  
[tarmatt@aol.com](mailto:tarmatt@aol.com)

Copies served via email to:

**Louis F. Ramalho**  
Senior Assistant Regional Counsel  
U.S. EPA, Region III  
[Ramalho.louis@epa.gov](mailto:Ramalho.louis@epa.gov)

Allison Gieda  
NPDES Enforcement – Water Branch  
Enforcement and Compliance Assurance  
Division  
U.S. EPA, Region III  
[Gieda.allison@epa.gov](mailto:Gieda.allison@epa.gov)

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[*Digital Signature and Date*]  
Louis F. Ramalho  
Sr. Assistant Regional Counsel  
U.S. Environmental Protection Agency,  
Region III