

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
Philadelphia, Pennsylvania 19103**

In the Matter of:	:	
	:	
ZQRIC, LLC	:	U.S. EPA Docket No. CWA-03-2022-0055DN
16433 Old Waterford Road	:	
Paeonian Springs, VA 20129	:	
	:	ADMINISTRATIVE ORDER ON CONSENT
Respondent.	:	PURSUANT TO 33 U.S.C. § 1319(a)
	:	
Mountain View Motel	:	
WASTEWATER TREATMENT FACILITY :	:	
6851 Northwestern Pike	:	
Gore, VA 22637	:	
	:	
Facility.	:	
	:	

I. STATUTORY AUTHORITY AND JURISDICTION

1. This Administrative Order on Consent (“AOC” or “Order”) for compliance is issued to ZQRIC, LLC (“ZQRIC” 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 the 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 a domestic wastewater treatment facility (“WWTF” or “Facility”) that treats wastewater from the Mountain View Motel located at 6851 Northwestern Pike, Gore, Virginia. The WWTF discharges treated domestic sewage into Back Creek from Outfall 001.
20. At all times relevant to this AOC, Respondent’s operation of the WWTF has been subject to Virginia NPDES General Discharge Permit No. VAG408265 (“Permit”), which was issued by VADEQ on April 1, 2016, and became effective August 2, 2016. The Permit expired on August 1, 2021 and was administratively extended by VADEQ.

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. Back Creek 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 Back Creek through a “point source,” as that term is defined at Section 502(14) of the Act, 33 U.S.C. § 1362(14).
24. VADEQ conducted inspections of the WWTF on February 19, 2019, March 19, 2019, and February 24, 2020 (the “Inspections”).
25. Following the Inspections, by letter dated May 11, 2021, EPA requested additional information (“Information Request Letter”) from Respondent pursuant to Section 308 of the CWA, 33 U.S.C. § 1318. On July 7, 2021, Respondent submitted a response to EPA’s May 11, 2021 Information Request Letter.

Count I
Permittee Discharged Wastewater from Outlet No. 001 in
Exceedance of Permit Effluent Discharge Limitations

26. Part I.A.1 of the Permit defines effluent limitations and monitoring requirements for Outfall 001 discharges.
27. From August 31, 2018 to August 31, 2020, Respondent has discharged wastewater from Outlet No. 001 in exceedance of its Permit’s effluent discharge limitations on eight different occasions as determined by EPA from Respondent’s discharge monitoring reports (“DMRs”). A summary of the exceedances identified are set forth in Enclosure 1.
28. Based on the above assertions and allegations, EPA concludes that Respondent violated Part I.A.1 of the Permit and Section 301 of the CWA during the periods set forth in Enclosure 1 from August 31, 2018 to August 31, 2020.

Count II
Respondent failed to Operate and Maintain the Facility as required by the Permit

29. Part II.Q of the Permit states that: “The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also include 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 that are installed by the permittee only when the operation is necessary to achieve compliance with the conditions of this permit.”

30. Part II.D.2.b.(3)(c) of the Permit states that: Operation and maintenance: “A log of the following items shall be maintained at the treatment works by the contract provider: (i) Results of all tests and sampling. Note: If sampling is attempted, but no sample was taken or possible, the log shall show all sampling attempts and document and explain why no sample was taken or possible; (ii) Alarm activation incidents; (iii) Maintenance, corrective, or repair activities performed; (iv) Recommended repair or replacement items; and (v) Copies of all reports prepared by the contract provider.”
31. Part II.D.2.b.(4) of the Permit states that: “Permittee must keep a log of all maintenance performed on the treatment works including, but not limited to, the following: (a) The date and amount of disinfection chemicals added to the chlorinator. (b) If dechlorination is used, the date and amount of any dechlorination chemicals that are added. (c) The date and time of equipment failure and the date and time the equipment was restored to service. (d) The date and approximate volume of sludge removed. (e) Dated receipts for chemicals purchased, equipment purchased, and maintenance performed.”
32. During the Inspections, VADEQ observed, among other things, that there was no manager onsite to properly operate and maintain the WWTF in accordance with the Permit, there was a lack of dechlorination tablets onsite, and there were a non-functioning effluent pump resulting in ongoing system-wide flooding, a disabled alarm system, and flooded chlorinator units.
33. Respondent’s log that Respondent submitted in response to EPA’s May 11, 2021 Information Request Letter did not have the information required under Part II.D.2.b.(3)(c) and Part II.D.2.b.(4) of the Permit.
34. Based on the above assertions and allegations in Paragraphs 32 and 33, above, EPA concludes that Respondent violated the requirements of the Permit and Section 301 of the CWA.

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:

35. Within 30 days of the Effective Date of the AOC, the Respondent shall:
 - i. Hire a licensed operator to operate and maintain the WTTF. Provide the operator’s certification to EPA.
 - ii. Provide a copy of the maintenance contract and the maintenance log that meets all of the requirements of the Permit.
 - iii. Develop and implement a quarterly Facility operation and maintenance (O&M) inspection program for a two-year duration. Facility O&M inspection program must include, but not be limited to, the following:

- a. Develop a Facility-specific O&M checklist (“Checklist”) template, that requires photographs and a signature, to be utilized during the quarterly O&M inspections. Provide a copy of the O&M Checklist template to EPA.
 - b. Develop a schedule and begin implementation of quarterly Facility-specific O&M inspections.
 - c. Utilize Facility-specific Checklist during quarterly inspections and submit completed Checklist to EPA within 10 days after completion of the quarterly inspection.
 - d. Include completed Checklists in the Facility’s maintenance log.
36. For a duration of two years as of the Effective Date of this AOC, perform sampling and monitoring for all parameters outlined in the Permit on a quarterly basis while a discharge is occurring from Outfall 001 at the Facility. Provide sampling and monitoring results to EPA within 10 days of the sampling event from Outfall 001 and submit sampling and monitoring results in accordance with DMR reporting requirements in Permit.
37. If the sampling or monitoring results indicate an exceedance of any of the parameters described in the Permit, or any other report of noncompliance with the Permit occurs:
- a. EPA must be notified by email within 24 hours after an exceedance or any other report of noncompliance.
 - b. An assessment by a certified wastewater professional must be conducted to ascertain the cause of any parameter exceedances or reportable noncompliance within 48 hours of occurrence. The results of this assessment must be sent to EPA within 7 days.
 - c. Respondent must complete the recommended corrective action(s) within thirty (30) calendar days to address the exceedance or reportable noncompliance unless additional time is needed to perform the recommended corrective action(s). Respondent shall submit to EPA a written notice to request the additional time to perform the recommend corrective action(s) beyond the thirty (30) days requirement stated herein.
 - d. Respondent must send a certification of the corrective action(s) taken to address the exceedance or report of noncompliance, including but not limited to, the nature and scope of corrective action taken, date of such corrective action, and proof of the work performed to undertake such corrective action(s) to EPA by email within 30 days of the completion of work.
 - e. Provide an update of the Facility’s current Operations and Maintenance practices and update the O&M manual accordingly.
38. EPA will review any and all submissions made by Respondent to make a determination of completeness, based on the requirements described in Paragraphs 35 through 37,

above. If EPA determines that a submission is not complete or adequate because it does not meet the requirements set forth in this AOC, EPA shall notify Respondent in writing and Respondent shall resubmit an updated submission within thirty (30) days of Respondent's receipt of EPA's notice that addresses the deficiencies described in EPA's written notification.

- 39. 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. 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.
- 40. EPA will review the PMP and make a determination of completeness, based on the requirements described in Paragraph 39, 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

- 41. 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: 2/28/22

- 42. 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.

43. 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: gieda.allison@epa.gov
Ms. Allison Gieda
NPDES Enforcement – Water Branch
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

44. Upon completion of all items required by this AOC and a determination of completeness of each item, and after two (2) years implementation of the PMP, 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 V (Compliance Order) of this AOC.
45. 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

46. 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

- 47. 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.
- 48. 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. Each such Notification of Change of 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.
- 49. 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.
- 50. 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

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

FOR ZQRIC, LLC

Date: 2/28/22

By: 

NAME: **Dr. Khurram Rashid**
TITLE: Principal

SO ORDERED:

FOR U.S. ENVIRONMENTAL PROTECTION AGENCY

By: _____
[Digital Signature and Date]
Karen Melvin, Director
Enforcement & Compliance Assurance Division
U.S. Environmental Protection Agency, Region III

Enclosure 1 – NPDES PERMIT #VAG408265

Parameter Description	Limit Value (mg/L)	DMR Value (mg/L)	Monitoring Period End Date	Violation Group Description
BOD, 5-day, 20 deg. C	30 mg/L max	52	08/31/2020	Effluent Violation
Chlorine- after contact tank	1.0 mg/L min	0.74	08/31/2020	Effluent Violation
BOD, 5-day, 20 deg. C	30 mg/L max	53	08/31/2019	Effluent Violation
Solids, total suspended	30 mg/L max	30.7	08/31/2019	Effluent Violation
Chlorine- after contact tank	1.0 mg/L min	0.27	08/31/2019	Effluent Violation
BOD, 5-day, 20 deg. C	30 mg/L max	40	08/31/2018	Effluent Violation
Chlorine- after contact tank	1.0 mg/L min	0.49	08/31/2018	Effluent Violation
Chlorine- after contact tank	1.0 mg/L min	0.61	08/31/2018 (sampled on 10/31/2017)	Additional sample in 2017-2018 year

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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:

ZQRIC LLC
16433 Old Waterford Road
Paeonian Springs, VA 20129
krashid@medicsusa.com

Copies served via email to:

Louis F. Ramalho
Senior Assistant Regional Counsel
U.S. EPA, Region III
Ramalho.louis@epa.gov

Allison Gieda
NPDES Enforcement – Water Branch
Enforcement and Compliance Assurance
Division
U.S. EPA, Region III
Gieda.allison@epa.gov

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