

CONSOLIDATED RESPONSE TO COMMENTS
COLONIAL BEACH WWTP CONSENT ORDER
Reg. No. VPDES VA0026409 / EA Nos. PR23-0604 & PR23-0719
Comment Period: July 1 – 30, 2024

ISSUE	COMMENT	AGENCY RESPONSE
1. SEP Management	“The SEP project should meet regulations and conditions set forth in VPDES permit and be overseen by DEQ and a third party.”	<p>Supplemental Environmental Projects (SEP) are authorized and evaluated pursuant to requirements provided in Va. Code §§ 10.1-1186.2. <i>et seq.</i> and DEQ’s <i>Enforcement Manual</i>, pp. 138-52 (Ed. 2023). DEQ retains authority to determine whether Colonial Beach has successfully completed the SEP requirements described in Appendix B of the Consent Order. Colonial Beach is also required to provide regular reporting to DEQ to determine SEP progress (Consent Order, pg. 30). DEQ monitoring and oversight over the project will occur for a period of two years.</p> <p>Comments will be provided to Colonial Beach for further consideration as a courtesy to the commenting constituent.</p>
2. Community Outreach	“The community should be made aware of the “potential health and environmental risk posed by inadequate wastewater management as well as wastewater pollution prevention practices . . . the Virginia Department of Health (VDH) and DEQ should be available to assist in this outreach effort.”	<p>Colonial Beach leadership and staff are primarily responsible for communicating with the local community any potential public health and/or environmental risks associated with the Colonial Beach WWTP. Within the limits of its authority and jurisdiction, DEQ will provide oversight and remain engaged with Colonial Beach over the term of the enforcement action to improve compliance at the plant, and to protect public health and the environment. As appropriate, DEQ will continue to support and assist Colonial Beach to communicate with the local community about efforts to achieve compliance at the Colonial Beach WWTP.</p> <p>Comments will be provided to Colonial Beach for further consideration as a courtesy to the commenting constituent.</p>
3. Pollution Prevention	“Pollution prevention practices such as reducing water usage; proper disposal of pet waste; chemicals and fats, oils, and grease in wastewater; and the use of ecofriendly products would raise awareness and could drive behavior change and a reduction in wastewater pollution.”	<p>Colonial Beach leadership and staff are primarily responsible for the adoption of water resource protection and pollution prevention practices in support of, and most applicable to, the local community. The Consent Order and corrective action addresses only those violations that are described in Section C, and DEQ is cautious, and in some instances precluded, to use enforcement authority to address matters not directly within the scope of such violations. DEQ encourages all communities, including Colonial Beach, to investigate and adopt meaningful water resource management and pollution prevention practices to improve collection system and plant operations. Education and outreach are also encouraged to improve community commitment to such practices.</p>

		Comments will be provided to Colonial Beach for further consideration as a courtesy to the commenting constituent.
4. Utility Service Rates	“It will be difficult to encourage reducing water use and promoting water efficiency due to the fact that those who live or do business in the Town all pay a flat rate fee for water and sewer . . . Many in the Town have advocated for water meters to measure the exact amount of water they consume.”	<p>Colonial Beach leadership and staff are primarily responsible for the adoption of water usage rates and metering. The Consent Order and corrective action addresses only those violations that are described in Section C, and DEQ is cautious, and in some instances precluded, to use enforcement authority to address matters not directly within the scope of such violations.</p> <p>Comments will be provided to Colonial Beach for further consideration as a courtesy to the commenting constituent.</p>
5. Pollution Prevention	“Another public outreach component that should be revitalized is proper disposal of pet waste . . . Currently the Town has pet waste stations in only one neighborhood which is labeled the “Point.” I am suggesting the addition of numerous other pet waste stations (3 every 4 blocks, along the Potomac River and on Dwight) in the subdivision labeled Classic Shores or “Numbered Streets/1-12.” Bluff point could also benefit from pet waste stations. The Town can post information on pet waste and water quality at these stations and its website and has the ability to map locations of stations. The Town can also include this information in its newsletter which is mailed quarterly, as many aging residents are not familiar with retrieving information online.”	<p>Please see response to Comment 3.</p> <p>Comments will be provided to Colonial Beach for further consideration as a courtesy to the commenting constituent.</p>
6. Pollution Prevention	“Regarding household hazardous chemicals found in wastewater, Westmoreland County has a website (NNKgreen.org) which is	<p>Please see response to Comment 3.</p> <p>Comments will be provided to Colonial Beach for further consideration as a courtesy to the commenting constituent.</p>

	<p>“designed as the go-to place for all topics environmental, relevant to the Northern Neck of Virginia.”</p> <p>The website advertises household hazardous waste collection events and the collection of prescription drugs. Both the event and collection address water quality and provide people with options other than pouring chemicals down the drain or flushing drugs down the toilet.</p> <p>The Town should link to this information and write copy to be included in its quarterly newsletter.”</p>	
7. Pollution Prevention	<p>“The City of Virginia Beach has a website specifically addressing disposal of Fats, Oil and Grease in wastewater. People, especially individuals and food service establishments who prepare meals could benefit from knowing that “when fats, oils and grease are poured down the drain, they cling to pipe walls and solidify, causing sewer blockages, backups, and costly repairs.” Automotive shops and marinas should also be made aware of the responsibility they have to properly dispose of oil and any other toxic fluids used. Again, the Town could provide a link to this information on its website and write copy to be included in its quarterly newsletter.”</p>	<p>Please see response to Comment 3.</p> <p>Comments will be provided to Colonial Beach for further consideration as a courtesy to the commenting constituent.</p>
8. Pollution Prevention	<p>“As you know, eco-friendly “green” chemicals reduce pollution at its source by minimizing or</p>	<p>Please see response to Comment 3.</p>

	eliminating the hazards of chemical products. This is not the same as cleaning up pollution (remediation), which involves treating waste streams (end-of-the pipe treatment) or cleanup of environmental spills and other releases. Information on this can also be captured online and made available to residents via the internet or in a mailing.”	Comments will be provided to Colonial Beach for further consideration as a courtesy to the commenting constituent.
9. Pollution Prevention	“Promotion of all these pollution prevention practices should be an integral part of all public events in Town and available at Town offices in hard copy form. It would be wonderful if real estate agents in Town distributed the materials to potential buyers letting them know that we understand how our actions affect the environment and are acting to reduce that effect.”	Please see response to Comment 3. Comments will be provided to Colonial Beach for further consideration as a courtesy to the commenting constituent.
10. Pollution Prevention	“Lastly, the addition of outside showers on beach fronts would allow beachgoers to rinse off after swimming in the Potomac. Currently we have one (near Riverboat) and we could certainly benefit from 2 or 3 more running from Riverboat to beaches on the south side of Town.”	Please see response to Comment 3. Comments will be provided to Colonial Beach for further consideration as a courtesy to the commenting constituent.
11. Community Outreach	“Until the Town can make significant progress toward reducing sewage in waterways, there must be strong notification programs that will alert people when there is a danger of contacting raw sewage. Whether it’s a spill, release, or discharge that	The Consent Order contains requirements at Appendix A, para. 5 for regular reporting, “. . . to be made available to all interested parties to promote transparency, and to validate progress and completion of corrective actions.” In conjunction with current statutory and regulatory requirements for notice of a release or other event affecting public health and the environment, Colonial Beach has initiated localized corrective action at DEQ request to improve local outreach through community meetings, media releases and the Town of Colonial Beach webpage. Consistent with interim requirements for corrective action, Colonial Beach is improving community access to the Colonial Beach Code Red

	exceeds an effluent limit or water quality standard, people need to know that they are at risk.”	<p>emergency notification tool and providing notice to constituents and stakeholders of changing water quality levels in the event of a release or other event affecting public health and the environment.</p> <p>Comments will be provided to Colonial Beach for further consideration as a courtesy to the commenting constituent.</p>
12. Community Outreach	<p>“It appeared the Town had a weak to no spill response or notification plan in place with a way to implement it onsite at the WWTP nor ‘publicly’ at the local beaches when the spills that led to this Consent Order occurred . . . I recommend using the Public Works signage which can be mobilized and customized to alert people of the above. These signs should be located in two places—at the beach entering Town and the beach located at the end of the Point . . . Signage is a necessity.”</p>	<p>Colonial Beach leadership and staff are primarily responsible for communicating with the local community any potential public health and/or environmental risks associated with the Colonial Beach WWTP. Within the limits of its authority and jurisdiction, DEQ will provide oversight and remain engaged with Colonial Beach over the term of the enforcement action to improve compliance the plant, and to protect public health and the environment. As appropriate, DEQ will continue to support and assist Colonial Beach to communicate with the local community about efforts to achieve compliance at the Colonial Beach WWTP. Notably, appropriately placed signage is a regulatory requirement for certain releases and is an important tool in the overall strategy to communicate water quality concerns with constituents and stakeholders.</p> <p>Comments will be provided to Colonial Beach for further consideration as a courtesy to the commenting constituent.</p>
13. SEP Selection	<p>“I understand that DEQ has the sole discretion to authorize any alternate, equivalent SEP proposed by the Town, and to determine whether the SEP has achieved satisfactory completion. I ask that DEQ and a third party closely evaluate all projects put on the table to improve water quality in our rivers and streams.”</p>	<p>Supplemental Environmental Projects (SEP) are authorized and evaluated pursuant to requirements provided in Va. Code §§ 10.1-1186.2. <i>et seq.</i> and DEQ’s <i>Enforcement Manual</i>, pp. 138-52 (Ed. 2023). DEQ retains authority to determine whether Colonial Beach has successfully completed the SEP requirements described in Appendix B of the Consent Order. Colonial Beach is also required to provide regular reporting to DEQ to determine SEP progress (Consent Order, pg. 30). DEQ monitoring and oversight over the project will occur for a period of two years.</p> <p>Comments will be provided to Colonial Beach for further consideration as a courtesy to the commenting constituent.</p>
14. SEP Selection	<p>“Based on the image provided in [Consent Order] Attachment A, “WWTP Discharge” is shown in Monroe Bay and “TCB-WWTP” is shown to the left of it near the turn on 205 towards Wilkerson’s . . . These locations should be vetted for</p>	<p>See response to Comment 13. DEQ encourages open proposal and consideration of all potential SEP projects pursuant to the referenced guidance and its specific submission requirements. DEQ reviewed the SEP described at Appendix B and determined that it meets the requirements of Va. Code §§ 10.1-1186.2. <i>et seq.</i> and DEQ’s <i>Enforcement Manual</i>, pp. 138-52 (Ed. 2023). Further, the project supports a significant and objective environmental benefit to water quality improvement in the local area. DEQ’s approval of any specific SEP project is not a statement as to the value or potential success of other</p>

	<p>on-the-ground projects. Based on the image, there appears to be little development in their vicinity. Perhaps reconstructed wetlands could help clean the water and reduce fecal coliform bacteria levels by filtering water through vegetation and soil.”</p>	<p>proposed projects. DEQ also encourages constituents and stakeholders to work with Colonial Beach leadership and staff to initiate locally supported environmental projects to improve their community’s water quality.</p> <p>Comments will be provided to Colonial Beach for further consideration as a courtesy to the commenting constituent.</p>
<p>15. I&I Management</p>	<p>“. . . If the Town were to seek funding from the state, “State Revolving Loan Fund (SRF) applicants are generally required to evaluate the impacts of I&I on their overall system . . . Since an engineering firm has been hired, I believe a study of this sort should be done “to eliminate enough I&I to offset the environmental and regulatory impact of sewer system expansion and increased water demand over the next 15 years.”</p>	<p>Colonial Beach is in the process of initiating projects to reduce Infiltration and Inflow (I&I) in its collections system using local funds, as well as grant funding provided under the American Rescue Plan Act (ARPA) Grant No. 2022AP-09, awarding up to \$5.7M in project funds. The Central Drainage Area Waterline Improvement and Sewer Replacement project was reported complete in June 2023. Colonial Beach, through its consulting engineering firm, Dewberry, continues to conduct further evaluation of the Colonial Beach collection system that includes: 1) comprehensive line I&I testing; 2) identification and remediation planning for located I&I; 3) project construction for I&I corrective action; and 4) I&I monitoring. I&I evaluation and planning is described in more detail in Dewberry reports and correspondence dated November 29, 2021, January 6, 2022, and January 19, 2022.</p> <p>Comments will be provided to Colonial Beach for further consideration as a courtesy to the commenting constituent.</p>
<p>16. I&I Management</p>	<p>“Sewers and treatment facilities are designed around expected average and maximum flows. Excess storm and groundwater entering the sewer system through I&I robs the system of its valuable capacity, puts a burden on operation and maintenance, and reduces the life expectancy of the treatment facility. Sewer surcharging, back-ups and overflows all require emergency response and contribute to disruption of operations. Integrating I&I investigation and corrective action into a municipality’s normal public works budget can allow an</p>	<p>Please see response to Comment 15. Colonial Beach leadership and staff are primarily responsible for the adoption of rates and budgeting for the Department of Public Utilities and encourages constituents and stakeholders to engage their local leadership to further improve “integration of I&I investigation and corrective action” into the Colonial Beach annual budget.</p> <p>Comments will be provided to Colonial Beach for further consideration as a courtesy to the commenting constituent.</p>

	incremental approach to continuous improvement and help defer capacity expansion projects”	
17. O&M of WWTP	<p>“Another issue I am curious about, mentioned earlier, is the location of the WWTP. Is there a reason why no program or process is in place to contain spills (increased levels of runoff that overwhelm and bypass treatment) onsite? Do they use any temporary or permanent barriers to contain spills in a confined area? Are there any berms around tanks that could prevent spills from reaching the Potomac? Any holding tanks or ponds/lagoons that overflow could be directed to? If not, it seems this would be a good project area to which overflow could be redirected and allowed to soak into the ground. Another question, where does the sludge from the WWTP go? Is it applied to the land in various ways? Do they spread it on the soil surface onsite or somewhere else? There are several large farms in the area labeled “TCB-WWTP,” 205 towards Wilkerson’s. Is it transported to another place; what do they do with it? If so, is there a cost to the Town associated with this, or is it paid for by whomever gets it?”</p>	<p>Colonial Beach leadership and staff are primarily responsible for the operation of the Colonial Beach WWTP. Within the limits of its authority and jurisdiction, DEQ ensures that the Town of Colonial Beach operates the plant in compliance with the State Water Control Law at Va. Code §§ 62.1-44.1 <i>et seq.</i>, associated regulations at 9 VA 25-31-10 <i>et seq.</i> and, more specifically, VPDES Permit No. 0026409 (2023). Pursuant to Permit Part I.C.2, Colonial Beach is also required to maintain an updated Operation and Maintenance Manual for the WWTP. The referenced authority and plant operating records describe the design and capacity of the WWTP, requirements for spill prevention and containment, sludge management, and daily operation of the plant.</p> <p>Comments will be provided to Colonial Beach for further consideration as a courtesy to the commenting constituent.</p>
18. Watershed TMDLs	“TMDLs in Monroe Bay should be revisited/reassessed, particularly the Wildlife Use and Recreation Use. 4.1 PCB TMDL wasteload	The information provided in the Consent Order at Section C.4 is provided to inform the responsible party, Colonial Beach, and the public about the location of the permitted discharge, geographic location of the receiving watershed, sensitivity and impairment of the watershed, and regulatory framework developed to protect water quality. DEQ’s

	<p>allocation should be revisited/reassessed. 4.2 TMDL allocations for total nitrogen, total phosphorus, and total suspended solids should be revisited/reassessed. You mention assigned wasteload allocations; did the Town meet or exceed them?"</p>	<p>enforcement process does not address revision of TMDLs. Individuals interested in participating in the planning and updating of TMDLs can obtain more information at TMDL Development Virginia DEQ. Total Nitrogen (TN) and Total Phosphorus (TP), among other identified effluent limits, were exceeded at the WWTP as described in Section C of the Consent Order. In addition, other water quality parameters identified in the Consent Order, Section C, Tables 1-6 are the subject of the enforcement action and required corrective action.</p> <p>Comments will be provided to Colonial Beach for further consideration as a courtesy to the commenting constituent.</p>
<p>19. O&M of WWTP</p>	<p>“5. Information reported by the Town exceeded discharge limitations; what became of this? Was the Town required to perform actions to protect and maintain water quality at this time? 6.2 Effluent Limit Violations: It appears monitoring period and reporting results were not reported three times in May and one time in June. Is this correct? Where can I find “Part I.A.1 of the Permit” which “contains conditions that enumerate the identified limits? 7.1 Where is this unnamed tributary of Goldman Creek that received 45,000 gallons of unpermitted discharge from an overflow at the WWTP? Is it time to give it a name? 7.2 Effluent Limit Violations: Appears monitoring period and reporting results were not reported one time in August. Is this correct? Where can I find “Part I.A.1 of the Permit” which “contains conditions that enumerate the identified limits? 8.1 Violation: 305,000-gallon overflow from</p>	<p>Within the limits of its authority and jurisdiction, DEQ ensures that the Town of Colonial Beach operates the plant in compliance with the State Water Control Law at Va. Code §§ 62.1-44.1 <i>et seq.</i>, associated regulations at 9 VA 25-31-10 <i>et seq.</i> and, more specifically, VPDES Permit No. 0026409 (2023). Pursuant to Permit Part I.C.2, Colonial Beach is also required to maintain an updated Operation and Maintenance Manual for the WWTP. The referenced authority and plant operating records describe the design and capacity of the WWTP, as well as requirements for daily operation of the plant. Colonial Beach WWTP may discharge effluent on the basis of strict compliance with the foregoing legal framework. Specific effluent limits and locations for discharge are specifically described in VPDES Permit No. 0026409 (2023), part I.A.1. All violations subject to the enforcement action are enumerated in the Consent Order, Section C. In addition, required effluent limits pursuant to Permit Part I.A.1 are provided in Tables 1-6 of Section C. Over the course of eight months, four Notices of Violation were issued in response to reported effluent limit violations, releases and other operational violations. In advance of formal enforcement action, DEQ staff worked with Colonial Beach to promote interim corrective action. Goldman Creek and the referenced “unnamed” tributary can be located using the link provided below. DEQ does not name tributaries.</p> <p>Goldman Creek - Google Maps</p> <p>The Schedule of Compliance (Appendix A) is developed to identify certain requirements necessary to address violations of the Virginia State Water Control Law, including violations of Va. Code § 62.1-44.5(A), 9 VAC 25-31-50(A), 9 VAC 25-260-20(A) and the Permit. The Consent Order SOC at Appendix A is also developed to promote Colonial Beach’s independent observance of long-term, durable compliance. Appendix A emphasizes five strategic areas for Colonial Beach to achieve compliance, including: 1) timely and sufficient financing to ensure completion of corrective actions identified in the Consent Order; 2) sufficient long-term funding through utility service rate increases</p>

	<p>WWTP went to unnamed tributary of Goldman Creek and 870,000 gallons of sewage solids went to Monroe Bay. Is it customary/common practice for solids to go to Monroe Bay? Where is outfall number 001 and what gets discharged to it?” 8.2 Effluent Limit Violations/Outfall 001: It appears monitoring period and reporting results were not reported three times October-December 2023. Is this correct? Where can I find “Part I.A.1 of the Permit” which “contains conditions that enumerate the identified limits? 8.3 What about monitoring, reporting, and recordkeeping requirements; standard operating procedures; and kits/gear/tools for clean-up and spills? From an administrative perspective, is the Town paperwork in place? Permit Part I.C.2 Seems to me that having a permitted O&M manual is the first step, and a very important step, in the process of ensuring compliance with the provisions and requirements of the Town permit. Is the Town sending its VPDES Annual Report to you? 8.6 No records available. Permit Part II.D Now that violations are in place, I would hope information requested will be forthcoming, especially when it comes to determining the effect of the wastes from the WWTP on the quality of state waters. 8.9 Unbelievable, a</p>	<p>to ensure adequate and continued operation and maintenance of the Facility in compliance with regulatory requirements; 3) a comprehensive evaluation of the Facility to identify all corrective actions; 4) a firm schedule and timeline that identifies project completion dates and accurately aligns with the availability of funding; and 5) regular project monitoring and reporting made available to all interested parties to promote transparency, and to validate progress and completion of corrective action.</p> <p>Comments will be provided to Colonial Beach for further consideration as a courtesy to the commenting constituent.</p>
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	<p>true indicator of possible sewage contamination commonly found in human and animal feces. The presence of fecal coliform indicates the water has been contaminated with fecal material; as stated it should have been collected at a frequency of five days per week (10am-4pm). 8.10 Need a Standard Operating Procedure for sampling protocol. Permit Part II.I The Town needs to work on reporting noncompliance in a timely manner to government agencies and Town people as required by Permit. 8.11 Proper laboratory, tools, and procedures are mandatory for appropriate and accurate sampling. Documentation and records should be easily available, and tools should be calibrated per manufacturer specifications.”</p>	
<p>20. WWTP Capacity</p>	<p>“It has been 22 years since this agreement was put in place. Has the discharge amount remained the same? Has the discharge of Town wastewater increased dramatically due to build-out and new construction, which could affect the ability of our WWTP to handle the discharge negotiated, as well as our own? 2. Again, total current discharge purchased is almost one quarter of total capacity. I’d like to see the numbers on this—an analysis. 3.2 Again, I’d like to know more about this. How much was the Town receiving, and of</p>	<p>The information at Section D.1 – 2 of the Consent Order provides constituents and stakeholders of additional factors that may influence plant performance. Colonial Beach leadership and staff are primarily responsible for the operation of the Colonial Beach WWTP, including any specific arrangement with Westmoreland County to receive influent. DEQ does not have any specific information indicating metered volumes of influent from Westmoreland County. Further, DEQ does not regulate or evaluate local agreements or monitor local development to determine the effects on the collection system or WWTP. Within the limits of its authority and jurisdiction, DEQ ensures that the Town of Colonial Beach operates the plant in compliance with the State Water Control Law at Va. Code §§ 62.1-44.1 <i>et seq.</i>, associated regulations at 9 VA 25-31-10 <i>et seq.</i> and, more specifically, VPDES Permit No. 0026409 (2023). Pursuant to Permit Part I.C.2, Colonial Beach is also required to maintain an updated Operation and Maintenance Manual for the WWTP. The referenced authority and records describe the design and capacity of the WWTP, as well as plant operating requirements.</p>

	<p>what sort? Was it also about one quarter of total capacity? Where was it coming from, and what sort of commercial vendors? Are records being kept daily?”</p>	<p>Comments will be provided to Colonial Beach for further consideration as a courtesy to the commenting constituent.</p>
<p>21. O&M of WWTP</p>	<p>“3.4 Where do the solids/sludge go? Are they dried and taken to a landfill or are they disposed of (spread) onsite? I ask this because I have never been to the WWTP and I don’t know how much land is around it that could be used to remediate some of the problems at hand.”</p>	<p>Town of Colonial Beach leadership and staff are primarily responsible for the operation of the Colonial Beach WWTP. Within the limits of its authority and jurisdiction, DEQ ensures that the Town of Colonial Beach operates the plant in compliance with the State Water Control Law at Va. Code §§ 62.1-44.1 <i>et seq.</i>, associated regulations at 9 VA 25-31-10 <i>et seq.</i> and, more specifically, VPDES Permit No. 0026409 (2023). Pursuant to Permit Part I.C.2, Colonial Beach is also required to maintain an updated Operation and Maintenance Manual for the WWTP. The referenced authority and operating records describe the design and capacity of the WWTP, as well as requirements for sludge management described in Permit Part I.C (5) – (6).</p> <p>Comments will be provided to Colonial Beach for further consideration as a courtesy to the commenting constituent.</p>
<p>22. Utility Service Rates</p>	<p>“Although your median household income is comparable to what I have found, you neglected to look at other demographics which play into the equation or point trying to be made. My research shows, Income: 47% earn under \$50K; 36% earn \$50K-\$100K; 13% earn \$100K-\$200; and 5% earn over \$200K. 54% earn over \$50K. Poverty: Children under 18: 48% live below the poverty line. Seniors 65 and over: 20% live below the poverty line. Median age: 17% of the population is 60-69, 13% is 70-79, and 8% is 80+. 38% is over 60. Can you clarify your point regarding median household income. In my opinion, you are saying residents can afford this increase whereas I see otherwise. I</p>	<p>The information provided in the Consent Order is provided to inform the responsible party, Colonial Beach, and the public about the general financial capability of Colonial Beach to achieve the requirements of the Consent Order. DEQ has no specific regulatory oversight of Colonial Beach financial matters. DEQ’s authority is limited to ensuring compliance with the State Water Control Law at Va. Code §§ 62.1-44.1 <i>et seq.</i>, associated regulations at 9 VA 25-31-10 <i>et seq.</i> and, more specifically, VPDES Permit No. 0026409 (2023). Colonial Beach leadership and staff are primarily responsible for the adoption of rates and metering for water usage. DEQ evaluates and adapts this information to develop terms in the Consent Order for the funding of necessary corrective action. In this enforcement action, DEQ coordinated with Colonial Beach staff to ensure rate balance and achievability of corrective action. As part of its evaluation, DEQ specifically referenced, Raftelis, <i>The Town of Colonial Beach, VA, Water and Sewer Rate Study</i> (Final Report / July 8, 2022), Town of Colonial Beach Sewer Rates (2024), as well as most recent demographic data from the American Community Survey, U.S. Bureau of Census, and U.S. Department of Housing and Urban Development. Notably, Colonial Beach rates were already in line and consistent with the requirement at Appendix A, para. 1 of the Consent Order. The Town of Colonial Beach also independently proposed and approved an FY2025 rate increase to 1.624% of median household income.</p>

	ask that you reexamine the rate structure currently set forth through an environmental lens of social inequality. Different social groups of people are impacted differently by Town decisions.”	<p>Comments will be provided to Colonial Beach for further consideration as a courtesy to the commenting constituent.</p> <p>Phone contact was made to constituent on July 30, 2024, to provide additional information and available records and resources in response to comments and questions concerning Colonial Beach WWTP plant operations, permitting, DEQ’s enforcement action and authority, and purpose of the proposed Consent Order.</p>
23. WWTP Capacity	“2. Comprehensive Facility Evaluation: A complete analysis of all release events since July 1, 2023, by a professional certified in wastewater treatment operations is necessary for an understanding of the condition of the WWTP and its ability to treat wastewater now and in the future. Is it reaching capacity or when will it reach capacity based on future development?”	<p>Please see response to Comment 20. A Comprehensive Facility Evaluation is required by SOC, Appendix A, para. 2 and subsequent corrective action is described at SOC, Appendix A, para. 4 and 5.2.</p> <p>Comments will be provided to Colonial Beach for further consideration as a courtesy to the commenting constituent.</p>
24. Sources of Pollutants	“2.6 I would like to know what may have been illegally dumped into the collection system. This could provide the Town with the ability to target particular pollutants and their source.”	<p>Colonial Beach leadership and staff are primarily responsible for the operation of the Colonial Beach collection system and WWTP. Within the limits of its authority and jurisdiction, DEQ ensures that the Colonial Beach operates the collection system and plant in compliance with the State Water Control Law at Va. Code §§ 62.1-44.1 <i>et seq.</i>, associated regulations at 9 VA 25-31-10 <i>et seq.</i> and, more specifically, VPDES Permit No. 0026409 (2023). Pursuant to Permit Part I.C.2, Colonial Beach is also required to maintain an updated Operation and Maintenance Manual for the WWTP. The referenced authority and operating records describe the design and capacity of the WWTP. DEQ does not have reporting of “illegally dumped” material into the collection system and encourages all localities, including Colonial Beach, to investigate and manage material (e.g. FOG) that can impair collection system and plant performance.</p> <p>Comments will be provided to Colonial Beach for further consideration as a courtesy to the commenting constituent.</p>
25. Record Access and Review	“2.12. Will the Comprehensive Facility Evaluation (Bowman Engineering) be available for public review? Is the WWTP Assessment (Moonshot Missions) currently available for public review, and	<p>All DEQ records generated from the proposed Consent Order are available to the public by submitting a Freedom of Information Act request at the link provided below.</p> <p>Freedom of Information Act Virginia DEQ</p>

	how can one capture this information?"	Comments will be provided to Colonial Beach for further consideration as a courtesy to the commenting constituent.
26. Corrective Action Planning	<p>“3. Regarding Effluent Limit and Overflow Prevention Plan, I hear overflow prevention plan used quite frequently here. Is this the same as a Pollution Prevention Plan? Is there to be a spill response/emergency response plan generated as well?”</p>	<p>Overflow events at the Colonial Beach WWTP have a significant influence on effluent and are a primary source of the violations described in the proposed Consent Order. The Effluent Limit and Overflow Prevention Plan is proposed to address overflow events associated with plant operations and storm events. The plan is one required item in an overall corrective action strategy to improve compliance. Pollution prevention (e.g. FOG) is not specifically contemplated as a necessary part of the plan; however, it can be included and considered as part of the required reporting. Colonial Beach leadership and staff are primarily responsible for communicating with the local community any potential public health and/or environmental risks associated with a spill event. Within the limits of its authority and jurisdiction, DEQ will remain engaged with the Town of Colonial Beach over the term of the enforcement action to improve compliance at the Colonial Beach WWTP, and to protect public health and the environment. As appropriate, DEQ will continue to support and assist the Town of Colonial Beach to communicate with the local community in the event of another release. As part of its interim corrective action, Colonial Beach has improved methods to engage and inform Colonial Beach constituents and other stakeholders about potential spill events, including the use of town public meetings and periodic reporting through media. Colonial Beach currently offers to the community, and continues to develop, a public-facing webpage on the Colonial Beach website to inform constituents and stakeholders of ongoing WWTP operations. Colonial Beach intends to improve access to the Colonial Beach Code Red emergency notification tool, providing notice to constituents and stakeholders of changing water quality levels in the event of a spill, operational failure, overflow or similar event affecting water quality.</p> <p>Comments will be provided to Colonial Beach for further consideration as a courtesy to the commenting constituent.</p>
27. Record Access and Review	<p>“4. I assume the Gantt chart will be communicated to the public (external communications) so we can visually see how a project is going, in terms of planning, scheduling, and monitoring. How will monthly and annual progress reports be made available to people?”</p>	<p>Please see response to Comments 25 and 26. Colonial Beach continues to seek methods to engage and inform Colonial Beach constituents and other stakeholders, including the use of town public meetings and periodic reporting through media. Colonial Beach currently offers to the community, and continues to develop, a public-facing webpage on the Colonial Beach website to inform constituents and stakeholders of ongoing WWTP operations. Colonial Beach intends to include the following improvements and information on the webpage: a) inclusion of DEQ’s Consent Order and Schedule of Compliance once executed and made effective; b) a Consent Order Dashboard tracking progress and compliance with the requirements of the Consent Order and Schedule of Compliance; c) a Project Dashboard tracking progress and improvements to the</p>

		<p>collection system and WWTP; and d) Colonial Beach staff contact information for constituents and stakeholders to request information and provide comment about the collection system and WWTP.</p> <p>Comments will be provided to Colonial Beach for further consideration as a courtesy to the commenting constituent.</p>
28. Utility Service Rates	<p>5.1.4. I speak to this in 5. Above. I believe “the percentage of such bill to median household income in Colonial Beach” needs to be revisited/reanalyzed. 5.1.7. Water and sewer for residents is one bill (flat rate charge); it is not billed using actual meter reads which are broken down based on “water charges” and “sewer charges.” I believe water and sewer for commercial is billed differently, as a flat rate charge plus overage fee. I believe commercial is metered. You will need to look into this. I read something along the lines recently but I can’t find it now. There is a study related to this meter vs. flat predicament. It was done by Raftelis some time ago.</p>	<p>Please see response to Comment 22.</p> <p>Comments will be provided to Colonial Beach for further consideration as a courtesy to the commenting constituent.</p>
29. WWTP Capacity	<p>“My questions are will there be constant over sight of the maintenance of the sewage plant, since we cannot trust the town to maintain it? Additionally, there is a multitude of new construction occurring in Colonial Beach. What are the future plans for the treatment plant to handle expansion? “</p>	<p>Please see response to Comment 20.</p> <p>Comments will be provided to Colonial Beach for further consideration as a courtesy to the commenting constituent.</p>
30. Record Access and Review	<p>“Will residents be kept up to date on the system?”</p>	<p>Please see response to Comments 25 and 27.</p>

		Comments will be provided to Colonial Beach for further consideration as a courtesy to the commenting constituent.
31. Collection System Management	“Beyond that, in the past, raw sewage has been seen by numerous residents intermittently seeping up through the streets. Can we expect this to end with the advent of the new system or are we to assume there [are] broken pipes under the roads that should be addressed?”	Please see response to Comments 15 and 16. Similar to many small communities, the Colonial Beach WWTP and collection system have historically not received sufficient community investment for operation and maintenance. The absence of investment is one root cause resulting in DEQ’s current enforcement action. Upon completion of the Consent Order SOC (Appendix A) and other local initiatives to control I&I, improvement is expected. Collection systems require continuing funding for operation and maintenance, and it is difficult to completely eliminate I&I in any community. The Consent Order is developed to identify certain requirements necessary to address violations of the Virginia State Water Control Law, including violations of Va. Code § 62.1-44.5(A), 9 VAC 25-31-50(A), 9 VAC 25-260-20(A) and the Permit. The SOC is also developed to promote Colonial Beach’s independent observance of long-term, durable compliance. The SOC emphasizes five strategic areas for Colonial Beach to achieve closure of this enforcement action, including: 1) timely and sufficient financing to ensure completion of corrective actions identified in this Order and SOC; 2) sufficient long-term funding through utility service rate increases to ensure adequate and continued operation and maintenance of the plant in compliance with regulatory requirements; 3) a comprehensive evaluation of the plant to identify all corrective actions; 4) a firm schedule and timeline that identifies project completion dates and accurately aligns with the availability of funding; and 5) regular project monitoring and reporting made available to all interested parties to promote transparency, and validate progress and completion of corrective action.
32. SEP Selection and Management	“First, the proposed SEP should be expanded from two years to a period that corresponds to the anticipated, though not yet disclosed, timeline for implementation of corrective action pursuant to the Order. That is, the bacterial monitoring program should continue throughout the timeline of implementation of this Order and for some period, at least a year, beyond implementation of all corrective measures to demonstrate continued compliance and water quality improvement.	See response to Comments 13 and 14. DEQ monitoring and oversight of the project will occur for a period of two years. SEP data may be used to inform Colonial Beach constituents and stakeholders about local water quality. In addition, DEQ and other state agencies may use the data to inform water quality initiatives (e.g. TMDLs). While extending the timeline may render a larger data set, the monitoring plan is anticipated to provide sufficient data for the intended goals and purpose of the SEP. In addition, the term of the SEP is also driven by available of locality funding and the proposed amount of the Consent Order civil charge. Colonial Beach and local stakeholder groups participating in DEQ’s citizen monitoring program are also encouraged to continue monitoring efforts after completion of the SEP. Comments will be provided to Colonial Beach for further consideration as a courtesy to the commenting constituent.

	<p>Extending the timeline of the monitoring project in this manner may also provide broader benefits to the parties, the public, and other stakeholders, as it could provide data useful for identifying and characterizing sources other than the WWTP and collection systems of fecal contamination to the Town’s beaches, the Potomac, and shellfish harvesting areas.”</p>	
<p>33. SEP Selection and Management</p>	<p>“Second, the proposed SEP should be expanded to include year-round sampling and wet-weather and episodic sampling in addition to the regular weekly sampling proposed, in order to better protect the public from exposure to fecal contamination. The parties propose to only conduct weekly sampling during the period of May 1 to September 1 as a typical period for contact recreation. However, swimming and other forms of partial- and full-contact recreation, including fishing and boating, absolutely occur outside this period. Moreover, fecal contamination also impairs other designated uses of the Potomac, especially shellfish harvesting and other commercial fishing operations. Regular, weekly sampling is appropriate to track ambient water quality conditions over long periods of time. However, such sampling alone is insufficient to protect the public from the risk of contact with fecal</p>	<p>See response to Comments 13, 14 and 32. While extending the monitoring timeline and frequency may render a larger data set to inform of pollutant risk, the monitoring plan is anticipated to provide sufficient data for the intended goals and purpose of the SEP. More stringent monitoring requirements are also described in VPDES Permit No. VA0026409, Part I.A.1 (2023) associated with the Colonial Beach WWTP discharge. Finally, in the event of an overflow event, DEQ regularly conducts monitoring or requires monitoring by the responsible party to characterize the effects of such event on public health and the environment in real time. The term and frequency of monitoring described in the SEP are driven by available locality funding and the proposed amount of the Consent Order civil charge. Colonial Beach and local stakeholder groups participating in DEQ’s citizen monitoring program are also encouraged to continue monitoring efforts after completion of the SEP.</p> <p>Comments will be provided to Colonial Beach for further consideration as a courtesy to the commenting constituent.</p>

	<p>contamination, particularly in the wake of wet- and dry-weather sewage overflows or other discharge violations. The proposed SEP should be revised to provide for sampling of wet-weather events, of a defined magnitude, as well as surface water sampling at the proposed sites in the 24 hours following detection of sewage overflows.”</p>	
<p>34. SEP Selection and Management</p>	<p>“Finally, the proposed SEP should be revised to explicitly commit the Town to provide public reporting and interpretation of resulting data on a weekly basis. As currently written, the Order commits the Town to publicly report the results of the monitoring on its website, to provide monitoring results on a monthly basis to DEQ, and to submit a project report to DEQ after the conclusion of the two-year project. Nowhere in the order is the Town explicitly committed to providing bacteria data to the public in a manner that protects public health and can inform, for instance, their near-term decision making for contact recreation. The proposed SEP should therefore be revised to commit the Town to provide weekly public reporting of bacteria monitoring results, with appropriate interpretation. The results should be made available on the Town’s website as well as through social media and/or email lists, which are</p>	<p>Please see response to Comments 29 thru 33.</p> <p>Once executed the Consent Order incorporates by reference the SEP as an enforceable document. Pursuant to the requirement in the SEP for <i>Reporting, Transparency and Community Engagement</i>, “Colonial Beach will ensure that all [monitoring] findings are reported transparently and are accessible to the public, allowing for informed community use of the water body. The Town will assimilate the testing data and provide the results to the public through the Town’s website. Inboden Environmental Service, Inc. (“IES”) will serve as the subject matter expert to provide data interpretation and field questions from the public. Colonial Beach will also involve local stakeholders in the monitoring process to foster community awareness and participation.” While the SEP is one tool to inform the local community about water quality, it is not intended to substitute regulatory requirements for “near-term” notification, outreach and decision making necessary to protect public health and the environment in the event of an overflow or other event affecting water quality.</p> <p>Comments will be provided to Colonial Beach for further consideration as a courtesy to the commenting constituent.</p>

	outlets typical for communicating results of community-based beach bacteria monitoring programs.”	
35. Civil Charge Assessment	<p>“The Town of Colonial Beach should be lauded for interim corrective actions and other progress it has undertaken and expenses incurred to abate sewage overflows and other unlawful pollution discharges from its WWTP and collection system. However, this proposed consent order purports to resolve violations that include, among others, an estimated 2.36 million gallons of untreated wastewater overflows (over only three reported incidents in 2023) in addition to numerous violations of effluent limitations and other conditions of the Town’s VPDES permit and state law. Indeed, state law authorizes the assessment of a civil penalty in excess of \$67,393, and the consent order could be modified to include a larger penalty, in proportion to a greater commitment of funding by the Town to the SEP for project enhancement, as discussed above. Va. Code § 62.1-44.15(8a).”</p>	<p>The State Water Control Law at Va. Code § 62.1-44.15(8d) authorizes the assessment of civil charges, and the methodology to calculate such civil charges is described in DEQ’s <i>Enforcement Manual</i>, pp. 109-118 (Ed. 2023). While many enforcement actions, including Colonial Beach, could result in a higher civil charge, DEQ evaluates facts and circumstances on a case specific basis to responsibly and fairly exercise enforcement authority. Enforcement actions against small localities are particularly difficult due to relatively small populations of residents and absence of revenue to dedicate to corrective action and compliance. Small communities are frequently challenged to meet the terms of an enforcement action requiring extensive and costly corrective action. As part of its methodology to determine a civil charge, DEQ utilized the referenced legal framework. DEQ also considered the level of enforcement posture necessary to achieve compliance and deterrence, as well as financial data and population demographics provided by, <i>The Town of Colonial Beach, VA, Water and Sewer Rate Study</i> (Final Report / July 8, 2022; Raftelis), <i>Town of Colonial Beach Sewer Rates (2024)</i>, <i>American Community Survey</i>, U.S. Bureau of Census, U.S. Department of Housing and Urban Development, and other sources of local information. SEP project enhancement, as suggested, is not a factor in determining a civil charge.</p> <p>Comments will be provided to Colonial Beach for further consideration as a courtesy to the commenting constituent.</p>
36. Community Outreach	<p>“PRKN requests that the parties to this Order jointly commit to making certain required plan submissions readily available to the public for courtesy review and comment before such plans are approved by DEQ and made enforceable through the order. In particular, PRKN calls</p>	<p>Please see response to Comment 27. All DEQ records generated from the proposed Consent Order are readily available to the public by submitting a Freedom of Information Act request at the link provided below. DEQ does not in any way preclude comments from constituents and other stakeholders concerning any agency record for consideration in the enforcement process.</p> <p>Freedom of Information Act Virginia DEQ</p>

	<p>for (1) the Town to make its proposed Corrective Action Project Schedule and the Effluent Limit and Overflow Prevention Plan, both due for submission to DEQ under the Order by December 31, 2024, readily available to the public as drafts for courtesy review and comment; and (2) for the Town and DEQ to jointly receive and review public comment submissions and engage interested stakeholders in informal discussions on the plans before DEQ approvals.”</p>	<p>Comments will be provided to Colonial Beach for further consideration as a courtesy to the commenting constituent.</p>
<p>37. Schedule of Compliance</p>	<p>“The Town has already made significant progress towards addressing operational failures and preventing future sewage overflows; however, substantial work remains to investigate, rehabilitate, upgrade, and otherwise assure operation and maintenance of the WWTP and corresponding collection system to prevent future effluent violations and overflows. The details of this prospective work and the root causes of the violations have not yet been determined, and, therefore, the public is unable to presently ascertain whether, as a technical matter, this proposed Order will necessarily assure compliance by a certain date. Indeed, the proposed Order neither imposes a final deadline for compliance with all requirements, nor deadlines specific to each of the prospective and discrete corrective</p>	<p>The SOC emphasizes five strategic areas for Colonial Beach to achieve closure of this enforcement action, including: 1) timely and sufficient financing to ensure completion of corrective actions identified in this Order and SOC; 2) sufficient long-term funding through utility service rate increases to ensure adequate and continued operation and maintenance of the plant in compliance with regulatory requirements; 3) a comprehensive evaluation of the plant to identify all corrective actions; 4) a firm schedule and timeline that identifies project completion dates and accurately aligns with the availability of funding; and 5) regular project monitoring and reporting made available to all interested parties to promote transparency, and validate progress and completion of corrective action. Similar to other enforcement actions, DEQ requires that corrective action planning be completed pursuant to a firm schedule with determined corrective action end dates. Corrective action plan submittals identified in the Consent Order are incorporated by reference and made an enforceable part of the order, including their approved schedules and end dates.</p> <p>Comments will be provided to Colonial Beach for further consideration as a courtesy to the commenting constituent.</p>

	actions and programs to be presented in the required plans.”	
38. Community Outreach	<p>“Both parties have, to date, facilitated important and valuable opportunities for public engagement, as a matter of state law and good public policy, and, in turn, the parties have benefitted from the feedback of residents and other stakeholders. Continued public transparency and engagement by both the Town and DEQ is a necessity as these required plan submissions are to define and present, for the first time, how exactly and by which date(s) the Town is committed to abating the discharge violations and assuring adequate operation of its collection systems and WWTP. Indeed, both parties stand to benefit from the feedback, technical or otherwise, by interested parties to these plans.”</p>	<p>Please see response to Comments 27 and 36.</p> <p>Comments will be provided to Colonial Beach for further consideration as a courtesy to the commenting constituent.</p>
39. O&M of WWTP	<p>“If there are ways that the consent order can require trained and experience personnel be employed to: 1. Oversee contracted operations personnel contracts 2. Oversee equipment maintenance, replacement and acquisition of reserve equipment and 3. Experience with budgetary aspects required for both of the aforementioned items, the public will be in a better place to rely on said expertise and experience to</p>	<p>Town of Colonial Beach leadership and staff are primarily responsible for the operation of the Colonial Beach WWTP, including the employment of qualified personnel for such operations and management. Within the limits of its authority and jurisdiction, DEQ ensures that the Town of Colonial Beach operates the plant in compliance with the State Water Control Law at Va. Code §§ 62.1-44.1 <i>et seq.</i>, associated regulations at 9 VA 25-31-10 <i>et seq.</i> and, more specifically, VPDES Permit No. 0026409 (2023). Pursuant to Permit Part I.C.2, Colonial Beach is also required to maintain an updated Operation and Maintenance Manual for the WWTP. The referenced regulatory framework implies qualified personnel are necessary to operate the plant in compliance. Specific staffing requirements are also provided in Permit Part I.C (2) – (3).</p> <p>Comments will be provided to Colonial Beach for further consideration as a courtesy to the commenting constituent.</p>

	achieve permit requirements in a timely manner.”	
40. Corrective Action Planning	“In addition to including these items as a report out on the background, all items in section 3.1 should be included to be completed as a requirement of the agreement along with specific times for each item to be completed. Currently several items listed are indicated to be initiated but target dates of completion, or statements of actual completion, or lacking, and those requirements should be added to the compliance order.”	<p>The SOC emphasizes five strategic areas for Colonial Beach to achieve closure of the enforcement action, including: 1) timely and sufficient financing to ensure completion of corrective actions identified in the Consent Order and SOC; 2) sufficient long-term funding through utility service rate increases to ensure adequate and continued operation and maintenance of the plant in compliance with regulatory requirements; 3) a comprehensive evaluation of the plant to identify all corrective actions; 4) a firm schedule and timeline that identifies project completion dates and accurately aligns with the availability of funding; and 5) regular project monitoring and reporting made available to all interested parties to promote transparency, and validate progress and completion of corrective action. Similar to other enforcement actions, DEQ requires that corrective action planning be completed pursuant to a firm schedule with determined corrective action end dates. Corrective action plan submittals identified in the Consent Order, including items resulting from required evaluations (i.e. para. 3.1), will be reviewed and approved by DEQ. Upon approval the submittals will be incorporated by reference and made an enforceable part of the order.</p> <p>Comments will be provided to Colonial Beach for further consideration as a courtesy to the commenting constituent.</p>
41. Corrective Action Planning	“Under section 3.21, colonial beach reports the commitment of funding items in Table 7, but there is no indication as to what fiscal year these commitments will be connected to nor when the completion of the items, when funded, would occur. This nebulous language is not in the public interest. Accordingly, language in the compliance order should include funding deadlines and performance completion deadlines for the items in Table 7 which colonial beach is proposing to do.”	<p>Please see response to Comment 40. The information provided in the Consent Order at Section D.3.21 is provided to inform the responsible party, Colonial Beach, and the public about current and continuing maintenance and upgrade of the plant. Colonial Beach reported to DEQ that funding for the work is currently available and committed to identified projects. DEQ determined that providing this information in the Consent Order for public review would further inform the public of Colonial Beach efforts to achieve compliance. Notably, the items in Table 7 are also necessary items for corrective action described in the SOC at Appendix A, para. 4 and 5.2. DEQ has no specific information and does not have regulatory oversight of Colonial Beach financial matters.</p> <p>Comments will be provided to Colonial Beach for further consideration as a courtesy to the commenting constituent.</p>
42. Corrective Action Financing	“Which under item 5 which reports out on taxation increases and appropriated funds relating to the	The information provided in the Consent Order at Section D.5 is provided to inform the responsible party, Colonial Beach, and the public about the general financial capability of Colonial Beach to achieve the requirements of the Consent Order. The information is

	<p>wastewater treatment plant, it does note the tax increases that have been passed on to colonial beach residents but is moot as to other revenue adjustments relating to the receipt of waste from outside the town including the agreement with Westmoreland County to receive waste from portions of the county connected to the colonial beach West water treatment plant system.”</p>	<p>not provided as an audit of all potential sources of available revenue. Colonial Beach leadership and staff are primarily responsible for the operation of the Colonial Beach WWTP, including any specific arrangement with Westmoreland County to receive influent. DEQ does not have any specific information indicating metered volumes of influent from Westmoreland County or annual revenue. Further, DEQ does not evaluate or regulate such local agreements. Within the limits of its authority and jurisdiction, DEQ ensures that the Town of Colonial Beach operates the plant in compliance with the State Water Control Law at Va. Code §§ 62.1-44.1 <i>et seq.</i>, associated regulations at 9 VA 25-31-10 <i>et seq.</i> and, more specifically, VPDES Permit No. 0026409 (2023).</p> <p>Comments will be provided to Colonial Beach for further consideration as a courtesy to the commenting constituent.</p>
<p>43. Corrective Action Financing</p>	<p>“As revenue is crucial to ongoing operations, mitigating the onsite problems resulting from prior mismanagement, and addressing future maintenance needs, the town should provide DEQ with a plan that relates to securing adequate revenue generation from all sources available to it, and failing to adjust pricing for all of its sources, it should justify why that is occurring and how the funding sources that are increasing will ensure, on their own, compliance with the DEQ permit and the terms of this enforcement agreement.”</p>	<p>See response to Comment 40 thru 42. DEQ has no specific regulatory oversight of Colonial Beach financial matters. DEQ’s authority is limited to ensuring compliance with the State Water Control Law at Va. Code §§ 62.1-44.1 <i>et seq.</i>, associated regulations at 9 VA 25-31-10 <i>et seq.</i> and, more specifically, VPDES Permit No. 0026409 (2023). The SOC emphasizes five strategic areas for Colonial Beach to achieve closure of the enforcement action, including: 1) timely and sufficient financing to ensure completion of corrective actions identified in the Consent Order and SOC, para. 1 (Appendix A); 2) sufficient long-term funding through utility service rate increases to ensure adequate and continued operation and maintenance of the plant in compliance with regulatory requirements; 3) a comprehensive evaluation of the plant to identify all corrective actions; 4) a firm schedule and timeline that identifies project completion dates and accurately aligns with the availability of funding; and 5) regular project monitoring and reporting made available to all interested parties to promote transparency, and validate progress and completion of corrective action. Similar to other enforcement actions, DEQ advocates that financial responsibility is a necessary component of any achievable Consent Order and SOC. The Colonial Beach Consent Order will require firm corrective action on a timeline that is also financially achievable for the local community.</p> <p>Comments will be provided to Colonial Beach for further consideration as a courtesy to the commenting constituent.</p>
<p>44. Civil Charge Assessment</p>	<p>“The scale of the civil penalty, particularly the scale of the penalty that is not allowed to be applied to the SEP, should be reconsidered. As a Virginia state taxpayer it</p>	<p>Please see response to Comment 35.</p> <p>Comments will be provided to Colonial Beach for further consideration as a courtesy to the commenting constituent.</p>

	<p>doesn't seem likely that the penalty even comes close to the amount of time, which translates into dollars, that the state has had to invest over the many months and multiple spills that have occurred relating to the incidents detailed in this report. I am not recommending a specific dollar change but I am requesting that the scale of the fine as it relates to motivating officials, much less recouping state costs, be reconsidered.”</p>	
45. Access to Records and Review	<p>“The publication of the SEP as well as progress towards its requirements, should be compelled to be publicly provided on the town's government website at a minimum, as transparency surrounding the EP increases the likelihood that the goals of compliance of the underlying permit will be achieved. This should not be optional.”</p>	<p>Please see response to Comments 27 and 36.</p>
46. SEP Selection and Management / Monitoring	<p>“The town should be required to conduct water quality testing connected with any reported permit violation connected to a release and should also conduct routine environmental water quality monitoring for a period of not less than three years. That monitoring should also occur throughout the calendar year, not just during what some folks consider to be the ‘swimming season.’”</p>	<p>Please see responses to Comments 31 thru 34.</p> <p>Comments will be provided to Colonial Beach for further consideration as a courtesy to the commenting constituent.</p>
47. Community Outreach	<p>“Given this history, and no apparent plans in place for</p>	<p>All DEQ compliance records associated with the Colonial Beach WWTP, including potential permit violations, are readily available to the public by submitting a Freedom of</p>

	<p>improving prior mistakes, I am strongly encouraging DEQ to make it a plants component of the agreement that all permit violations from the wastewater treatment plant which are reported to DEQ are simultaneously published electronically, either via a website or through an e-mail distribution system, so that there is no delay in informing the public or other public agencies. The transparency involved in reporting immediate permit violations may also will prove to be an important motivator to reducing the number of permit violations. I see no public benefit in sequestering the information and I see great public benefit and providing the information already being compiled for DEQ to be provided to the public the moment it is transmitted to DEQ. Put simply, if we're going to have to live with ongoing failures of the wastewater treatment plant to meet its compliance standards under the permit, at least the public and other agencies would be able to react to those failures in a much more timely manner than have occurred over the recent multiple spills.”</p>	<p>Information Act request at the link provided below. The Consent Order, Appendix A, also requires regular project monitoring and reporting be made available to all interested parties to promote transparency and validate progress and completion of corrective action. <i>See</i> para. 5. Colonial Beach continues to seek methods to engage and inform Colonial Beach constituents and other stakeholders, including the use of town public meetings and periodic reporting through media. Colonial Beach currently offers to the community, and continues to develop, a public-facing webpage on the Colonial Beach website to inform constituents and stakeholders of ongoing WWTP operations. Colonial Beach intends to include the following improvements and information on the webpage: a) inclusion of DEQ’s Consent Order and Schedule of Compliance once executed and made effective; b) a Consent Order Dashboard tracking progress and compliance with the requirements of the Consent Order and Schedule of Compliance; c) a Project Dashboard tracking progress and improvements to the collection system and WWTP; d) Colonial Beach staff contact information for constituents and stakeholders to request information and provide comment about the collection system and WWTP; and e) improved access to the Colonial Beach Code Red emergency notification tool, providing notice to constituents and stakeholders of changing water quality levels in the event of a spill, operational failure, overflow or similar event affecting effluent quality.</p> <p>Freedom of Information Act Virginia DEQ</p> <p>Comments will be provided to Colonial Beach for further consideration as a courtesy to the commenting constituent.</p>
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