

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION

UNITED STATES OF AMERICA,)	
)	
and)	
)	
COMMONWEALTH OF VIRGINIA)	
)	
PLAINTIFFS;)	
)	
V.)	
)	Civil Action No. 2:09-cv-481
HAMPTON ROADS SANITATION)	
DISTRICT)	
)	
DEFENDANT.)	
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SIXTH AMENDMENT TO CONSENT DECREE

WHEREAS, the parties have conferred and agreed to certain non-material modifications in accordance with Paragraph 166 of the Consent Decree;

WHEREAS, the parties are filing this Sixth Amendment to the Consent Decree with the Court for public transparency and to provide notice to the Court, although Court approval is not required for non-material modifications;

WHEREAS, Paragraphs 24-28 of the Consent Decree require HRSD to, among other things, implement an approved Condition Assessment Plan, and as part of those efforts implement an approved Rehab Action Plan;

WHEREAS, certain projects planned to be undertaken under the Rehab Action Plan have no operational issues presenting a risk of material failure and their removal from the plan will not result in any change to the environmental benefits secured by the Consent Decree;

WHEREAS, certain approved projects with interim deadlines to be undertaken under the Rehab Action Plan will exceed original design costs by approximately \$50-\$100 million and require among other things, redesign, rebidding, contracting, and implementation, and those efforts will take additional time and will result in as good or better environmental benefits;

WHEREAS, on March 10, 2023, a dredge vessel struck and destroyed an HRSD 20-inch force main crossing the intercoastal waterway which has forced a delay in construction of the AT-R4 Great Bridge Interceptor Extension 16-Inch Replacement project;

WHEREAS, HRSD is implementing the Great Bridge Interceptor Force Main Emergency Replacement (SF-180) project to replace the damaged line which requires multiple Federal and Local Permits and easements.

WHEREAS, HRSD has consistently met the requirements of Paragraph 34.f. of the Consent Decree regarding the inspection of force mains near water supplies, and HRSD wishes to broaden the scope of the area of these inspections in order to assess additional pipes and due to concerns about maintaining the integrity of the force mains being inspected;

WHEREAS, Paragraph 59.e. of the Consent Decree provides that the parties can modify the schedule of Phase 1 and Phase 2 projects in writing (consistent with subparagraph 50.d.) and the modification of the schedule proposed in these amendments will provide as good or better environmental benefits than the original scheduling of these projects;

WHEREAS, HRSD represents that it maintains digital copies of the documents, records, and other information required by Paragraph 148 of the consent decree;

NOW, THEREFORE, for good cause shown, the Consent Decree is hereby modified as follows:

- 1) With respect to the projects in the Rehab Action Plan which are being implemented as part of the Condition Assessment Plan:
 - a. GN-R11 will be deleted from the Rehab Action Plan Phase II Projects;
 - b. For the GN-R8 Interceptor System Valve Improvements Phase I: 11 appurtenances have no operational issues presenting a risk of material failure and shall be deleted from the GN-R8 project list:
 - i. Valve Guide No. W2016, Valve 3, Line No. NF-005;
 - ii. Valve Guide No. W1004, Valve 1, Line No. NF-007;
 - iii. Valve Guide No. W1004, Valve 2, Line No. NF-007;
 - iv. Valve Guide No. W3003, Valve 4, Line No. NF-163;
 - v. Valve Guide No. W1004, Valve 9, Line No. NF-172;
 - vi. Valve Guide No. W1004, Valve 4, Line No. NF-172;
 - vii. Valve Guide No. W1004, Valve 10, Line No. NF-172;
 - viii. Valve Guide No. W1004, Valve 6, Line No. NF-192;
 - ix. Valve Guide No. AT6042, Valve 6, Line No. SF-101;
 - x. Valve Guide No. AT1159Q, Valve 1, Line No. SF-209;
 - xi. Valve Guide No. AB1003, Valve 3, Line No. SF-002;
 - c. For the VIP-R1 Central Norfolk Area Gravity Sewer Improvements: the scope of the project will be reduced from 9,900 linear feet of sewer pipe and 58 manholes to approximately 9,629 linear feet of sewer pipe and 15 manholes;

- d. The deadline for the VIP-R1 Central Norfolk Area Gravity Sewer Improvements project will be extended from May 5, 2025 to May 5, 2026;
 - e. The deadline for the VIP-R6 Ferebee Avenue Pump Station Replacement/Rehabilitation project will be extended from May 5, 2025 to May 5, 2026;
 - f. The deadline for the AT-R6 Doziers Corner Pump Station and Washington District Pump Station Flooding Mitigation Improvements project will be extended from May 5, 2025 to May 5, 2027;
 - g. The deadline for the VIP-R10 Larchmont Area Pump Station Replacements project will be extended from May 5, 2025 to May 5, 2027;
 - h. The deadline for the VIP-R11 Lafayette Norview-Estabrook Pump Station Replacements project will be extended from May 5, 2025 to May 5, 2027; and
 - i. The deadline for the NP-R2 Shingle Creek and Hickmans Branch Gravity Sewer Improvements project will be extended from May 5, 2025 to May 5, 2027.
 - j. The deadline for the AT-R4 Great Bridge Interceptor Extension 16-Inch Replacement project is revised to “as expeditiously as possible, but no later than two years following substantial completion of the Great Bridge Interceptor Force Main Emergency Replacement (SF-180).”
 - k. The deadline for the Phase 2 Rehab Action Projects listed in Appendix 1 to this Sixth Amendment to the Consent Decree are extended from May 5, 2025 to December 31, 2025.
- 2) Paragraph 34.f. of the Consent Decree shall be amended to read:
- Non-invasive force main inspection for pipes within 2,500 feet of a drinking water supply reservoir, 2,400 linear feet per year.
- 3) As reflected in Appendix 2 to this Sixth Amendment to the Consent Decree, certain High Priority Projects in the approved Regional Wet Weather Management Plan (“RWWMP”) will be moved from Round 1 to Round 2, and vice versa. This Sixth Modification constitutes approval of the new enforceable Interim Completion dates for High Priority Projects in the RWWMP, as reflected in Appendix 3 to this Sixth Amendment to the Consent Decree.

4) Paragraph 149 of the Consent Decree shall be amended to read:

At the conclusion of the 5-year information retention period in Paragraph 148, HRSD may discard hard copies of the documents, records, or other information subject to the requirements of Paragraph 148.

Appendix 1

List of Phase 2 Rehab Action Projects where completion deadline is extended from May 5, 2025 to December 31, 2025:

- AT-R1 Washington District Pump Station Area Sanitary Sewer Improvements
- AT-R2 South Norfolk Gravity Sewer Improvements, Phase 2
 - Includes VP014022 and AT013110
- NP-R1 Western Branch Sewer System Gravity Improvements
- VIP-R2 Norview Estabrook Division I 18-inch Force Main Replacement Phase II, Section 2
- VIP-R8 Ingleside Road Pump Station Replacement
- VIP-R14 Norview Estabrook Division I 12-inch Force Main Replacement
- VIP-R15 Norview Estabrook Division I 18-inch Force Main Replacement Phase III
- VIP-R3 Park Avenue Pump Station Replacement
- FCAR Table 3-10 Lucas Creek Pump Station Influent Line

Appendix 2

Round 1 High-Priority Projects (HPP) Elements Proposed to be Moved to Round 2 (extracted from RWWMP Table 3-5)

High-Priority Project	STP	Locality Code	Project Name
R1HPP1	VIP	PORT	Camden Ave. Gravity Main Improvement - I
R1HPP1	VIP	PORT	Camden Ave. Gravity Main Improvement - II
R1HPP1	VIP	PORT	PORT-PS-002 PS Upgrade
R1HPP1	VIP	PORT	PORT-PS-008 PS Upgrade
R1HPP1	VIP	HRSD	Camden Ave. PS Upgrade
R1HPP4	AT	CHES	CHES-PS-067 FM
R1HPP4	AT	CHES	CHES-PS-072 Upgrade
R1HPP4	AT	CHES	CHES-067 Gravity Main Improvement - I
R1HPP4	AT	CHES	CHES-067 Gravity Main Improvement - II
R1HPP5	BH	HRSD	Claremont Ave Gravity Main Improvement -I
R1HPP5	BH	HRSD	Claremont Ave Gravity Main Improvement -II
R1HPP5	BH	HRSD	Claremont PS Upgrade
R1HPP5	BH	HRSD	Claremont Siphon - Chesapeake Ave and Robinson Rd Upgrade
R1HPP5	BH	HRSD	Claremont Siphon - Indian River Upgrade
R1HPP6	VIP	HRSD	State St PRS
R1HPP6	VIP	HRSD	State Street Storage Facility

Round 2 High-Priority Project (HPP) Elements Proposed to be Moved to Round 1 (extracted
from RWWMP Table 3-6)

High-Priority Project	STP	Locality Code	Project Name
R2HPP1	WB	YORK	YORK-229-2 Comprehensive I/I Reduction Plan
R2HPP1	WB	HRSD	Lodge Rd Extended Wet Well
R2HPP1	WB	YORK	YORK-006 Gravity Main Improvement
R2HPP1	WB	YORK	YORK-006 Comprehensive I/I Reduction Plan
R2HPP1	WB	YORK	YORK-001 Comprehensive I/I Reduction Plan
R2HPP1	WB	YORK	YORK-003 Data-Driven I/I Reduction Plan
R2HPP4	VIP	NORF	NORF-H-106 General I/I Reduction Plan
R2HPP4	VIP	NORF	NORF-H-113 General I/I Reduction Plan
R2HPP4	VIP	NORF	NORF-H106-G1 General I/I Reduction Plan
R2HPP4	VIP	NORF	NORF-H113-G1 Comprehensive I/I Reduction Plan
R2HPP4	VIP	NORF	NORF-H113-G2 General I/I Reduction Plan
R2HPP6	JR	NEWP	NEWP-013 Gravity Main Improvement (NEWP-WCPSA001575)
R2HPP6	JR	NEWP	NEWP-WCPSA001575 General I/I Reduction Plan
R2HPP6	JR	NEWP	NEWP-WCPSA001600 Comprehensive I/I Reduction Plan
R2HPP7	JR	HRSD	Lucas Creek PRS Upgrade
R2HPP8	NA	CHES	CHES-026 Comprehensive I/I Reduction Plan
R2HPP9	JR	HRSD	Tabb PRS
R2HPP9	JR	HRSD	Tabb Storage Facility

Appendix 3
Interim Completion dates for High Priority Projects in the RWWMP

Original Round	Modified Round (6th Mod)	HPP #	Element	Interim Completion Date
1	1	3	Jumper FM CHES-PS-041	12/31/2020
2	1	7	Lucas Creek PRS	12/31/2026
2	1	9	Tabb PRS and Storage Tank	12/31/2027
1	1	2	Wilroy PRS & Storage Tank	12/31/2027
1	1	5	14th St Tank	12/31/2027
1	1	1	PORT-01 Comprehensive II Reduction Plan	12/31/2028
1	1	1	PORT-02 General II Reduction Plan	12/31/2028
1	1	1	PORT-04 General II Reduction Plan	12/31/2028
1	1	1	PORT-04-LOP65-1 Data-Driven II Reduction Plan	12/31/2028
1	1	1	PORT-04-LOP65-2 Data-Driven II Reduction Plan	12/31/2028
1	1	1	PORT-04-LOP65-3 Data-Driven II Reduction Plan	12/31/2028
2	1	1	YORK-001 Comprehensive II Reduction Plan	12/31/2028
2	1	1	YORK-003 Data-Driven II Reduction Plan	12/31/2028
2	1	1	YORK-006 Comprehensive II Reduction Plan	12/31/2028
2	1	1	YORK-006 GM improvement	12/31/2028
2	1	1	YORK-229-2 Comprehensive II Reduction Plan	12/31/2028
2	1	4	NORF-H-106 General II Reduction Plan	12/31/2028
2	1	4	NORF-H106-G1 General II Reduction Plan	12/31/2028
2	1	4	NORF-H-113 General II Reduction Plan	12/31/2028
2	1	4	NORF-H113-G1 Comprehensive II Reduction Plan	12/31/2028
2	1	4	NORF-H113-G2 General II Reduction Plan	12/31/2028
1	1	3	CHES-016 Comprehensive II Reduction Plan	12/31/2028
1	1	3	CHES-016 GM Improvement	12/31/2028
1	1	3	CHES-018 Comprehensive II Reduction Plan	12/31/2028
1	1	3	CHES-227 Data-Driven II Reduction Plan	12/31/2028
2	1	6	NEWP-013 GM Improvement	12/31/2028
2	1	6	NEWP-WCPSA001575 General II Reduction Plan	12/31/2028
2	1	6	NEWP-WCPSA001600 Comprehensive II Reduction Plan	12/31/2028
2	1	8	CHES-026 Comprehensive II Reduction Plan	12/31/2028
1	1	4	CHES-032 General II Reduction Plan	12/31/2028
1	1	4	CHES-047 Data-Driven II Reduction Plan	12/31/2028
1	1	4	CHES-067 Comprehensive II Reduction Plan	12/31/2028
1	1	4	CHES-111 General II Reduction Plan	12/31/2028
2	1	1	Lodge Rd Extended WW	12/31/2030

Original Round	Modified Round (6th Mod)	HPP #	Element	Proposed Interim Completion Date
1	2	1	Camden Ave. GM Improvement - II	12/31/2034
1	2	1	Camden Ave. PS	12/31/2034
2	2	1	Williamsburg Crossing FM	12/31/2036
2	2	1	Williamsburg Crossing PRS	12/31/2036
2	2	1	Williamsburg Crossing Storage	12/31/2036
2	2	3	58th St Storage	12/31/2036
2	2	3	Mercury Blvd and Newmarket GM Improvement - I	12/31/2036
2	2	3	Mercury Blvd and Newmarket GM Improvement - II	12/31/2036
2	2	3	Newmarket Creek PS	12/31/2036
2	2	8	Cedar Lane PS	12/31/2036
2	2	8	Cedar Lane PS GM Improvement	12/31/2036
1	2	5	Claremont Ave GM Improvement -I	12/31/2038
1	2	5	Claremont Ave GM Improvement -II	12/31/2038
1	2	5	Claremont PS	12/31/2038
1	2	5	Claremont Siphon - Chesapeake Ave and Robinson Rd	12/31/2038
1	2	5	Claremont Siphon - Indian River	12/31/2038
2	2	5	May Ave Storage	12/31/2038
2	2	5	NORF-PS-149	12/31/2038
2	2	5	Victoria Ave FM	12/31/2038
2	2	5	Willoughby Ave PS	12/31/2038
2	2	8	CHES-PS-046	12/31/2038
2	2	8	CHES-PS-069	12/31/2038
2	2	8	Western Branch PRS	12/31/2038
1	2	1	PORT-PS-002	12/31/2040
1	2	1	PORT-PS-008	12/31/2040
1	2	4	CHES-067 GM Improvement - I	12/31/2040
1	2	4	CHES-067 GM Improvement - II	12/31/2040
1	2	4	CHES-PS-067 FM	12/31/2040
1	2	4	CHES-PS-072	12/31/2040
1	2	6	State St PRS and Storage Tank	12/31/2040
2	2	2	Birdneck - General Booth Blvd. FM - I	12/31/2040
2	2	2	Birdneck - General Booth Blvd. FM - II	12/31/2040
2	2	2	Birdneck - General Booth Blvd. FM - III	12/31/2040

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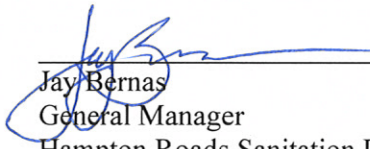
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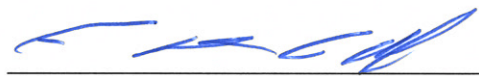


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