

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. )  
\_\_\_\_\_)

**SEVENTH 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 Seventh 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 Rehabilitation Action Plan. The Rehabilitation Action Plan includes proposed improvements to address specific assets which were found to present a material risk of failure as a result of the Condition Assessment Plan.

**WHEREAS**, the delay of certain projects to be undertaken under the Rehabilitation Action Plan will not result in any change to the environmental benefits secured by the Consent Decree and will not change the final end date of December 31, 2030 for Phase I, or December 31, 2040 for Phase II of the Rehabilitation Action Plan;

**WHEREAS**, HRSD avers that certain approved projects with interim deadlines to be undertaken under the Rehabilitation Action Plan have been and are impacted by design, construction, and schedule delays resulting from issues including utility conflicts, material procurement, worker restrictions, schedule coordination, limited contractor resources, property acquisitions, and locality approvals;

**WHEREAS**, Paragraphs 59.e. and 166 of the Consent Decree provide that the parties can modify the schedule of Phase 1 and Phase 2 Rehabilitation Action Plan projects by written agreement (consistent with subparagraph 50.d.);

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

- 1) With respect to the projects in the Rehabilitation Action Plan which are being implemented as part of the Condition Assessment Plan:
  - a. The deadline for the CE-R1 Poplar Hall Davis Corner 24-Inch Gravity Sewer Improvements project will be extended from May 5, 2025 to October 23, 2025;
  - b. The deadline for the CE-R6 Birchwood Trunk 24"/30" Force Main at Independence Boulevard Replacement Phase II project will be extended from May 5, 2025 to May 16, 2025;
  - c. The deadline for the VIP-R10 Larchmont project will be extended from May 5, 2027 to May 5, 2028;
  - d. The deadline for the NP-R2 Shingle Creek and Hickman's Branch Gravity Sewer Improvements project will be extended from May 5, 2027 to May 5, 2028;
  - e. The deadline for the AT-R6 Dozier's Corner PS and Washington District PS Flooding Mitigation project will be extended from May 5, 2027 to May 5, 2028;
  - f. The deadline for the VIP-R11 Lafayette Norview-Estabrook Pump Station Replacements project will be extended from May 5, 2027 to May 5, 2029;
  - g. The deadline for the VIP-R6 Ferebee Avenue PS Replacement/Rehab project will be extended from May 5, 2026 to July 1, 2027;
  - h. The deadline for the AT-R2 South Norfolk Gravity Sewer Improvements, Phase 2 project will be extended from December 31, 2025 to July 1, 2027;
  - i. The deadline for the NP-R1 Western Branch Sewer System Gravity Improvements project will be extended from December 31, 2025 to July 1, 2027;

- j. The deadline for the VIP-R3 Park Avenue Pump Station Replacement – Gannett Fleming project will be extended from December 31, 2025 to July 1, 2027;
- k. The deadline for the VIP-R8 Ingleside Road Pump Station Replacement project will be extended from December 31, 2025 to May 5, 2026;
- l. The deadline for the FCAR Table 3-10 Lucas Creek PS Gravity project will be extended from December 31, 2025 to October 1, 2026;
- m. The deadline for the BH-R3 Hampton Trunk Sewer Extension Division K Gravity Sewer Improvements project will be extended from May 5, 2025 to January 22, 2026; and
- n. The deadline for the GN-R9 Aerial Crossing on NF-158 – Hampton Trunk I&J Phase II project will be extended from May 5, 2025 to October 1, 2026.

**FOR PLAINTIFF UNITED STATES OF AMERICA**

ADAM R.F. GUSTAFSON  
Principal Deputy Assistant Attorney General  
U.S. Department of Justice  
Environment and Natural Resources Division  
Washington, D.C. 20530

*/s/ Jason A. Dunn*  
JASON A. DUNN  
Assistant Section Chief  
Virginia State Bar No. 42730  
Environmental Enforcement Section  
Environment and Natural Resources Division  
United States Department of Justice  
P.O. Box 7611  
Washington, D.C. 20044-7611  
Tel: (202) 532-3359  
Email: [Jason.Dunn@usdoj.gov](mailto:Jason.Dunn@usdoj.gov)

TODD W. BLANCHE  
ACTING ATTORNEY GENERAL

*/s/ Daniel P. Shean*  
Daniel P. Shean, Assistant U.S. Attorney  
Virginia State Bar No. 84432  
Office of the United States Attorney  
101 West Main Street, Suite 8000  
Norfolk, Virginia 23510-1671  
Tel: 757-441-6331  
Fax: 757-441-6689  
Email: [daniel.shean@usdoj.gov](mailto:daniel.shean@usdoj.gov)

**FOR PLAINTIFF COMMONWEALTH OF VIRGINIA**

/s/ Katherine E. Kulbok

Katherine E. Kulbok

Assistant Attorney General of Virginia

Office of the Attorney General

202 North 9<sup>th</sup> Street

Richmond, Virginia 23219

Tel: (804) 225-3643

E-mail: [kkulbok@oag.state.va.us](mailto:kkulbok@oag.state.va.us)

**FOR DEFENDANT HAMPTON ROADS SANITATION**

/s/ Jay Bernas

Jay Bernas  
General Manager  
Hampton Roads Sanitation District

/s/ F. Paul Calamita

F. Paul Calamita (Va. Bar 34136)  
AquaLaw  
6 South 5<sup>th</sup> Street  
Richmond, Virginia 23219  
Tel: (804) 716-9021, ext. 201  
E-mail: [Paul@AquaLaw.com](mailto:Paul@AquaLaw.com)