

# HAMPTON ROADS SSO INITIATIVE: REGIONAL CONSENT ORDER PACKAGE

Presentation

Hampton Roads Planning District Commission

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# REQUIREMENTS

- ◆ Non-permitted discharge of pollutants to either waters of the U.S. or waters of the state is prohibited:
  - Clean Water Act
  - State Water Control Law
- ◆ Discharge permits are only issued for treatment plants.
- ◆ SSOs are prohibited. There will be future SSOs.
- ◆ Owners/operators of treatment facilities and collection systems must enter into Consent Orders, which will detail the requirements that must be met.
  - EPA National Wet Weather Enforcement Policy

# PROCESS OVERVIEW

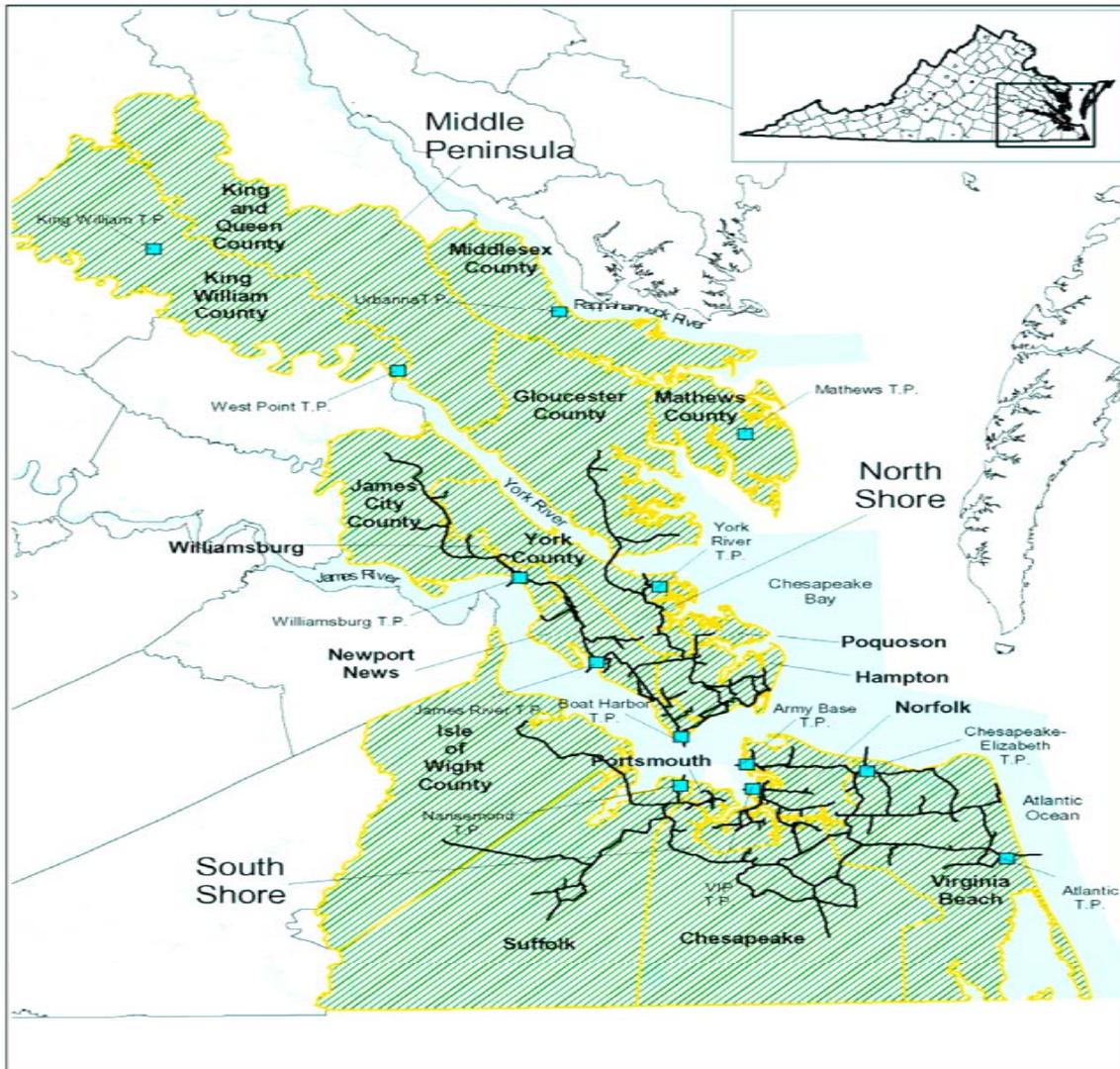
## ◆ Commission Briefings

- December 2005
- January 2007
- April 2007

## ◆ Regional Effort

- Directors of Utilities Committee
- Regional Capacity Team
- Regional Legal Team
- Department of Environmental Quality
- U.S. Environmental Protection Agency

## ◆ Develop Regional Consent Order Package



**Figure 1-1  
Current HRSD Plants and Interceptors**

- LEGEND**
-  Treatment Plant
  -  Existing Interceptors
  -  Service Area
  -  Water Bodies



Scale 1:50000  
Scale 1 in = 9 mi



# SCHEDULE OF REMAINING MAJOR ACTIVITIES

## ◆ Spring 2007

- Regional Technical Standards
- Memorandum of Agreement
- Hampton Roads Regional Consent Order

## ◆ Anticipated Activities

- June 30, 2007 – Local Governments Approve Consent Order
- July 2007 – SWCB Public Notice and Public Comment Period – Consent Order
- September 2007 – SWCB Approval of Hampton Roads Regional Consent Order

# HAMPTON ROADS REGIONAL CONSENT ORDER PACKAGE

- ◆ Model Resolution
- ◆ Regional Consent Order
- ◆ Regional Technical Standards
- ◆ Memorandum of Agreement

# MEMORANDUM OF AGREEMENT HIGHLIGHTS

- ◆ Purpose
- ◆ Signatories – Thirteen localities, HRSD, HRPDC
- ◆ Administrative Provisions
- ◆ Process for Modifying Consent Order
- ◆ Compliance with Regional Technical Standards
- ◆ Self-policing & Conflict Resolution
- ◆ Notification
- ◆ Outlives Consent Order

# HRPDC ROLE IN MOA

## ◆ HRPDC Directors of Utilities Committee

- Coordinate the multi-jurisdictional work & activities required by the Regional Order
- Organize subcommittees or work groups to accomplish work and resolve issues

## ◆ HRPDC Staff

- Provide staffing coordination & support for the Directors of Utilities Committee
- Coordinate the notification process
- Select and manage mediators to facilitate dispute resolution

# OUTSTANDING ISSUE

- ◆ Region believes effective approach requires HRSD & Localities to be governed by same Order at state level.
- ◆ DEQ has indicated concurrence with this.
- ◆ EPA has referred HRSD to the Department of Justice for enforcement.
  - Resolution of this may impact the Regional Consent Order process.
  - Approval of Consent Order Package and authorization believed helpful to HRSD in resolving this issue.

# RECOMMENDED ACTIONS

## ◆ HRPDC

- Approve Letter to Secretary Bryant
- Approve Memorandum of Agreement

## ◆ Localities and HRSD

- Approve Consent Order
- Approve Memorandum of Agreement
- Approve Regional Technical Standards
- Approve Resolution
  - ◆ Commends the regional effort
  - ◆ Approves the Regional Consent Order Package
  - ◆ Authorize Chief Administrative Officer to execute Consent Order, subject to certain provisions.