



Department of Justice



ENVIRONMENTAL PROTECTION AGENCY

FOR IMMEDIATE RELEASE
TUESDAY, SEPTEMBER 29, 2009
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DOJ (202) 514-2007
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HAMPTON ROADS SANITATION DISTRICT, VIRGINIA, AGREES TO SETTLE CLEAN WATER ACT VIOLATIONS IN CHESAPEAKE BAY AREA

WASHINGTON—Hampton Roads Sanitation District (HRSD), based in Virginia Beach, Va., has agreed to pay a \$900,000 civil penalty and to take corrective actions to reduce alleged sanitary sewer overflows from its collection system and nine sewage treatment plants that have polluted the Chesapeake Bay and its tributaries, the Justice Department, U.S. Environmental Protection Agency (EPA), and the Commonwealth of Virginia announced today.

Under a settlement filed today in federal court in Norfolk, Va., HRSD is required to collect data, conduct computer modeling, and, working with the municipalities that it serves, develop a regional plan to ensure that the HRSD sewer system has adequate capacity to handle flows from severe storms and to prevent overflows of sewage. Subsequently, HRSD must implement the regional plan. Since HRSD has not identified the projects pending completion of the plan, the cost of that effort is currently unknown although it is expected to cost millions of dollars.

The settlement also requires HRSD to make major upgrades and improvements to the sewer system infrastructure over the next eight years. These upgrades are estimated to cost at least \$140 million. The settlement requires that HRSD evaluate, replace, rehabilitate, or upgrade pipes, pump stations and other infrastructure where inspections and screenings show a material risk of failure. HRSD also must submit and implement a plan to effectively manage, operate and maintain the sanitary sewer system to help prevent future sanitary sewer overflows.

“We’re pleased that the sanitation district has agreed to take these extensive steps to upgrade and improve the sewer systems for Hampton Roads and the surrounding region,” said John C. Cruden, Acting Assistant Attorney General for the Justice Department’s Environment and Natural Resources Division. “The federal Clean Water Act requires cities to eliminate or reduce their sewage overflows into the nation’s rivers, lakes and oceans. Today’s agreement and the future regional plan will result in a cleaner, safer Chesapeake Bay.”

“Today’s settlement represents EPA’s continuing commitment to protect and restore the health of the Chesapeake Bay,” said Cynthia Giles, Assistant Administrator of EPA’s Office of Compliance and Assurance. “EPA’s compliance and enforcement

strategy targets sewage treatment plants, concentrated animal feeding operations, storm water runoff and other sources that may contribute significant pollution to the bay.”

“After extensive work on this case at the state and federal levels, we believe we have reached an agreement that represents a fair and comprehensive approach to corrective action,” said David K. Paylor, director of the Virginia Department of Environmental Quality. “This should result in significant reductions of pollutants discharged to Virginia waters.”

In a joint complaint filed by the United States and Virginia, the governments alleged that HRSD illegally discharged nine million gallons of untreated sewage and other wastes from its sewer system and sewage treatment plants into various bodies of water including the Atlantic Ocean and Chesapeake Bay. These discharges allegedly occurred on at least 249 occasions since 2003 and were not authorized under existing wastewater discharge permits. In addition, HRSD allegedly caused or contributed to at least 118 municipal overflows of sewage and other pollutants that occurred from the sewer systems of the municipalities during times when flows into the HRSD sewer system exceeded its capacity and the sewage and other wastes backed up and overflowed from manholes and other locations in the municipalities. The municipalities did not report the volume for most of the 118 violations but it is believed to be substantial.

HRSD treats wastewater for 17 counties and cities in Virginia and serves 1.6 million people. HRSD has the capacity to treat up to 231 million gallons of wastewater per day and includes 13 sewage treatment plants, 81 pumping stations, and over 500 miles of pipes.

Sanitary sewer overflows typically contain harmful pollutants, such as excess amounts of nutrients, microbial pathogens that can lead to disease outbreaks, and toxics. The sanitary sewer overflows around HRSD’s service area may potentially endanger ecologically sensitive areas including unique tidal wetlands, wildlife refuges and nurseries in the Chesapeake Bay. The measures HRSD will take to eliminate sanitary sewer overflows will result in a significant reduction of nitrogen, phosphorous and sediment entering the Chesapeake Bay.

EPA in partnership with the bay states is focusing efforts on protecting and restoring the health of the Chesapeake Bay. The enforcement and compliance strategy targets pollution sources that may significantly contribute nitrogen, phosphorus and sediment to impaired watersheds in the bay. These pollutants come from many sources, including sewage treatment plants, urban storm water runoff, septic systems, agricultural operations and air deposition.

The consent decree, lodged today in the U.S. District Court for the Eastern District of Virginia, is subject to a 30-day public comment period and approval by the federal court. A copy of the consent decree is available on the Justice Department Web site at http://www.usdoj.gov/enrd/Consent_Decrees.html.

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