

QUARTERLY REPORT
OCTOBER 1 – DECEMBER 31, 2022



Hampton Roads Sanitation District

1434 Air Rail Avenue

Virginia Beach, VA 23455

March 3, 2023

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1. Introduction and Purpose

On September 26, 2007, the Hampton Roads Sanitation District (HRSD) entered into a Special Order by Consent (SOC) with the Virginia Department of Environmental Quality (DEQ) and thirteen (13) area Localities for the purpose of resolving certain alleged violations of environmental laws and regulations related to Sanitary Sewer Overflows (SSOs). On February 23, 2010, HRSD entered into an Amended Consent Decree (“Consent Decree”) with the United States of America and the Commonwealth of Virginia for the purpose of fulfilling the objectives of the Clean Water Act and the Virginia State Water Control Law. This Consent Decree has been modified five times by agreement of all parties in 2011, 2013, 2014, 2017, and 2022. In December 2014, the SOC was eliminated by DEQ and HRSD is no longer under state enforcement. On February 8, 2022, the Fifth Amendment to the Consent Decree was entered.

The Fifth Amendment to the Consent Decree requires:

“HRSD will submit quarterly SSO reports to VADEQ and EPA, in which HRSD will identify all SSOs, SSDs, Prohibited Bypasses, or unauthorized discharges from the HRSD SS System or the HRSD STPs. HRSD will identify those SSOs, SSDs, Prohibited Bypasses, or unauthorized discharges for which it asserts a claim of force majeure. If HRSD asserts a force majeure claim, it shall document the basis for such claim in the quarterly SSO reports. It will pay the associated undisputed stipulated penalties for all SSOs, SSDs, Prohibited Bypasses, or unauthorized discharges for which it did not assert a claim of force majeure within 90 days of the close of each calendar quarter. In addition, HRSD will submit all of HRSD’s post-storm synopses reports for rain events during the quarterly reporting period to VADEQ and EPA as part of the quarterly reports for rain events that satisfy HRSD’s current criteria for publishing a post-storm analysis, i.e.: (a.) one or more rain gauge sites meet a two-year or greater rainfall recurrence interval and at least 50% of sites in any treatment plant service area receive one inch of rainfall or greater; (b.) a rain gauge meets a five-year or greater rainfall recurrence interval; or (c.) a weather-related SSO occurs.”

This quarterly report is submitted pursuant to Section XVII.D of the Consent Decree. HRSD has prepared this quarterly report in accordance with the above requirements to apprise the EPA (representing the United States of America) and the DEQ (representing the Commonwealth of Virginia) of steps taken toward meeting the obligations of the Consent Decree. Specifically, this quarterly report summarizes all Sanitary Sewer Overflows (SSOs), Sanitary Sewer Discharges (SSDs), Prohibited Bypasses, or unauthorized discharges from the HRSD Sanitary Sewer System or the HRSD Sewage Treatment Plants from October 1, 2022, through December 31, 2022, the associated post-storm synopses reports, claims of force majeure, and undisputed stipulated penalties.

During the reporting period, there were a total of eleven (11) SSOs, SSDs, Prohibited Bypasses, and unauthorized discharges from the HRSD SS System or the HRSD STPs. These are summarized in Tables 1 & 2.

2. Claim of Force Majeure

2.1. Sanitary Sewer Overflow

There were zero (0) SSOs from the HRSD SS System during the 3-month reporting period. HRSD asserts a force majeure claim for zeroe (0) of the SSOs.

2.1.1. Basis of Claim

No claims.

2.2. Unusual Discharges (Sanitary Sewer Discharge, Prohibited Bypasses, Unauthorized Discharge)

There were eleven (11) unusual discharges from the HRSD SS System or the HRSD STPs during the 3-month reporting period. HRSD asserts a force majeure claim for nine (9) Unusual Discharges that were non potable water or final effluent.

2.2.1. Basis of Claim

A description of the circumstances supporting a claim of force majeure is included in Table 2.

3. Undisputed Stipulated Penalties

3.1. Sanitary Sewer Overflow

There were zero (0) SSO from the HRSD SS System during the 3-month reporting period. HRSD will pay undisputed stipulated penalties for zero (0) SSOs.

3.1.1. Basis of Undisputed Stipulated Penalties

Calculation of undisputed stipulated penalties is outlined in Section XX “Stipulated Penalties” paragraph 110 of the Consent Decree. The calculated stipulated penalties are shown in Table 1.

<u>Volume of the SSD or Prohibited Bypass</u>	<u>Penalty from the date of entry</u>
Less than 100 gallons	\$ 100
100 to 2,499 gallons	\$ 750
2,500 to 9,999 gallons	\$ 1,250
10,000 to 99,999 gallons	\$ 4,700
100,000 to 999,999 gallons	\$ 10,000
1,000,000 gallons or greater	\$ 15,000

3.2. Unusual Discharges (Sanitary Sewer Discharge, Prohibited Bypasses, Unauthorized Discharge)

There were eleven (11) unusual discharges from the HRSD SS System or the HRSD STPs during the 3-month reporting period. HRSD will pay undisputed stipulated penalties in the amount of \$850 for two (2) Unusual Discharges.

3.2.1. Basis of Undisputed Stipulated Penalties

Calculation of undisputed stipulated penalties is outlined in Section XX “Stipulated Penalties” paragraph 110 of the Consent Decree. The calculated stipulated penalties are shown in Table 2.

<u>Volume of the SSD or Prohibited Bypass</u>	<u>Penalty from the date of entry</u>
Less than 100 gallons	\$ 100
100 to 2,499 gallons	\$ 750
2,500 to 9,999 gallons	\$ 1,250
10,000 to 99,999 gallons	\$ 4,700
100,000 to 999,999 gallons	\$ 10,000
1,000,000 gallons or greater	\$ 15,000

4. Post-Storm Synopses Reports

Post-Storm Synopses Reports are generated when:

- One or more rain gauge sites meets a two year or greater rainfall recurrence interval and 50% of sites receive one inch or greater rainfall
- A rain gauge meets a five-year or greater rainfall recurrence interval or
- A capacity related wet weather SSO occurs

There are no Post-Storm Synopses Reports for the 3-month reporting period.

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Table 1. Detailed Listing of HRSD SSOs (October 1, 2022, to December 31, 2022)												
Date and Time of Incident	Location	Sewer System Component	Potential Receiving Waters	Spilled In Jurisdiction	SSO Classification	Description of Incident from SSORS	SSO Duration	Action Taken and Explanation of SSO	Discharge Quantity (gallons)**	Amount Reaching State Waters (gallons)**	DEQ IR	Force Majeure Rationale or Stipulated Penalty

Table 2. Detailed Listing of HRSD Treatment Plant Unusual Discharges (October 1, 2022 to December 31, 2022)										
Date	Location	Description/Cause	Duration of Event (minutes)	Corrective Action	Estimated Quantity Discharged (gallons)	Estimated Quantity to State Waters (gallons)	Type of Overflow	Receiving Water	Force Majeure Rationale Or Stipulated Penalty	
10/12/2022 8:15	Nansemond	Non-Potable Water (NPW) was shut down for a new section of pipe to be tied in. MEB was pumping NPW to a containment area then removing it with a vac trailer. Water level in the containment reached a level high enough to leak into the storm drain.	45	Started pumping water back to the original excavation to bring level below overflow. Got a septic company that was onsite to help us vac out the water from the containment as well.	2500	200	Non-Potable Water (NPW)	Storm Water outfall	NPW	
10/30/2022 18:00	VIP	Broken NPW line near secondary clarifier #1. Broken pipe under pressure caused NPW to spill onto the ground and run to a nearby storm drain.	45	Operator on duty notified the Lead Operator on call, who located and closed the supply valve to the broken NPW line.	1200	1200	Non-Potable Water (NPW)	storm drain to Elizabeth River	NPW	
11/10/2022 9:50	Army Base	FLSA arrived on site around 09:15 to perform preventative maintenance on our fire sprinkler/suppression system. At approximately 09:50 on 11-10-22 a maintenance operator informed me that contractors (FLSA) had accidentally discharged AFFF. I arrived at our methanol facility and accessed the foam that had been discharged and contacted FLSA supervisor Fred Parsain	280	All methanol feed systems were secured, and all storm drains in the area were sand bagged. Plant staff and FLSA scheduled Hepaco to perform site cleanup. Hepaco arrived on site around 1300 and cleaned up the foam using absorbent, shovels, and brooms. All material was bagged and disposed of by Hepaco.	5	3	Foam from AFFF	Pavement/ Ground	\$100	

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Table 2. Detailed Listing of HRSD Treatment Plant Unusual Discharges

(October 1, 2022 to December 31, 2022)

Date	Location	Description/Cause	Duration of Event (minutes)	Corrective Action	Estimated Quantity Discharged (gallons)	Estimated Quantity to State Waters (gallons)	Type of Overflow	Receiving Water	Force Majeure Rationale Or Stipulated Penalty
		while ABTP staff sand bagged all storm drains in the area. The AFFF bladder did not discharge; foam coming out was a result of AFFF left in the lines from previous maintenance/testing. When the city water (potable) water was turned on for testing it pushed the residual foam out. The FLSA tech secured the potable water immediately upon seeing the foam.							
11/29/2022 9:47	Nansemond	Contractors broke a buried Non-Potable Water (NPW) line while excavating. Approximately 3937 gallons were discharged from the broken pipe, with an unknown quantity draining from NPW System.	31	NPW Pumps and upstream valve were secured. Contractors attempted recovery with a submersible sump pump. Approximately 787 gallons were recovered, with the rest soaking into the ground.	3937	3150	Non-Potable Water (NPW)	ground	NPW
12/9/2022 8:30	Nansemond	Lead Operator found water saturating and pooling on the ground north of the contact tanks, a residual was ran on the water to determine if it was leaking from the contact tank or just ground / stormwater, the sample came back 0.37 mg/l for chlorine.	474	Contact tanks were switched, and the tank that was leaking was drained. Maintenance attempted to recover some of the water, but due to such a small amount of water across a large area, it was not possible.	300	300	Non-Potable Water (NPW)	ground	NPW
12/16/2022 12:02	Nansemond	Fire hose used for filling #4 Secondary clarifier backed it's way out of the tank and sprayed NPW before being secured.	2	NPW was secured upon discovery. Storm drain was covered to prevent further loss of water. The water that went into the storm drain was captured in the pond east of the contact tanks influent, while the rest was atop the ground. The mobile vac trailer was used to recover as much water as possible.	1500	1000	Non-Potable Water (NPW)	ground	NPW
12/24/2022 15:30	VIP	NPW lines at the PTF busted due to below freezing temperatures. Roughly 200 gallons made its way to the storm drain which leads to the Elizabeth River.	15	Operator on duty notified the Lead Operator on call, closed the isolation valve, and placed sand bags down to prevent further discharge into the storm drain.	200	200	Non-Potable Water (NPW)	storm drain to Elizabeth River	NPW

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Table 2. Detailed Listing of HRSD Treatment Plant Unusual Discharges

(October 1, 2022 to December 31, 2022)

Date	Location	Description/Cause	Duration of Event (minutes)	Corrective Action	Estimated Quantity Discharged (gallons)	Estimated Quantity to State Waters (gallons)	Type of Overflow	Receiving Water	Force Majeure Rationale Or Stipulated Penalty
12/25/2022 11:00	VIP	NPW line at the SW end of the VBR had a blown gasket due to below freezing temperatures. Roughly 1000 gallons made its way to the Storm drain which leads to the Elizabeth River.	180	Operator on duty notified the Lead Operator on call, MO and LO closed the isolation valves.	1000	1000	Non-Potable Water (NPW)	storm drain to Elizabeth River	NPW
12/25/2022 15:30	Boat Harbor	Multiple NPW carrying pipes burst due to freezing.	180	NPW lines were secured, and drain covers were placed over the effected drains. Burms were placed in lowlying areas on the asphalt and water was squeegeed to that location were it was pumped into an empty tote using a floor sucker.	250	130	Non-Potable Water (NPW)	75% asphalt ground, 25% river	NPW
12/25/2022 20:30	Army Base	Operator discovered burst NPW line on back of BNR tank causing water to spill off roof and into storm drain. Estimated spill was 100 gallons.	60	Cut NPW flow at main line so that repairs can be made to the broken valve.	100	100	Non-Potable Water (NPW)	Ground, Storm drain to Elizabeth River	NPW
12/28/2022 6:30	Nansemond	Temporary drain line on centrate tank installed by contractors was leaking from a pipe joint. Pipe had to be taken apart and plugs put in both ends to stop the leak.	210	Plugs put in both ends of temporary drain line.	1000	1000	Centrifuge Centrate	ground	\$750

Note: NPW (non-potable water) is fully treated and chlorinated final effluent.

Appendix A. Post-Storm Synopses Reports

No qualifying events this quarter.

Appendix B. Definitions

“Bypass” shall mean the intentional diversion of waste streams from any portion of a treatment facility, as defined by 40 C.F.R. § 122.41(m).

“HRSD SS System” or “HRSD Sanitary Sewer System” shall mean the wastewater collection and transmission systems, including all pipes, Force Mains, Gravity Sewer Lines, lift stations, Pumping Stations, Pressure Reducing Stations, manholes, and any other appurtenances thereto, which are owned or operated by HRSD as of the Effective Date of this Consent Decree, and which serve the Localities. It does not include the portions of the sewer system that serves the Middle Peninsula communities within King William County, King and Queen County, Middlesex County, and Mathews County.

“Non-potable water (NPW)” is fully treated and chlorinated final effluent.

“Prohibited Bypass” shall mean a Bypass within the meaning of 40 C.F.R § 122.41(m)(4).

“Sanitary Sewer Overflow” or “SSO” shall mean an overflow, spill, diversion, or release of wastewater from or caused by the Regional SS System. This term shall include: (i) discharges to waters of the State or United States from the Regional SS System and (ii) any release of wastewater from the Regional SS System to public or private property that does not reach waters of the United States or the State, including Building/Private Property Backups.

“Sanitary Sewer Discharge” or “SSD” shall mean any discharge to waters of the State or the United States from the HRSD SS System through a point source not authorized in any Permit.