

BVU Authority

IN THE MATTER OF:

CITY OF BRISTOL, VIRGINIA
Integrated Solid Waste Management Facility
2655 Valley Drive
Bristol, Virginia 24201

BVUA Industrial Wastewater Discharge Permit No 013E

COMPLIANCE ORDER AND AGREEMENT

Legal Authority

Based on the findings and permit violations made herein, this Compliance Order ("Order") is issued to the City of Bristol, Virginia ("City"). The President & CEO of BVU Authority ("BVUA") is authorized to issue this Order under Section 8.1 of the BVUA Sewer Use and Sewage Regulations (the "Regulations") and the Enforcement Response Plan for the Joint Wastewater Plant, revised April 1993. This Order is based on findings of violations of the conditions of the BVUA wastewater discharge permit issued to the City of Bristol Virginia's Landfill ("City Landfill") under the Regulations.

Background

1. The City Landfill discharges nondomestic wastewater containing pollutants into the sanitary sewer system of the BVU Authority ("BVUA"). The water comprises drainage, leachate, and gradient groundwater.
2. The City is a significant industrial user as defined by Section 1.1 of the Regulations.
3. The City is currently operating under BVUA's Industrial Wastewater Discharge Permit Number 013E ("Permit"). The Permit conditions were similar in Permits 013A, 013B, 013C, and 013D.
4. BVUA's standard industrial user permits are for five years with semi-annual reporting. On March 1, 2021, BVUA issued a three-month permit to the City, instead of a five-year permit due to repeated benzene violations. Renewal of the permit, and each successive permit, is contingent on the City's good faith efforts to resolve its benzene violations. The City has not identified the source of the benzene but continues to search for a source.
5. The City's current industrial wastewater discharge permit was issued on November 1, 2021. The current permit expires February 1, 2022. The permit contains prohibitions, restrictions and other limitations on the quantity and chemical characteristics of the wastewater the City may discharge to BVUA's sanitary sewer.
6. Pursuant to the Regulations and the Permit, BVUA collects samples of the City's sewer discharge using a third-party vendor, currently InfraMark.

7. In April 2021, BVUA began monitoring the City's wastewater discharge more frequently. BVUA currently samples the discharge bi-weekly, instead of monthly.

8. In view of the significance of the violations, BVUA and the City have worked together to develop a comprehensive compliance plan to address the violations. The City has retained two consulting engineering firms and created a full-time landfill manager position.

Findings/Permits Violations

1. The City has had the following permit violations:

a. In January 2015, the City violated its permit limits for barium, for a total of one (1) violation of the discharge limits for barium.

b. For the period January 2018 to October 2021, the City violated its permit limits for benzene in various samples collected. A total of thirty (30) violations of the permit's discharge limits occurred during this time. (See BVUA issued Notice of Violation letters for additional background information.)

c. In September 2021, the City further violated its permit by failing to submit a Semi-Annual Self-Monitoring Report with all required parameters by the due date for the period January 1 through June 30, 2021.

2. These are repeat permit violations and are non-isolated violations of the Permit. The City has acknowledged these past violations and worked in good faith since 2020 to address them. The City has retained outside consulting engineers and desires to take corrective action to comply with their Permit.

Order and Agreement

Therefore, to ensure that the City complies with the Permit as soon as possible, IT IS HEREBY ORDERED AND AGREED, BETWEEN THE CITY OF BRISTOL VIRGINIA AND BVU AUTHORITY that the City shall:

1. **Notice of Violation.** The City agrees to respond to any Notice of Violation issued by BVUA in a timely fashion, and within the timeframes set out in such Notice of Violation or thirty (30) days.

2. **Monitoring.** The City acknowledges that BVUA will conduct bi-weekly monitoring of all wastewater effluent. BVUA will send results to the City within seven days of receipt. In addition, the City will conduct self-monitoring testing, as mutually agreed to by BVUA.

3. **Volume and Flow Rate Limit.** The City agrees to construct an equalization flow tank at the landfill to reach a target peak discharge flow rate to BVUA's sewer line of 300 gallons per minute and a maximum monthly volume of 14,000,000 gallons per month. Until the tank is constructed, the City agrees to a maximum flow of 800 gallons per minute for no more than nine hours per twenty-four-hour period. After the tank is constructed, the wastewater flow rate shall be reduced to 300 gallons per minute. The City shall provide a proposed schedule or timeline of volume and flow rate compliance to BVUA no later than ninety days from the date of this Agreement. The City shall update BVUA on its progress toward compliance at least once every thirty (30) days in a manner mutually acceptable. This volume and flow rate limits must be complete no later than June 30, 2024.

4. **Pre-treatment of Wastewater.** The City agrees to implement a pre-treatment wastewater system designed to reduce the level of benzene below the Permit limit of 0.07 mg/L. The City will install the pre-treatment system by December 31, 2022. The parties agree that benzene removal technology is available for pre-treatment. However, if the City exercises good faith efforts toward installing its pre-treatment system, the time for completion may be extended for up to an additional six months. Any request by the City for an extension of time must justify the reason for delay and the steps the City undertook to complete the project on time. The City shall provide BVUA a proposed schedule or timeline of compliance for pre-treatment within thirty (30) days from the date of this Agreement. The City shall update BVUA on its progress toward compliance at least once every thirty (30) days in a manner mutually acceptable. The City acknowledges the pre-treatment compliance is on a different schedule than the volume and flow-rate compliance.


Enforcement Compliance Fines

1. **Notice of Violation.** The City acknowledges that failure to respond to any Notice of Violation issued by BVUA in the allotted time, will result in a One Thousand Dollar (\$1,000.00) fine per occurrence. These fines are due within thirty (30) days and are not eligible for abatement.
2. **Self-Monitoring Testing.** The City acknowledges that failure to complete testing or forward the results within the allotted time will result in a One Thousand Dollar (\$1,000.00) fine per violation. After every five (5) violations the fine will double from the previous amount. These fines are due within thirty (30) days and are not eligible for abatement.
3. **Benzene Violations.** The City acknowledges for any future discharge of benzene that exceeds the Permit limits after the date of this Order, will result in a One Thousand Dollar (\$1,000.00) fine per occurrence. However, if the discharge is one that would require higher fines under the Enforcement Response Plan, than the higher fine amount shall be assessed. In addition, the City agrees to reimburse BVUA or the City of Bristol TN for any benzene related permit discharge fines levied against the joint wastewater treatment plant.
4. **Benzene Fine Abatement Schedule.** The City acknowledges that BVUA will assess the Benzene fines each month. The City may defer the payment of any fines until after the pre-treatment system is operational. If the City achieves compliance with the Permit in the agreed upon time by installing a pre-treatment system, BVUA will waive the fines.
5. **Volume and Flow Limit Violation.** The City acknowledges that failure to achieve the volume and flow limit in the agreed upon time, will result in a Ten Thousand Dollar (\$10,000.00) fine for each month the project is past due on the agreed upon completion schedule.
6. **Additional Terms and Conditions.** Compliance with the terms and conditions of this Order does not relieve the City of its other obligations to comply with its wastewater discharge permit which remains in full force and effect.
7. **Additional Remedies.** BVUA reserves the right to seek all remedies available to it under the Regulations for any violation cited by this Order.
8. **Further Violations.** Violation of this Order shall constitute a further violation of the Regulations and subject the City to all penalties described by the Regulations.
9. **Additional Orders.** Nothing in this Order shall prevent BVUA from issuing any other orders or


taking any other action that it deems necessary to protect the wastewater treatment plant, the environment, or the public health and safety.

This Order shall be effective as of the date upon execution by both parties. The parties accept the above terms and conditions as acknowledged by their respective signatures below.

FOR THE CITY OF BRISTOL, VIRGINIA:

Signature	
Printed Name	Randall C. Eads
Title	City Manager/City Attorney
Date	12/3/21

FOR BVU AUTHORITY:

Signature	
Printed Name	Donald L. Bowman, P.E.
Title	President & CEO
Date	12/3/2021