

# **ENVIRONMENTAL NOTICES**



CA

RECEIVED FEB 09 2009

# COMMONWEALTH of VIRGINIA

KAREN REMLEY, MD MBA FAAP  
STATE HEALTH COMMISSIONER

Department of Health  
OFFICE OF DRINKING WATER  
SOUTHEAST VIRGINIA ENGINEERING FIELD OFFICE

830 SOUTHAMPTON AVENUE, ROOM 2058  
NORFOLK, VIRGINIA 23510-1001  
PHONE (757) 683-2000  
FAX (757) 683-2007

JAN 30 2009

## NOTICE OF VIOLATION

SUBJECT: SOUTHAMPTON COUNTY  
Water - Darden's Mill Estates

Darden's Mill Estates Owner  
P. O. Box 15  
Courtland, Virginia 23837

### **Re: Failure to Collect Required Bacteriological Samples**

To Whom It May Concern:

This notice is to advise that you may be in violation of §12 VAC 5-590-370 of the Virginia *Waterworks Regulations* for failure to conduct the required monitoring of the bacteriological quality of water served to your customers. The regulations require a system of your size to collect a minimum of five routine water samples for bacteriological examination in the month following a positive routine sample. Your system had a positive sample on November 19, 2008. Our records show that only one routine sample was analyzed during the month of December 2008.

### **Required Actions**

**Public Notice:** The *Waterworks Regulations* characterizes this as a situation that requires Tier 3 public notification. According to §12 VAC 5-590-540, you are required to notify consumers that the prescribed monitoring was not performed, as follows:

- You must provide notice to consumers no later than one year following receipt of this notice.
- Your notice to consumers must be mailed or directly delivered to each customer receiving a bill, and to other service connections served by your waterworks.
- Until the violation is resolved, you must give a copy of the notice to all new billing units or new customers, before or at the time service begins.
- You must repeat distribution of the notice annually, for as long as the violation persists.

JAN 30 2009

SUBJECT: SOUTHAMPTON COUNTY  
Water - Darden's Mill Estates

**Draft Notice:** Attached is a draft notice for you to distribute to consumers. You may use this notice as is, or modify it to better meet your situation, as long as the information is accurate and the notice contains all of the required elements and mandated language. If you decide to change the notice, we suggest that you contact this Office to verify that your proposed changes meet the requirements of the *Waterworks Regulations*. Please insert the name, address, and phone number of a waterworks representative in the spaces provided on the draft notice.

**Public Notice Confirmation:** Within ten days of completing public notification, you must provide this Office with a copy of the notice you distribute, along with signed certification of the distribution completion date and methods used. Failure to distribute public notice and report to the Virginia Department of Health may be a further violation of the *Waterworks Regulations*. A public notification completion form is enclosed for your use.

**Follow-up Actions:** You must collect your regularly scheduled bacteriological sample during January 2009. If you have questions, please call.

Sincerely,



Renée Hall  
District Engineer

RSH/bjm

Enclosures

pc: Southampton County Health Department  
Mr. Michael Johnson, County Administrator, Southampton County  
V.D.H. - Office of Drinking Water



CA

# COMMONWEALTH of VIRGINIA

KAREN REMLEY, MD MBA FAAP  
STATE HEALTH COMMISSIONER

Department of Health  
OFFICE OF DRINKING WATER  
SOUTHEAST VIRGINIA ENGINEERING FIELD OFFICE

830 SOUTHAMPTON AVENUE, ROOM 205B  
NORFOLK, VIRGINIA 23510-1001  
PHONE (757) 683-2000  
FAX (757) 683-2007

JAN 29 2009

## NOTICE OF VIOLATION

SUBJECT: SOUTHAMPTON COUNTY  
Water - Kingsdale-Moseley

Ms. Shanda Harper  
Aura, Inc.  
137 Kenmore Street  
Suffolk, VA 23434

### **Re: Failure to Collect Required Bacteriological Samples**

Dear Ms. Harper:

This notice is to advise that you may be in violation of §12 VAC 5-590-370 of the Commonwealth of Virginia *Waterworks Regulations* for failure to complete required monitoring of the bacteriological quality of water your waterworks serves to consumers. The *Regulations* require your system to collect one routine water sample for bacteriological examination each month and report the results of the test to this office no later than the 10<sup>th</sup> day of the following month. According to our records no bacteriological sample was collected, analyzed or reported for the month of December 2008.

### **Required Actions**

**Public Notice:** The *Waterworks Regulations* characterizes this as a situation that requires Tier 3 public notification. According to § 12 VAC 5-590-540, you are required to notify consumers that the prescribed monitoring was not performed, as follows:

- You must provide notice to consumers no later than one year following receipt of this notice.
- Your notice to customers must be mailed or directly delivered to each customer receiving a bill, and to other service connections served by your waterworks.
- If your waterworks serves consumers who do not pay water bills, or do not have service connection addresses (apartment dwellers, university students, or nursing home patients, for example), you must also use other delivery methods to provide notice to these consumers as well. Examples of other methods include (but are not limited to) publication in local newspapers, delivery of multiple copies to apartment buildings, or posting the notice in public places served by the system.

JAN 29 2009

SUBJECT: SOUTHAMPTON COUNTY  
Water - Kingsdale-Moseley

- You may choose to include your notice to consumers as an enclosure with your Consumer Confidence Report (CCR) for 2008. To do so, the combined CCR and public notice must be distributed to consumers by July 1, 2009 which is the deadline for distributing the CCR alone. Furthermore, you must take steps to ensure that the CCR and notice reaches all persons served by the waterworks. This requirement is more stringent than the "good faith effort" requirements for distributing the CCR alone.
- You may choose to distribute an annual report of all Tier 3 violations incurred by your waterworks during 2008. If so, your annual notice must satisfy the timing, content, and distribution requirements for each Tier 3 violation.
- Until the violation is resolved, you must give a copy of the notice to all new billing units or new customers, before or at the time service begins.
- You must repeat distribution of the notice annually, for as long as the violation persists.
- If you are using a private laboratory, you should advise them that the monthly samples are for compliance purposes and ask that they submit results directly to this office.

**Draft Notice:** Attached is a draft notice for you to provide to consumers. You may use this notice as is, or modify it to better meet your situation, as long as the information is accurate and the notice contains all of the required elements and mandated language. If you decide to change the notice, we suggest that you contact this Office to verify that your proposed changes meet the requirements of the *Waterworks Regulations*.

**Public Notice Confirmation:** Within ten (10) days of completing public notification, you must provide this Office with a copy of the notice you distribute, along with signed certification of the distribution completion date and methods used. Failure to distribute public notice and report to the Virginia Department of Health may be a further violation of the *Waterworks Regulations*. A public notification completion form is enclosed for your use.

**Follow-up Actions:** You must collect a routine bacteriological sample for the January 2009 monitoring period. If you have questions, please call.

Sincerely,



Renée S. Hall  
District Engineer

RSH/bjm  
Enclosures

pc: Dr. Lisa McCoy, Director, Southampton County Health Department  
Mr. Michael W. Johnson, County Administrator, Southampton County  
V.D.H. – Office of Drinking Water



CA

# COMMONWEALTH of VIRGINIA

Karen Remley, MD, MBA, FAAP  
State Health Commissioner

Department of Health  
P O BOX 2448  
RICHMOND, VA 23218

TTY 7-1-1 OR  
1-800-828-1120

**JAN 28 2009**

## NOTICE OF VIOLATION

SUBJECT: SOUTHAMPTON COUNTY  
Water - Town of Courtland.

Mayor Lewis Davis Sr.  
Town of Courtland  
P.O. Box 39  
Courtland, VA 23837

Re: Exceeding the Primary Maximum Contaminant Level for Fluoride

Dear Mayor Davis:

This notice is to advise that you may be in violation of §12 VAC 5-590-410 of the *Waterworks Regulations* for exceeding the Primary Maximum Contaminant Level (PMCL) for fluoride. Test results of the quarterly water samples taken at the entry point(s) of the Town of Courtland waterworks during the compliance period of January 1, 2008-December 31, 2008 indicate that the running annual average fluoride concentration calculated at 5.5 mg/l exceeds the PMCL for fluoride of 4.0 mg/l.

The Town of Courtland has entered into a voluntary binding agreement known as a Consent Order with the Virginia Department of Health. The Order contains a compliance schedule to resolve the ongoing exceedance of the fluoride PMCL standard. The Town of Courtland has met all milestones and deadlines established in the Order so far.

### Required Actions

**Public Notice:** The Federal Public Notification Rule characterizes this as a Tier 2 situation. You are required to notify consumers that the fluoride PMCL was exceeded, as follows:

- You must distribute a notice to consumers no later than 30 days of receipt of this letter.
- Your notice to consumers must be mailed or directly delivered to each customer receiving a bill, and to other service connections served by your waterworks.
- If your waterworks serves consumers who do not pay water bills, or who do not have service connection addresses (apartment dwellers, university students, or nursing home patients, for example) you must also use other delivery methods to provide notice to these consumers as well. Examples of other methods include (but are not limited to) notice publication in local newspapers, delivery of multiple copies to apartment buildings, or posting the notice in public places served by the system.
- Until the violation is resolved, you must give a copy of the notice to all new billing units or new customers, before or at the time service begins.
- You must repeat distribution of the notice every three months, for as long as the violation persists.

JAN 28 2009

SUBJECT: SOUTHAMPTON COUNTY  
Water - Town of Courtland

**Draft Notice:** Attached is the draft notice that you are required to use for fluoride exceedance. Please note that the notice requires you to insert certain information before distribution to your customers. You may use this notice as is (after making the required insertions). If, after making the required insertions, you wish to change this notice in any manner, you must obtain approval from this Office before distribution.

**Public Notice Confirmation:** Within ten (10) days of completing public notification you must provide this Office with a copy of the notice you distribute, along with signed certification of the distribution completion date and methods used. Failure to distribute public notice and report to the Virginia Department of Health may be a violation of State and Federal Public Notification Rule. A public notification completion form is enclosed for your use.

If you have questions, please call.

Sincerely,



Renée S. Hall  
District Engineer

RSH/bjm  
Enclosures

pc: Dr. Lisa McCoy, Director, Southampton County Health Department  
Mr. Michael Johnson, County Administrator, Southampton County  
Robert A. K. Payne, JD, VDH Compliance Manager



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF ENVIRONMENTAL QUALITY

PIEDMONT REGIONAL OFFICE

4949-A Cox Road, Glen Allen, Virginia 23060

(804) 527-5020 Fax (804) 527-5106

[www.deq.virginia.gov](http://www.deq.virginia.gov)

Preston Bryant  
Secretary of Natural Resources

David K. Paylor  
Director

January 15, 2009

Mr. David N. Smith  
Director of Environmental, Health and Safety Services  
Old Dominion Electric Cooperative  
Innsbrook Corporate Center  
4201 Dominion Boulevard  
Glen Allen, Virginia 23060

Location: Surry County  
Registration No.: 52272

Dear Mr. Smith:

This will acknowledge the receipt of your PSD permit application for Old Dominion Electric Cooperative – Cypress Creek Power Station, dated December 17, 2008. The staff of the Piedmont Regional Office has completed its preliminary screening of your permit request. A 1,500 MW steam electric power plant is proposed, powered by two 750 MW pulverized coal-fired boilers, using Appalachian bituminous coal and up to 2% heat input biomass. Proposed facility emission sources also include an auxiliary boiler, emergency diesel fire pump, emergency diesel generator and emergency diesel intake pump, all fired by low sulfur No.2 fuel oil and two fuel oil storage tanks and material handling equipment. The application executive summary states that the Class I and Class II area analysis volumes will be submitted after the Best Available Control Technology (BACT) emissions levels are finalized. Based on the staff's determination, your facility is subject to the major permitting requirements in Article 6, 7 and 8 of 9 VAC 5 Chapter 80 of the Commonwealth of Virginia Regulations for the Control and Abatement of Air Pollution. A preliminary evaluation has been performed on the PSD application submittal, resulting in the following comments listed below:

- DEQ will comment on the Appendix C, Emissions Estimate and Appendix D, BACT Analysis within 30 days after receiving the Appendix E, Case-by-Case Maximum Achievable Control Technology (MACT) analysis (expected January 2009).
- Mercury is an additional pollutant to those listed on your PSD application page 3-5 as emitted in significant quantities under the PSD regulations. This requirement is found in 9 VAC 5-80-1615 of the Commonwealth of Virginia Regulations for the Control and Abatement of Air Pollution. Mercury is significant as addressed by section b. of the definition of "significant" in this regulation, which refers to any emissions rate of a

RECEIVED JAN 22 2008

Mr. David N. Smith  
January 15, 2009  
Page 2

pollutant not listed in section a; and which is subject to regulation under the Federal Clean Air Act (regulated by 40 CFR 60.45Da, Standard for mercury (Hg), subsection (a)(1)).

- Page ES-3 of the PSD application references the best available control technology (BACT) analysis included in Appendix D of the same. The BACT evaluation for mercury must be included as in other sections and a reference to the applicable NSPS Subpart Da standards for mercury.
- Particulate matter with aerodynamic diameter less than or equal to 2.5 microns (PM 2.5) must be evaluated in terms of a 10 ton per year threshold as a "significant" pollutant under the definition of the same in the PSD regulation
- Page 4-7 of the PSD application discusses emergency diesel engines under 40 CFR 60, Subpart IIII and is requesting a limitation of 100 hours for maintenance checks and test operations as defined by the Subpart IIII definition. We typically limit actual emergency operations up to 500 hours, which is more inline with the length of actual emergency requirements (Hurricane events). At your request in the application, we would structure the permit to allow this increase in permitted hours for an actual emergency, while maintaining the 100 hour Subpart IIII requirement.
- Page 4-11 of the PSD application does not include the requirement to address emissions units under 9 VAC 5-80-1100 G. and the requirements found in Article 6 Permits for New and Modified Stationary Sources. This may include emission units that are exempt from permitting, but require identification and registration.
- Page 4-12 of the PSD application indicates that the \$30,000 permit application fee has been submitted to DEQ. DEQ Finance deposited the check on December 23, 2008.
- Page 5-1 of the PSD application indicates the revised Class II Air Dispersion Modeling Protocol was submitted December 2009 (received on December 23, 2008). Comments were forwarded under separate cover from DEQ on January 12, 2009. Please note that until the modeling protocols are approved, as the Form 7 application emission rates and totals change, these documents should reflect the latest application.
- Appendix A of the PSD application is the DEQ Form 7, which should include copy of submitted Local Governing Body Certification form in the application. Also in the DEQ Form 7, pages 12-13, Air Pollution Control and Monitoring Equipment form; considering the magnitude of CO emissions for the PC Boilers, monitoring each PC Boiler using CO CEMs should be included in the application. This will provide timely data to monitor and control the largest single criteria pollutant emissions from the PC boilers (10,446 TPY plant wide). Page 13, Air Pollution Control Equipment - Supplemental Information form contains numerous "TBDs" that need to be determined and included in the application. Page 17, Other Regulated Pollutant Emissions form has "NA" instead of the uncontrolled emissions for sulfuric acid mist.

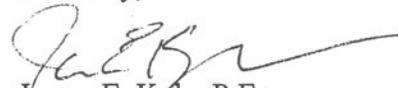
Your permit application contains sufficient information to continue the application review process. If upon further review it is found that additional information is required to support your permit application, such information will be requested at a later date.

In accordance with 9 VAC 5-80-1170 and 9 VAC 5-80-1775, Old Dominion Electric Cooperative (ODEC) is required to notify the public of the proposed construction of the source and conduct a briefing. The public notice must be approved by the DEQ prior to publication, and the notice must appear in at least one newspaper of general circulation in the affected area, no later than 30 days after your receipt of this letter (9 VAC 5-80-1170 specifies 15 days, but 9 VAC 5-80-1100 H.3. specifies that the provisions of Article 8 prevail if they conflict). At a minimum, the public notice must contain the following information:

- source name, location and type;
- pollutants and the total quantity emitted of each;
- brief statement of the air quality impact of such pollutants;
- control technology to be used at the time of the briefing;
- time and place of an informational briefing to inform the public about the application (9 VAC 5-80-1775); and
- name and telephone number of a contact person, employed by the applicant, who can answer questions about the source.

The public briefing will be conducted by ODEC and DEQ personnel need to be in attendance, so please coordinate scheduling with this office. If you have any additional questions, please call "Sparky" H.L. Lisle, Jr. at 804-527-5148.

Sincerely,



James E. Kyle, P.E.  
Air Permit Manager

JEK/hll/52272ILODLetter01152009

cc: NPS, Shenandoah National Park  
USFS, James River Face Wilderness Area  
USFS, Swanquarter Wilderness Area  
USFS, Dolly Sods Wilderness Area  
USFS, Otter Creek Wilderness Area  
US EPA, Regional Administrator, Region III

RECEIVED JAN 22 2008

Attached is a copy of the Initial Letter of Determination (ILOD) for the PSD air permit application submitted by ODEC on December 17, 2008.

A copy will be sent to the Federal Land Managers, US EPA Region III, Chief Executives of the locality and adjacent localities for their information.

The letter contains a brief description of the proposed project in the first paragraph and at the end an overview of the future briefing that will be prepared by ODEC.

We will be directing those interested in more information to attend that briefing.

*Sparky Lisle*

Sparky H.L. Lisle, Jr. sends.

Air Permit Writer

VA DEQ Piedmont Regional Office

Directions: <http://www.deq.virginia.gov/regions/piedmont.html>

4949A Cox Road

Glen Allen, VA 23060

804/527-5020 Office

804/527-5148 Direct

804/527-5106 FAX



*Please consider the environment - do you really need to print this email?*