



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

www.deq.virginia.gov

Travis A. Voyles
Secretary of Natural and Historic Resources

Michael S. Rolband, PE, PWD, PWS Emeritus
Director

May 29, 2024

Responsible Party Address:	Other Address:
Robinette Scrap Metal Processing Corporation P.O. Box 636 Big Stone Gap, VA 24219	Robinette Steel and Scrap Metal Company 528 Short Street North Big Stone Gap, Virginia
Other Address:	Other Address:

**PROPOSED CONSENT ORDER AND
NOTICE OF INFORMAL FACT FINDING PROCEEDING**

RE:	Responsible Party(ies)	Robinette Scrap Metal Processing Corporation
	Facility Name	Robinette Steel and Scrap Metal Company
	Registration/ Permit No.	VAR051276

Dear Sir/Madam:

The Virginia Department of Environmental Quality (“DEQ”) issued Notice(s) of Violation (the “NOV(s)”) on the following date(s) to the Responsible Party(ies) identified above for alleged violations observed at the facility identified above.

Proposed Consent Order and Notice of Informal Fact Finding Proceeding

NOV Date(s)	April 30, 2024
--------------------	----------------

The Responsible Party(ies) may resolve this matter quickly by entering into the enclosed Consent Order with DEQ within forty-five days from the date of this letter. If DEQ does not receive the signed Consent Order by that date, DEQ will proceed with conducting an Informal Fact Finding Proceeding as explained in Section II below.

I. PROPOSED CONSENT ORDER

DEQ wishes to resolve the alleged violations in the NOV by entering into a Consent Order with the Responsible Party(ies). DEQ's proposed Consent Order is enclosed for your review. The proposed Consent Order includes:

<input checked="" type="checkbox"/>	A civil charge in the amount of <u>\$4,064.00</u>
<input checked="" type="checkbox"/>	Injunctive relief (corrective actions) in Appendix A.

DEQ may reduce the civil charge listed above if you demonstrate inability to pay the proposed amount through submittal of a complete Ability to Pay Application. The Ability to Pay Application includes tax documentation and information regarding assets and liabilities. Please contact the Enforcement Specialist listed below within ten days from the date of this letter to request an Ability to Pay Application. DEQ will assume that you are able to pay the proposed civil charge unless you make a timely request for an Ability to Pay Application and submit a complete application in accordance with the schedule and directions provided.

If you agree with the terms of the proposed Consent Order, please sign and date the Consent Order and send it within forty-five days from the date of this letter to:

Enforcement Specialist	Jonathan Chapman
Address	DEQ - Southwest Regional Office 355-A Deadmore Street Abingdon, VA 24210
Email	jonathan.chapman@deq.virginia.gov

The order is subject to public notice and comment before it becomes final. A copy of the fully executed order will be returned to you for implementation upon signature on behalf of DEQ.

II. NOTICE OF INFORMAL FACT FINDING PROCEEDING

You are hereby notified that if DEQ does not receive the signed Consent Order within forty-five days from the date of this letter, an Informal Fact Finding Proceeding will be held via conference call at the

Proposed Consent Order and Notice of Informal Fact Finding Proceeding

date and time listed below. At the scheduled time, dial the Call-In Number listed below, and enter the Access Code listed below when requested.

Proceeding Date	July 30, 2024	Proceeding Time	1:00 PM
Call-In No.	(312) 757-3121	Access Code	253-160-749

If you have any difficulty accessing the conference call, please call:

Agency Advocate	Kristen Sadtler
Phone No.	(804) 664-3864

The Informal Fact Finding Proceeding will be conducted pursuant to Va. Code §§ 2.2-4019 and 10.1-1186 to determine whether the Responsible Party(ies) violated the Virginia Code and Regulations as listed in the Findings of Fact and Conclusions of Law in Section C of the enclosed Consent Order. The Informal Fact Finding Proceeding will also determine the appropriateness of a civil penalty and/or injunctive relief.

DEQ staff will request a Special Order requiring the Responsible Party(ies) to:

<input checked="" type="checkbox"/>	Pay the maximum civil penalty authorized by law, and pay attorneys' fees of 30% of the amount outstanding should DEQ have to refer collection of the civil penalty to the Department of Law
<input checked="" type="checkbox"/>	Comply with the Virginia Code and Regulations by completing the corrective actions listed in Appendix A of the enclosed proposed Consent Order.

To ascertain the facts in this matter, DEQ staff may rely upon DEQ's inspection report(s) for the Facility, the NOV(s), any registration statement and permit for the Facility, other public documents in DEQ files, and the information presented by witnesses. DEQ staff will also rely on applicable statutes, regulations, and DEQ guidance. Full texts of statutes, regulations, and DEQ guidance can be obtained at <http://www.deq.virginia.gov/LawsRegulations.aspx> or <http://lis.virginia.gov/> (statutes and regulations) and <http://townhall.virginia.gov/L/GDocs.cfm> (DEQ guidance). Copies will be provided upon request.

You may participate in the conference call yourself or by counsel or other qualified representative pursuant to Va. Code § 2.2-4019. At this proceeding, the Responsible Party(ies) will be able to present factual data, argument, or proof in connection with this case. A Presiding Officer will hear the evidence in this case and will prepare an independent Findings of Fact and Conclusions of Law and a draft Special Order for the Director's review. Then the Director may issue a Special Order under Va. Code § 10.1-1186, which may include both injunctive relief and a civil penalty.

Be advised that if you fail to attend or appear without good cause to an informal fact-finding proceeding conducted pursuant to Va. Code § 2.2-4019, the Presiding Officer may issue a default order regarding the subject of this notice. If a default order is issued, the Presiding Officer may conduct all further proceedings necessary to complete the adjudication and shall determine all issues in the adjudication, including those affecting you. Further, an order may be issued against you based on any admissions or other evidence without notice to you.

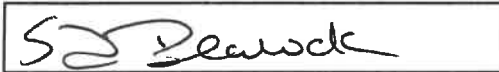
You will be notified of the results of the proceeding in accordance with Va. Code § 2.2-4019 and have the right to appeal any adverse decision in accordance with Va. Code § 2.2-4026.

Proposed Consent Order and Notice of Informal Fact Finding Proceeding

If you have any questions or require assistance, please contact the following DEQ staff who will represent DEQ at this proceeding. Please contact the Agency Advocate listed below at least ten days before the Proceeding Date to request accommodations under the Americans with Disabilities Act, translation services in a language other than English, or other reasonable accommodations to facilitate your meaningful participation in the proceeding.

Agency Advocate	Kristen Sadtler
Phone No.	(804) 664-3864
Email	kristen.sadtler@deq.virginia.gov

Sincerely,



Enforcement and Air Compliance/Monitoring Manager

Virginia Department of Environmental Quality
(276) 608-8848
susan.blalock@deq.virginia.gov
Southwest Regional Office
355-A Deadmore Street
Abingdon, Virginia 24210
(276) 676-4800

Enclosure

**VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY
ENFORCEMENT ACTION - ORDER by CONSENT
ISSUED to**

RobINETTE Scrap Metal Processing Corporation

FOR

RobINETTE Steel and Scrap Metal Company

VPDES PERMIT No. VAR05

REGISTRATION No. 1276

SECTION A: Purpose

This is a Consent Order issued under the authority of Va. Code § 62.1-44.15 for the purpose of resolving certain violations of the State Water Control Law and the applicable regulations.

SECTION B: Definitions

Unless the context clearly indicates otherwise, the terms used in this Consent Order have the meanings assigned to them in Va. Code § 62.1-44.2 *et seq.*, 10.1-1182 *et seq.*, and 9VAC25-151-10 *et seq.*

SECTION C: Findings of Fact and Conclusions of Law

Permittee/Responsible Party	RobINETTE Scrap Metal Processing Corporation		Permit Registration No.	1276	
Facility Address	Street Address	528 Short Street North			
	City	Big Stone Gap	VA	Zip Code	24219
Inspection Date	N/A	Receiving Water Information	Powell River		
Warning Letter(s)	March 13, 2024, February 14, 2024, September 8, 2023, & February 10, 2023	Notice(s) of Violation	April 30, 2024		

The Virginia Pollutant Discharge Elimination System General Permit for Discharges of Stormwater Associated with Industrial Activity, 9 VAC 25-151-70, (Permit) was re-issued under the State Water Control Law and Regulations, 9 VAC 25-151-10, *et seq.*, on July 1, 2019 and expires June 30, 2024.

The Responsible Party is a “person” within the meaning of Va. Code § 62.1-44.3.

The Permit allows the Responsible Party to discharge stormwater associated with industrial activity from the Facility to the receiving water in strict compliance with the terms and conditions of the Permit.

Va. Code § 62.1-44.5 states that: Except in compliance with a certificate issued by the [Department], it shall be unlawful for any person to discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances.

The Regulation, at 9 VAC 25-151-70, also states that except in compliance with a VPDES permit, or another permit issued by the [Department], it is unlawful to discharge into state waters sewage, industrial wastes or other wastes.

Va. Code § 62.1-44.15(5a) states that a VPDES permit is a “certificate” under the statute.

The receiving water is a surface water located wholly or partially within the Commonwealth and is a “state water” under State Water Control Law.

Violation	Observations and Legal Requirements	Civil Charge		Subtotal
	Failed to perform and/or document quarterly visual examination(s) of a stormwater discharge from each outfall in accordance with the Permit. 2019 Permit Part I.A.1.a: Quarterly Visual Monitoring. 2019 Permit Part I.A.5: Reporting Monitoring Results 2019 Permit Part II.B: Records	\$0		\$ 0
		# of Violations		
✓	Failed to perform benchmark monitoring and/or report results in accordance with the Permit. 2019 Permit Part I.A.1.b Benchmark Monitoring 2019 Permit Part I.A.2: Monitoring Instructions 2019 Permit Part I.A.5: Reporting Monitoring Results 2019 Permit Table 70-1 Industrial Sectors Subject to Benchmark Monitoring 2019 Permit Part II.B: Records 2019 Permit Part II.C: Reporting Monitoring Results 2019 Permit Part IV: Sector Specific Permit Requirements	\$254		\$ 1,016
		# of Violations	4	
	Failed to perform effluent limitation monitoring and/or report results in accordance with the Permit. 2019 Permit Part I.A.1.c: Compliance Monitoring for Discharges Subject to Numerical Effluent Limitations or Discharges to Impaired Waters 2019 Permit Part I.A.2: Monitoring Instructions 2019 Permit Part I.A.5: Reporting Monitoring Results 2019 Permit Part II.B: Records 2019 Permit Part II.C: Reporting Monitoring Results 2019 Permit Table 70-2 and/or Table 70-3 2019 Permit Part IV: Sector Specific Permit Requirements	\$0		\$ 0
		# of Violations		
	Failed to comply with Permit effluent limitations. 2019 Permit Part I.A.1.c: Compliance Monitoring for Discharges Subject to Numerical Effluent Limitations or Discharges to Impaired Waters 2019 Permit Table 70-2 and/or Table 70-3 2019 Permit Part IV: Sector Specific Permit Requirements	\$0		\$ 0
		# of Violations		
✓	Failed to perform monitoring for discharges to impaired waters (not Chesapeake Bay) and/or report results in accordance with the Permit. 2019 Permit Part I.A.1.c: Compliance Monitoring for Discharges Subject to Numerical Effluent Limitations or Discharges to Impaired Waters 2019 Permit Part I.A.2: Monitoring Instructions 2019 Permit Part I.A.5: Reporting Monitoring Results 2019 Permit Part II.B: Records 2019 Permit Part II.C: Reporting Monitoring Results	\$254		\$ 1,016
		# of Violations	4	

Violation	Observations and Legal Requirements	Civil Charge		Subtotal
	<p>Failed to review the SWPPP and modify it as necessary to address any deficiencies that caused an exceedance of benchmark concentration values.</p> <p>2019 Permit Part I.A.6: Corrective Actions</p>	\$0	# of Violations	\$ 0
	<p>Failed to complete revisions to the SWPPP within 60 days after an exceedance of a benchmark concentration value was discovered and/or failed to properly implement/document control measure modifications or additions in response to benchmark concentration exceedances.</p> <p>2019 Permit Part I.A.6 Corrective Actions</p>	\$0	# of Violations	\$ 0
	<p>Failed to conduct Chesapeake Bay TMDL monitoring and/or report results in accordance with the Permit.</p> <p>2019 Permit Part I.B.8: Discharges to waters subject to the Chesapeake Bay TMDL</p> <p>2019 Permit Part I.A.2: Monitoring Instructions</p> <p>2019 Permit Part I.A.5: Reporting Monitoring Results</p> <p>2019 Permit Part II.B: Records</p> <p>2019 Permit Part II.C: Reporting Monitoring Results</p>	\$0	# of Violations	\$ 0
	<p>Failed to submit an annual report for the approved Chesapeake Bay TMDL action plan describing progress in meeting the required reductions in accordance with the Permit.</p> <p>2019 Permit Part I.B.8: Discharges to waters subject to the Chesapeake Bay TMDL</p>	\$0	# of Violations	\$ 0
	<p>Failed to calculate the facility stormwater loads and/or submit to the department in accordance with the Permit.</p> <p>2019 Permit Part I.B.8: Discharges to waters subject to the Chesapeake Bay TMDL</p>	\$0	# of Violations	\$ 0
	<p>Failed to submit a Chesapeake Bay TMDL action plan, if required, to the department in accordance with the Permit.</p> <p>2019 Permit Part I.B.8: Discharges to waters subject to the Chesapeake Bay TMDL</p>	\$0	# of Violations	\$ 0
	<p>Failed to take corrective action when (1) routine facility inspections, inspections by local, state or federal officials, or any other process, observation or event resulted in a determination that modifications to the stormwater control measures are necessary to meet the permit requirements; (2) there was an exceedance of an effluent limitation, TMDL wasteload allocation, or a reduction required by a local ordinance; or (3) the department determined, or the permittee became aware, that the stormwater control measures were not stringent enough for the discharge to meet applicable water quality standards.</p> <p>2019 Permit Part I.A.6: Corrective Actions</p>	\$0	# of Violations	\$ 0

Violation	Observations and Legal Requirements	Civil Charge	Subtotal
	Failed to complete revisions to the SWPPP within 60 days after triggering event makes it necessary to address deficiencies and/or failed to properly implement/document control measure modifications or additions in response to the deficiencies. 2019 Permit Part I.A.6: Corrective Actions	\$0 # of Violations	\$ 0
	Failed to submit a follow-up exceedance report, with all required information, to the department within 30 days of implementing corrective action in response to monitoring that indicates that discharges from the facility exceed an effluent limitation or a TMDL wasteload allocation, or the department determines that discharges from the facility are causing or contributing to an exceedance of a water quality standard. 2019 Permit Part I.A.6: Corrective Actions	\$0 # of Violations	\$ 0
	Failed to incorporate measures and controls into the SWPPP to comply with applicable local TMDL ordinance requirements. 2019 Permit Part I.B: Special Conditions	\$0 # of Violations	\$ 0
	Discharges from facility not composed entirely of stormwater and are not included in the list of nonstormwater discharges that are authorized by the Permit. 2019 Permit Part I.B: Special Conditions 2019 Permit Part II.F: Unauthorized Discharges Va. Code § 62.1-44.5: Prohibition of Waste Discharges or Other Water Quality Alterations of State Waters Except as Authorized by Permit; Notification Required	\$0 # of Violations	0
	Failed to provide, within a reasonable time, information requested by the board/department and/or upon request, copies of records required to be kept by the Permit. 2019 Permit Part II.D: Duty to Provide Information	\$0 # of Violations	\$ 0
	Failed to have all reports required by permits, and other information requested signed by a person described by Permit Part II.K.1 or by a duly authorized representative of that person and/or provide a new authorization if the authorization is no longer accurate because a different individual or position has responsibility for the overall operation of the facility. 2019 Permit Part II.K: Signatory Requirements	\$0 # of Violations	\$ 0
	Failed to develop and implement a SWPPP for the facility. 2019 Permit Part III: SWPPP	\$0 # of Violations	\$ 0
	Failed to have a complete and updated SWPPP with all of the contents required by the Permit. 2019 Permit Part III.B: Contents of the SWPPP 2019 Permit Part III: SWPPP	\$0 # of Violations	\$ 0
	Failed to keep clean all exposed areas of the facility that are potential sources of pollutants to stormwater discharges. 2019 Permit Part III.B.4.b.1: Good Housekeeping	\$0 # of Violations	\$ 0

Violation	Observations and Legal Requirements	Civil Charge	Subtotal
	Failed to locate manufacturing, processing, and material storage areas inside, or protected by a storm-resistant covering to prevent exposure to rain, snow, snowmelt, and runoff. 2019 Permit Part III.B.4.b.2: Eliminating and Minimizing Exposure	\$0 # of Violations	\$ 0
	Failed to implement measures required by the Permit to eliminate or minimize exposure. 2019 Permit Part III.B.4.b.2: Eliminating and Minimizing Exposure	\$0 # of Violations	\$ 0
	Failed to implement a stormwater employee training program for the facility and/or provide training at least annually for all employees who work in areas where industrial materials or activities are exposed to stormwater, and for employees responsible for implementing activities identified in the SWPPP. 2019 Permit Part III.B.4.b.6: Employee Training	\$0 # of Violations	\$ 0
	Failed to conduct/document routine facility inspections in accordance with the Permit. 2019 Permit Part III.B.5: Routine Facility Inspections	\$0 # of Violations	\$ 0
	Failed to correct deficiencies in the implementation of the SWPPP as soon as practicable, but no later than within 60 days of the date of the inspection and/or failure to repair/maintain control measures that have been identified as not operating effectively in the required time period. 2019 Permit Part III.B.5: Routine Facility Inspections 2019 Permit Part III.C: Maintenance	\$0 # of Violations	\$ 0
	Failed to maintain all control measures identified in the SWPPP in effective operating condition and/or observe all control measures at least annually when a stormwater discharge is occurring to ensure that they are functioning correctly. 2019 Permit Part III.C: Maintenance	\$0 # of Violations	\$ 0
	Failed to evaluate all stormwater outfalls associated with industrial activity annually for the presence of unauthorized discharges in accordance with the Permit. 2019 Permit Part III.D: Nonstormwater Discharges	\$0 # of Violations	\$ 0
	Failed to obtain permit coverage and/or failed to submit a new registration statement to continue coverage under the expiring general permit. 2019 Permit Part II.M: Duty to reapply 9VAC25-31-120: Stormwater Discharges 9VAC25-151-60: Registration Statement and SWPPP	\$0 # of Violations	\$ 0
Violation Component Civil Charge Subtotal		\$ 2,032	

Aggravating Factors		
	Additional Civil Charge Assessment	Subtotal
Degree of Culpability	1.00	\$ 2,032.00
Consent Order in another media Program within 36 months	0.00	\$ 0.00
Consent Order in the same media program within 36 months	0.00	\$ 0.00
Aggravating Factors Subtotal		\$ 2,032.00
Civil Charge Subtotal and Aggravating Factor Subtotal		\$ 4,064.00
Cooperativeness and Quick Settlement	-0.00	\$ 0.00
Economic Benefit of Noncompliance	No	
In accordance with 62.1-44.15(8e), the Responsible Party's Ability to Pay was evaluated and it was determined that there is an ability to pay.	Yes	
Total Civil Charge		\$ 4,064.00
Based on the results of staff observations, the Department concludes that the Responsible Party has violated the Permit, Va. Code and Regulations as identified herein.		

SECTION D: Agreement and Order

Accordingly, by virtue of the authority granted it in Va. Code §§ 62.1-44.15, the Department orders the Responsible Party, and the Responsible Party agrees to:

Perform the actions described in Appendix A of this Order if this box is checked and

Pay the total civil charge of **\$ 4,064.00** in settlement of the violations cited in this Order in accordance with the following:

Within 30 days of the effective date of the Order, or

In accordance with the following payment schedule:

Due Date	Amount

If the Department fails to receive a civil charge payment pursuant to the schedule described above, the payment shall be deemed late. If any payment is late by 30 days or more, the entire remaining balance of the civil charge shall become immediately due and owing under this Order, and the Department may demand in writing full

payment by Responsible Party. Within 15 days of receipt of such letter, Responsible Party shall pay the remaining balance of the civil charge. Any acceptance by the Department of a late payment or of any payment of less than the remaining balance shall not act as a waiver of the acceleration of the remaining balance under this Order.

Payment shall be made by check, certified check, money order or cashier's check payable to the "Treasurer of Virginia," and delivered to:

Receipts Control
Department of Environmental Quality
Post Office Box 1104
Richmond, VA 23218

The Responsible Party shall include its Federal Employer Identification Number (FEIN) with the civil charge payment and shall indicate that the payment is being made in accordance with the requirements of this Order for deposit into the Virginia Environmental Emergency Response Fund (VEERF). If the Department has to refer collection of moneys due under this Order to the Department of Law, Responsible Party shall be liable for attorneys' fees of 30% of the amount outstanding.

SECTION E: Administrative Provisions

1. The Department may modify, rewrite, or amend this Order with the consent of the Responsible Party for good cause shown by the Responsible Party, or on its own motion pursuant to the Administrative Process Act, Va. Code § 2.2-4000 *et seq.*, after notice and opportunity to be heard.
2. This Order addresses and resolves only those violations specifically identified in Section C of this Order. This Order shall not preclude the Department or the Director from taking any action authorized by law, including but not limited to: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the facility; or (3) taking subsequent action to enforce the Order.
3. For purposes of this Order and subsequent actions with respect to this Order only, the Responsible Party admits the jurisdictional allegations, and agrees not to contest, but neither admits nor denies, the findings of fact and conclusions of law in this Order.
4. The Responsible Party consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order.
5. The Responsible Party declares it has received fair and due process under the Administrative Process Act and the State Water Control Law and it waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Department to modify, rewrite, amend, or enforce this Order.
6. Failure by the Responsible Party to comply with any of the terms of this Order shall constitute a violation of an order of the Department. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Department or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.

7. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
8. The Responsible Party shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other unforeseeable circumstances beyond its control and not due to a lack of good faith or diligence on its part. The Responsible Party shall demonstrate that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. The Responsible Party shall notify the DEQ Regional Director verbally within 24 hours and in writing within three business days when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of the Order. Such notice shall set forth:
 - a. the reasons for the delay or noncompliance;
 - b. the projected duration of any such delay or noncompliance;
 - c. the measures taken and to be taken to prevent or minimize such delay or noncompliance; and
 - d. the timetable by which such measures will be implemented and the date full compliance will be achieved.

Failure to so notify the Regional Director verbally within 24 hours and in writing within three business days, of learning of any condition above, which the parties intend to assert will result in the impossibility of compliance, shall constitute a waiver of any claim to inability to comply with a requirement of this Order.

9. This Order is binding on the parties hereto and any successors in interest, designees and assigns, jointly and severally.
10. This Order shall become effective upon execution by both the Director or his designee and the Responsible Party. Nevertheless, the Responsible Party agrees to be bound by any compliance date which precedes the effective date of this Order.
11. This Order shall continue in effect until:
 - a. The Director or his designee terminates the Order after the Responsible Party has completed all of the requirements of the Order;
 - b. The Responsible Party petitions the Director or his designee to terminate the Order after it has completed all of the requirements of the Order and the Director or his designee approves the termination of the Order; or
 - c. The Director or Department terminates the Order in his or its sole discretion upon 30 days' written notice to the Responsible Party.

Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve the Responsible Party from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.

12. Any plans, reports, schedules or specifications attached hereto or submitted by the Responsible Party and approved by the Department pursuant to this Order are incorporated into this Order. Any non-compliance with such approved documents shall be considered a violation of this Order.

13. The undersigned representative of the Responsible Party certifies that he or she is a responsible official [or officer] authorized to enter into the terms and conditions of this Order and to execute and legally bind the Responsible Party to this document. Any documents to be submitted pursuant to this Order shall also be submitted by a responsible official of Responsible Party.

14. This Order constitutes the entire agreement and understanding of the parties concerning settlement of the violations identified in Section C of this Order, and there are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this Order.

15. By its signature below, the Responsible Party voluntarily agrees to the issuance of this Order.

And it is so ORDERED.

DEQ Signee Signature

Date

DEQ Signee Name

The Permittee is the Responsible Party for the violations contained in this consent order. I hereby certify that I am the Permittee or duly appointed representative/officer of the Permittee, and acknowledge that there are no material facts in dispute with respect to the violations as identified in this consent order.

Date: _____ By: _____, _____
Name Title

**APPENDIX A
SCHEDULE OF COMPLIANCE**

The Responsible Party shall take the following actions:

Corrective Actions to be Performed	Due Date
1. Submit EDMRs for Outfalls 001, 002, 003, and 004 for benchmark storm water monitoring for the monitoring period of July 1, 2022 through December 31, 2022. EDMRs must be submitted through the myDEQ portal.	Within 30 days of the effective date of this Order
2. Submit EDMRs for Outfalls 001, 002, 003, and 004 for TMDL storm water monitoring for the monitoring period of January 1, 2023 through June 30, 2023. EDMRs must be submitted through the myDEQ portal.	Within 30 days of the effective date of this Order

DEQ Contact

Unless otherwise specified in this Order, the Responsible Party shall submit all requirements of Appendix A of this Order to:

EDMRs must be submitted electronically through the myDEQ portal.