



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

August 19, 2024

Table with 2 columns: Responsible Party Address, Other Address. Contains contact information for Savinder Kaur and Gregory D. Gilbert.

PROPOSED CONSENT ORDER AND NOTICE OF INFORMAL FACT FINDING PROCEEDING

Table with 2 columns: RE: (Responsible Party(ies), Facility Name, Registration/Permit No.) and corresponding details for Savinder Kaur and SS Kaur, LLC.

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

<b>NOV Date(s)</b>	July 15, 2024
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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>\$2,080.00</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:

<b>Enforcement Specialist</b>	Jonathan Chapman
<b>Address</b>	DEQ - Southwest Regional Office 355-A Deadmore Street Abingdon, VA 24210
<b>Email</b>	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.

<b>Proceeding Date</b>	October 16, 2024	<b>Proceeding Time</b>	10:00 AM
<b>Call-In No.</b>	(312) 757-3121	<b>Access Code</b>	253-160-749

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

<b>Agency Advocate</b>	Kristen Sadtler
<b>Phone No.</b>	(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.

<b>Agency Advocate</b>	Kristen Sadtler
<b>Phone No.</b>	(804) 664-3864
<b>Email</b>	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



*Commonwealth of Virginia*

*VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY*

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

Travis A. Voyles  
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Michael S. Rolband, PE, PWD, PWS Emeritus  
Director

**VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY  
ENFORCEMENT ACTION - ORDER BY CONSENT  
ISSUED TO  
SAVINDER KAUR  
and  
SS KAUR, LLC  
FOR  
TRAVELERS MOTEL SEWAGE TREATMENT PLANT  
VPDES Permit No. VAG400379**

**SECTION A: Purpose**

This is a Consent Order issued under the authority of Va. Code § 62.1-44.15, between the Department of Environmental Quality and SS Kaur, LLC, regarding the Travelers Motel Sewage Treatment Plant, for the purpose of resolving certain violations of the State Water Control Law and the applicable permit and regulation.

**SECTION B: Definitions**

Unless the context clearly indicates otherwise, the terms in this Consent Order have the meanings assigned to them in Va. Code § 62.1-44.2 *et seq.*, the Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation at 9 VAC 25-31-10, and the VPDES General Permit for Domestic Sewage Discharges of Less than or Equal to 1,000 Gallons Per Day at 9 VAC 25-110-80.

**SECTION C: Findings of Fact and Conclusions of Law**

1. Savinder Kaur is the permittee for VPDES General Permit registration number VAG400379, issued for the Travelers Motel Sewage Treatment Plant. Savinder Kaur is a “person” within the meaning of Va. Code § 62.1-44.3.
2. SS Kaur, LLC (SS Kaur) is a business entity authorized to do business in Virginia and references to SS Kaur include its affiliates, partners, and subsidiaries. SS Kaur is a “person” within the meaning of Va. Code § 62.1-44.3.

3. Savinder Kaur and SS Kaur (collectively, the “Owner”) own and operate the Travelers Motel Sewage Treatment Plant (Plant or Facility) located at 10232 Orby Cantrell Highway, Pound, Virginia, which treats and discharges treated sewage and other municipal wastes for the Travelers Motel.
4. VPDES Permit No. VAG400379 (Permit) was reissued under the State Water Control Law and VPDES Permit Regulation to the Owner on August 2, 2021, and expires on July 31, 2026. The Permit allows the Owner to discharge treated sewage and other municipal wastes from the Plant, to Indian Creek, in strict compliance with the terms and conditions of the Permit.
5. Indian Creek is located in the Tennessee-Big Sandy River Basin, Big Sandy River subbasin, Section 4, Class IV, Special Standards: none. Indian Creek is listed in DEQ’s 2022 305(b)/303(d) report as impaired for the recreation use due to E. coli exceedances and for the aquatic life use due to an altered benthic community and poor Virginia Stream Condition Index scores.
6. The Owner failed to submit to DEQ the discharge monitoring report (DMR) and maintenance log for the monitoring period of September 1, 2021, through August 31, 2022, for which the deadline for submittal was no later than September 10, 2022.
7. On October 21, 2022, January 11, 2023, October 27, 2023, April 3, 2024, and May 10, 2024, DEQ issued Warning Letter (WL) Nos. W2022-10-S-1045, W2023-01-S-1009, W2023-10-S-1010, W2024-04-S-1005, and W2024-05-S-1008, respectively, to the Owner citing failure to submit the DMR and maintenance log due September 10, 2022.
8. The Owner failed to submit to DEQ the DMR and maintenance log for the monitoring period of September 1, 2022, through August 31, 2023, for which the deadline for submittal was no later than September 10, 2023.
9. On October 27, 2023, April 3, 2024, and May 10, 2024, DEQ issued WL Nos. W2023-10-S-1010, W2024-04-S-1005, and W2024-05-S-1008, respectively, to the Owner citing failure to submit the DMR and maintenance log due September 10, 2023.
10. The Permit, at Part I, Section A(1), requires annual effluent limitations monitoring for Outfall 001. The Permit, at Part I, Section A(2), states that the permittee shall submit the annual monitoring results required by this permit and the maintenance log no later than the 10<sup>th</sup> of September following the monitoring period.
11. On March 14, 2024, DEQ staff conducted a comprehensive evaluation inspection (CEI) of the Facility which identified deficiencies, including failure to engage a licensed operator, as required by the Permit.
12. On April 3, 2024, and May 10, 2024, DEQ issued WL Nos. W2024-04-S-1005 and W2024-05-S-1008, respectively, to the Owner. The WLs cited the deficiencies observed during the March 14, 2024, CEI and detailed the required corrective actions. The Owner failed to provide a

response to the WLs and did not submit documentation to DEQ verifying that the Facility is being operated and maintained by a licensed operator, as required by the Permit.

13. The Permit, at Part I, Section D(2)(b)(1), states: “To ensure the treatment works is operated, maintained, monitored, and reported properly, the permittee shall engage a licensed operator as defined in subdivision D 3 of this section.”
14. On July 15, 2024, DEQ issued Notice of Violation (NOV) No. W2024-07-S-0002 to the Owner, citing failure to engage a licensed operator and failure to submit the DMRs and maintenance logs due September 10, 2022, and September 10, 2023, as described above. The Owner did not provide a response to the NOV.
15. Va. Code § 62.1-44.5 states, in part: “Except in compliance with a certificate or permit issued by the Department..., it shall be unlawful for any person to... [d]ischarge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances...”
16. The Regulation, at 9 VAC 25-31-50, also states that except in compliance with a VPDES permit, or another permit, it is unlawful to discharge into state waters sewage, industrial wastes or other wastes.
17. Va. Code § 62.1-44.15(5a) states that a VPDES permit is a “certificate” under the statute.
18. The Department has issued no permits or certificates to the Owner for discharges from the Facility other than VPDES Permit No. VAG400379.
19. Indian Creek is a surface water located wholly within the Commonwealth and is a “state water” under State Water Control Law.
20. Based on the results of the March 14, 2024 CEI and unsubmitted annual DMRs and maintenance logs for 2022 and 2023, the Department concludes that the Owner has violated Va. Code § 62.1-44.5 and 9 VAC 25-31-50, by discharging treated sewage and municipal wastes from the Plant while concurrently failing to comply with the conditions of the Permit, as described in paragraphs C(6), C(8), and C(11), above.
21. In order for the Owner to return to compliance, DEQ staff and representatives of the Owner have agreed to the Schedule of Compliance, which is incorporated as Appendix A of this Consent Order.

#### **SECTION D: Agreement and Order**

Accordingly, by virtue of the authority granted it in Va. Code §§ 62.1-44.15, the Department orders Savinder Kaur and SS Kaur, LLC, and Savinder Kaur and SS Kaur, LLC agrees to:

1. Perform the actions described in Appendix A of this Consent Order; and

2. Pay a civil charge of \$2,080.00 within 30 days of the effective date of the Consent Order in settlement of the violations cited in this Consent Order.

Payment shall be made either by credit card at [www.deq.virginia.gov](http://www.deq.virginia.gov), or 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, Virginia 23218

Savinder Kaur and SS Kaur, LLC 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 Consent Order for deposit into the Virginia Environmental Emergency Response Fund (VEERF). If the Department has to refer collection of moneys due under this Consent Order to the Department of Law, Savinder Kaur and SS Kaur, LLC 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 Consent Order with the consent of the Owner for good cause shown by the Owner, 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 Consent Order addresses and resolves only those violations specifically identified in Section C of this Consent Order and in NOV No. W2024-07-S-0002, dated July 15, 2024, and WL Nos. W2022-10-S-1045, W2023-01-S-1009, W2023-10-S-1010, W2024-04-S-1005, and W2024-05-S-1008, dated October 21, 2022, January 11, 2023, October 27, 2023, April 3, 2024, and May 10, 2024, respectively. This Consent 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 Consent Order.
3. For purposes of this Consent Order and subsequent actions with respect to this Consent Order only, the Owner admits the jurisdictional allegations, findings of fact, and conclusions of law contained herein.
4. The Owner consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Consent Order.
5. The Owner 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 Consent Order.

6. Failure by the Owner to comply with any of the terms of this Consent 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 Consent Order is found to be unenforceable for any reason, the remainder of the Consent Order shall remain in full force and effect.
8. The Owner 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 Owner shall demonstrate that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. The Owner 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 Consent 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 Consent Order.

9. This Consent Order is binding on the parties hereto and any successors in interest, designees and assigns, jointly and severally.
10. This Consent Order shall become effective upon execution by both the Director or his designee and the Owner. Nevertheless, the Owner agrees to be bound by any compliance date which precedes the effective date of this Order.
11. This Consent Order shall continue in effect until:

- a. the Director or his designee terminates the Consent Order after the Owner has completed all of the requirements of the Consent Order;
- b. the Owner petitions the Director or his designee to terminate the Consent Order after it has completed all of the requirements of the Consent Order and the Director or his designee approves the termination of the Consent Order; or
- c. the Director or Department terminates the Consent Order in his or its sole discretion upon 30 days' written notice to the Owner.

Termination of this Consent Order, or any obligation imposed in this Consent Order, shall not operate to relieve the Owner 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 Owner and approved by the Department pursuant to this Consent Order are incorporated into this Consent Order. Any non-compliance with such approved documents shall be considered a violation of this Consent Order.
13. The undersigned representative of the Owner certifies that he or she is a responsible official the Owner authorized to enter into the terms and conditions of this Consent Order and to execute and legally bind the Owner to this document. Any documents to be submitted pursuant to this Consent Order shall also be submitted by a responsible official of the Owner.
14. This Consent Order constitutes the entire agreement and understanding of the parties concerning settlement of the violations identified in Section C of this Consent Order, and there are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this Consent Order.
15. By its signature below, the Owner voluntarily agrees to the issuance of this Consent Order.

And it is so ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

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Jeffrey L. Hurst, Regional Director  
Department of Environmental Quality

Savinder Kaur voluntarily agrees to the issuance of this Consent Order.

Date: \_\_\_\_\_ By: \_\_\_\_\_, \_\_\_\_\_  
(Person) (Title)  
Savinder Kaur

Commonwealth of Virginia

City/County of \_\_\_\_\_

The foregoing document was signed and acknowledged before me this \_\_\_\_\_ day of  
\_\_\_\_\_, 20\_\_\_, by \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Registration No.

My commission expires: \_\_\_\_\_

Notary seal:

SS Kaur, LLC voluntarily agrees to the issuance of this Consent Order.

Date: \_\_\_\_\_ By: \_\_\_\_\_, \_\_\_\_\_  
(Person) (Title)  
SS Kaur, LLC

Commonwealth of Virginia

City/County of \_\_\_\_\_

The foregoing document was signed and acknowledged before me this \_\_\_\_\_ day of  
\_\_\_\_\_, 20\_\_\_, by \_\_\_\_\_ who is  
\_\_\_\_\_ of SS Kaur, LLC, on behalf of the company.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Registration No.

My commission expires: \_\_\_\_\_

Notary seal:

## **APPENDIX A SCHEDULE OF COMPLIANCE**

Savinder Kaur and SS Kaur, LLC agree to complete the following actions within the specified timeframes:

1. Within 10 days of the effective date of this Order, submit to DEQ the DMR and maintenance log for the monitoring period of September 1, 2021, through August 31, 2022, (initially due no later than September 10, 2022) or, if no monitoring data was obtained for this monitoring period, submit written notification to DEQ stating that no monitoring was conducted and the DMR cannot be submitted.
2. Within 10 days of the effective date of this Order, submit to DEQ the DMR and maintenance log for the monitoring period of September 1, 2022, through August 31, 2023, (initially due no later than September 10, 2023) or, if no monitoring data was obtained for this monitoring period, submit written notification to DEQ stating that no monitoring was conducted and the DMR cannot be submitted.
3. Within 30 days of the effective date of this Order, submit to DEQ documentation verifying that Savinder Kaur and/or SS Kaur, LLC has engaged the services of a licensed operator, as required by the Permit, for Facility operation, maintenance, monitoring, and reporting.
4. DEQ Contact:

Unless otherwise specified in this Consent Order, Savinder Kaur and SS Kaur, LLC shall submit all requirements of Appendix A of this Consent Order to:

Ruby Scott  
Compliance Auditor  
Virginia DEQ – Southwest Regional Office  
355-A Deadmore Street  
Abingdon, Virginia 24210  
Phone: (276) 477-9891  
[ruby.scott@deq.virginia.gov](mailto:ruby.scott@deq.virginia.gov)