



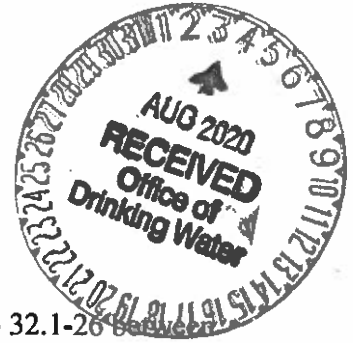
COMMONWEALTH of VIRGINIA

M. Norman Oliver, MD, MA
State Health Commissioner

Department of Health
P O BOX 2448
RICHMOND, VA 23218

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

**STATE BOARD OF HEALTH
ORDER BY CONSENT
ISSUED TO
Pittsylvania County Service Authority
FOR
Grit Road Water Supply Waterworks
PWSID No. VA5143214**



This is a Consent Order issued under authority granted by Va. Code § 32.1-26 between the State Board of Health and Pittsylvania County Service Authority for the Grit Road Water Supply Waterworks for the purpose of resolving certain violations of the Public Water Supplies law and the applicable regulations.

Section A. Definitions

Unless the context clearly indicates otherwise, the following words and terms have the meaning assigned below:

1. "Board" means the State Board of Health, a permanent citizens' board of the Commonwealth of Virginia, as described in Va. Code § 32.1-15.
2. "Commissioner" means the State Health Commissioner, who supervises and manages the Department, as described in Va. Code §§ 32.1-16 and 17.
3. "Community system" means a waterworks that serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.
4. "Consecutive system" means a waterworks that has no water production or source facility of its own and that obtains all of its water from another permitted waterworks or receives some or all of its finished water from one or more wholesale waterworks.
5. "DBP" means disinfection byproduct, which includes haloacetic acids (five) (HAA5).

6. "Department" or "VDH" means the Department of Health, an agency of the Commonwealth of Virginia, as described in Va. Code § 32.1-16.
7. "DFO" means the ODW Danville Field Office located in Danville, Virginia.
8. "Grit Road" means the Grit Road Water Supply Waterworks located at the intersection East Hurt Road and Ricky Van Shelton Drive in Pittsylvania County, Virginia, which serves piped water for human consumption to 108 service connections and approximately 210 individuals for at least 60 days out of the year.
9. "LRAA" means locational running annual average.
10. "Notice of Violation" or "NOV" means a type of notice of alleged violation issued under 12VAC5-590-110 of the Regulations.
11. "ODW" means the VDH Office of Drinking Water.
12. "Order" means this document, also known as a "Consent Order" or "Order by Consent," which the Board is authorized to issue to require any person to comply with the provisions of any law administered by it, the Commissioner or the Department or any regulations promulgated by the Board or to comply with any case decision, as defined in § 2.2-4001, of the Board or Commissioner.
13. "PCSA" means Pittsylvania County Service Authority, an individual or group of individuals that supply or proposes to supply water to any person within this Commonwealth from or by means of any waterworks.
14. "Permit" means Waterworks Operation Permit No. VA5143214, which ODW issued to PCSA to operate Grit Road under the Public Water Supplies law and Regulations on August 9, 2010.
15. "PMCL" means primary maximum contaminant level.
16. "Public Water Supplies law" or "PWSL" means Article 2, Chapter 6 of Title 32.1 of the Va. Code.
17. "Pure water" means water fit for human consumption that is (i) sanitary and normally free of minerals, organic substances, and toxic agents in excess of reasonable amounts and (ii) adequate in quantity and quality for the minimum health requirements of the persons served.
18. "PWSID" means Public Water System Identification.

19. "Regulations" means the Waterworks Regulations, 12VAC5-590-10, *et seq.*
20. "Va. Code" means the Code of Virginia (1950), as amended.
21. "VAC" means the Virginia Administrative Code.
22. "Warning Letter" means a type of Notice of Violation.
23. "Waterworks" means a system that serves piped water for human consumption to at least 15 service connections or 25 or more individuals for at least 60 days out of the year. Waterworks includes all structures, equipment, and appurtenances used in storage, collection, purification, treatment, and distribution of pure water except the piping and fixtures inside the building where such water is delivered.

Section B. Findings of Fact and Conclusions of Law

1. PCSA owns and operates Grit Road. Grit Road is a consecutive community waterworks that purchases all of its finished water from the Town of Hurt. In turn, the Town of Hurt, which is located in Pittsylvania County, Virginia, purchases all of its finished water from the Town of Altavista, which is located in Campbell County, Virginia. Grit Road consists of a one-meter vault, a distribution system, and associated appurtenances. The distribution system consists of approximately 11,585 linear feet of 10-, 8-, 6-, and 4-inch diameter water lines.
2. On August 9, 2010, ODW issued the Permit to PCSA to operate Grit Road in compliance with the PWSL and Regulations.
3. During the 2019 and 2020 quarterly monitoring periods, PCSA reported to VDH laboratory results for LRAAs for haloacetic acids (five) (HAA5) at Grit Road as follows:

Contaminant	Compliance Period Ending Quarter	LRAA (mg/L)	Sample Point	PMCL (mg/L)
HAA5	June 30, 2019	0.064	2929 Grit Road	0.060
HAA5	September 30, 2019	0.062	2929 Grit Road	0.060
HAA5	December 31, 2019	0.067	2929 Grit Road	0.060
HAA5	March 31, 2020	0.062	2929 Grit Road	0.060

4. 12VAC5-590-370 B.3.e.(1)(a)(iii) (Sampling Frequency.) of the Regulations states that community or nontransient noncommunity waterworks owners "using surface water... and serving fewer than 500 persons shall collect one sample per year per treatment plant during the month of the warmest water temperature... If the sample...exceeds the PMCL

in Table 2.13, the owner shall increase monitoring to one sample per treatment plant per quarter...until the waterworks meets reduced monitoring criteria.”

5. 12VAC5-590-410.C.2.b.(1)(b)(i) (Determination of Compliance.) of the Regulations states that waterworks owners “required to monitor quarterly shall calculate [the locational running annual average] for...HAA5 using monitoring results collected under 12VAC5-590-370 B 3 e (3) and determine that each LRAA does not exceed the PMCL in order to comply with PMCLs in Table 2.13.”
6. Table 2.13 (Primary Maximum Contaminant Levels for Disinfection Byproducts) at 12VAC5-590-440 (Analytical Methods) of the Regulations states that the PMCL for HAA5 is 0.060 mg/L.
7. On July 1, 2019, October 18, 2019, January 3, 2020, and April 9, 2020, VDH issued NOV's to PCSA for exceeding the PMCL for HAA5 in the distribution system for Grit Road.
8. Va. Code § 32.1-172 and 12VAC5-590-190 of the Regulations state that no owner shall establish, construct, or operate any waterworks or water supply in the Commonwealth of Virginia without a written permit from the Commissioner, that conditions may be imposed on the issuance of any permit, and no waterworks may be operated in violation of these conditions.
9. Pursuant to Va. Code § 32.1-26, the Board may issue orders requiring compliance with any law or regulation administered by the Board.
10. Based on VDH records, the Board concludes that PCSA has violated 12VAC5-590-370 B.3.e.(1)(a)(iii), 12VAC5-590-410.C.2.b.(1)(b)(i), and Table 2.13 at 12VAC5-590-440 of the Regulations, and Va. Code § 32.1-172, as described in paragraphs B(3) through B(6), above.

Section C. Agreement and Order

Accordingly, by virtue of the authority granted it in Va. Code § 32.1-26, the Board orders PCSA, and PCSA agrees to:

1. Petition the Town of Hurt and the Town of Altavista to collaborate with PCSA and DFO to make necessary changes or modifications to their waterworks in operational procedures to support Grit Road's compliance efforts.
2. Perform the actions described in Appendix A of this Order.

VDH acknowledges that because PCSA purchases all of its finished water for Grit Road from the Town of Hurt, and the Town of Hurt owns and operates a consecutive waterworks that purchases all of its finished water from the Town of Altavista, PCSA's ability to provide Grit Road with finished water with characteristics that support DBP compliance may in part depend upon the Town of Hurt's and the Town of Altavista's waterworks and/or operational procedures.

Section D. Administrative Provisions

1. This Order does not suspend, minimize, or otherwise alter PCSA's obligation to comply with federal, state, and local laws and regulations. The Board waives no lawful means of enforcing the laws it administers, the regulations it has adopted, or this Order.
2. To the fullest extent allowed by law, this Order is binding on PCSA, its agents and legal representatives, heirs, devisees, executors, administrators, and successors in interest, jointly and severally as applicable.
3. This Order shall become effective on the 15th day after a copy is mailed to PCSA. Va. Code § 32.1-26. Any request for modification of this Order shall be submitted to VDH in writing, which the Board or its designee will consider. The Board may revoke this Order in its discretion upon 30 days written notice to PCSA.
4. This Order addresses and resolves only those violations specifically identified in Section B of this Order. This Order shall not preclude VDH from taking any action authorized by law, including but not limited to taking any action authorized by law regarding additional, subsequent, or subsequently discovered violations or taking subsequent action to enforce this Order.
5. PCSA waives its rights to further hearings or challenges, whether civil or administrative, on this Order and specifically waives its right to a hearing under Va. Code §§ 2.2-4019 or 2.2-4020 as a predicate for this Order. PCSA consents to the issuance of the Order freely, voluntarily, and after an opportunity to consult counsel of its choice.
6. Failure of PCSA to comply with any terms of this Order shall constitute a violation of this Order. Nothing herein shall waive the initiation of appropriate enforcement action or issuance of additional orders as appropriate by VDH because of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.
7. This Order shall remain in effect until the Commissioner or his designee terminates the Order after PCSA has completed all of the requirements of this Order and the Commissioner or his designee approves, or the Commissioner or Board terminates the Order in their sole discretion upon 30 days written notice of PCSA.

8. Termination of this Order, or any obligation imposed in it, shall not relieve PCSA from its obligation to comply with any statute, regulation, permit condition, other agreement, certificate, certification, standard, or requirement otherwise applicable.

It is SO ORDERED this 6th day of August, 2020.

STATE BOARD OF HEALTH
Commonwealth of Virginia

DocuSigned by:

M. Norman Oliver, MD

8/6/2020 | 11:23:48 AM EDT

M. Norman Oliver, MD, MA
State Health Commissioner

Pittsylvania County Service Authority voluntarily agrees to the issuance of this Order.

Date: 07/22/20 By:

[Signature] County Administrator
(Person) (Title)

Pittsylvania County Service Authority

Commonwealth of Virginia

City/County of Pittsylvania

The foregoing document was signed and acknowledged before me this 22nd day of July, 2020, by David M. Smithman who is County Administrator of Grit Road Water Supply on behalf of PCSA.

[Signature]
Notary Public

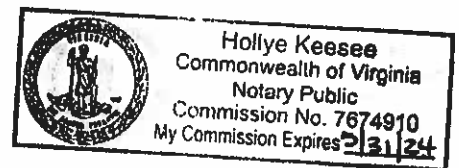
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Registration No.

My commission expires: May 31, 2024

Notary seal:

Consent Order
Pittsylvania County Service Authority
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Appendix A

Corrective Action Plan and Schedule

PCSA shall:

- a. Within 30 days of the effective date of this Order, submit to DFO for review and approval a corrective action plan (CAP) and schedule that describes actions that PCSA has taken or plans to take to comply consistently with the PMCLs for haloacetic acids (five) as set forth in Section 12VAC5-590-400 of the Regulations.
- b. Upon DFO approval, implement the CAP in accordance with the schedule. The approved CAP and schedule shall become a part of, and enforceable, under the terms of this Order.
- c. Submit any proposed revisions to the CAP and schedule to DFO for review and approval.
- d. Upon completion of the CAP, submit a final report verifying that the CAP has been completed in accordance with the terms of this Order.
- e. Mail all requirements of Appendix A of this Order to:

T. Chad Merricks, Environmental Health Specialist Consultant
VDH-ODW – Danville Field Office
211 Nor Dan Drive, Suite 1040
Danville, VA 24540