



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
Town of Hurt
FOR
Town of Hurt Waterworks
PWSID No. VA5143246

This is a Consent Order issued under authority granted by Va. Code § 32.1-26 between the State Board of Health and the Town of Hurt for the Town of Hurt 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 total trihalomethanes (TTHM).

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 located at the intersection of 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. “Permit” means Waterworks Operation Permit VA5143246, which VDH ODW issued to the Town of Hurt under the Public Water Supplies law and Regulations on December 1, 2014.
14. “PMCL” means primary maximum contaminant level.
15. “Public Water Supplies law” or “PWSL” means Article 2, Chapter 6 of Title 32.1 of the Va. Code.
16. “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.
17. “PWSID” means Public Water System Identification.
18. “Regulations” means the Waterworks Regulations, 12VAC5-590-10, *et seq.*

19. "Town of Hurt" means the Town of Hurt, a government entity that supplies or proposes to supply water to any person within this Commonwealth from or by means of any waterworks. The Town of Hurt owns and operates a waterworks located at the intersection of East Hurt Road (State Route 924) and Ricky Van Shelton Drive (State Route 668) in Pittsylvania County, which serves piped water for human consumption to 616 service connections and approximately 1,459 individuals for at least 60 days out of the year.
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 alleged 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. The Town of Hurt owns and operates a consecutive community Waterworks located in Pittsylvania County, Virginia.
2. The Town of Hurt purchases all of its drinking water from the Town of Altavista, which is located in Campbell County, Virginia.
3. The Town of Hurt Waterworks consists of two booster/transfer pumps, a 250,000-gallon elevated storage tank, and distribution system. The Town of Hurt supplies water to Grit Road, which is also a consecutive community waterworks.
4. On December 1, 2014, ODW issued the Permit to the Town of Hurt to operate the Town of Hurt Waterworks in compliance with the PWSL and the Regulations.
5. During the 2019 and 2020 quarterly monitoring periods, the Town of Hurt reported to VDH laboratory results for LRAAs for total trihalomethanes (TTHM) as follows:

Contaminant	Compliance Period Ending Quarter	LRAA (mg/L)	Sampling Point	PMCL (mg/L)
TTHM	September 30, 2019	0.084	DBP01-708 Prospect Road	0.080
TTHM	December 31, 2019	0.084	DBP01-708 Prospect Road	0.080
TTHM	March 31, 2020	0.089	DBP01-708 Prospect Road	0.080

6. 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.”
7. 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 LRAAs for TTHM... using monitoring results collected under 12VAC5-590-370 B 3 e (3) and determinate that each LRAA does not exceed the PMCL in order to comply with the PMCLs in Table 2.13.”
8. Table 2.13 (Primary Maximum Contaminant Levels for Disinfection Byproducts) at 12VAC5-590-440 (Analytical Methods) of the Regulations states that the PMCL for TTHM is 0.080 mg/L.
9. On October 11, 2019, January 30, 2020, and March 24, 2020, VDH issued NOVs to the Town of Hurt for exceeding the PMCL for TTHM in the distribution system.
10. 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.
11. Pursuant to Va. Code § 32.1-26, the Board may issue orders requiring compliance with any law or regulation administered by the Board.
12. Based on ODW records, the Board concludes that the Town of Hurt 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(5) through B(8) above.

Section C. Agreement and Order

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

1. Petition the Town of Altavista to make necessary changes or modifications to the Town of Altavista's waterworks and/or operational procedures in order to support the Town of Hurt's compliance efforts.
2. Perform the actions described in Appendix A of this Order.

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

Section D. Administrative Provisions

1. This Order does not suspend, minimize, or otherwise alter the Town of Hurt'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 the Town of Hurt, 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 of it is mailed to the Town of Hurt. Va. Code § 32.1-26. Any request for modification of this Order shall be submitted to VDH in writing to be considered for approval by the Board or its designee. The Board may revoke this Order in its discretion upon 30 days written notice to the Town of Hurt.
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. The Town of Hurt 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. The Town of Hurt consents to the

issuance of the Order freely, voluntarily, and after an opportunity to consult counsel of its choice.

6. Failure of the Town of Hurt 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 the Town of Hurt 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 to the Town of Hurt.
8. Termination of this Order, or any obligation imposed in it, shall not relieve the Town of Hurt 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 21 st July ¹⁵ day of June, 2020.

STATE BOARD OF HEALTH
Commonwealth of Virginia



M. Norman Oliver, MD, MA
State Health Commissioner

Parham Jaseri, MD, MPH
Chief Deputy Commissioner
on behalf of the
State Health Commission

The Town of Hurt voluntarily agrees to the issuance of this Order.

Date: 7-8-2020 By: Gary K. Hodnett, MAYOR
(Person) (Title)
Town of Hurt

Commonwealth of Virginia

City/County of Campbell

The foregoing document was signed and acknowledged before me this 8th day of
July, 2020, by Gary K. Hodnett who is
MAYOR of the Town of Hurt on behalf of the municipality.



Notary Public



Registration No.

My commission expires: 7-31-2021

Notary seal:

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Appendix A

Correction Action Plan and Schedule

The Town of Hurt 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 the actions that the Town of Hurt has taken or plans to take to comply consistently with the PMCLs for total trihalomethanes 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
Office of Drinking Water – Danville Field Office
211 Nor Dan Drive, Suite 1040
Danville, Virginia 24540