

IN THE UNITED STATE DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION

UNITED STATES OF AMERICA)
AND COMMONWEALTH OF VIRGINIA,)
)
Plaintiffs,)
)
v.)
)
HAMPTON ROADS SANITATION DISTRICT)
)
Defendants.)
)
)
)
_____)

Civil Action No. _____

COMPLAINT

Plaintiffs, the United States of America, by the authority of the Attorney General of the United States and through the undersigned attorneys, acting at the request and on behalf of the Administrator of the United States Environmental Protection Agency (“EPA”), and the Commonwealth of Virginia, by the authority of the State Water Control Board (the “Board”) acting through the undersigned Director (the “Director”) of the Virginia Department of Environmental Quality (“DEQ”), file this complaint and allege as follows:

NATURE OF THE ACTION

1. This is a civil action for injunctive relief and civil penalties brought against the Hampton Roads Sanitation District (“HRSD”) pursuant to Sections 309(b) and (d) of the federal Clean Water Act (“CWA”), 33 U.S.C. § 1319(b) and (d), and Sections 62.1-44.23 and 62.1-44.32 of the State Water Control Law (§62.1-44.2, *et seq.* of the Code of Virginia of 1950), for

HRSD's illegal discharges of pollutants in violation of Section 301(a) of the CWA, 33 U.S.C. § 1311(a) and Section 62.1-44.5 of the State Water Control Law ("SWCL").

JURISDICTION, VENUE, NOTICE, AND AUTHORITY

2. This Court has jurisdiction over the subject matter of this action pursuant to Section 309(b) of the CWA, 33 U.S.C. § 1319(b), and 28 U.S.C. §§ 1331, 1345 and 1355.

3. Venue is proper in the Eastern District of Virginia pursuant to 28 U.S.C. § 1391(b) and Section 309(b) of the CWA, 33 U.S.C. § 1319(b), because it is the judicial district where HRSD is located and where the alleged violations occurred.

4. Notice of the commencement of this action has been given to the Commonwealth of Virginia in accordance with Section 309(b) of the CWA, 33 U.S.C. § 1319(b). The Commonwealth has joined in this action in accordance with Section 309(e) of the CWA, 33 U.S.C. § 1319(e).

5. Authority to bring this action is vested in the Attorney General of the United States under Section 506 of the CWA, 33 U.S.C. § 1366, and 28 U.S.C. §§ 516 and 519 and in the State Water Control Board under Sections 62.1-44.23 and 62.1-44.32 of the SWCL, such authority having been delegated by the Board to the Director under Section 62.1-44.14 of the SWCL.

DEFENDANT

6. Defendant HRSD is a political subdivision of the Commonwealth of Virginia created by state law in 1940.

7. HRSD is a "person" within the meaning of Section 502(5) of the CWA, 33 U.S.C. § 1362(5) and Section 62.1-44.3 of the SWCL, and a "municipality" within the meaning of

Section 502(4) of the CWA, 33 U.S.C. § 1362(4).

8. HRSD is responsible for the operation and maintenance of thirteen wastewater treatment facilities, nine of which are included in this action, and the HRSD sanitary sewer system, pump stations and pressure reducing stations. HRSD serves a population of approximately 1.6 million residents.

STATUTORY BACKGROUND

9. The CWA is a comprehensive statute designed “to restore and maintain the chemical, physical, and biological integrity of the Nation’s waters.” Section 101(a) of the CWA, 33 U.S.C. § 1251(a). To achieve that goal, Section 301(a) of the CWA, 33 U.S.C. § 1311(a), prohibits the “discharge of pollutants” except as in compliance with a National Pollutant Discharge Elimination System (“NPDES”) permit issued by the EPA or an authorized state pursuant to Section 402 of the CWA, 33 U.S.C. § 1342.

10. The CWA defines the phrase “discharge of pollutants” to include “any addition of any pollutant to navigable waters from any point source.” Section 502(12) of the CWA, 33 U.S.C. § 1362(12).

11. “Navigable waters” is defined as “the waters of the United States, including the territorial seas.” Section 502(7) of the CWA, 33 U.S.C. § 1362(7).

12. Federal regulations promulgated pursuant to the CWA define the term “waters of the United States” to include, among other things, (i) all waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide; (ii) all interstate waters; (iii) tributaries of the foregoing; and (iv) wetlands adjacent to these waters. 40 C.F.R. § 122.2.

13. “Pollutant” within the meaning of the CWA includes “. . . solid waste . . . sewage, garbage, sewage sludge . . . biological materials . . . and . . . industrial, municipal, and agricultural waste discharged into water.” Section 502(6) of the CWA, 33 U.S.C. § 1362(6).

14. The CWA defines the term “point source” to mean “any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit . . . from which pollutants are or may be discharged.” Section 502(14) of the CWA, 33 U.S.C. § 1362(14).

15. Section 402(a) of the CWA, 33 U.S.C. § 1342(a), establishes the NPDES permit system, and authorizes the EPA to issue permits for the discharge of pollutants, but only in compliance with Section 301 of the CWA, 33 U.S.C. § 1311, and such other conditions as the EPA determines are necessary to carry out the provisions of the CWA.

16. At all relevant times, the Commonwealth of Virginia has been and continues to be authorized by the Administrator of the EPA to implement the NPDES permit program for discharges into navigable waters within its jurisdiction pursuant to Section 402(b) of the CWA, 33 U.S.C. § 1342(b).

17. Section 309(b) of the CWA, 33 U.S.C. § 1319(b), authorizes the EPA to commence a civil action for appropriate relief, including a permanent or temporary injunction, when any person violates, inter alia, Section 301 of the CWA, 33 U.S.C. § 1311, or violates any permit condition or limitation implementing such sections in a NPDES permit issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342.

18. Section 309(d) of the CWA, 33 U.S.C. § 1319(d), provides that any person who violates, inter alia, Section 301 of the CWA, 33 U.S.C. § 1311, or violates any permit condition

or limitation implementing such sections in a NPDES permit issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342, shall be subject to a civil penalty not to exceed \$27,500 per day for each violation occurring between January 30, 1997 and March 15, 2004; \$32,500 per day for each violation occurring between March 15, 2004 and January 12, 2009; and \$37,500 per day for each violation occurring after January 12, 2009, pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990 (28 U.S.C. § 2461 note), as amended by the Debt Collection Improvement Act of 1996 (31 U.S.C. § 3701 note); 61 Fed. Reg. 69,360 (December 31, 1996); and 69 Fed. Reg. 7121 (February 13, 2004), codified at 40 C.F.R. Part 19.

19. The SWCL is likewise a statute designed to protect water quality within Virginia by preventing or reducing discharges of pollutants to state waters. To achieve those goals Section 62.1-44.5 of the SWCL prevents the discharge of sewage and other wastes to state waters, except in compliance with a permit issued by the Board.

20. Sections 62.1-44.3 of the SWCL defines “sewage” to include “water-carried human wastes from residences, buildings, industrial establishments or other places together with such industrial wastes and underground, surface, storm, or other water as may be present.”

21. Section 62.1-44.3 of the SWCL defines “other wastes” to include substances which may cause pollution of state waters.

22. Section 62.1-44.3 of the SWCL defines “pollution” as the alteration of the physical, chemical, or biological properties of state waters in a manner that will or is likely to create a nuisance or render such waters “(a) harmful or detrimental or injurious to the public health, safety, or welfare or to the health of animals, fish, or aquatic life; (b) unsuitable with reasonable treatment for use as present or possible future sources of public water supply; or (c)

unsuitable for recreational, commercial, industrial, agricultural, or other reasonable uses”.

23. Section 62.1-44.3 of the SWCL defines “state waters” to include all waters above and below the ground wholly or partially within the Commonwealth.

24. Section 62.1-44.15(5a) of the SWCL authorizes the Board to issue permits for the discharge of sewage and other wastes. The Virginia Pollutant Discharge Elimination System “VPDES” Permit Regulation requires that the conditions of any VPDES permit issued by the Board ensure compliance with the provisions of the SWCL and the CWA (*see* 9 VAC 25-31-50.C.1).

25. Section 62.1-44.23 of the SWCL authorizes the Board to seek injunctive relief when a person violates the provisions of the SWCL, including the prohibitions of Section 62.1-44.5 or the terms of a permit issued by the Board.

26. Section 62.1-44.32 of the SWCL authorizes the Board to collect civil penalties, in the amount of \$32,500 per day, for each violation of the Code or of the terms of a permit issued by the Board.

GENERAL ALLEGATIONS

27. At all relevant times, HRSD has owned and operated sewage treatment plants and their associated separate sanitary sewer system for the collection and transmission of the flows to the sewage treatment plants for treatment prior to discharge.

28. DEQ has issued permits to HRSD pursuant to Section 402 of the Clean Water Act, 33 U.S.C. § 1342, and Section 62.1-44.15(5a) of the State Water Control Law which meet the requirements of both the NPDES and VPDES permit programs. These permits, which for ease of reference are hereinafter referred to as NPDES Permits, are for the following nine

Sewage Treatment Plants owned and operated by HRSD and included in this action (“STPs”):

STP and Location	NPDES Permit No.	Receiving Water
Atlantic STP Virginia Beach, VA	VA0081248	Atlantic Ocean
Army Base STP Norfolk, VA	VA0081230	Elizabeth River
Chesapeake-Elizabeth STP Virginia Beach, VA	VA0081264	Little Creek, a tributary to the Chesapeake Bay and to Little Creek Harbor
Virginia Initiative STP Norfolk, VA	VA0081281	Elizabeth River
Nansemond STP Suffolk, VA	VA0081299	Hampton Road Harbor in James River
Boat Harbor STP Newport News, VA	VA0081256	Boat Harbor/James River
James River STP Newport News, VA	VA0081272	Warwick River
Williamsburg STP Williamsburg, VA	VA0081302	James River
York River STP Seaford, VA	VA0081311	York River

29. The permits identified in Paragraph 28, or prior versions of such permits, have been in effect, either through renewal or administrative extensions, at all times pertinent to these claims.

30. The HRSD sanitary sewer system (“HRSD SS System”) includes gravity sewers, force mains, sanitary sewer lines, pump stations, manholes, and other real and personal property and appurtenances thereto designed to convey sanitary wastewater (including sewage). HRSD owns and operates over 500 miles of pipes, most of which are interceptor force mains through

which flows move under pressure. It has the capacity to handle flows of up to 231 million gallons of wastewater per day.

31. The HRSD SS System and the nine STPs accept and treat sewage from the cities of Chesapeake, Hampton, Newport News, Poquoson, Portsmouth, Suffolk, Virginia Beach, and Williamsburg; the counties of Gloucester, Isle of Wight, James City, and York; and the town of Smithfield (“the Localities”), as well as from Norfolk. HRSD also accepts and treats wastewater containing sewage from the counties of King and Queen, King William, Mathews, and Middlesex.

32. Each of the Localities and Norfolk collect sewage in their own Sanitary Sewer Systems and send it to the HRSD SS System for conveyance to the HRSD STPs. The geographic area served collectively by the Localities and Norfolk also is served by HRSD.

33. Part II. Section F of each of the NPDES Permits for the STPs listed above prohibit the discharge of untreated sewage, except from the STPs after complete treatment or otherwise in compliance with the Permit requirements. Part II. Section G further requires that HRSD report discharges of sewage into or upon state waters that are in violation of the Permits.

34. On at least 245 occasions since February, 2003, HRSD unlawfully discharged untreated sewage and other wastes from its sewer system and the STPs to various receiving waters, each of which constitutes “waters of the United States” and “state waters,” within the meaning, respectively, of Section 502 of the CWA, 33 U.S.C. § 1362, and 40 C.F.R. § 122.2, and Section 62.1-44.3 of the SWCL, including the Atlantic Ocean, the Chesapeake Bay, the James and Elizabeth Rivers, tributaries thereto, and large reservoirs. These unpermitted discharges total roughly 9 million gallons of wastewater containing untreated sewage and other pollutants. See,

Attachments I and II.

35. Sewage, commercial and industrial wastes, and their constituents, are “pollutants” within the meaning of Section 502(6) of the CWA, 33 U.S.C. § 1362(6).

36. The pump stations, force mains, manholes, and other points from which the pollutants were discharged constitute “point sources” within the meaning of Section 502(14) of the CWA, Section 33 U.S.C. § 1362(14).

37. The applicable NPDES Permits do not authorize discharges or overflows from unpermitted outfalls at the STPs unless HRSD meets certain conditions allowing it to bypass one or more treatment units at the STPs. In addition, the applicable NPDES Permits do not authorize discharges as overflows under any condition from the HRSD SS System.

38. HRSD’s unpermitted discharges of untreated sewage and other pollutants from its sanitary sewer system and STPs have resulted from multiple causes including, inter alia, HRSD force main failures, inadequate flow capacity in the collection system and at the STPs, high pressure in the HRSD force mains, and excessive infiltration and inflow to the sanitary sewers owned and operated by the Localities and Norfolk which is conveyed to the HRSD SS System.

39. In addition to unauthorized discharges from the HRSD SS System and STPs, HRSD has caused or contributed to at least 118 sanitary sewer overflows (“SSOs”) from the Localities’ and Norfolk’s Sanitary Sewer Systems due to increased pressure during wet weather resulting from a lack of capacity. On information and belief, HRSD exceeded the maximum hydraulic energy gradeline to which it instructed the Localities and Norfolk to design. Therefore, the Localities and Norfolk were unable to pump their flows into the HRSD SS System. As a result, the sewage and other pollutants backed up and overflowed from manholes and other

locations from the Localities' and Norfolk's Sanitary Sewer Systems. The total volume of many of these unlawful discharges is not known but the total volume of those overflows for which an estimate exists exceeds 419,490 gallons. See, Attachment III.

40. SSOs from the Localities' and Norfolk's Sanitary Sewer Systems are discharges of untreated sewage or other pollutants in violation of the Clean Water Act and the State Water Control Law.

41. SSOs typically contain harmful pollutants including oxygen depleting substances, nutrients, microbial pathogens, and toxics.

42. There are many sensitive ecological areas in the HRSD service area which were or potentially may have been exposed to the effects of SSOs, including special management areas, unique tidal wetlands, wildlife refuges, and nurseries for the Chesapeake Bay. On information and belief, it is likely that SSOs caused or potentially caused environmental harm and degradation in those and other areas.

43. On August 3, 2007, EPA served on HRSD a Unilateral Administrative Order For Compliance and Requirement to Submit Information pursuant to Sections 308(a) and 309(a)(3) of the Clean Water Act, 33 U.S.C. §§ 1318(a) and 1319(a)(3) ("EPA Order"). The EPA Order sought to have HRSD collect data and perform studies to assess and evaluate flow and capacity issues within the HRSD SS System and in certain portions of the Localities' collection systems.

44. On August 6, 2007, the State Water Control Board published for public comment a proposed Special Order by Consent with HRSD and the Localities (SWCB Special Order") to address and resolve the overflows of sewage from the Sanitary Sewer Systems owned and operated by HRSD and the Localities. The proposed SWCB Special Order also calls for the

signatories to collect flow and other data and to perform certain studies to evaluate their systems, and to implement the alternatives selected in their evaluation.

45. EPA provided written comments on and objections to the proposed SWCB Special Order which were deemed to constitute public comment on the proposed SWCB Special Order.

46. On September 26, 2007, the State Water Control Board issued a final SWCB Special Order by Consent. In the final Special Order, the SWCB addressed some but not all of EPA's comments and objections.

47. Both the EPA Order and the SWCB Special Order recite in essence that EPA and the VADEQ have agreed to work cooperatively to address sanitary sewer overflows within the HRSD and the Localities' Sanitary Sewer Systems.

FIRST CLAIM FOR RELIEF

Unauthorized Discharges from HRSD Sanitary Sewer System and Sewage Treatment Plants

48. Paragraphs 1 through 47 are realleged and incorporated herein by reference.

49. On at least 218 different occasions between February 2003 and the present, HRSD has discharged untreated sewage and other pollutants from point sources within its separate sanitary sewer collection and transmission system, including without limitation manholes, pump stations, and sewer lines, that were not identified in its NPDES Permits as authorized outfalls. These SSOs are not permitted or otherwise authorized by the CWA or the SWCL. See, Attachment I.

50. On at least 27 different occasions between February 2003 and the present, HRSD

has discharged untreated sewage and other pollutants from its STPs without authorization. See, Attachment II.

51. Upon information and belief, HRSD will continue to discharge pollutants containing untreated sewage from its separate sanitary sewer collection system and STPs, especially during periods of wet weather and high flows.

52. Each day of such discharge constitutes a separate violation of Section 301(a) of the CWA, 33 U.S.C. § 1311(a) and of Section 62.1-44.5 of the SWCL.

53. Pursuant to Sections 309(b) and (d) of the CWA, 33 U.S.C. § 1319(b) and (d), and Sections 62.1-44.23 and 62.1-44.32 of the SWCL, HRSD is liable for permanent injunctive relief and for civil penalties.

54. HRSD is liable for civil penalties of up to \$27,500 per day for each violation occurring between January 31, 2003, and March 15, 2004; up to \$32,500 per day for each violation occurring between March 15, 2004 and January 12, 2009; and \$37,500 per day for each violation occurring after January 12, 2009, pursuant to Sections 309(b) and (d) of the CWA, 33 U.S.C. §§ 1319(b) and (d); the Federal Civil Penalties Inflation Adjustment Act of 1990 (28 U.S.C. § 2461 note), as amended by the Debt Collection Improvement Act of 1996 (31 U.S.C. § 3701 note); 61 Fed. Reg. 69,360 (December 31, 1996); and 69 Fed. Reg. 7121 (February 13, 2004), codified at 40 C.F.R. Part 19.

55. Unless enjoined by an order of the Court, HRSD will continue to discharge pollutants not authorized by its Permits in violation of Section 301(a) of the CWA, 33 U.S.C. § 1311(a), and of Section 62.1-44.5 of the SWCL.

SECOND CLAIM FOR RELIEF

Failure to Properly Operate and Maintain the HRSD Sanitary Sewer System

56. The allegations in the foregoing Paragraphs 1 through 55 are hereby realleged and incorporated herein.

57. Most of the HRSD sanitary sewer system operates under hydraulic pressure. On information and belief, fluctuations in those pressures, both high and low, at the points where the Localities and Norfolk connect to the HRSD SS System render it difficult for the Localities and Norfolk to pump their flows into the HRSD SS System.

58. HRSD's operational protocols include maintaining a Maximum Hydraulic Energy Gradeline ("MHEG"), generally equivalent to the STP elevation plus 65 feet, through the operation of pressure reducing stations throughout those portions of the HRSD SS System that operate under pressure. HRSD has directed the Localities and Norfolk to ensure adequate pumping capacity to overcome this pressure level at points of connection to the HRSD SS System.

59. Upon information and belief, however, at times of high flows in the sanitary sewers, HRSD's pressure at the points of connection increases significantly due to lack of capacity. HRSD's monitoring of pressure at relevant times and locations has been incomplete so that the full extent of the effect cannot be determined. However, on at least 118 occasions from February 2003 to the present, the Localities and Norfolk have been unable to pump their sewage into the HRSD SS System for treatment. On at least those occasions, the Localities' and Norfolk's flows of sewage have backed up and resulted in SSOs from manholes and other locations in the collection systems that the Localities and Norfolk own and operate. See,

Attachment III.

60. Upon information and belief, HRSD will continue to cause and to contribute to SSOs from the Localities' and Norfolk's collection systems, especially during periods of wet weather and high flows.

61. Part II.Q of each of the NPDES Permits issued to HRSD contains the following Operation and Maintenance provision:

Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes effective plant performance, adequate funding, adequate staffing, and adequate laboratory and process controls including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by the permittee only when the operation is necessary to achieve compliance with the conditions of this permit.

62. Some of the SSOs from HRSD's, the Localities' and Norfolk's sanitary sewer systems were due to failures of HRSD force mains or other HRSD maintenance related causes.

63. Some of the SSOs from the HRSD and the Localities' and Norfolk's sanitary sewer systems were due in part to HRSD's improper operation of its sanitary sewer system, including HRSD's failure to adhere to its own operating protocols.

64. Each failure of HRSD to properly operate or maintain its sanitary sewer system constitutes a violation of HRSD's NPDES Permits.

65. Unless enjoined by an order of the Court, HRSD will continue to operate and maintain its sanitary sewer system improperly resulting in unpermitted discharges in violation of Section 301(a) of the CWA, 33 U.S.C. § 1311(a) and Section 62.1-44.5 of the SWCL.

66. Pursuant to Section 309(b) and (d) of the CWA, 33 U.S.C. §1319(b) and (d), and Sections 62.1-44.23 and 62.1-44.32 of the SWCL, HRSD is liable for permanent injunctive relief and civil penalties.

67. HRSD is liable for civil penalties of up to \$27,500 per day for each violation occurring between January 31, 2003 and March 15, 2004; up to \$32,500 per day for each violation occurring between March 15, 2004 and January 12, 2009; and \$37,500 per day for each violation occurring after January 12, 2009, pursuant to Sections 309(b) and (d) of the CWA, 33 U.S.C. §§ 1319(b) and (d); the Federal Civil Penalties Inflation Adjustment Act of 1990 (28 U.S.C. § 2461 note), as amended by the Debt Collection Improvement Act of 1996 (31 U.S.C. § 3701 note); 61 Fed. Reg. 69,360 (December 31, 1996); and 69 Fed. Reg. 7121 (February 13, 2004), codified at 40 C.F.R. Part 19.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs the United States of America and the Commonwealth of Virginia respectfully request that this Court provide the following relief:

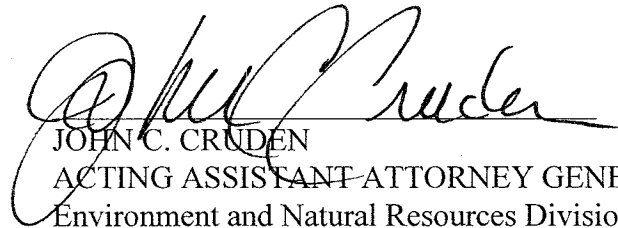
1. A permanent injunction enjoining Defendant HRSD from any and all ongoing and future violations of the CWA and the SWCL by ordering compliance with the Act and the Law;
2. A permanent injunction directing Defendant HRSD to take all steps necessary to come into permanent and consistent compliance with the prohibition on unpermitted discharges contained in Section 301(a) of the CWA and in Section 62.1-44.5 of the SWCL;
3. A judgment assessing civil penalties against Defendant HRSD and in favor of the United States and the Commonwealth of Virginia, not to exceed \$27,500 per day for each violation of the CWA which occurred between January 31, 2003 and March 14, 2004; not to


exceed \$32,500 per day for each violation occurring between March 15, 2004 and January 12, 2009; and not to exceed \$37,500 per day for each violation occurring after January 12, 2009;

4. Order Defendant HRSD to mitigate the effects of each of its violations;
5. Award the United States and the Commonwealth of Virginia its costs and disbursements in this action; and
6. Grant such other and further relief as this Court deems appropriate.

Respectfully submitted,

FOR THE UNITED STATES OF AMERICA:


JOHN C. CRUDEN
ACTING ASSISTANT ATTORNEY GENERAL
Environment and Natural Resources Division
United States Department of Justice
Washington, D.C. 20530


JAMES A. LOFTON
Virginia Bar No. 21781
NANCY FLICKINGER
BRITTA HINRICHSEN
Attorneys for the United States
United States Department of Justice
Environmental Enforcement Section
Environment and Natural Resources Division
Ben Franklin Station
Post Office Box 7611
Washington, DC 20044-7611
Telephone: (202) 514-5258
Facsimile: (202) 616-6583
E-mail: Nancy.Flickinger@usdoj.gov

Britta.Hinrichsen@usdoj.gov

NEIL H. MACBRIDE
UNITED STATES ATTORNEY
Eastern District of Virginia

CRAIG P. WITTMAN
Assistant United States Attorney
Virginia Bar No. 39409
Attorney for United States
United States Attorney's Office
101 West Main Street, Suite 8000
Norfolk, VA 23510
Telephone: (757) 441-6331
Facsimile: (757)441-6689
E-mail: Craig.Wittman@usdoj.gov

OF COUNSEL:

JUDITH HYKEL
Mail Code 3RC20
Office of Regional Counsel
United States Environmental Protection Agency
1650 Arch Street
Philadelphia, PA. 19103

BENJAMIN BAHK
Mail Code 2243A
US EPA Headquarters
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

FOR CO-PLAINTIFF COMMONWEALTH OF
VIRGINIA:



ALFRED B. ALBISTON
Assistant Attorney General
Virginia Bar # 29851
Attorney for the Commonwealth of Virginia,
State Water Control Board and the Department of
Environmental Quality
Office of the Attorney General
900 East Main Street
Richmond, VA 23219
Telephone: (804) 786-4856
Facsimile: (804) 786-0034
Email: aalbiston@oag.state.va.us

Attachment I: HRSD Collection System Violations

Date of Incident	VADEQ IR Number	Location	Address	Receiving Waters
2/14/2003	2003-T-1475	Newport News	949 Backspin Court	Storm Drain
2/16/2003	2003-T-1470	Norfolk	5734 Chesapeake Blvd	Tidal
2/17/2003	2003-T-1472	Norfolk	5734 Chesapeake Blvd	Wayne Creek/ Lafayette River
2/18/2003	2003-T-1491	Norfolk	Monterey & Bluestone Ave	Elizabeth River
3/8/2003	2003-T-1661	Newport News	Rt 60 Near Enterprise Dr.	Lee Hall Reservoir
4/7/2003	2003-T-1943	Newport News	Center Ave PS	Hampton Roads Harbor
4/7/2003	2003-T-1944	Hampton	N. King Street & MacAlva Drive	S/W Branch Back River
4/9/2003	2003-T-1961	Newport News	Rt 60, Enterprise Dr & Picketts Lane	Lee Hall Reservoir
4/9/2003	2003-T-1963	Newport News	320 North Ave	Hampton Roads Harbor
4/9/2003	2003-T-1964	Hampton	N. King Street & MacAlva Drive	S/W Branch Back River
4/9/2003	2003-T-1966	Suffolk	1136 Saunders Drive	Shingle Creek
4/9/2003	2003-T-1989	Newport News	42 Franklin Street	Hampton Roads Harbor
4/9/2003	2003-T-1990	Hampton	E Gilbert & N. King Street	S/W Branch Back River
4/9/2003	2003-T-1991	Hampton	3802 Chesapeake Ave	Hampton Roads Harbor
4/9/2003	2003-T-1992	Hampton	3847 Chesapeake Ave	Hampton Roads Harbor
4/9/2003	2003-T-1993	Hampton	Bridge Street PS	Salters Creek
4/9/2003	2003-T-1994	Hampton	Ivy Home Rd & Victoria Blvd	Hampton Roads Harbor
4/10/2003	2003-T-2016	Newport News	Center Ave PS	Hampton Roads Harbor
4/10/2003	2003-T-2017	Newport News	320 North Ave	Hampton Roads Harbor
4/10/2003	2003-T-2018	Newport News	321 North Ave	Hampton Roads Harbor
4/10/2003	2003-T-2019	Newport News	42 Franklin Street	Hampton Roads Harbor
4/10/2003	2003-T-2020	Hampton	N. King Street & MacAlva Drive	S/W Branch Back River
4/10/2003	2003-T-2021	Hampton	3802 Chesapeake Ave	Hampton Roads Harbor
4/10/2003	2003-T-2022	Hampton	3816 Chesapeake Ave	Hampton Roads Harbor
4/10/2003	2003-T-2023	Hampton	Bridge Street PS	Salters Creek
4/11/2003	2003-T-2043	Norfolk	5734 Chesapeake Blvd	Wayne Creek
5/10/2003	2003-T-2229	Hampton	Thornrose & N. King Street	Storm Drain
5/27/2003	2003-T-2299	Williamsburg	Kings Mill PS	James River
6/15/2003	2003-T-2395	Chesapeake	1008 Fentress Road	Albermarle Canal/ Intercoastal Waterway
7/14/2003	2004-T-0067	Norfolk	Ballentine Blvd & Va Beach Blvd	E/B Elizabeth River

Attachment I: HRSD Collection System Violations

Date of Incident	VADEQ IR Number	Location	Address	Receiving Waters
7/14/2003	2004-T-0068	Norfolk	Craig St & Whitehead Ave	E/B Elizabeth River
8/4/2003	2004-T-0215	Norfolk	Norchester PS	E/B Elizabeth River
8/7/2003	2004-T-0247	Newport News	Center Ave PS	James River
8/8/2003	2004-T-0270	Newport News	Center Ave PS	James River
8/8/2003	2004-T-0271	Hampton	Bridge Street PS	Salters Creek
8/8/2003	2004-T-0274	Newport News	North Ave	James River
8/11/2003	2004-T-0287	Newport News	Center Ave PS	James River
8/11/2003	2004-T-0288	Newport News	North Ave	James River
9/2/2003	2004-T-0411	Norfolk	Myrtle Pkwy & Surrey Crescent	Elizabeth River
9/12/2003	2004-T-0487	Newport News	Center Ave PS	James River
9/18/2003	2004-T-0530	Norfolk	Ashland Circle PS	Lafayette River
9/18/2003	2004-T-0531	Chesapeake	Doziers Corner PS	Elizabeth River
9/18/2003	2004-T-0533	Norfolk	City Park PS	Lafayette River
9/18/2003	2004-T-0534	Norfolk	Richmond Crescent PS	Elizabeth River
9/18/2003	2004-T-0535	Suffolk	Suffolk PS	Nansemond River
9/18/2003	2004-T-0536	Hampton	Bridge Street PS	Salters Creek
9/18/2003	2004-T-0537	Newport News	Center Ave PS	James River
9/18/2003	2004-T-0538	Hampton	Bay Shore Lane PS	Chesapeake Bay
9/18/2003	2004-T-0539	Hampton	Bloxoms Corner PS	Back River
9/19/2003	2004-T-0529	Norfolk	State Street PS	Elizabeth River
9/19/2003	2004-T-0532	Norfolk	Jamestown Crescent PS	Lafayette River
9/23/2003	2004-T-0667	Hampton	Hampton University PS	Hampton Creek
9/23/2003	2004-T-0668	Newport News	Ferguson Park PS	James River
9/25/2003	2004-T-0704	Norfolk	Richmond Crescent PS	Elizabeth River
10/1/2003	2004-T-0764	Norfolk	Chesapeake Blvd PS	Wayne Creek
10/9/2003	2004-T-0827	Norfolk	Chesapeake Blvd & Robin Hood Rd	Wayne Creek
10/20/2003	2004-T-0878	Virginia Beach	2020 Laskin Road	Wolfsnare Creek
10/29/2003	2004-T-0939	Newport News	Center Ave PS	James River
10/29/2003	2004-T-0940	Hampton	Bridge Street PS	Hampton River
12/14/2003	2004-T-1226	Norfolk	Chesapeake Blvd	Wayne Creek
12/14/2003	2004-T-1227	Suffolk	Suffolk PS	Shingle Creek
12/14/2003	2004-T-1228	Newport News	Center Ave PS	James River
12/14/2003	2004-T-1229	Hampton	N King St & Macalva Dr	Back River
1/27/2004	2004-T-1440	Chesapeake	113 Cedar Road	S/B Elizabeth River
2/7/2004	2004-T-1502	Newport News	Patrick Henry PS	Warrick River
3/15/2004	2004-T-1722	Newport News	Hilton School- River Road	James River
3/18/2004	2005-T-100231	Norfolk	Surry Crescent and Hampton Blvd	Elizabeth River
3/22/2004	2004-T-1761	Norfolk	Olney Road west of Roswell Ave	Elizabeth River
7/7/2004	2005-T-0034	Newport News	Center Ave PS	James River
7/28/2004	2005-T-0175	Portsmouth	Seaboard Ave	Elizabeth River
8/2/2004	2005-T-0200	Norfolk	Norchester St PS	E/B Branch Elizabeth River
8/2/2004	2005-T-0201	Norfolk	Seay Ave PS	E/B Branch Elizabeth River
8/2/2004	2005-T-0202	Norfolk	Chesapeake Blvd PS	Wayne Creek
8/3/2004	2005-T-0213	Norfolk	Chesapeake Blvd PS	Wayne Creek

Attachment I: HRSD Collection System Violations

Date of Incident	VADEQ IR Number	Location	Address	Receiving Waters
8/3/2004	2005-T-0214	Norfolk	Park Ave PS	S/B Elizabeth River
8/3/2004	2005-T-0215	Norfolk	Luxembourg Ave PS	Lafayette River
8/3/2004	2005-T-0216	Norfolk	43rd St & Hampton Blvd	Elizabeth River
8/3/2004	2005-T-0244	Norfolk	309 E 40th Street	Lafayette River
8/3/2004	2005-T-0247	Virginia Beach	Arctic Ave PS	Atlantic Ocean
8/3/2004	2005-T-0248	Norfolk	Norchester St PS	E/B Elizabeth River
8/3/2004	2005-T-0249	Norfolk	Craig St & Whitehead St	S/B Elizabeth River
8/14/2004	(none identified)	Suffolk	Suffolk PS	Shingle Creek
8/14/2004	2005-T-0356	Norfolk	Seay Ave PS	Eastern Branch
8/14/2004	2005-T-0357	Chesapeake	Washington PS	S/B Elizabeth River
8/14/2004	2005-T-0358	Norfolk	Norchester Ave PS	E/B Elizabeth River
8/14/2004	2005-T-0359	Norfolk	Richmond Crescent PS	Elizabeth River
8/14/2004	2005-T-0360	Norfolk	Chesapeake Blvd PS	Wayne Creek
8/14/2004	2005-T-0362	Newport News	Hilton-School	James River
8/14/2004	2005-T-0363	Hampton	Claremont Ave PS	Hampton Roads Harbor
8/14/2004	2005-T-0364	Hampton	Langley Circle PS	Back River
8/14/2004	2005-T-0365	Hampton	Bridge Street PS	Hampton River
8/14/2004	2005-T-0366	Newport News	Center Ave PS	James River
8/15/2004	2005-T-0367	Hampton	Sunset Road & Kecoughtan	Hampton Roads Harbor
8/16/2004	2005-T-0361	Norfolk	City Park PS	Lafayette River
8/16/2004	2005-T-0368	Hampton	Ivy Home Rd & Victoria Blvd	Hampton Roads Harbor
8/30/2004	2005-T-0497	Williamsburg	Williamsburg PS	Paper Mill Creek
9/3/2004	2005-T-0532	Virginia Beach	100 Block N. Great Neck Rd	London Bridge Creek
9/15/2004	2005-T-0604	Norfolk	Norchester Ave PS	E/B Elizabeth River
9/15/2004	2005-T-0605	Norfolk	Chesapeake Blvd	Wayne Creek
10/14/2004	2005-T-100003	Hampton	Big Bethel PRS	Bethel Reservoir
12/10/2004	2005-T-100087	Williamsburg	540 S. England St	Paper Mill Creek
12/10/2004	2005-T-100089	Norfolk	43rd St between Powhatan Ave & Hampton Blvd	Elizabeth River
1/14/2005	2005-T-100142	Norfolk	38th, 39th, 42nd, and 43rd Streets	Elizabeth River
1/31/2005	2005-T-100163	Norfolk	Brunswick Avenue & Hampton Blvd	Elizabeth River
2/10/2005	2005-T-100191	Virginia Beach	5000 Block of Ferrell Parkway	stormwater canal
2/25/2005	2005-T-100207	Newport News	215 Avenue G (Patrick Henry PS)	Warwick River
3/8/2005	2005-T-100217	Norfolk	41st-43rd Streets and Powhatan Avenue	Elizabeth River
3/14/2005	2005-T-100227	Norfolk	Indian River Road & State Street	Elizabeth River
4/14/2005	2005-T-100245	Chesapeake	804 Canal Drive	S/B Elizabeth River

Attachment I: HRSD Collection System Violations

Date of Incident	VADEQ IR Number	Location	Address	Receiving Waters
6/13/2005	2005-T-100284	Chesapeake	1127 Perry Street	Elizabeth River
6/18/2005	2005-T-100290	Newport News	Avenue G (Patrick Henry PS)	Ditch
9/19/2005	2006-T-100331	Newport News	12280 Jefferson Avenue	Warwick River
9/20/2005	2006-T-100332	Newport News	12280 Jefferson Avenue	Warwick River
9/20/2005	2006-T-100334	Chesapeake	Intersection of Mt. Pleasant and S. Battlefield Blvd	Albemarle/Chesapeake Canal
9/23/2005	2006-T-100335	Williamsburg	Construction road into Brewery (NF 172 force main)	James River
10/8/2005	2006-T-100344	Newport News	J. Clyde Morris Blvd	Big Bethel Reservoir
10/8/2005	2006-T-100345	Hampton	Fairmount Drive & Edgemont Drive	Big Bethel Reservoir
10/8/2005	2006-T-100347	Hampton	4701 Victoria Blvd. (Bridge Street PS)	Salters Creek
10/8/2005	2006-T-100348	Newport News	315 Center Avenue PS	James River
10/8/2005	2006-T-100349	Newport News	320 North Street	James River
10/8/2005	2006-T-100351	Newport News	Center Ave between Warwick & Jefferson	James River
10/9/2005	2006-T-100352	Hampton	Fairmount Drive	Big Bethel Reservoir
10/9/2005	2006-T-100388	Hampton	Fairmont Drive	Big Bethel Reservoir
10/10/2005	2006-T-100399	Newport News	J. Clyde Morris Blvd.	Big Bethel Reservoir
11/16/2005	2006-T-100421	Virginia Beach	Intersection of Roundhill Road and Pirandello Road	Stumpy Lake
1/15/2006	2006-T-100494	Norfolk	Powahtan and Bolling Avenues	Elizabeth River
1/16/2006	2006-T-100492	Newport News	Normandy Lane Pump Station	Deep Creek
2/9/2006	2006-T-100513	Williamsburg	540 S. England Street	Paper Mill Creek
3/8/2006	2006-T-100541	Hampton	N. King Street & MacAlva Drive	Back River
3/13/2006	2006-T-100546	Hampton	217 Washington Street	Hampton River
3/16/2006	2006-T-100548	Newport News	6000 Orcutt Avenue	Newmarket Creek
3/24/2006	2006-T-100556	Norfolk	2539 Corprew Avenue & Oaklawn Street	Elizabeth River
5/22/2006	2006-T-100605	Norfolk	Intersection of Robin Hood Rd. & Hurley Ave	Wayne Creek

Attachment I: HRSD Collection System Violations

Date of Incident	VADEQ IR Number	Location	Address	Receiving Waters
6/2/2006	2006-T-100621	Newport News	215 Avenue G (Patrick Henry PS)	Storm Drain ditch/Warwick River
6/6/2006	2006-T-100633	Norfolk	900 Jamestown Crescent & Magnolia Avenue	Lafayette River
6/14/2006	2006-T-100646	Hampton	Chamberlain Avenue & Hope Street	Mill Creek
6/14/2006	2006-T-100647	Newport News	315 Center Avenue PS	James River
6/14/2006	2006-T-100657	Chesapeake	Fentress Road & Erik Paul Drive	Albemarle-Chesapeake Canal
6/14/2006	2006-T-100658	Norfolk	Ballentine & Va Beach Boulevard	Elizabeth River
6/14/2006	2006-T-100659	Norfolk	351 Emmett Place	Elizabeth River
6/14/2006	2006-T-100660	Chesapeake	1121 Keats Street (Doziers Corner PS)	Elizabeth River
6/14/2006	2006-T-100661	Norfolk	5734 Chesapeake Blvd	Elizabeth River
6/22/2006	2006-T-100672	Virginia Beach	Kempsville Road & Sharon Drive	storm drain
6/23/2006	2006-T-100674	Williamsburg	Rte 60 & Anheuser Busch (Kingsmill PS)	James River
6/23/2006	2006-T-100675	Newport News	42 Franklin Street	James River
6/23/2006	2006-T-100676	Newport News	315 Center Avenue PS	James River
6/23/2006	2006-T-100677	Newport News	215 Avenue G (Patrick Henry PS)	Warwick River
6/27/2006	2006-T-100678	Hampton	Ivy Home Road & 3721 Victoria Boulevard	James River
6/27/2006	2006-T-100679	Hampton	4701 Victoria Blvd. (Bridge Street PS)	Hampton River
6/28/2006	2006-T-100680	Hampton	4701 Victoria Blvd. (Bridge Street PS)	Salters Creek to the Hampton Roads Harbor
6/29/2006	2006-T-100683	Hampton	4701 Victoria Blvd. (Bridge Street PS)	Salters Creek to the Hampton Roads Harbor
6/30/2006	2006-T-100684	Hampton	4701 Victoria Blvd. (Bridge Street PS)	Salters Creek to Hampton Roads Harbor
8/1/2006	2007-T-100706	Williamsburg	Anheuser-Busch Brewery (Kingsmill PS)	James River
9/1/2006	2007-T-100778	Newport News	42 Franklin Street	James River
9/1/2006	2007-T-100779	Hampton	Bridge Street PS	Hampton River
9/1/2006	2007-T-100780	Newport News	315 Center Avenue PS	James River

Attachment I: HRSD Collection System Violations

Date of Incident	VADEQ IR Number	Location	Address	Receiving Waters
9/1/2006	2007-T-100782	Hampton	Ivy Home Road & Victoria Blvd	Hampton River
9/1/2006	2007-T-100783	Hampton	N. King Street & MacAlva Drive	Hampton River
9/1/2006	2007-T-100784	Newport News	215 Avenue G (Patrick Henry PS)	Warwick River
9/1/2006	2007-T-100785	Williamsburg	540 S. England Street	James River
9/1/2006	2007-T-100786	Hampton	Chesapeake Ave & Clyde Street	James River
9/1/2006	2007-T-100787	Williamsburg	Anheuser-Busch Brewery (Kingsmill PS)	James River
9/1/2006	2007-T-100794	Norfolk	5734 Chesapeake Blvd	Lafayette River
9/1/2006	2007-T-100795	Norfolk	2731 Norchester Street	Elizabeth River
9/1/2006	2007-T-100796	Norfolk	Craig Street and Berkley Avenue	Elizabeth River
9/1/2006	2007-T-100797	Norfolk	Craig and Whitehead Streets	Elizabeth River
9/1/2006	2007-T-100798	Chesapeake	1121 Keats Street (Doziers Corner PS)	Elizabeth River
9/1/2006	2007-T-100799	Norfolk	3030 Luxembourg Ave	Elizabeth River
9/1/2006	2007-T-100800	Norfolk	Mulberry and Ligon Streets	Elizabeth River
9/1/2006	2007-T-100801	Chesapeake	800 Quail Avenue	Elizabeth River
9/1/2006	2007-T-100802	Norfolk	351 Emmett Place	Elizabeth River
9/1/2006	2007-T-100803	Norfolk	1900 E. Indian River Road	Elizabeth River
9/1/2006	2007-T-100804	Norfolk	1228 Richmond Crescent PS	Elizabeth River
9/20/2006	2007-T-100893	Norfolk	Bi-County and Eagle Roads	Little Creek
10/7/2006	2007-T-100929	Hampton	4701 Victoria Boulevard (Bridge Street PS)	Hampton River
10/7/2006	2007-T-100930	Newport News	315 Center Avenue PS	James River
10/7/2006	2007-T-100932	Williamsburg	Rte 60 & Anheuser Busch (Kingsmill PS)	James River
10/25/2006	2007-T-100947	Newport News	225 Tyler Avenue	James River
11/12/2006	2007-T-100964	Newport News	315 Center Avenue PS	James River
11/22/2006	2007-T-100983	Hampton	4701 Victoria Boulevard (Bridge Street PS)	Hampton River
11/22/2006	2007-T-100984	Newport News	315 Center Avenue PS	James River

Attachment I: HRSD Collection System Violations

Date of Incident	VADEQ IR Number	Location	Address	Receiving Waters
11/22/2006	2007-T-100985	Hampton	N. King Street & MacAlva Drive	Back River
11/22/2006	2007-T-100986	Hampton	Gilbert and King Street	Hampton River
11/22/2006	2007-T-100987	Suffolk	1136 Saunders Lane	ditch
11/22/2006	2007-T-100988	Norfolk	Craig and Whitehead Streets	Elizabeth River
11/22/2006	2007-T-100989	Norfolk	5734 Chesapeake Blvd	Wayne Creek
11/23/2006	2007-T-101002	Hampton	N. King Street & MacAlva Drive	Back River
12/25/2006	2007-T-101068	Newport News	315 Center Avenue PS	James River
1/5/2007	2007-T-101084	Newport News	223 River Road	James River
1/8/2007	2007-T-101085	Chesapeake	865 Great Bridge Boulevard	S/B Elizabeth River
1/11/2007	2007-T-101091	Chesapeake	601 S Battlefield Blvd & Ashley Road	Coopers Ditch to Intracoastal waterway
1/14/2007	2007-T-101099	Newport News	15482 Warwick Blvd & Stafford St	Warwick River
1/19/2007	2007-T-101106	Norfolk	Between Middletown Arch & Colchester Crescent	Elizabeth River
2/19/2007	2007-T-101134	Hampton	Wyeth Creek Road	Swampy ground; Brick Kiln Creek
2/27/2007	2007-T-101146	Norfolk	5734 Chesapeake Blvd	Wayne Creek
4/19/2007	2007-T-101179	Norfolk	Norchester and Corprew Ave	E/B Elizabeth River
5/7/2007	2007-T-101196	Newport News	750 Lucas Creek Rd	Lucas Creek
9/11/2007	2008-T-101267	Newport News	Alpine Street & Marrow Drive	storm drain to James River
9/12/2007	2008-T-101269	York	204 Hollywood Boulevard	Poquoson River
9/12/2007	2008-T-101275	Hampton	North King Street at MacAlva & Gilbert	Hampton River
10/17/2007	2008-T-101298	Newport News	Fort Eustis Blvd & Warwick Blvd	Warwick River
10/24/2007	2008-T-101303	Virginia Beach	Round Hill Drive	North Landing River
11/1/2007	2008-T-101313	Norfolk	Bainbridge Boulevard & Buchanan Street	Elizabeth River
11/2/2007	2008-T-101317	Newport News	Fort Eustis Blvd & Warwick Blvd	Warwick River
11/29/2007	2008-T-101345	James City	3900 John Tyler Highway	Powhatan Creek/Ground
12/17/2007	2008-T-101370	Chesapeake	Perry Street and Park Avenue	Scuffletown Creek
12/31/2007	2008-T-101384	James City	430 Hempstead Road	Powhatan Creek

Attachment I: HRSD Collection System Violations

Date of Incident	VADEQ IR Number	Location	Address	Receiving Waters
3/3/2008	2008-T-101439	Newport News	227 75th Street	James River
3/6/2008	2008-T-101444	Newport News	2901 West Avenue	James River
4/22/2008	2008-T-101497	Hampton	Ivy Home Road & Victoria Blvd	Sunset Creek
4/22/2008	2008-T-101498	Hampton	LaSalle Avenue & Ervin Street	Sunset Creek
5/2/2008	2008-T-101517	Virginia Beach	649 Newtown Road	storm drain
7/28/2008	2009-T-101626	Chesapeake	Right of Way beside Bainbridge Boulevard near Southgate Plaza	Swampy area draining into Jones Creek
11/1/2008	2009-T-101702	Chesapeake	Fentress Avenue & Etheridge Road	Stormwater pond
12/2/2008	2009-T-101736	Hampton	Hardy Cash Drive & Executive Drive	ditch to Billy Wood Canal to Back River
12/3/2008	2009-T-101740	Hampton	Sunset Road & Kecoughtan road	Storm drain to Salters Creek
12/8/2008	2009-T-101741	Hampton	Old Buckroe Road & Ranalet Drive	storm drain to Chesapeake Bay
12/14/2008	2009-T-101749	Newport News	11 25th Street	James River
2/7/2009	2009-T-101807	Hampton	97 Fairmont Drive	Ditch leading to Big Bethel Reservoir
2/10/2009	2009-T-101808	Virginia Beach	3658 Haden Road	Lake Smith
2/27/2009	2009-T-101820	Norfolk	8100 Granby Street	Mason Creek
4/10/2009	2009-T-101883	Chesapeake	2812 Bainbridge Blvd	Gilligan Creek to Elizabeth River

Attachment II: HRSD Sewage Treatment Plant Violations

Date of Incident	VADEQ IR Number	Site	Receiving Waters
7/19/2003	2004-T-0112	James River STP	James River
8/5/2003	2004-T-0224	James River STP	Warrick River
8/7/2003	2004-T-0240	James River STP	Warrick River
11/19/2003	2004-T-1075	York River STP	Back Creek
2/22/2004	2004-T-1644	Virginia Initiative Plant	Elizabeth River
6/23/2004	2004-T-2222	York River STP	Back Creek
9/21/2004	2005-T-0633	Virginia Initiative Plant	Elizabeth River
12/9/2004	2005-T-100084	James River STP	James River
12/10/2004	2005-T-100086	James River STP	James River
12/15/2004	2005-T-100095	James River STP	James River
12/28/2004	2005-T-100108	York River STP	Back Creek
2/8/2005	2005-T-100187	Virginia Initiative Plant	Elizabeth River
5/12/2005	2005-T-100262	Army Base STP	Elizabeth River
5/26/2005	2005-T-100268	Virginia Initiative Plant	Elizabeth River
5/27/2005	2005-T-100270	Virginia Initiative Plant	Elizabeth River
6/9/2005	2005-T-100280	Army Base STP	Elizabeth River
8/4/2005	2006-T-100312	Virginia Initiative Plant	Elizabeth River
9/14/2005	2006-T-100329	York River STP	Back Creek
9/19/2005	2006-T-100330	Army Base STP	Elizabeth River
3/10/2006	2006-T-100542	Chesapeake Elizabeth TP	Storm drain
4/15/2006	2006-T-100571	Army Base STP	Elizabeth River
9/3/2006	2007-T-100789	Army Base STP	Elizabeth River
9/25/2006	2007-T-100896	Army Base STP	Elizabeth River
10/20/2006	2007-T-100946	Army Base STP	Elizabeth River
11/7/2006	2007-T-100961	Army Base STP	Elizabeth River
12/14/2006	2007-T-101056	Virginia Initiative Plant	Elizabeth River
12/14/2006	2007-T-101054	Army Base STP	Elizabeth River

Attachment III: Operation and Maintenance Violations

Date of Incident	VADEQ IR Number	Location	Address	Receiving Water
2/17/2003	2003-T-1510	Hampton	14 E. Hygeia St.	Mill Creek
3/3/2003	2003-T-1600	Hampton	Hope & Hygeia St.	Chesapeake Bay
3/6/2003	2003-T-1647	Hampton	Hope & Hygeia St.	Chesapeake Bay
3/6/2003	2003-T-1665	Norfolk	1000 Park Ave. & VA Beach Blvd.	E/B Elizabeth River
4/9/2003	2003-T-1968	Williamsburg	Longhill Woods (PS 9)	Chisel Creek
4/9/2003	2003-T-1972	Poquoson	36 Pasture Rd.	
4/9/2003	2003-T-1973	Poquoson	664 Posuoson Ave.	
4/9/2003	2003-T-1999	Suffolk	N. Main St (PS 63)	Nansemond River
4/10/2003	2003-T-2024	Williamsburg	Rt. 132 & Bypass Rd.	Queens Creek
4/11/2003	2003-T-2031	Newport News	11520 Warwick Blvd. (PS 22)	Lake Maurey
4/11/2003	2003-T-2042	Poquoson	76 Browns Neck Rd.	Storm Drain
5/23/2003	2003-T-2283	Suffolk	Constance Rd. ~ 400 Ft. W. of Western Ave.	Nansemond River
8/2/2004	2005-T-0207	Williamsburg	Bypass Rd. (PS 132)	
8/3/2004	2005-T-0220	Portsmouth	4300 Block Deep Creek Blvd.	Elizabeth River
8/3/2004	2005-T-0221	Portsmouth	4100 Block Geo. Washington Hwy.	Elizabeth River
8/3/2004	2005-T-0222	Portsmouth	4700 Block Geo. Washington Hwy.	Elizabeth River
8/3/2004	2005-T-0223	Portsmouth	3400 Block Pennock St.	Elizabeth River
8/3/2004	2005-T-0224	Portsmouth	1800 Block Effingham St.	Elizabeth River
8/3/2004	2005-T-0233	Norfolk	Valentine Blvd. & Beach Blvd.	E/B Elizabeth River
8/3/2004	2005-T-0237	Chesapeake	743 Providence Rd. (PS 107)	Storm Drain
8/14/2004	2005-T-0318	Poquoson	210 Little Florida Rd.	creek
8/14/2004	2005-T-0327	Yorktown	Langley AFB- Bethel Manor Housing	Brick Kiln Creek
8/14/2004	2005-T-0404	Hampton	36 S. Boxwood St.	
8/15/2004	2005-T-0338	Norfolk	Bi-County Ave. & Elk Ave.	Little Creek
8/15/2004	2005-T-0340	Norfolk	4531 Dora Circle	Wayne Creek
8/15/2004	2005-T-0370	Poquoson	76 Browns Neck Rd.	
8/15/2004	2005-T-0409	Newport News	638 Creasy Ave. (PS 19)	Newmarket Ditch
8/16/2004	2005-T-0379	Portsmouth	2208 South St.	Elizabeth River
8/16/2004	2005-T-0380	Portsmouth	3328 Deep Creek Blvd.	Elizabeth River
8/16/2004	2005-T-0389	Hampton	3801 Chesapeake Ave.	Chesapeake Bay
8/16/2004	2005-T-0390	Hampton	Bi Bakers Farm Dr.	Newmarket Creek

Attachment III: Operation and Maintenance Violations

Date of Incident	VADEQ IR Number	Location	Address	Receiving Water
8/16/2004	2005-T-0391	Hampton	2 Mac Alva Dr.	Chesapeake Bay
8/16/2004	2005-T-0392	Hampton	27 Cherry Acres Dr.	Hampton Creek
8/16/2004	2005-T-0393	Hampton	10 Monroe Dr.	Chesapeake Bay
8/16/2004	2005-T-0394	Hampton	184 LaSalle Ave.	Chesapeake Bay
8/16/2004	2005-T-0395	Hampton	10 Semple St.	Chesapeake Bay
8/16/2004	2005-T-0396	Hampton	Hope & Hygeia St.	Chesapeake Bay
8/16/2004	2005-T-0397	Hampton	325 Vista Point Dr.	Chesapeake Bay
8/16/2004	2005-T-0398	Hampton	Ivy Home Rd. & Victoria Blvd.	Chesapeake Bay
8/16/2004	2005-T-0400	Hampton	Kecoughtan & W. Sunset Rd.	Chesapeake Bay
8/16/2004	2005-T-0415	Suffolk	100 Manning Rd. (PS 23)	Lake Speight
8/16/2004	2005-T-0416	Suffolk	2273 Wilroy Rd. (PS 31)	Nansemond River
8/16/2004	2005-T-0417	Suffolk	N. Main St. (PS 63)	Nansemond River
12/10/2004	2005-T-100089	Norfolk	38th & Blue Stone Norfolk	Elizabeth River
1/14/2005	2005-T-100140	Suffolk	N. Main St. (PS 63)	Nansemond River
1/14/2005	2005-T-100141	Suffolk	Barrett Acres (PS 23)	Speight Run
10/8/2005	2006-T-100381	Chesapeake	2242 Dock Landing Rd. (PS 118)	W/B Elizabeth River
10/8/2005	2006-T-100382	Chesapeake	4651 Davids Mill Dr. (PS 156)	Goose Creek off the W/B Elizabeth River
10/8/2005	2006-T-100383	Chesapeake	1208 Deep Creek Blvd. (PS 227)	St. Julians Creek off the S/B Elizabeth River
10/8/2005	2006-T-100384	Chesapeake	1429 Deep Creek Blvd. (PS 228)	St. Julians Creek off the S/B Elizabeth River
10/8/2005	2006-T-100391	Suffolk	940 Lincoln Ave. (PS 4)	Lake Meade
10/8/2005	2006-T-100392	Suffolk	1800 N. Main St. (PS 12)	Lake Meade
10/8/2005	2006-T-100393	Suffolk	100 Manning Rd. (Barrett Acres PS)	Lake Kilby
10/8/2005	2006-T-100394	Suffolk	100 Berkshire Blvd (PS 37)	Nansemond River
10/8/2005	2006-T-100395	Suffolk	N. Main St. (PS 63)	Nansemond River
11/21/2005	2006-T-100425	Suffolk	N. Main St. (PS 63)	Nansemond River
6/14/2006	2006-T-100648	Chesapeake	2242 Dock Landing Rd. (PS 118)	W/B Elizabeth River
6/14/2006	2006-T-100649	Chesapeake	1901 Rokeby Ave. (PS 210)	Tributary of Indian River
6/14/2006	2006-T-100650	Chesapeake	743 Providence Rd. (PS 107)	Tributary of Indian River
6/14/2006	2006-T-100651	Suffolk	133 Manning Rd. (PS 23)	Speight Run
6/14/2006	2006-T-100652	Suffolk	1090 Holland Rd. (PS 136)	Lake Meade
6/14/2006	2006-T-100653	Suffolk	N. Main St. (PS 63)	Nansemond River

Attachment III: Operation and Maintenance Violations

Date of Incident	VADEQ IR Number	Location	Address	Receiving Water
7/15/2006	2007-T-100700	Suffolk	133 Manning Rd. (PS 23)	Speight Run
9/1/2006	2007-T-100749	Chesapeake	1621 Campastella Dr. (PS 10)	Milldam Creek
9/1/2006	2007-T-100750	Chesapeake	743 Providence Rd. (PS 107)	Indian River
9/1/2006	2007-T-100751	Chesapeake	1901 Rokeby Ave. (PS 201)	Indian River
9/1/2006	2007-T-100752	Chesapeake	1208 Deep Creek Blvd. (PS 227)	Saint Julians Creek
9/1/2006	2007-T-100753	Chesapeake	371 Johnstown Rd. (PS 47)	Albermarle-Chesapeake Canal
9/1/2006	2007-T-100775	Suffolk	N. Main St. (PS 63)	Nanesmond River
9/1/2006	2007-T-100792	Newport News	12098 Jefferson Ave. (PS 103)	Lake Maury and James River
9/1/2006	2007-T-100806	Suffolk	1090 Holland Rd. (PS 136)	Lake Kilby
9/1/2006	2007-T-100807	Virginia Beach	1403 Mill Dam Rd. (PS 211)	Linkhorn Bay
9/1/2006	2007-T-100808	Virginia Beach	2160 First Colonial Rd. (PS 218)	Linkhorn Bay
9/1/2006	2007-T-100809	Virginia Beach	2908 Lynnhaven Rd. (PS 252)	Pinetree Branch
9/1/2006	2007-T-100810	Virginia Beach	2715 Mulberry Grove Ct. (PS 263)	Pinetree Branch
9/1/2006	2007-T-100811	Virginia Beach	2118 Grey Fox Lane (PS 607)	W. Neck Creek
9/1/2006	2007-T-100812	Virginia Beach	657 Thalia Point Rd. (PS 235)	Buchannan Creek
9/1/2006	2007-T-100813	Virginia Beach	156 Butternut Lane (PS 503)	Lake Windsor
9/1/2006	2007-T-100814	Virginia Beach	503 Rodney Lane (PS 414)	E/B Elizabeth River
9/1/2006	2007-T-100815	Virginia Beach	530 W. Plantation Rd. (PS 259)	Wolfsnare Creek
9/1/2006	2007-T-100816	Virginia Beach	1637 Level Green Blvd. (PS 429)	E/B Elizabeth River
9/1/2006	2007-T-100817	Virginia Beach	3334 Bow Creek Blvd. (PS 525)	London Bridge Creek
9/1/2006	2007-T-100818	Virginia Beach	3239 Silina Dr. (PS Plaza Silina)	London Bridge Creek
9/1/2006	2007-T-100819	Virginia Beach	1306 Lynnhaven Pkwy. (PS 549)	London Bridge Creek
9/1/2006	2007-T-100820	Virginia Beach	1397 Bridle Creek Blvd. (PS 452)	Stumpy Lake
9/1/2006	2007-T-100821	Virginia Beach	4436 Expressway Dr. (PS 508)	Lake Trashmore
9/1/2006	2007-T-100822	Virginia Beach	3247 Stapleford Chase (PS 213)	E/B Lynnhaven River

Attachment III: Operation and Maintenance Violations

Date of Incident	VADEQ IR Number	Location	Address	Receiving Water
9/1/2006	2007-T-100823	Virginia Beach	820 Jamestown Landing Rd. (PS 420)	E/B Elizabeth River
9/1/2006	2007-T-100824	Virginia Beach	3902 Thalia Dr. (PS 241)	Buchanan Creek
9/1/2006	2007-T-100902	Newport News	30 Carleton Rd. (PS 5)	Skiffes Creek
9/1/2006	2007-T-100903	Newport News	1814 Oak Ave (PS 2)	Peterson Yacht Basin and James River
9/1/2006	2007-T-100904	Newport News	13705 Warwick Blvd. (PS 37)	Lucas Creek
9/1/2006	2007-T-100905	Newport News	6 Hillcrest Dr. (PS 67)	Fishers Creek
9/1/2006	2007-T-100906	Newport News	13236 Jefferson Ave. (PS 87)	Jones Run
9/2/2006	2007-T-100878	Poquoson	68 & 135 Lodge Rd.	Topping Creek, NW/B Back River
9/2/2006	2007-T-100879	Poquoson	210 Little Florida Rd.	Cedar Creek, Topping Creek, NW/B Back River
9/20/2006	2007-T-100894	Norfolk	8055 Bi-County Rd.	Little Creek
10/6/2006	2007-T-100911	JCSA	430 Hempstead Rd. (LS 1-5)	Chisel Run
10/7/2006	2007-T-100912	JCSA	3900 John Tyler Hwy. (LS 1-2)	Powhatan Swamp
10/7/2006	2007-T-100913	JCSA	171-A The Main (LS 1-9)	James River
10/7/2006	2007-T-100922	JCSA	1861 Jamestown Rd. (LS 1-1)	James River
10/7/2006	2007-T-100933	Suffolk	1090 Holland Rd. (PS 136)	Lake Meade
10/10/2006	2007-T-100935	Poquoson	90 & 102 Lodge Rd.	Topping Creek, NW/B Back River
11/12/2006	2007-T-100962	Suffolk	1090 Holland Rd. (PS 136)	Lake Meade
11/12/2006	2007-T-100965	Suffolk	W. Constance Rd. at 200 W. Washington St.	Nansemond River
11/13/2006	2007-T-100979	Suffolk	112 Eagle Point Crest	Nansemond River
11/22/2006	2007-T-100992	Chesapeake	1208 Deep Creek Blvd. (PS 227)	Deep Creek Branch of Elizabeth River
11/22/2006	2007-T-100993	Chesapeake	884 Butler St (PS 16)	Intercostal Waterway off S/B Elizabeth River
11/22/2006	2007-T-100994	Chesapeake	743 Providence Rd. (PS 107)	Valley Stream off Indian River
11/22/2006	2007-T-101017	Suffolk	1090 Holland Rd. (PS 136)	Lake Meade
11/22/2006	2007-T-101022	Suffolk	940 Lincoln St. (PS 4)	Lake Kilby

Attachment III: Operation and Maintenance Violations

Date of Incident	VADEQ IR Number	Location	Address	Receiving Water
11/24/2006	2007-T-101021	Suffolk	N. Main St. (PS 63)	Nansemond River
3/7/2008	2008-T-101449	James City	Scotts Pond, 5349 Fox Run Drive	Scotts Pond
3/8/2008	2008-T-101451	James City	426 Hempstead Road Manhole	Longhill Swamp
4/21/2008	2008-T-101493	Suffolk	713 North Main St.	Nansemond River
4/22/2008	2008-T-101499	Suffolk	713 North Main St	Nansemond River
3/17/2009	2009-T-101853	Suffolk	1090 Holland Rd.	Lake Meade
3/17/2009	2009-T-101854	Suffolk	713 North Main St.	Nansemond River