



City of Hampton, Virginia Resolution

22 Lincoln Street
Hampton, VA 23669
www.hampton.gov

File Number: 07-0337

Enactment Number: -

Resolution Approving Regional Sanitary Sewer Package consisting of 1) State Water Control Board Enforcement Action: Special Order by Consent Issued to Hampton Roads Communities and HRSD, 2) Memorandum of Agreement for Regional Sanitary Sewer System Operation, Maintenance and Enhancement; and 3) Regional Technical Standards.

WHEREAS, the Hampton Roads Sanitation District (“HRSD”) provides sewage treatment service to the cities of Chesapeake, Hampton, Newport News, Poquoson, Portsmouth, Suffolk, Virginia Beach, and Williamsburg; the counties of Gloucester, Isle of Wight, and York; the James City Service Authority; and the town of Smithfield. (collectively, the “Localities”); and

WHEREAS, the City of Hampton and other Localities individually own and operate sanitary sewer collection systems, which collect sewage within their individual jurisdictional boundaries that is delivered to the HRSD system for treatment; and

WHEREAS, due to pipe breaks, electrical outages, wet weather events, insufficient capacity in the collection, interceptor and treatment systems, and other factors, untreated sewage is, on occasion, discharged from various locations in the HRSD sewer system and from the Localities’ sanitary sewer systems; and

WHEREAS, at the behest of the Virginia Department of Environmental Quality (“VDEQ”) and the U.S. Environmental Protection Agency (“EPA”), the HRSD and the Localities, working under the aegis of the Hampton Roads Planning District Commission (“HRPDC”), have expeditiously developed a comprehensive program to remedy these problems. This program consists of regional and individual elements. The regional element requires the Localities and HRSD to use uniform standards to design the

infrastructure improvements needed to manage peak wet weather flows throughout the Hampton Roads Sewer System in a cost-effective manner. The HRSD and Localities are required to address their individual system conditions that cause or contribute to discharges of untreated sewage; and

WHEREAS, these regional and individual commitments are set forth in the following three documents that have been developed collectively and in consultation with the staff of the VDEQ: (1) State Water Control Board Enforcement Action: Special Order by Consent Issued to the Hampton Roads Sanitation District; the cities of Chesapeake, Hampton, Newport News, Poquoson, Portsmouth, Suffolk, Virginia Beach and Williamsburg; the counties of Gloucester, Isle of Wight and York; the James City Service Authority; and the Town of Smithfield (“Regional Consent Order”); (2) Memorandum of Agreement for Regional Sanitary Sewer System Operation, Maintenance and Enhancement (“Memorandum of Agreement”); and (3) Attachment 1 to the Special Order by Consent: Regional Technical Standards (“Regional Technical Standards”), (collectively, these documents are referred to as the “Regional Consent Order Package”); and

WHEREAS, the success of these regional and individual Locality efforts depends upon the cooperative efforts of the HRSD and the Localities, and the approval of the Virginia State Water Control Board (“SWCB”) and its VDEQ staff; and

WHEREAS, the ongoing efforts of the Localities and HRSD to maintain, repair and improve the sanitary sewer system at substantial cost, for the benefit of the region's quality of life, is endorsed and commended; and

WHEREAS, the EPA has recently asked the U. S. Department of Justice to take judicial enforcement action against HRSD on account of such sanitary sewer overflows, and has asked the VDEQ to exclude HRSD from the Regional Consent Order Package; and

WHEREAS, because any such federal judicial action could greatly delay and undermine the collective regional approach to address these overflows, and because HRSD has indicated its willingness to remain a party to this regional effort despite the threat of federal action, the VDEQ staff is prepared to recommend approval by the SWCB of a Regional Consent Order Package with HRSD as a party; and

WHEREAS, the City has and continues to operate under a October 2002 sanitary sewer overflow-related special order by consent with the SWCB and HRSD. The Regional Consent Order Package provides for termination of the October 2002 order at the time the Regional Consent Order Package is approved by the SWCB.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HAMPTON, VIRGINIA:

(1) commends the efforts of its staff and those of the other Localities, HRSD HRPDC, and VDEQ, and their respective consultants to address and remedy this important problem; and

(2) approves the Regional Consent Order Package as presented on this date to City Council; and

(3) authorizes and directs the City Manager to execute the Regional Consent Order and Memorandum of Agreement on behalf of the City and submit the Regional Consent Order Package to VDEQ for public notice and approval by the SWCB; and

(4) directs the City Manager to bring the Regional Consent Order Package back to City Council for further consideration if the SWCB approval process results in any significant change from the version approved by this resolution; and

(5) authorizes the City Manager and the City Attorney to take such other actions as may be reasonably necessary to implement the intent of this resolution.

Adopted at the regular meeting of the City Council of the City of Hampton, Virginia held on June 20, 2007.

Signed by _____
Ross A. Kearney, II, Mayor

Date _____

Attested by _____

Katherine K. Glass
Clerk of the Council

Date _____