



*Commonwealth of Virginia*

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**VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY  
ENFORCEMENT ACTION - ORDER BY CONSENT  
ISSUED TO  
ENERGIX EPC US LLC, WAVERLY SOLAR, LLC and CADEN ENERGIX  
AXTON LLC  
FOR  
AXTON SOLAR PHASE 1, AXTON SOLAR PHASE 2, AXTON SOLAR  
PHASE 3, WAVERLY SOLAR PHASE 2, WYTHEVILLE SOLAR,  
BUCKINGHAM II SOLAR, and WAVERLY SOLAR PHASE 3  
Virginia Pollutant Discharge Elimination System Permit Nos. VAR10P781,  
VAR10R609, VAR10S146, VAR10R839, VAR10O685, VAR10K840,  
VAR10R284  
Virginia Water Protection General Permit No. WP2-22-1720**

**SECTION A: Purpose**

This is a Consent Order issued under the authority of Va. Code §§ 62.1-44.15, 62.1-44.15:25, and 62.1-44.15:48, between the Virginia Department of Environmental Quality and Energix EPC US LLC (“Energix EPC”), on behalf of Caden Energix Axton LLC and Waverly Solar, LLC (together with Energix EPC, collectively, “the parties” or “Energix”), regarding Axton Solar Phase 1, Axton Solar Phase 2, Axton Solar Phase 3, Waverly Solar Phase 2, Waverly Solar Phase 3, Wytheville Solar, and Buckingham II Solar (Sites), for the purpose of resolving certain violations of the State Water Control Law and the applicable permit and regulations. Because the Parties are under common management and control and Energix EPC has operational responsibility for the construction of the Sites for and on behalf of the Parties, this Order is being executed by Energix EPC. This Order supersedes and terminates the Order issued by the Department to Energix EPC on May 1, 2023 for Axton Solar Phase 2, Pamplin Solar, Sol Leatherwood Solar, Wytheville Solar, Hollyfield II Solar, Rives Road Solar and Buckingham II Solar.

## **SECTION B: Definitions**

Unless the context clearly indicates otherwise, the terms have the meanings assigned to them in Va. Code § 62.1-44.2 *et seq.*, § 62.1-44.15:24 *et seq.*, the Virginia Stormwater Management Program (VSMP) Regulation at 9 VAC 25-870-10., the General VPDES Permit for Discharges of Stormwater from Construction Activities at 9 VAC 25-880-1, and the Virginia Water Protection Permit Program Regulation at 9VAC25-210-10.

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

### Site 1- Axton Solar Phase 1

1. Caden Energix Axton LLC (Caden Energix) is a business entity authorized to do business in Virginia and references to Caden Energix Axton LLC include its affiliates, partners, and subsidiaries. Caden Energix Axton LLC is a “person” within the meaning of Va. Code § 62.1-44.3.
2. Caden Energix owns operates the Axton Solar Phase 1 site located at latitude 36.6482 and longitude -79.7049 near 374 Centerville Rd in Axton, Virginia, located in Henry County (Site 1) from which stormwater associated with construction activity is discharged.
3. DEQ is the Virginia Stormwater Management Program (VSMP) authority for Site 1.
4. On October 28, 2022, DEQ granted coverage to Caden Energix under the General VPDES Permit for Discharges of Stormwater from Construction Activities, No. VAR10, promulgated at 9 VAC 25-880-70, which was issued under the State Water Control Law and VSMP Regulations, and the General Permit Regulation on July 1, 2019 and which expires on June 30, 2024 (2019 Permit). Caden Energix was assigned registration number VAR10P781.
5. The 2019 Permit allows Caden Energix to discharge stormwater associated with construction activities from Site 1 to Cascade Creek, Smith River, Fall Creek, and Upper Sandy River unnamed tributary, in strict compliance with the terms and conditions of the 2019 Permit.
6. The receiving waters are surface waters located wholly within the Commonwealth and are “state waters” under the State Water Control Law.
7. DEQ staff conducted inspections of Site 1 on March 8, 2023, June 21, 2023, July 19, 2023, August 22, 2023, December 6, 2023, February 23, 2024, and May 8, 2024.
8. During the inspection on March 8, 2023, it was observed that the banks of the stream crossing between Zones B & C were not stabilized immediately in accordance with

Minimum Standard 15. See 9VAC25-870-54(B) and 9VAC25-840-40(15). DEQ confirmed corrective actions were completed during the June 21, 2023 inspection.

9. During the inspection on July 19, 2023, the contractor stated that the grading plan was revised to flatten out steep grades, eliminating the need for one or more stormwater conveyance channels (SCC). During the inspection of Site 1 on August 22, 2023, the Operator stated that a plan modification was being prepared but was unaware of the scope of the changes to be included in the modified stormwater management plan. The approved erosion and sediment control and stormwater plans had not been adjusted to document the change in grading, elimination of SCCs, or re-analyze the effect of these changes on stormwater runoff. See 9VAC25-870-54(A)-(C) and Permit Part II.C(1)-(2). Energix submitted a plan modification on November 30, 2023. On December 26, 2023, DEQ completed its review and sent comments to Energix. On February 14, 2024, Energix submitted revisions to DEQ. On February 16, 2024 and March 13, 2024, DEQ issued additional comments on the plan modification. DEQ approved the stormwater plan modification on May 8, 2024.
10. During the March 8, 2023, June 21, 2023, July 19, 2023, and August 22, 2023, December 6, 2023, and February 23, 2024 inspections of Site 1 it was observed that sediment trapping measures had not been made functional in accordance with the approved erosion and sediment control plan prior to the occurrence of upslope land disturbing activities. See 9VAC25-840-40(4), 9VAC25-840-40(7), 9VAC25-870-54(B), and Permit Part II.B.2.c(9).
  - a. Sediment traps and basins were not properly installed.
    - i. During the March 8, 2023 inspection, the dewatering structure was not installed properly on SBA1 and SBA 3 resulting in no wet storage volume for the basins.
    - ii. During the June 21, 2023 inspection, SBA1, SBA3, SBA4, SBA5, SBA6, SBA7, SBA10 and SBA11 did not have dewatering structures in accordance with the approved plan and lacked the design wet storage component. Sediment basin riser structures were installed with the permanent riser trash rack instead of the temporary riser, which includes an anti-vortex plate. During the inspection of Site 1 on June 21, 2023, the sediment traps were not properly constructed. STA2, STA8, and STA9 did not include smaller stone on the inside face of the outlet weir.
    - iii. During the July 19, 2023 inspection, the contractor had attempted to create a watertight seal between dewatering HDPE pipes and concrete riser pipes with tape. It was observed that the tape had not provided a watertight seal on basins SBA1, SBA3, SBA4, SBA5, SBA6, SBA10, and SBA11 and dewatering structures were not installed in accordance with the approved erosion and sediment control (ESC) plans. The dewatering structure of

SBA7 had not been modified and was still installed incorrectly.

- iv. During the August 22, 2023 inspection, it was observed that sealant had been applied between the HDPE plate and the concrete riser to improve the watertightness of the dewatering structures of sediment basins SBA1, SBA3, SBA4, SBA5, SBA6, SBA10, and SBA11. Sediment basin SBA7 was holding a permanent pool, but others were not. The principal spillway of SBA5 was set higher or at the same elevation as the emergency spillway of SBA5; the plan indicates the emergency spillway should be set 1.0 feet higher than the top of the riser pipe. During an inspection on December 6, 2023, DEQ confirmed that the height of the principal spillway was correct.
  - v. During the December 6, 2023 inspection, DEQ observed that all sediment basins in Phase 1, Zone A (SBA1, SBA3, SBA4, SBA5, SBA6, SBA10, and SBA11) had sealant applied to the HDPE plate at the junction with the concrete riser. Energix explained that some of the basins were holding water but others were not water-tight where corrugated sections of the dewatering structure had been taped to cover perforations and pipe joints. Sediment basins in Phase 1, Zones B and C, had not been sealed and five basins had the original dewatering structures. Energix further explained that it was planning to change all dewatering structures to PVC if approved by Henry County, the Virginia Erosion and Sediment Control Program (VESCP).
  - vi. During the February 23, 2024 inspection, DEQ staff observed basins with new dewatering structures. However, DEQ staff observed that baffles were not installed in basins SBA10, SBA11, SBB1, SBB2, SBB5, SBB6, SBC3 and SBC4. Following the February 23, 2024 inspection, Energix submitted photos to DEQ of the basins with baffles installed.
- b. During the June 21, 2023 inspection, silt fence had been installed along the limits of disturbance prior to the completion of sediment traps and basins. The discharge from the installed traps and basins went to the perimeter fence in several locations causing the silt fence to fail. In addition, several conveyance channels (SCCA8, SCCA9) did not have check dams that were on the approved ESC plan. Stormwater conveyance channel SCCA6 was not constructed, which allowed concentrated flow to bypass sediment basin SBA5. Energix informed DEQ that it received VESCP approval to use alternate check dams and DEQ verified this with the County.
  - c. During the February 23, 2024 inspection, DEQ observed silt fence at the stream crossing in Zone B was not installed in a manner that allows capture of sediment without end-run of stormwater runoff. Runoff from the construction road approaches to the culvert crossing was not diverted to properly installed control

measures. DEQ and Energix discussed installing filter socks as a means of diversion along the top of the road embankment to direct runoff to the silt fence. During DEQ's inspection on May 8, 2024, DEQ observed that the silt fence had been repaired and the filter socks had been installed but required maintenance.

11. During the inspections on June 21, 2023, it was observed that operational stormwater conveyance channels (SCC) SCCA9 and SCCA14 had not been lined with erosion control blanket matting or a vegetative lining as indicated in the approved ESC and stormwater management plan. During the inspection on August 22, 2023, it was observed that the upper end of SCCA14, the channel entering sediment basin SBA10, had been recently regraded in preparation for re-seeding and additional check dams installed, but the lower section of SCCA14 is eroding. It was explained by the Operator that a flexible concrete lining product was being considered for trial application in the lower section of this conveyance. During the inspection on December 6, 2023, channels SCCA9 and SCCA14 had been re-graded but were not stabilized. Following the inspection, Energix sent DEQ pictures of SCCA14 and SCCA9 and stated they had been re-worked and were lined. During a DEQ inspection on February 23, 2024, SCCA14 was not lined with riprap in accordance with the plan modification submitted by Energix and was not otherwise stabilized with channel lining. In addition, roadside ditches along the gravel access road lacked stable channel lining and were eroding. See 9VAC25-870-54(B) and 9VAC25-840-40(11). Following the February 23, 2024 inspection, Energix submitted photos to DEQ documenting corrective actions in the roadside ditches. During DEQ's inspection on May 8, 2024, DEQ confirmed that the roadside ditches were stabilized. During the inspection, DEQ also observed that SCCA14 had been stabilized with channel lining; however, approximately 100 feet at the upper end of the channel was eroding beneath the fabric.
12. During the June 21, 2023, July 19, 2023, August 22, 2023 and December 6, 2023 inspections, the "engineered stormwater ditch", Detail 8 on Sheet C2-203 was not installed per Note 5 on the Site Grading and Drainage Plan Sheets. During the inspection on August 22, 2023, it was observed that the Stormwater Pollution Prevention Plan (SWPPP) contained the approval by the VESCP authority for the use of proprietary fiber stabilization in lieu of the "EC-2" type erosion and sediment control blanket matting. Stormwater conveyance channels directing flow to SBA10 and SBA11 are constructed on the Site but are not included in the approved plans, so it is unknown what type of channel lining is required in these channels. See 9VAC25-870-54(B) and 9VAC25-840-40(11). Energix explained that grading of the site was changed during construction to flatten out steep grades and the installation of the engineered ditch is now impractical. Energix addressed the identification of channel lining materials in the plan modification approved May 8, 2024. Energix did not address the removal of the "engineered stormwater ditch", Detail 8 on Sheet C2-203 per Note 5 on the Site Grading and Drainage Plan Sheets.
13. During the inspection on June 21, 2022, July 19, 2023, August 22, 2023, and December 6, 2023, it was observed that the earthen embankments of sediment traps and sediment

basins had not been immediately stabilized on installation. See 9VAC25-870-54(B) and 9VAC25-840-40(5).

- a. On August 22, 2023, the embankment of STA2 had been recently disturbed by security fence installation and the embankment of SBA5 had been recently disturbed by repair and re-orientation of the riprap outlet protection stone. The cut slope of SBA7 had been regraded and stabilized with EC-2 fabric. On August 22, 2023, it was observed that rill erosion was occurring on the cut slope of SBA10 where it had been observed stabilized on July 19, 2023.
  - b. On December 6, 2023, DEQ observed that temporary slope drains had been added and riprap outlet protection was removed from the base of each slope drain entering SBA10, and the length of pipe extended. Additional pipe was needed to reach the wet storage elevation. The slopes above traps and basins STA2, SBA3, SBA4, SBA5, SBA6, SBA7, STA9, and SBA10 were being re-worked and stabilized. Energix submitted photographs of corrective actions and during the February 23, 2024 inspection, DEQ observed that the slopes were stabilized.
14. During the inspection on June 21, 2023, and July 19, 2023, it was observed that culvert inlet protection had not been installed on SCCA14. During the inspection on August 22, 2023, it was observed that culvert discharging into SCCA14 had been cleaned out, the channel recently re-graded, and check dams installed. Culvert inlet protection had not been installed. See 9VAC25-870-54(B) and 9VAC25-840-40(10). During the December 6, 2023 inspection, DEQ observed that the inlet protected had been installed at SCCA14. However, during the February 23, 2024 inspection, DEQ observed that culvert inlet protection was not installed at four culverts: two culverts crossing the main access road, a culvert crossing between Zone B and Zone C, the culvert at the access road intersection that drains to SBA11. Following the February 23, 2024 inspection, Energix submitted photographs to DEQ of the installation of culvert inlet protection.
15. During the February 23, 2024 inspection, DEQ observed that culvert inlet protection along the gravel access road in Phase 1 had not been maintained and check dams along the gravel access road had not been maintained. See 9VAC25-870-54(B), 9VAC25-840-60(A), and Permit Part II.F.1. Energix submitted photographs to DEQ following the February 23, 2024 inspection documenting corrective actions.
16. During the inspections on June 21, 2023, July 19, 2023, August 22, 2023, and December 6, 2023, it was observed that there were large portions of the Site in a denuded and not stabilized condition. During the inspection on February 23, 2024, there was significant progress in stabilization but areas remained denuded including rills and the slope above basin SBA5, rills and the area around basin SBB1, laydown areas that did not have adequate cover above basins SBC2, SBC3 and SBC4, and the areas beneath the arrays above basin SBA10, sediment trap STC1, and basin SBC4. See 9VAC25-870-54(B), 9VAC25-840-40(1) and Permit Part II.B.2.c(8). During DEQ's inspection on May 8,

2024, DEQ observed that the site was temporarily stabilized.

17. During the inspections on June 21, 2023 and July 19, 2023, discharges from installed traps and basins were to the perimeter silt fence, which caused the silt fence to fail. Since June 21, 2023, an attempt was made to separate the discharge from the completed basins but concentrated runoff still flowed to the perimeter silt fence during the July 19, 2023 inspection. The silt fence installed to separate the flow paths was incorrectly installed-not entrenched and not spliced with a watertight connection. During the July 19, 2023 and August 22, 2023 inspections, it was observed that sections of silt fence that had been repaired were not made with watertight splices. See 9VAC25-840-60(A) and 9VAC25-870-54(B). During the December 6, 2023 inspection, DEQ observed that the silt fence that was previously identified as improperly spliced had been repaired and replaced with sections of silt fence that were properly spliced.
18. During the inspections on July 19, 2023, and August 22, 2023, it was observed that there were temporary slope drains (TSD) installed in SBA4 and SBA10. The TSD in SBA10 did not extend to the toe of the basin slope. The TSDs practices are not identified on the approved erosion and sediment control plan. In addition, concentrated runoff was flowing down basin slopes creating erosion in SBA3, SBA4, SBA5, SBA6, SBA7, STA9, SBA10, and SBA11. See 9VAC25-840-40(7), 9VAC25-840-60, 9VAC25-870-54(B) and Permit Part II.C(1)-(2). During the inspection on December 6, 2023, the temporary slope drains were extended to the toe of the basin slope. Energix indicated it plans to address areas of concentrated discharges in a plan modification.
19. Based on the results of the March 8, 2023, June 21, 2023, July 19, 2023, August 22, 2023, December 6, 2023, February 23, 2024, and May 8, 2024 inspections, the Department concludes that Caden Energix violated 9VAC25-870-54(A-C), 9VAC25-840-60(A), 9VAC25-840-40(1), (4), (5), (7), (10), (11), and (15), and 2019 Permit Parts II.C(1-2), II.B.2.c(9), II.F.1, and II.B.2.c(8), as described in paragraphs C (8) through (18) of this Order.

#### Site 2- Axton Solar Phase 2

20. Caden Energix Axton LLC (Caden Energix) is a business entity authorized to do business in Virginia and references to Caden Energix Axton LLC include its affiliates, partners, and subsidiaries. Caden Energix Axton LLC is a "person" within the meaning of Va. Code § 62.1-44.3.
21. Caden Energix owns operates the Axton Solar Phase 2 site located at latitude 36.6268 and longitude -79.7035 near 374 Centerville Rd in Axton, Virginia, located in Henry County (Site 2) from which stormwater associated with construction activity is discharged.
22. DEQ is the Virginia Stormwater Management Program (VSMP) authority for Site 2.

23. On September 27, 2022, DEQ granted coverage to Caden Energix under the General VPDES Permit for Discharges of Stormwater from Construction Activities, No. VAR10, promulgated at 9 VAC 25-880-70, which was issued under the State Water Control Law and VSMP Regulations, and the General Permit Regulation on July 1, 2019 and which expires on June 30, 2024 (2019 Permit). Caden Energix was assigned registration number VAR10R609.
24. The 2019 Permit allows Caden Energix to discharge stormwater associated with construction activities from Site 2 to Cascade Creek, Smith River, and Fall Creek, in strict compliance with the terms and conditions of the 2019 Permit.
25. The receiving waters are surface waters located wholly within the Commonwealth and are “state waters” under the State Water Control Law.
26. DEQ staff conducted inspections of Site 2 on May 12, 2023, June 22, 2023, July 18, 2023, December 14, 2023, February 20, 2024, and May 9, 2024.
27. During the inspections on June 22, 2023, July 18, 2023, and December 14, 2023 it was observed that sediment traps and basins had not been made functional in accordance with the approved erosion and sediment control plan prior to the occurrence of upslope land disturbing activities. See 9VAC25-870-54(B) and 9VAC25-840-40(4).
  - a. On June 22, 2022, it was observed that construction of SBC12, SBC7, SBC 8 was not completed. On July 18, 2022, it was observed that construction of SBC11 was halted due to the presence of bedrock. Construction of SBE1, SBE2, and SBE4 was not complete. SBD3 and SBD6 were not constructed. Clearing, grubbing, and de-stumping had occurred upslope of the locations where the basins were to be installed.
  - b. On December 14, 2023, the wooden baffles were not installed on SBC11, SBE02, STE03, and SBE04. The concrete risers of SBC11 were leaking which allowed intrusion of the more heavily sediment laden water of the wet storage of the sediment basin to enter the riser structure.
28. During the inspection on February 20, 2024, baffles were not installed on F03, F04, D02 and E02 even though the approved erosion and sediment control plan indicates baffles should be installed. Modified plans submitted by Energix indicate baffles should be installed on sediment traps STC 11 B and 11C and no baffles were installed. 9VAC25-870-54(B). Energix submitted photographs to DEQ documenting the installation of baffles in all the basins except F1 and F4. Energix stated it encountered rock when trying to install the posts. DEQ explained that a plan modification would need to be submitted for the two basins where the baffles cannot be installed. On April 18, 2024, Energix informed DEQ that it found a way to install the baffles and that the installation would be completed by the end of the week.



29. During the inspections on June 22, 2023, July 18, 2023, December 14, 2023 and February 20, 2024, it was observed that a vehicular stream crossing and dirt access road had been constructed across Cascade Creek outside the approved limits of disturbance within the existing overhead electrical transmission utility right of way. The vehicular stream crossing was not indicated on the approved erosion & sediment control plan nor the approved stormwater management plan and has not been approved by the VESCP or VSMP authorities. See 9VAC25-870-54(A)-(C) and Permit Part II.C(1)-(2). Energix submitted photographs demonstrating the removal of the stream crossing and DEQ confirmed the removal during the inspection on May 9, 2024.
30. During the inspection on June 22, 2023, and July 18, 2023, it was observed that operational stormwater conveyance channels had not been lined with erosion control blanket matting or a vegetative lining as indicated on the approved plan. On July 18, 2023, it was observed that the channel lining indicated on the approved plan for SCCE1 had not been installed, nor had it been directed to flow into sediment basin SBE1 as indicated on the approved ESC and stormwater management plans. As installed, the terminal end of SCCE1 discharged directly into a stream channel, there was no outlet protection at the terminal end of SCCE1, and the silt fence at the end of SCCE1 had failed and was not being maintained. There was evidence that SCCE1 was discharging sediment directly to a stream without adequate perimeter controls in place. See 9VAC25-840-40(11), 9VAC25-870-54(A)-(C) and Permit Part II.C(1)-(2). During the DEQ inspection on December 14, 2023, the SCCE1 was lined with riprap and a culvert had been installed under the access road to direct flows from SCCE1 to SBE1. DEQ verified that SCCE1 does discharge to basin SBE1, not the stream.
31. During the December 14, 2023 inspection, DEQ observed that SCCE4 had not been lined with riprap. There were multiple channels that did not have adequate lining and were eroding. During the inspection on February 20, 2024, stormwater conveyance channels SCCF5, SCCF6, SCCD3 and SCCD9 were not adequately stabilized with channel lining. See 9VAC25-840-40(11), 9VAC25-870-54(B). On April 2, 2024, Energix submitted photographs of corrective actions.
32. During the inspection on June 22, 2023, it was observed that rip-rap outlet protection installed at the ends of the discharge barrels of sediment basins was not installed in accordance with the approved ESC plans. See 9VAC25-840-40(11) and 9VAC25-870-54(B). During the inspection on December 14, 2023, DEQ observed that the rip-rap outlet protection was installed in accordance with the approved plans.
33. During the inspections on June 22, 2023, July 18, 2023, December 14, 2023 and February 20, 2024, it was observed that the earthen embankments of sediment traps and sediment basins had not been immediately stabilized on installation. See 9VAC25-840-40(5) and 9VAC25-870-54(B).

- a. On June 22, 2023, the earthen embankments of sediment traps and basins had not been immediately stabilized on installation including SBC 12, SBC 7, and SBC 8.
  - b. During the inspection of Site 2 on July 18, 2023, it was observed that the earthen embankments of sediment traps and sediment basins had not been immediately stabilized on installation, including SBE1, SBE2, and SBE4. Temporary earthen “water bars” installed in the drainageways to the locations designated for SBD3 and SBD 6 were not immediately stabilized upon installation.
  - c. During the inspection on December 14, 2023, some of the basin embankments still required stabilization. The downstream faces of the earthen embankments of SB1 and SBE4 had been disturbed and required stabilization. Rills and erosion on the basin slopes were continuing due to concentrated flows at the top of the slopes going down poorly stabilized slope faces.
  - d. During the inspection on February 20, 2024, portions of the earthen embankments of sediment basins F03 and the downstream face of sediment basin F04, the earthen embankment of STD10, the repaired portion of the failed earthen embankment of STC11C and portions of the earthen embankment of sediment basin D02 required stabilization. Energix submitted photographs of corrective actions following the February 20, 2024 inspection.
34. During the inspections on June 22, 2023, evidence of concentrated stormwater flows being discharged down the face of the denuded faces of cut and fill slopes resulting in the presence of erosive rills and gullies was observed. During inspection of Site 2 on July 18, 2023, it was observed that the cut side slopes of several sediment basins were not stabilized with permanent, or temporary stabilization. During the inspection on December 14, 2023, DEQ observed the side slopes of SBC 12 were denuded and required stabilization. DEQ also observed erosion and gullies on the cut slopes of STC11A, SBE1 and SBE2. During the inspection on February 20, 2024, erosion gullies were observed on the cut slopes of sediment basins F03, F04, E01 and E02 indicating the concentrated stormwater runoff was being discharged down the face of the cut slopes. See 9VAC25-840-40(7), 9VAC25-840-40(8), and 9VAC25-870-54(B). Energix submitted photographs of corrective actions following the February 20, 2024 inspection.
35. During the inspections on June 22, 2023, July 18, 2023, and December 14, 2023, it was observed that there were large portions of the Site in a denuded, unstabilized condition. Portions of Site 2 had been disturbed and land disturbance ceased for a period of 14 days or more but had not been stabilized. During the inspection on February 20, 2024, DEQ observed that the overall site stabilization had improved but areas were still not adequately stabilized including portions of Area F, portions of the areas around basin D02, the area adjacent to the inverter in area E, the slope located between the diversion channel to the north of sediment basin STC 11C and the limits of disturbance on the eastern perimeter of the site. See 9VAC25-840-40(1), 9VAC25-870-54(B), and Permit

Part II.B.2.c(8).

36. During inspections on June 22, 2023, July 18, 2023, December 14, 2023, and February 20, 2024, erosion and sediment controls were not maintained to ensure continued performance of their intended function. See 9VAC25-870-54(B) and 9VAC25-840-60(A).
- a. During the inspection on June 22, 2023, sediment accumulations were observed in several sediment basins as a result of upslope erosion. Sediment accumulations on the upstream side of check dams required removal to ensure the check dams functioned correctly.
  - b. On July 18, 2023, DEQ staff observed several locations where silt fence required maintenance.
  - c. On December 14, 2023, DEQ staff observed sediment accumulations against the upstream face of the check dams which was exacerbating the sediment loading in the conveyance channels. DEQ also observed sediment accumulations in sediment traps, sediment basins, and stormwater conveyance channels that required removal. Erosion rills and gullies required repair.
  - d. During the inspection on February 20, 2024, DEQ staff observed that the check dam accumulations were removed. DEQ also observed evidence of the end running of triangular silt dikes resulting in erosion of the bank of SCCD3. An erosion gully was observed in the PV array area above sediment basin D02. Sediment had accumulated in sediment basin F03 and required removal. Sediment accumulations in the culvert receiving stormwater runoff from SCCE1 which directs stormwater into sediment basin E01 require removal to restore the culvert volume capacity. The area to the west of sediment trap 11C was impacted by sediment transport. A portion of the slope above sediment trap 11B had collapsed and needed to be repaired. An erosion gully had formed at the eastern end of the permanent stream crossing at the entrance to area E. Energix submitted photographs of corrective actions following the February 20, 2024 inspection.
37. During the inspection on July 18, 2023, it was observed that soil stockpiles were not provided with sediment trapping measures. See 9VAC25-840-40(2) and 9VAC 25-870-54(B). During the DEQ inspection on December 14, 2023, DEQ observed that this item had been corrected.
38. During the inspection on July 18, 2023, DEQ staff observed sediment deposits in the natural channel at the northeast side of the permanent stream crossing, which was receiving stormwater runoff being contributed by SCCE1 instead of the stormwater being directed into the northern portion of SBE1. A method of intercepting sediment laden runoff from the southern dirt approach road at the unpermitted temporary vehicular stream crossing between areas D and F was not observed to prevent sediment from

entering the surface waters of the stream. See 9VAC28-870-54(B) and 9VAC840-40(12). During the DEQ inspection on December 14, 2023, DEQ observed that the contributing drainage from SSCE1 has been diverted to SBE1 via a culvert under the access road that crosses the permanent stream crossing.

39. Based on the results of the May 12, 2023, June 22, 2023, July 18, 2023, December 14, 2023, February 20, 2024, and May 9, 2024 inspections, the Department concludes that Caden Energix violated 9VAC25-870-54(A-C), 9VAC25-840-60(A), 9VAC25-840-40(1), (2), (4), (5), (7), (8), (11), (12) and 2019 Permit Parts II.C(1-2) and II.B.2.c(8), as described in paragraphs C (27) through (38) of this Order.

### Site 3- Axton Solar Phase 3

40. Caden Energix Axton LLC (Caden Energix) is a business entity authorized to do business in Virginia and references to Caden Energix Axton LLC include its affiliates, partners, and subsidiaries. Caden Energix Axton LLC is a “person” within the meaning of Va. Code § 62.1-44.3.
41. Caden Energix owns operates the Axton Solar Phase 3 site located at latitude 36.6267 and longitude -79.7035 near 374 Centerville Rd in Axton, Virginia, located in Henry County (Site 3) from which stormwater associated with construction activity is discharged.
42. DEQ is the Virginia Stormwater Management Program (VSMP) authority for Site 3.
43. On February 16, 2023, DEQ granted coverage to Caden Energix under the General VPDES Permit for Discharges of Stormwater from Construction Activities, No. VAR10, promulgated at 9 VAC 25-880-70, which was issued under the State Water Control Law and VSMP Regulations, and the General Permit Regulation on July 1, 2019 and which expires on June 30, 2024 (2019 Permit). Caden Energix was assigned registration number VAR10S146.
44. The 2019 Permit allows Caden Energix to discharge stormwater associated with construction activities from Site 3 to Cascade Creek, Smith River, Fall Creek, in strict compliance with the terms and conditions of the 2019 Permit.
45. The receiving waters are surface waters located wholly within the Commonwealth and are “state waters” under the State Water Control Law.
46. DEQ staff conducted inspections of Site 3 on July 18, 2023, December 14, 2023, and February 20, 2024.
47. During the inspection on July 18, 2023, DEQ staff observed portions of the Site in a denuded and unstabilized condition, including lack of soil stabilization at stream crossings 1 and 2. During the inspection on December 14, 2023, DEQ staff observed that

the stream banks at crossings 1 and 2 located within the limits of disturbance required stabilization. The disturbed area behind the headwall but outside of the silt fence required stabilization. See 9VAC25-870-54(B), 9VAC25-840-40(1), 9VAC25-840-40(15) and Permit Part II.B.2.c(8). During an inspection on February 20, 2024, DEQ confirmed that this area had been stabilized.

48. During the inspection on July 18, 2023, DEQ staff observed a soil stockpile that was not provided with sediment trapping measures or stabilized upgradient of stream crossing 2. See 9VAC25-840-40(2) and 9VAC 25-870-54(B). During an inspection on December 14, 2023, DEQ observed that this had been corrected.
49. During the inspection on July 18, 2023, it was observed that there was a ruptured filter sock located near stream crossing 2 that required repair or replacement. See 9VAC25-870-54(B) and 9VAC25-840-60(A). During an inspection on December 14, 2023, DEQ observed that this had been corrected.
50. During the inspection on December 14, 2023, DEQ staff observed that sediment had accumulated on the rip-rap outlet protection at stream crossings 1 and 2 and required removal. An erosive head cut was forming on the bank of the stream upstream of the twin culverts at stream crossing 1. Silt fence at both stream crossings 1 and 2 required maintenance and repair. See 9VAC25-870-54(B) and 9VAC25-840-60(A). During an inspection on February 20, 2024, DEQ observed that this had been corrected.
51. Based on the results of the July 18, 2023, December 14, 2023, and February 20, 2024 inspections, the Department concludes that Caden Energix violated 9VAC25-870-54(B), 9VAC25-840-60(A), 9VAC25-840-40(1), (2), (15) and 2019 Permit Parts II.C(1-2), II.B.2.c(9), II.F.1, and II.B.2.c(8), as described in paragraphs C (47) through (50) of this Order.

#### Site 4- Waverly Solar Phase 2

52. Energix EPC US LLC (Energix) is a business entity authorized to do business in Virginia and references to Energix EPC US LLC include its affiliates, partners, and subsidiaries. Energix EPC US LLC is a “person” within the meaning of Va. Code § 62.1-44.3.
53. Energix owns operates the Waverly Solar Phase 2 site located at latitude 37.0351 and longitude -77.1486 off Beef Steak Road, in Waverly, Virginia (Site 4) from which stormwater associated with construction activity is discharged.
54. DEQ is the Virginia Stormwater Management Program (VSMP) authority for Site 4.
55. On March 29, 2023, DEQ granted coverage to Energix under the General VPDES Permit for Discharges of Stormwater from Construction Activities, No. VAR10, promulgated at 9 VAC 25-880-70, which was issued under the State Water Control Law and VSMP Regulations, and the General Permit Regulation on July 1, 2019 and which expires on

June 30, 2024 (2019 Permit). Energix was assigned registration number VAR10R839.

56. The 2019 Permit allows Energix to discharge stormwater associated with construction activities from Site 4 to Assamoosick Swamp and Pigeon Swamp, in strict compliance with the terms and conditions of the 2019 Permit.
57. The receiving waters are surface waters located wholly within the Commonwealth and are “state waters” under the State Water Control Law.
58. On December 9, 2022, DEQ issued Waverly Solar, LLC coverage under VWP General Permit WP2-22-1720 and authorized surface water impacts as depicted on impact maps and sheets received by DEQ. Energix received authorization from DEQ to modify the VWP permit on September 29, 2023. See VWP General Permit WP2-22-1720 and coverage letter.
59. DEQ staff conducted inspections of Site 4 on July 17, 2023, July 31, 2023, December 28, 2023, February 6, 2024, and May 2, 2024.
60. During the inspection on July 17, 2023, DEQ staff observed that Zone D had all clearing done within the limits of disturbance of the section inspected and perimeter controls were partially installed with no sediment basins or traps nor a construction entrance installed. Zone B had all clearing done, but did not have perimeter controls, a construction entrance, and installation of basins was still in progress. Zone A was in the process of being cleared and did not have a construction entrance or basins. The construction activity was not consistent with the sequence from the erosion and sediment control phase 1 construction sequence seen in the approved plan page C.7.03. See 9VAC25-870-54(B)-(C) and 9VAC25-840-40(4).
61. During the inspection on July 17, 2023, DEQ staff observed operational stormwater conveyance channels and sediment basin slopes in Zone B that lacked stabilization. See 9VAC25-870-54(B), 9VAC25-840-40(5) and 9VAC25-840-40(11). During the December 28, 2023 inspection, DEQ observed that this has been corrected.
62. The silt fence joints in Zone B and D were improperly joined together. See 9VAC25-870-54(B), 9VAC25-840-60(A) and Permit Part II.F(1). During the December 28, 2023 inspection, DEQ continued to observe silt fence joints that were not properly joined together. On January 12, 2024, Energix submitted photographs to DEQ documenting corrective actions.
63. On July 31, 2023, DEQ Virginia Water Protection (VWP) staff conducted a site inspection. DEQ staff observed approximately 0.19 acre of Palustrine Forested (PFO) Wetland impacted by the accumulation of 1-8” of sediment deposition in surface waters near Stormwater Basins 11, 20, 21, 22, and 24. This impact was not authorized by the VWP permit. See Va. Code §62.1-44.15:20(A), 9VAC25-210-50(A), and VWP General Permit WP2-22-1720 Part I.B.5. During the December 28, 2023 inspection, DEQ

observed that the sediment had been cleaned up and seed/straw was applied.

64. During the December 28, 2023 inspection, DEQ staff observed that the southern perimeter next to stormwater management facility PB24 was eroding. DEQ staff also observed rill erosion underneath panel arrays and through security fencing towards PB19 and rill erosion coming from panel arrays towards the stormwater conveyance channel near PB14. Rill erosion was also observed near the perimeter next to PB13 and uphill from and into the stormwater conveyance channel next to PB13. Multiple erosion rills were observed under panel arrays into the stormwater conveyance channel between PB15 and PB16. See 9VAC25-870-54(B), 9VAC25-840-40(1), and Permit Part II(F)(1). On January 12, 2024, Energix submitted photos documenting corrective actions for everything except the rill erosion underneath panel arrays and through the security fencing towards PB19 and the rills from panel arrays to the stormwater conveyance channel near PB14. On March 20, 2024, Energix submitted an email to DEQ stating that it expected to have the rills above PB19 fixed by March 27, 2024 and the rills above PB14 fixed by April 3, 2024. On April 3, 2024, Energix informed DEQ that the rills above PB14 would not be fixed until April 13, 2024. On April 30, Energix submitted an updated schedule to DEQ with an anticipated completed date of May 31, 2024.
65. During the December 28, 2023 inspection, DEQ staff observed the western slope of stormwater management facility PB24 was eroding under the matting and the northeastern slope of PB15 was also eroding. The stormwater conveyance channel near PB22 was filled with sediment between check dams and there was erosion and sediment build up between check dams in the stormwater conveyance channel leading to PB13. The stormwater conveyance channel between PB15 and PB16 was eroding. See 9VAC25-870-54(B), 9VAC25-840-40(1), 9VAC25-840-40(5), and Permit Part II.F. On January 12, 2024, Energix submitted photos to DEQ documenting corrective actions.
66. During the December 28, 2023 inspection, DEQ staff observed that the PB25 outfall pipe was filled with sediment and did not have flared end sections. The PB19 and PB14 outfall pipes were broken. See 9VAC25-870-54(B), Permit Part II.F and 9VAC25-840-40(11). On January 12, 2024, Energix submitted pictures of corrective actions.
67. During the December 28, 2023 inspection, DEQ staff observed that trash was strewn throughout the site including just outside the limits of disturbance. See Permit Part II.B.4.e(6) and 9VAC25-870-56. On January 12, 2024, Energix submitted photos documenting corrective actions.
68. The discharge of fill material to a wetland without a Permit is a violation of Va. Code § 62.1-44.15:20 and 9 VAC 25-210-50.
69. Based on the results of the July 17, 2023, December 28, 2023, and May 2, 2024 inspections, the Department concludes that Energix violated § 62.1-44.15:20(A), 9VAC25-210-50(A), 9VAC25-870-54(B) and (C), 9VAC25-870-56, 9VAC25-840-60(A), 9VAC25-840-40(1), (4), (5), and (11), VWP General Permit WP2-22-1720 Part

I.B.5 and 2019 Permit Parts II.F.1 and II.B.4.e(6), as described in paragraphs C (60) through (67) of this Order.

Site 5- Wytheville Solar

70. Energix EPC US LLC (Energix) is a business entity authorized to do business in Virginia and references to Energix EPC US LLC include its affiliates, partners, and subsidiaries. Energix EPC US LLC is a “person” within the meaning of Va. Code § 62.1-44.3.
71. Energix owns operates the Wytheville Solar site located at latitude 36.9637 and longitude -81.0489 off Lovers Ln, in Wytheville, located in Wythe County, Virginia (Site 5) from which stormwater associated with construction activity is discharged.
72. DEQ is the Virginia Stormwater Management Program (VSMP) authority for Site 5.
73. On October 8, 2021, DEQ granted coverage to Energix under the General VPDES Permit for Discharges of Stormwater from Construction Activities, No. VAR10, promulgated at 9 VAC 25-880-70, which was issued under the State Water Control Law and VSMP Regulations, and the General Permit Regulation on July 1, 2019 and which expires on June 30, 2024 (2019 Permit). Energix was assigned registration number VAR10O685.
74. The 2019 Permit allows Energix to discharge stormwater associated with construction activities from Site 5 to Reed Creek Muskrat Branch, in strict compliance with the terms and conditions of the 2019 Permit.
75. The receiving waters are surface waters located wholly within the Commonwealth and are “state waters” under the State Water Control Law.
76. DEQ staff conducted inspections of Site 5 on May 16, 2023, July 25, 2023, September 11, 2023, December 19, 2023, and March 19, 2024.
77. During DEQ inspections on May 16, 2023, July 25, 2023, and September 11, 2023, DEQ staff observed that sequencing of the project had not been implemented in accordance with the approved erosion and sediment control and stormwater management plans. Sediment traps and basins were not installed in accordance with 9VAC25-840-40(6) and the approved plan. The basins had not yet been lined to ensure the appropriate wet and dry storage volumes are maintained as required by the regulation. See 9VAC25-840-40(6), 9VAC25-870-54(B-C), and Item #3 of Appendix C of the Consent Order Effective May 1, 2023 and Va. Code § 62.1-44.31. During an inspection on December 19, 2023, DEQ observed that the construction at Site 5 has progressed to the point that temporary basins and traps are being incrementally removed. DEQ has discussed the removal and timeline with Energix as well as the need to submit plan modifications should Energix choose to leave basins in place.



78. During DEQ inspections on May 16, 2023, July 25, 2023, and September 11, 2023, DEQ staff observed concentrated runoff discharging over cut and fill slopes that were not contained in an adequate temporary or permanent slope conveyance structure. See 9VAC25-840-40(8), 9VAC25-870-54(B) and Permit Part II.B.2.c. During the December 19, 2023 inspection, DEQ staff observed that this item from the NOV had been corrected.
79. During DEQ inspections on May 16, 2023, July 25, 2023, September 11, 2023, and March 19, 2024, DEQ staff observed that sediment control measures were not being properly maintained in an effective operating condition. See 9VAC25-870-54(B), 9VAC25-840-60(A), and Permit Part II.F.1.
80. During the DEQ inspection on December 19, 2023, DEQ staff observed that the SWPPP had not been updated to document areas that have reached final stabilization and the approved modification to the SWM plan was not included in the SWPPP. See 9VAC25-870-54(C), 9VAC25-870-54(G), Permit Part II.B.3, and Permit Part II.C.4.c. On December 20, 2023, Energix submitted an email with corrective actions.
81. During the DEQ inspection on December 19, 2023 and March 19, 2024, DEQ staff observed that outlet protection and channel lining had not been installed in accordance with the approved plans. See 9VAC25-870-54(B), 9VAC25-840-40(11), and Permit Part II.B.2.c.
82. During the DEQ inspection on March 19, 2024, DEQ staff observed that compost amended soils were not incorporated in the installed vegetated filter strips in accordance with the approved stormwater management plan. Energy dissipators were not installed at the outlet of SCC8 and the outlet of Pipe 7-5 in accordance with the approved plans. DEQ staff also observed that rock check dams were not properly installed in ditches VFS 23-2 and VFS 22-1 and ditch 3-3 East required removal per the approved plans. The rock outlet of the ditch into VFS 23-2 and the culvert outlet to TSB 5-2 were not properly installed in accordance with the approved plan and the erosion and sediment control minimum standards. See 9VAC25-870-54(B) and (C), 9VAC25-840-40(11), 9VAC25-840-60.A.
83. Based on the results of the May 16, 2023, July 25, 2023, September 11, 2023, December 19, 2023, and March 19, 2024 inspections, the Department concludes that Energix violated the May 1, 2023 consent order, § 62.1-44.31, 9VAC25-870-54(B), (C), and (G), 9VAC25-840-60(A), 9VAC25-840-40(6), (8), and (11), and 2019 Permit Parts II.F.1, II.B.2.c, II.B.3 and II.C.4.c, as described in paragraphs C (77) through (82) of this Order.

Site 6- Buckingham II Solar

84. Energix EPC US LLC (Energix) is a business entity authorized to do business in Virginia and references to Energix EPC US LLC include its affiliates, partners, and subsidiaries. Energix EPC US LLC is a “person” within the meaning of Va. Code § 62.1-44.3.

85. Energix owns operates the Buckingham II Solar site located at latitude 37.5003 and longitude -78.3808 at 23 Highrock Rd in Buckingham, Virginia (Site 6) from which stormwater associated with construction activity is discharged.
86. DEQ is the Virginia Stormwater Management Program (VSMP) authority for Site 6.
87. On August 28, 2020, DEQ granted coverage to Energix under the General VPDES Permit for Discharges of Stormwater from Construction Activities, No. VAR10, promulgated at 9 VAC 25-880-70, which was issued under the State Water Control Law and VSMP Regulations, and the General Permit Regulation on July 1, 2019 and which expires on June 30, 2024 (2019 Permit). Energix was assigned registration number VAR10K840.
88. The 2019 Permit allows Energix to discharge stormwater associated with construction activities from Site 6 to Buffalo Creek and Payne Creek unnamed tributary, in strict compliance with the terms and conditions of the 2019 Permit.
89. The receiving waters are surface waters located wholly within the Commonwealth and are “state waters” under the State Water Control Law.
90. DEQ staff conducted inspections of Site 6 on May 30, 2023, July 31, 2023, and December 12, 2023.
91. During the DEQ inspections on May 30, 2023 and July 31, 2023, DEQ staff observed that Basin 28 was ponding and stabilization was lacking at the bottom of the basin. See 9VAC25-870-54(B), 9VAC25-840-40(1), 9VAC25-840-60(A), Item #1.a, 1.e, and 2.b of Appendix F of the Consent Order between DEQ and Energix effective May 1, 2023. During an inspection on December 12, 2023, DEQ confirmed that this had been corrected.
92. During the December 12, 2023 inspection, DEQ staff observed erosion occurring at a temporary access road next to Basins 8, 9 and 10. A portion of a slope on Basin 32 lacked stabilization. Basin 9 had rill erosion at its south end that connects to the temporary access road. See 9VAC25-870-54(B) and 9VAC25-840-40(1). On January 3, 2024, DEQ received photos from Energix documenting corrective actions.
93. During the December 12, 2023 inspection, DEQ staff observed that the trash racks for Basins 17, 18, and 21 required vegetative maintenance. Basin 13 required woody vegetation maintenance. The Basin 9 outfall was in need of vegetative and silt fence maintenance. Basin 18 was ponding, Basin 20 had rutting that was ponding, and the Basin 10 outfall was no longer flush to the ground. The stormwater conveyance channel leading towards Basin 28 had several downed trees in it that required removal. Channel lining was also lacking upslope from Basin 10. See 9VAC25-870-54(B), 9VAC25-840-40(11), 9VAC25-840-60(A), and Permit Part II.F.1. On January 3, 2024, DEQ received photos from Energix documenting corrective actions.

94. Based on the results of the May 30, 2023, July 31, 2023, and December 12, 2023 inspections, the Department concludes that Energix violated the May 1, 2023 consent order, 9VAC25-870-54(B), 9VAC25-840-60(A), 9VAC25-840-40(1) and (11), and 2019 Permit Parts II.F.1, as described in paragraphs C (91) through (93) of this Order.

Site 7- Waverly Solar Phase 3

95. Energix EPC US LLC (Energix) is a business entity authorized to do business in Virginia and references to Energix EPC US LLC include its affiliates, partners, and subsidiaries. Energix EPC US LLC is a “person” within the meaning of Va. Code § 62.1-44.3.
96. Energix owns operates the Waverly Solar Phase 3 site located at latitude 37.0210 and longitude -77.1226 at 29665 Sussex Dr, in Waverly, Virginia (Site 7) from which stormwater associated with construction activity is discharged.
97. DEQ is the Virginia Stormwater Management Program (VSMP) authority for Site 7.
98. On March 28, 2023, DEQ granted coverage to Energix under the General VPDES Permit for Discharges of Stormwater from Construction Activities, No. VAR10, promulgated at 9 VAC 25-880-70, which was issued under the State Water Control Law and VSMP Regulations, and the General Permit Regulation on July 1, 2019 and which expires on June 30, 2024 (2019 Permit). Energix was assigned registration number VAR10R284.
99. The 2019 Permit allows Energix to discharge stormwater associated with construction activities from Site 7 to Blackwater River and Coppahaunk Swamp, in strict compliance with the terms and conditions of the 2019 Permit.
100. The receiving waters are surface waters located wholly within the Commonwealth and are “state waters” under the State Water Control Law.
101. On December 9, 2022, DEQ issued Waverly Solar, LLC coverage under VWP General Permit WP2-22-1720 and authorized surface water impacts as depicted on impact maps and sheets received by DEQ. Energix received authorization from DEQ to modify the VWP permit on September 29, 2023. See VWP General Permit WP2-22-1720 and coverage letter.
102. DEQ staff conducted inspections of Site 7 on July 17, 2023, December 28, 2023, and February 6, 2024.
103. During the inspection on July 17, 2023, DEQ staff observed silt fence joints that were improperly spliced together in Zone D. During this inspection, this area was incorrectly identified as belonging to Waverly Solar Phase II, which consists of Zones A and B only. See 9VAC25-870-54(B) and 9VAC25-840-60(A).

104. During the inspection on December 28, 2023, DEQ staff observed denuded areas that required temporary or permanent stabilization including the area just past the outfall of stormwater management facility PD11 and a recently installed underground cable in the northern section of E12 that was exposed in multiple locations. During the inspection on February 6, 2024, DEQ staff observed stabilization was lacking under panel arrays near the entrance to E2. See 9VAC25-870-54(B) and 9VAC25-840-40(1) and (16). On March 20, 2024, Energix submitted photos documenting corrective actions to DEQ.
105. During the inspection on December 28, 2023 and February 6, 2024, DEQ staff observed earthen structures and conveyance channels that were eroding and lacked stabilization. During the December 28, 2023 inspection, there was erosion and lack of stabilization on cut and fill slopes. The erosion of cut slopes indicated that concentrated flow was not contained in an adequate permanent or temporary structure. The slope of stormwater management facility PD09, where the stormwater conveyance channel connects, was eroding. DEQ re-inspected the site on May 2, 2024 and observed the erosion at the stormwater conveyance channel connection to PD09 is still present under the matting. See 9VAC25-870-54(B), 9VAC25-840-40(1), (5), (7), (8), and (11).
106. During the inspection on December 28, 2023, DEQ staff observed the ground around the PD03 outfall was eroding and the pipe was not flush to the ground. During the DEQ inspection on February 6, 2024, outfalls were not installed at zero grade for stormwater management facilities E2: SB17 and E3: ST29 and ST30. See 9VAC25-870-54(B) and 9VAC25-840-40(11). On January 12, 2024 and March 20, 2024, Energix submitted photos to DEQ documenting corrective actions.
107. During the inspection on December 28, 2023, DEQ staff observed sediment tracking from the construction entrance to Sussex Drive and control measures that were not properly installed and maintained in effective operating condition. The laydown area in Zone D E12 did not have the stone called out in the plan. Silt fence required maintenance and was improperly joined together. DEQ staff also observed tree protection fencing down at the perimeter and trash throughout the site. See 9VAC25-870-54(B), 9VAC25-870-56, 9VAC25-840-40(17), 9VAC25-840-60(A), and Permit Parts II.B.4.e.(6) and II.F. On March 20, 2024 and March 29, 2024, Energix submitted photos to DEQ documenting corrective actions. The photos showed the laydown area in better condition but it still appeared to be only partially stoned with VDOT gravel aggregate 21A on the approved plan, page detail 7.01.
108. During the inspection on February 6, 2024, DEQ staff observed a culvert near the entrance to section E2 that is not on the approved plan and needed maintenance. DEQ staff also observed outlets with sediment in riprap, silt fence that was not keyed in well, silt fence with a pile of trash and in need of maintenance, an access road in need of maintenance, and riser trash racks in need of cleanup. Trash was observed near the panel arrays at the entrance to and northern perimeter of E2 and in the laydown area. Stand-alone discarded dewatering bags were observed outside of the limits of disturbance. See 9VAC25-870-54(B), 9VAC25-870-56, 9VAC25-840-60(A), and Permit Parts II.B.4.e.(6)

and II.F. On March 20, 2024 and March 29, 2024, Energix submitted photos to DEQ documenting corrective actions for everything except the culvert that is not on the approved plan.

109. During the DEQ inspection on February 6, 2024, DEQ staff discovered unauthorized discharges outside the limits of disturbance. The SWPPP did not identify any prohibited discharges. See 9VAC25-870-54(G) and Permit Part II.C.4.
110. During the inspection on February 6, 2024, DEQ staff observed sediment traps without covers over the basin inlet end of the outfall pipe and covers that were not installed in accordance with the approved plan. See 9VAC25-870-54(B). On March 26, 2024, Energix submitted photos documenting corrective actions to DEQ.
111. On February 6, 2024, DEQ VWP staff conducted a site inspection. DEQ staff observed approximately 0.46 acres of wetlands impacted by the accumulation of fill material with depositions ranging from 2-12 inches. This impact was not authorized by the VWP permit. See Va. Code §62.1-44.15:20(A) and 9VAC25-210-50(A),
112. Based on the results of the May 30, 2023, July 31, 2023, December 12, 2023, and May 2, 2024 inspections, the Department concludes that Energix violated the May 1, 2023 consent order, Va. Code §62.1-44.15:20(A), 9VAC25-210-50(A), 9VAC25-870-54(B), 9VAC25-840-60(A), 9VAC25-840-40(1) and (11), and 2019 Permit Parts II.F.1, as described in paragraphs C (103) through (111) of this Order.

#### All Sites

113. On October 18, 2023, DEQ issued Notice of Violation No. 2023-SWRO-0002 to Energix for violations at Sites 1-6.
114. On October 26, 2023, Energix confirmed it received the NOV. Energix provided an initial response to the NOV on November 1, 2023.
115. On March 28, 2024, DEQ issued Notice of Violation No. 2024-PRO-0001 to Energix for the violations listed in C(103) to (110) above.
116. On April 2, 2024, DEQ issued Notice of Violation No. 2404-002523 to Energix for the violation listed in C(111) above.
117. DEQ staff and Energix personnel participated on conference calls on January 19, 2024, January 29, 2024, February 12, 2024, March 11, 2024, April 3, 2024, May 7, 2024 and May 10, 2024 to discuss corrective actions and the status of the sites.

118. In order for the Parties to complete their return to compliance, DEQ staff and the Parties have agreed to the Schedule of Compliance, which is incorporated as Appendix A of this Order.

#### Legal Requirements

119. 9VAC25-210-50(A) states that “Except in compliance with a VWP permit, no person shall dredge, fill or discharge any pollutant into, or adjacent to surface waters, withdraw surface water, otherwise alter the physical, chemical or biological properties of surface waters and make them detrimental to the public health, or to animal or aquatic life, or to the uses of such waters for domestic or industrial consumption, or for recreation, or for other uses; excavate in wetlands or on or after October 1, 2001, conduct the following activities in a wetland: 1. New activities to cause draining that significantly alters or degrades existing wetland acreage or functions; 2. Filling or dumping; 3. Permanent flooding or impounding; or 4. New activities that cause significant alteration or degradation of existing wetland acreage or functions.”
120. 9VAC25-840-40(1) states: “Permanent or temporary soil stabilization shall be applied to denuded areas within seven days after final grade is reached on any portion of the site. Temporary soil stabilization shall be applied within seven days to denuded areas that may not be at final grade but will remain dormant for longer than 14 days. Permanent stabilization shall be applied to areas that are to be left dormant for more than one year.”
121. 9VAC25-840-40 (2) states: “During construction of the project, soil stock piles and borrow areas shall be stabilized or protected with sediment trapping measures. The applicant is responsible for the temporary protection and permanent stabilization of all soil stockpiles on site as well as borrow areas and soil intentionally transported from the project site.”
122. 9VAC25-840-40(4) states: “Sediment basins and traps, perimeter dikes, sediment barriers and other measures intended to trap sediment shall be constructed as a first step in any land-disturbing activity and shall be made functional before upslope land disturbance takes place.”
123. 9VAC25-840-40(5) states: “Stabilization measures shall be applied to earthen structures such as dams, dikes and diversions immediately after installation.”
124. 9VAC25-840-40 (7) states: “7. Cut and fill slopes shall be designed and constructed in a manner that will minimize erosion. Slopes that are found to be eroding excessively within one year of permanent stabilization shall be provided with additional slope stabilizing measures until the problem is corrected.”
125. 9VAC25-840-40 (8) states: “Concentrated runoff shall not flow down cut or fill slopes unless contained within an adequate temporary or permanent channel, flume or

slope drain structure.”

126. 9VAC25-840-40 (10) states: “All storm sewer inlets that are made operable during construction shall be protected so that sediment-laden water cannot enter the conveyance system without first being filtered or otherwise treated to remove sediment.”
127. 9VAC25-840-40(11) states: “Before newly constructed stormwater conveyance channels or pipes are made operational, adequate outlet protection and any required temporary or permanent channel lining shall be installed in both the conveyance channel and receiving channel.”
128. 9VAC25-840-40(12) states: “When work in a live watercourse is performed, precautions shall be taken to minimize encroachment, control sediment transport and stabilize the work area to the greatest extent possible during construction. Nonerodible material shall be used for the construction of causeways and cofferdams. Earthen fill may be used for these structures if armored by nonerodable cover materials.”
129. 9VAC25-840-40(14) states: “All applicable federal, state and local requirements pertaining to working in or crossing live watercourses shall be met.”
130. 9VAC25-840-40(15) states: “The bed and banks of a watercourse shall be stabilized immediately after work in the watercourse is completed.”
131. 9VAC25-840-60. Maintenance and inspections, states, “A. All erosion and sediment control structures and systems shall be maintained, inspected and repaired as needed to insure continued performance of their intended function. A statement describing the maintenance responsibilities of the permittee shall be included in the approved erosion and sediment control plan.”
132. 9VAC25-870-54, Stormwater pollution prevention plan requirements, states, “A. A stormwater pollution prevention plan shall include, but not be limited to, an approved erosion and sediment control plan, an approved stormwater management plan, a pollution prevention plan for regulated land-disturbing activities, and a description of any additional control measures necessary to address a TMDL pursuant to subsection E of this section.
- B. An erosion and sediment control plan consistent with the requirements of the Virginia Erosion and Sediment Control Law and regulations must be designed and implemented during construction activities. Prior to land disturbance, this plan must be approved by either the VESCP authority or the department in accordance with the Virginia Erosion and Sediment Control Law and attendant regulations.
- C. A stormwater management plan consistent with the requirements of the Virginia Stormwater Management Act and regulations must be designed and implemented during

construction activities. Prior to land disturbance, this plan must be approved by the VSMP authority.

G. The SWPPP shall be amended whenever there is a change in design, construction, operation, or maintenance that has a significant effect on the discharge of pollutants to state waters and that has not been previously addressed in the SWPPP. The SWPPP must be maintained at a central location onsite. If an onsite location is unavailable, notice of the SWPPP's location must be posted near the main entrance at the construction site."

133. VWP General Permit WP2-22-1720 Part I.B.5 of Special Conditions states, "Erosion and sediment controls shall be designed in accordance with the Virginia Erosion and Sediment Control Handbook, Third Edition, 1992. These controls shall be placed prior to clearing and grading and maintained in good working order to minimize impacts to state waters. These controls shall remain in place until the area is stabilized and shall then be removed."
134. VWP General Permit WP2-22-1720 Coverage Letter states that "Authorized surface water impacts shall be as depicted on the enclosed impact maps entitled *Waverly Solar, LLC Phase III Prepared for Energix Group, Wetland Crossing Exhibit* Sheet OV dated August 11, 2023, received September 6, 2023; Sheets 1-10 dated and received September 8, 2022; and Sheets 11-17 dated July 28, 2023, received August 1, 2023, and all drawn by Kimley-Horn."
135. 2019 Permit Part II B.2. c (8) states: "An approved erosion and sediment control plan, "agreement in lieu of a plan," or erosion and sediment control plan prepared in accordance with department-approved annual standards and specifications, implemented to: (8) Ensure initiation of stabilization activities, as defined in 9VAC25-880-1, of disturbed areas immediately whenever any clearing, grading, excavating, or other land-disturbing activities have permanently ceased on any portion of the site, or temporarily ceased on any portion of the site and will not resume for a period exceeding 14 days."
136. 2019 Permit Part II.B.2.c(9) states: "The SWPPP shall include the following items: An approved erosion and sediment control plan, "agreement in lieu of a plan," or erosion and sediment control plan prepared in accordance with department-approved annual standards and specifications, implemented to: Utilize outlet structures that withdraw stormwater from the surface (i.e., above the permanent pool or wet storage water surface elevation), unless infeasible, when discharging from sediment basins or sediment traps."
137. 2019 Permit Part II C states: "C. SWPPP amendments, modification, and updates. 1. The operator shall amend the SWPPP whenever there is a change in the design, construction, operation, or maintenance that has a significant effect on the discharge of pollutants to surface waters and that has not been previously addressed in the SWPPP. 2. The SWPPP shall be amended if, during inspections or investigations by the operator's qualified personnel, or by local, state, or federal officials, it is determined that the existing control measures are ineffective in minimizing pollutants in discharges from the



construction activity. Revisions to the SWPPP shall include additional or modified control measures designed and implemented to correct problems identified. If approval by the VESCP authority, VSMP authority, or department is necessary for the control measure, revisions to the SWPPP shall be completed no later than seven calendar days following approval. Implementation of these additional or modified control measures shall be accomplished as described in Part II H.”

138. 2019 Permit Part II.C(4) states in part, “The operator shall update the SWPPP as soon as possible but no later than seven days following any modification to its implementation. All modifications or updates to the SWPPP shall be noted and shall include the following items: e. The date of any prohibited discharges, the discharge volume released, and what actions were taken to minimize the impact of the release; f. Measures taken to prevent the reoccurrence of any prohibited discharge.”
139. 2019 Permit Part II(F)(1) states: “All control measures shall be properly maintained in effective operating condition in accordance with good engineering practices and, where applicable, manufacturer specifications. If a site inspection required by Part II.G. identifies a control measure that is not operating effectively, corrective actions shall be completed as soon as practicable, but no later than seven days after discovery or a longer period as established by the VSMP authority, to maintain the continued effectiveness of the control measures.”
140. Va. Code § 62.1-44.31 states: “It shall be unlawful for any owner to fail to comply with any special order adopted by the Board, which has become final under the provisions of this chapter, or to fail to comply with a pretreatment condition incorporated into the permit issued to it by the owner of a publicly owned treatment works or to fail to comply with any pretreatment standard or pretreatment requirement, or to discharge sewage, industrial waste or other waste in violation of any condition contained in a certificate issued by the Board or in excess of the waste covered by such certificate, or to fail or refuse to furnish information, plans, specifications or other data reasonably necessary and pertinent required by the Board under this chapter.”
141. Va. Code §62.1-44.15:20(A) states “A. Except in compliance with an individual or general Virginia Water Protection Permit issued in accordance with this article, it shall be unlawful to: 1. Excavate in a wetland; 2. On or after October 1, 2001, conduct the following in a wetland: a. New activities to cause draining that significantly alters or degrades existing wetland acreage or function; b. Filling or dumping; c. Permanent flooding or impounding; or d. New activities that cause significant alteration or degradation of existing wetland acreage or functions; or 3. Alter the physical, chemical, or biological properties of state waters and make them detrimental to the public health, animal or aquatic life, or to the uses of such waters for domestic or industrial consumption, or for recreation, or for other uses unless authorized by a certificate issued by the Board.”

142. Appendix A, Item #1.b, of the Consent Order between DEQ and Energix effective May 1, 2023 states: "Apply stabilization to denuded areas, including but not limited to, areas within the solar array area and along the perimeter of the site between the array and the limits of disturbance, areas upslope of and contributing to basins 114 and 115, and areas upslope of and contributing to basins 104, 105 and 107, in accordance with Permit Part II.B.5.b.1, II.F.1, 9VAC25-840-60(A), and the minimum standards in 9VAC25-840-40."

143. Appendix C, Item #4, of the Consent Order between DEQ and Energix effective May 1, 2023 states: "By August 30, 2023, Energix shall ensure basins are installed in accordance with 9VAC25-840-40(6) and the approved plan. Line the basins to ensure the appropriate wet and dry storage volumes are maintained by the regulation."

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

Accordingly, by virtue of the authority granted it in Va. Code §§ 62.1-44.15, 62.1-44.15:25, and 62.1-44.15:48, the Department orders the Parties, and the Parties agree to:

1. Perform the actions described in Appendix A of this Order; and
2. Pay a civil charge of \$158,000 within 30 days of the effective date of the Order in settlement of the violations cited in this Order.

Payment shall be made by 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

The Parties shall include their Federal Employer Identification Number (FEIN) and Taxpayer Identification Number (TIN), if different, with the civil charge payment and shall indicate that the payment is being made in accordance with the requirements of this Order for deposit with \$129,150 into the Virginia Stormwater Management Fund and \$28,850 into the Virginia Environmental Emergency Response Fund. The TIN is required under Federal law (26 USC § 6723) and this consent order cannot be terminated until it is provided. In accordance with United States Code (26 USC § 1.6050X) and the Code of Federal Regulations (26 CFR § 1.6050X-1) this information will be provided by DEQ to the Internal Revenue Service. To provide DEQ with the TIN, the Parties shall mail the attached Virginia Form W-9 with the civil charge payment. If the Department has to refer collection of moneys due under this Order to the Department of Law, the Parties shall be liable for attorneys' fees of 30% of the amount outstanding.

Both DEQ and the Parties understand and agree that this Order supersedes and terminates the Consent Order issued by the Department to Energix EPC US LLC on May 1, 2023 for Axton

Solar Phase 2, Pamplin Solar, Sol Leatherwood Solar, Wytheville Solar, Hollyfield II Solar, Rives Road Solar and Buckingham II Solar.

**SECTION E: Administrative Provisions**

1. The Department may modify, rewrite, or amend this Order with the consent of the Parties for good cause shown by the Parties 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 Order addresses and resolves only those violations specifically identified in Section C of this Order and in NOV No. 2023-SWRO-0002 dated October 18, 2023, NOV No. 2024-PRO-001 dated March 28, 2024, and NOV No. 2404-002523 dated April 2, 2024. This 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 Order.
3. For purposes of this Order and subsequent actions with respect to this Order only, the Parties admit the jurisdictional allegations, findings of fact, and conclusions of law contained herein.
4. The Parties consent to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order.
5. The Parties declare they have received fair and due process under the Administrative Process Act and the State Water Control Law and waive 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 Order.
6. Failure by the Parties to comply with any of the terms of this 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 Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
8. The Parties 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 their control and not due to a lack of good faith or diligence on their part. The Parties shall demonstrate that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. The Parties 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 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 Order.

9. This Order is binding on the parties hereto and any successors in interest, designees and assigns, jointly and severally.
10. This Order shall become effective upon execution by both the Director or his designee and the Parties Nevertheless, the Parties agree to be bound by any compliance date which precedes the effective date of this Order.
11. This Order shall continue in effect until:
  - a. The Director or his designee terminates the Order after the Parties have completed all of the requirements of the Order;
  - b. The Parties petition the Director or his designee to terminate the Order after they have completed all of the requirements of the Order and the Director or his designee approves the termination of the Order; or
  - c. the Director or Department terminates the Order in his or its sole discretion upon 30 days' written notice to the Parties.

Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve the Parties from their obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.

Consent Order

Energix; VPDES Permit No. VAR10P781, VAR10R609, VAR10S146, VAR10R839, VAR10O685, VAR10K840, VAR10R284 and VWP GP WP2-22-1720

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12. Any plans, reports, schedules or specifications attached hereto or submitted by the Parties and approved by the Department pursuant to this Order are incorporated into this Order. Any non-compliance with such approved documents shall be considered a violation of this Order.
13. The undersigned representative of the Parties certifies that he or she is a responsible official or officer authorized to enter into the terms and conditions of this Order and to execute and legally bind the Parties to this document. Any documents to be submitted pursuant to this Order shall also be submitted by a responsible official of the Parties.
14. This Order constitutes the entire agreement and understanding of the parties concerning settlement of the violations identified in Section C of this Order, and there are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this Order.
15. By its signature below, the Parties voluntarily agree to the issuance of this Order.

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

\_\_\_\_\_  
Lee M. Crowell, Enforcement Director  
Department of Environmental Quality

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Consent Order

Energix; VPDES Permit No. VAR10P781, VAR10R609, VAR10S146, VAR10R839, VAR10O685, VAR10K840, VAR10R284 and VWP GP WP2-22-1720

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Energix EPC US LLC voluntarily agrees to the issuance of this Order.

Date: 16/05/24 By: *Itamar Sarussi*, Authorized Signat  
Itamar Sarussi (Reg 15, X24 4150-6D7)  
(Person) (Title)  
Energix EPC US LLC

Date: 16/05/24 By: *Asa Lovinger*, Authorized Signat  
Asa Lovinger (Reg 11, M/10R 3h-6NY92)  
(Person) (Title)  
Energix EPC US LLC

## **APPENDIX A SCHEDULE OF COMPLIANCE**

### 1. All Sites

- a. Energix shall have a dedicated Environmental Compliance Officer and will have at least one employee with an ESC Combined Administrator certification and one employee with a SWM Combined Administrator certification (it may be the same person with a dual Combined Administration certificate) by December 31, 2024.
- b. Energix shall respond to DEQ comments on plan modification submittals within 21 days unless a longer period of time is agreed to by DEQ in writing.
- c. Upon DEQ approval of a plan modification, Energix shall submit a modified permit registration statement within 14 days and pay any associated permit modification fee as required under 9VAC25-875-1410. In addition to the permit modification fee, any modifications resulting in an increase in total disturbed acreage shall pay the difference in the initial permit fee paid and the permit fee that would have applied for the total disturbed acreage in 9VAC25-875-1400.
- d. Energix shall have a copy of the currently approved erosion and sediment control plan and stormwater management plan, as well as any plan modifications approved by or submitted to DEQ or the VESCP, in the SWPPP and available at each Site for DEQ inspector review during DEQ inspections.
- e. Within seven days of a DEQ inspection report transmittal or period of time agreed to by DEQ in writing, Energix shall submit adequate photographs or other appropriate documentation of completed corrective actions identified in DEQ inspection reports.

### 2. Axton Phase 1

Within seven days of the date of this Order, Energix shall:

- a. Repair the areas of erosion under the matting of SCCA14 and re-install the channel lining as necessary to achieve stabilization.
- b. Maintain the filter socks installed as a perimeter control along the construction road.
- c. Submit a plan modification to remove the “engineered stormwater ditch”, Detail 8 on Sheet C2-203 that was not installed per Note 5 on the Site Grading and Drainage Plan Sheets.

3. Axton Solar Phase 2

Within seven days of the effective date of this Order, Energix shall:

- a. Submit a stormwater management plan modification that addresses the temporary vehicular stream crossing and access road that were constructed outside of the limits of disturbance of the approved plan.
- b. Stabilize the site in accordance with the approved erosion and sediment control plan and the erosion and sediment control minimum standards.

Within thirty days of the effective date of this order, Energix shall:

- c. Complete removal of the existing stream crossing and any associated fill and materials of construction and restore the impact area sufficient to achieve no net loss of functions in all surface waters in accordance with 9 VAC 25-210-116.
- d. Ensure that cut and fill slopes are designed and constructed in a manner that will minimize erosion and concentrated runoff does not flow down cut or fill slopes unless contained within an adequate temporary or permanent channel, flume or slope drain structure in accordance with the approved erosion and sediment control plans and erosion and sediment control minimum standards.

4. Wytheville Solar

Within seven days of the effective date of this Order, Energix shall:

- a. Install energy dissipators in accordance with the approved plans at the outlet of SCC 8 and outlet of Pipe 7-5 or submit a plan modification.
- b. Install rock check dams in the ditches to VFS 23-2 and VFS 22-1 in accordance with the approved erosion and sediment control plan.
- c. Remove ditch 3-3 East in accordance with the approved erosion and sediment control plan.
- d. Ensure the rock outlet of the ditch into VFS 23-2 and the culvert outlet to TSB 5-2 are properly installed and maintained in accordance with the approved plan and the erosion and sediment control minimum standards.

Within thirty days of the date of this Order, Energix shall:

- e. Ensure compost amended soils are incorporated for installed vegetated filter strips, in accordance with the approved stormwater management plan.



5. Waverly Solar Phase 2

- a. Within seven days of the effective date of this Order, Energix shall fix the rills and gullies above stormwater facility PB14.

6. Waverly Solar Phase 3

Within seven days of the effective date of this Order, Energix shall:

- a. Submit a plan modification for the culvert near the entrance to section E2 that is not on the approved erosion and sediment control plan.
- b. Fix the erosion under the matting at the stormwater conveyance channel connection to stormwater management facility PD09.

**DEQ Contact**

Unless otherwise specified in this Order, Energix shall submit all requirements of Appendix A of this Order to:

**Kristen Sadtler**  
**Water Enforcement Coordinator**  
**VA DEQ - Central Office**  
**Kristen.Sadtler@deq.virginia.gov**  
**804-664-3864**

