



*Commonwealth of Virginia*

**VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY**

**VALLEY REGIONAL OFFICE**

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Acting Secretary of Natural and Historic Resources

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Director  
(804) 698-4000

November 4, 2022

Tiffany R. Severs  
Regional Director

Mr. Michael Foeckler  
VP of Operations and Facility Planning  
Christendom Educational Corporation  
Sent by Email ([mfoeckler@christendom.edu](mailto:mfoeckler@christendom.edu))

**NOTICE OF VIOLATION**

Re: Notice of Violation No. W2022-11-V-0002  
Christendom College STP  
VPDES Permit No. VA0067067

Dear Mr. Foeckler:

This letter notifies you of information upon which the Department of Environmental Quality (Department or DEQ) may rely in order to institute an administrative or judicial enforcement action. Based on this information, DEQ has reason to believe that Christendom Educational Corporation may be in violation of the State Water Control Law, Regulations, and VPDES Permit No. VA0067067 (Permit) at Christendom College STP (Facility), located at 134 Christendom Drive, Front Royal, VA 22630.

This letter addresses conditions at the facility named above, and also cites compliance requirements of the State Water Control Law, Regulations, and Permit. Pursuant to Va. Code § 62.1-44.15 (8a), this letter is not a case decision under the Virginia Administrative Process Act, Va. Code § 2.2-4000 *et seq.* (APA).

**OBSERVATIONS AND LEGAL REQUIREMENTS**

The following describe the staff's factual observations and identifies the applicable legal requirements:

Observations: DEQ received the Discharge Monitoring Reports from Christendom Educational Corporation, for the Facility, for the months of April 2022, May 2022, August 2022, and September 2022 which included the following data results:

Month	Outfall	Parameter	Concentration/Loading	Reported	Legal Requirement
April 2022	001	352-Ammonia as N Jan-May	Concentration Average	10.6 mg/L	<b>2.2 mg/L</b>
April 2022	001	352-Ammonia as N Jan-May	Concentration Maximum	38.9 mg/L	<b>3.1 mg/L</b>
May 2022	001	352-Ammonia as N Jan-May	Concentration Average	5.0 mg/L	<b>2.2 mg/L</b>
May 2022	001	352-Ammonia as N Jan-May	Concentration Maximum	19.6 mg/L	<b>3.1 mg/L</b>

Month	Outfall	Parameter	Concentration/Loading	Reported	Legal Requirement
August 2022	001	353-Ammonia as N Jun-Dec	Concentration Average	5.6 mg/L	<b>1.6 mg/L</b>
August 2022	001	353-Ammonia as N Jun-Dec	Concentration Maximum	22.4 mg/L	<b>2.4 mg/L</b>
September 2022	001	353-Ammonia as N Jun-Dec	Concentration Average	2.4 mg/L	<b>1.6 mg/L</b>
September 2022	001	353-Ammonia as N Jun-Dec	Concentration Maximum	5.9 mg/L	<b>2.4 mg/L</b>
September 2022	001	004-TSS	Concentration Average	45.4 mg/L	<b>30 mg/L</b>
September 2022	001	004-TSS	Concentration Maximum	157.7 mg/L	<b>45 mg/L</b>

**Legal Requirements:** Permit Part I.A.1 prohibits discharges that exceed discharge limitations.

Va. Code § 62.1-44.5 states that: “Except in compliance with a certificate, land-disturbance approval, or a permit issued by the Board or other entity authorized by the Board to issue a certificate, land-disturbance approval, or permit pursuant to this chapter, it shall be unlawful for any person to: Discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances; ... Otherwise alter the physical, chemical or biological properties of state 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...”

9 VAC 25-31-50(A)(1-2) states that: “Except in compliance with a VPDES permit, or another permit, it shall be unlawful for any person to discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances; Otherwise alter the physical, chemical or biological properties of state waters and make them detrimental to the public health, or to animal or aquatic life, or to the use of such waters for domestic or industrial consumption, or for recreation, or for other uses.”

### **ENFORCEMENT AUTHORITY**

Va. Code § 62.1-44.23 of the State Water Control Law provides for an injunction for any violation of the State Water Control Law, any State Water Control Board rule or regulation, an order, permit condition, standard, or any certificate requirement or provision. Va. Code §§ 62.1-44.15 and 62.1-44.32 provide for a civil penalty up to \$32,500 per day of each violation of the same. In addition, Va. Code § 62.1-44.15 authorizes the Department to issue orders to any person to comply with the State Water Control Law and regulations, including the imposition of a civil penalty for violations of up to \$100,000. Also, Va. Code § 10.1-1186 authorizes the Director of DEQ to issue special orders to any person to comply with the State Water Control Law and regulations, and to impose a civil penalty. Va. Code §§ 62.1-44.32 (b) and 62.1-44.32 (c) provide for other additional penalties.

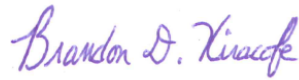
### **FUTURE ACTIONS**

DEQ staff wish to discuss all aspects of their observations with you, including any actions needed to ensure compliance with state law and regulations, any relevant or related measures you plan to take or have taken, and a schedule, as needed, for further activities. In addition, please advise us if you dispute any of the observations recited herein or if there is other information of which DEQ should be aware. In order to avoid adversarial enforcement proceedings, Christendom Educational Corporation may be asked to enter into a Consent Order with the Department to formalize a plan and schedule of corrective action and to settle any outstanding issues regarding this matter, including the assessment of civil charges.

In the event that discussions with staff do not lead to a satisfactory conclusion concerning the contents of this letter, you may elect to participate in DEQ's Process for Early Dispute Resolution. Also, if informal discussions do not lead to a satisfactory conclusion, you may request in writing that DEQ take all necessary steps to issue a final decision or fact finding under the APA on whether or not a violation has occurred. For further information on the Process for Early Dispute Resolution, please see Agency Policy Statement No. 8-2005 posted on the Department's website under "Permits and Regulations," and "Enforcement," ([https://townhall.virginia.gov/L/GetFile.cfm?File=C:%5CTownHall%5Cdocroot%5CGuidanceDocs%5C440%5CGDoc\\_DEQ\\_2672\\_v1.pdf](https://townhall.virginia.gov/L/GetFile.cfm?File=C:%5CTownHall%5Cdocroot%5CGuidanceDocs%5C440%5CGDoc_DEQ_2672_v1.pdf)) or ask the DEQ contact listed below.

Please contact Celeste Horton at (540) 830-4677 or [celeste.horton@deq.virginia.gov](mailto:celeste.horton@deq.virginia.gov) by November 14, 2022, to discuss this matter and arrange a meeting.

Sincerely,



Brandon D. Kiracofe  
Regional Water Permits & Compliance Manager

cc: ECM Compliance  
Linda Ferguson Davie – VRO (electronic)  
Tiffany Severs – VRO (electronic)  
Celeste Horton – VRO (electronic)  
Eric Millard – VRO (electronic)  
Inboden Environmental Services, Inc. ([compliance@inbodenenv.com](mailto:compliance@inbodenenv.com))