



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

www.deq.virginia.gov

Travis A. Voyles
Secretary of Natural and Historic Resources

Michael S. Rolband, PE, PWD, PWS Emeritus
Director

May 31, 2024

Michael Foeckler, VP of Operations and Facility Planning
Christendom Educational Corporation
134 Christendom Drive
Front Royal, VA 22630
Sent by Email (mfoeckler@christendom.edu)

NOTICE OF VIOLATION

RE: NOV No. W2024-05-V-0002
Christendom College STP, 134 Christendom Dr., Front Royal, VA
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, the Responsible Party for Christendom College STP, may be in violation of the State Water Control Law and Regulations and Virginia Pollutant Discharge Elimination System (VPDES) Permit No. VA0067067 at Christendom College STP.

This letter addresses conditions at the facility named above, and also cites compliance requirements of the State Water Control Law and 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). DEQ requests that you respond **within 10 days of the** date of this letter to arrange a meeting.

OBSERVATIONS AND LEGAL REQUIREMENTS

1. Discharge monitoring reports (DMRs) containing the following relevant data results were submitted to DEQ. The following describes the DEQ staff's factual observations and identifies the applicable legal requirements:

Parameter	Observations - DMR Monitoring Period and Relevant Reported Monitoring Results					Legal Req.*
	11/2023	1/2024	2/2024	3/2024	4/2024	
pH maximum concentration (SU)	12.0					9.5
Ammonia-N, Jan-May average concentration (mg/L)		5.0	2.5		6.4	2.2
Ammonia-N, Jan-May maximum concentration (mg/L)		11.1		3.6	25.2	3.1

* The currently effective VPDES permit for this facility contains conditions that enumerate the effluent limitations in this column. Va. Code § 62.1-44.5 prohibits waste discharges or other quality alterations of state waters except as authorized by permit. 9 VAC 25-31-50 provides that “except in compliance with a VPDES permit, or another permit, issued by the [Department], it shall be unlawful for any person to discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances.”

2. **Reconnaissance Inspection.** The following describes DEQ staff’s factual observations and identifies the applicable legal requirements:

Observation: On April 4, 2024, DEQ staff conducted a Reconnaissance Inspection of Christendom College STP. DEQ transmitted the report on May 3, 2024, with a response due May 24, 2024. Sludge solids were observed throughout the Shenandoah River, UT from the outfall to approximately 80 feet downstream where DEQ staff estimated the depth of solids to be 5 inches. Upon review of records, DEQ did not find notification of the discharge.

Legal Requirements:

Va. Code § 62.1-44.5 prohibits waste discharges or other quality alterations of state waters except as authorized by permit and states that “Any person in violation of the provisions of subsection A who discharges or causes or allows (i) a discharge of sewage, industrial waste, other wastes or any noxious or deleterious substance into or upon state waters or (ii) a discharge that may reasonably be expected to enter state waters shall, upon learning of the discharge, promptly notify, but in no case later than 24 hours the [Department]... Written notice to the Director of the Department of Environmental Quality shall follow initial notice within the time frame specified by the federal Clean Water Act.”

9 VAC 25-31-50 states that: “A. Except in compliance with a VPDES permit, or another permit, issued by the [Department], it shall be unlawful for any person

to discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances; B. Any person in violation of [A] who discharges or causes or allows a discharge of sewage, industrial waste, other wastes or any noxious or deleterious substance into or upon state waters; or...that may reasonably be expected to enter state waters in violation shall notify the department of the discharge, immediately upon discovery of the discharge but in no case later than 24 hours after said discovery. A written report of the unauthorized discharge shall be submitted by the owner, to the department, within five days of discovery of the discharge....”

Permit Part II.F states that “Except in compliance with this permit, or another permit issued by the Department, it shall be unlawful for any person to: 1. Discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances; or 2. Otherwise alter the physical, chemical, or biological properties of such 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 wishes to discuss all aspects of their observations with you, including any actions needed to ensure compliance with state law and regulations, any relevant facts or related measures you plan to take or have taken which demonstrate a good faith effort to achieve compliance, 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 or relevant facts of which DEQ should be aware. Full compliance with State Water Control Law (§ 62.1-44.2 *et. seq.*) and regulations and remediation of the alleged violation(s) within the next 30 days may result in the administrative closure of this matter through return to compliance.

If compliance and remediation is not achieved within 30 days, the Department may proceed with a formal enforcement action including assessment of civil charges under its enforcement authority described in the section above.

If 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. To request the Process for Early Dispute Resolution please send a letter detailing any facts or observations listed in this notice of violation that you dispute, a reasoned analysis of why this notice of violation is inappropriate, and any documentation you would like DEQ to consider when reviewing your request to Noel Thomas, Water Compliance Team Leader at noel.thomas@deq.virginia.gov within 30 days of the date of this letter.

Additional information regarding the Process for Early Dispute Resolution may be found on DEQ's website: DEQ.Virginia.GOV/PEDR. If informal discussions do not lead to a satisfactory conclusion, you may request in writing that DEQ take all necessary steps to conduct an informal fact-finding proceeding.

Please contact Francesca Wright at francesca.wright@deq.virginia.gov or (804) 543-7707 or **within 10 days** to discuss this matter and arrange a meeting.

Sincerely,



Noel D. Thomas
Water Compliance Team Leader
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cc: ECM Compliance
Linda Ferguson-Davie – VRO (electronic)
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