



*Commonwealth of Virginia*

**VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY**

VALLEY REGIONAL OFFICE

P.O. Box 3000, Harrisonburg, Virginia 22801

(540) 574-7800 FAX (804) 698-4178

Located at 4411 Early Road, Harrisonburg, Virginia

[www.deq.virginia.gov](http://www.deq.virginia.gov)

Travis A. Voyles  
Secretary of Natural and Historic Resources

Michael S. Rolband, PE, PWD, PWS Emeritus  
Director  
(804) 698-4020

B. Keith Fowler  
Deputy Regional Director

September 27, 2023

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

RE: Christendom Educational Corporation Executed Consent Order  
Christendom College STP  
VPDES Permit No. VA0067067

Dear Mr. Foeckler:

Enclosed is a copy of the fully executed Consent Order for Christendom Educational Corporation concerning the Christendom College STP Facility. No comments were received during the 30-day public comment period. The Order was signed by the Deputy Regional Director on September 27, 2023 and is effective from that date.

Please note that the civil charge of \$15,783.86 is to be sent to the Department within 30 days of the effective date of the order. Please be sure that the check is payable to the Treasurer of Virginia and is otherwise completed as described in Section D of the Consent Order. Additionally, please note that the dates in the Schedule of Compliance (Attachment A of the Consent Order) begin from the date of the Deputy Regional Director's signature.

If you have any questions please contact me at (540)-830-4677 or at [celeste.horton@deq.virginia.gov](mailto:celeste.horton@deq.virginia.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Celeste Horton".

Celeste Horton  
Enforcement Specialist

Enclosure

cc: Case File  
Regional Enforcement Manager  
Regional Compliance Manager



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Director  
(804) 698-4020

Tiffany R. Severs  
Regional Director

**VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY  
ENFORCEMENT ACTION - ORDER BY CONSENT  
ISSUED TO  
CHRISTENDOM EDUCATIONAL CORPORATION  
FOR  
CHRISTENDOM COLLEGE STP  
VPDES Permit No. VA0067067**

**SECTION A: Purpose**

This is a Consent Order issued under the authority of Va. Code § 62.1-44.15, between the Department of Environmental Quality and Christendom, regarding the Christendom College STP, for the purpose of resolving certain violations of the State Water Control Law and the applicable permit and regulation.

**SECTION B: Definitions**

Unless the context clearly indicates otherwise, the terms in this Consent Order have the meanings assigned to them in Va. Code § 62.1-44.2 *et seq.*, the Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation at 9 VAC 25-31-10.

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

1. Christendom Educational Corporation (Christendom) is a business entity authorized to do business in Virginia and references to Christendom include its affiliates, partners, and subsidiaries. Christendom is a “person” within the meaning of Va. Code § 62.1-44.3.

2. Christendom owns the Christendom College STP (Plant or Facility) located at 134 Christendom Drive, Front Royal, Virginia, which treats and discharges treated sewage and other municipal wastes, for the residents and business of Christendom. The Plant is operated by Inboden Environmental Services (IES).
3. VPDES Permit No. VA0067067 (Permit) was issued under the State Water Control Law and VPDES Permit Regulation to Christendom on January 1, 2019 and expires on December 31, 2023. The Permit allows Christendom to discharge treated sewage and other municipal wastes from the Plant to an Unnamed Tributary (UT) to the Shenandoah River, in strict compliance with the terms and conditions of the Permit.
4. Shenandoah River, UT, is located in the Potomac River Basin. Shenandoah River UT in the vicinity of the discharge is not listed as impaired. The Shenandoah River at the confluence with the receiving stream is listed as impaired for Fish Consumption due to PCB and mercury contamination. TMDLs have been approved for the segment; however, this Facility was not addressed in the TMDLs because the effluent from this facility is not expected to contain mercury or PCBs.
5. In January of 2021, Christendom College voluntarily undertook an engineering evaluation of its Plant, seeking to address operational challenges and to ensure a system capable of meeting the needs of the College into the future. On January 21, 2021, Inboden Environmental Services (IES) developed a wastewater treatment system engineering evaluation for the Facility, which broke out recommendations as “Top Priority Repairs and Upgrades (Phase 1), and “Next Priority Repairs and Upgrades” (Phase 2) so that Christendom could anticipate and budget for a significant amount of improvement at the Plant. Christendom’s previous attempts to proactively address occasional high ammonia readings included: evaluation of the effluent flow in 2018 to determine if hydraulic overloading was an issue; chlorination of the RAS to inhibit filamentous bacteria; and polymer dosing to improve settleability.
6. Based on the January 2021 IES evaluation, Christendom began to undertake recommended improvements, including tank repairs, aeration improvements, a pole barn w/ roof structure over the entire treatment train, clarifier improvements, new primary treatment, flow equalization and a new sludge digester. Almost all of Phase I improvements to the Plant were completed by August 2021. IES provided Christendom with an additional evaluation of the efficacy of plant improvements in January 2022.
7. Christendom confirmed with IES that the following improvements were fully implemented and functioning at the Plant:
  - a. An under-the-sink grease skimmer installed in the cafeteria kitchen;
  - b. A sludge holding tank – reinforced and recoated, structurally stabilized;
  - c. Fine bubble diffusers – secured and functioning well;
  - d. Blower piping corrections, complete with operable valves and proper expansion joints;

- e. Clarifier inlet weir – installed level and distributing flow across the clarifier evenly (thereby improving solids settling within the clarifier. The floating solids layer was observed to be thinner);
- f. Clarifier scum skimmer more effective than the previous system;
- g. Clarifier Stamford baffle observed to be effective at keeping most floating scum and sludge away from the effluent weir. The hydraulic loading at peak levels still caused some challenges;
- h. Clarifier RAS/WAS air lift pump timers and air piping working well, though installation of the cover would be important to achieve before the fall of 2022, (which was consequently installed in July 2022);
- i. Cathodic protection was installed as specified. The total cost of Phase I Improvements was \$167,687.

8. Large flow variations were a continued challenge at the Plant, thus, IES recommended a Phase 2 equalization improvement to address. Specifically, IES recommended that Christendom replace the comminutor with a primary screening device to remove solids larger than 2mm; install a frac tank that is fed by a lift station and drained at a controlled rate by an automatic valve which could provide about 20,000-gallon flow of equalization; install a baffle plate in the chlorine contact chamber with a pair of Polylok PL-625 effluent filters that will filter out any residual solids down to 1/32" size; install an internal recycle from the Aerobic Bioreactor to the Flow Equalization tank to improve treatment; re-evaluate the feasibility of a sludge digestion or thickening system such as a sludge dewatering bag system to reduce sludge disposal costs. Costs were estimated at \$150,000 for these improvements. Christendom began to budget for these improvements and proceeded toward their implementation for their fiscal year 2022-2023.

9. After a high ammonia event, IES, by a letter of May 10, 2022, notified DEQ of its work to explore how best to mitigate against future events. Planned Phase 2 improvements were chief among these efforts.

In September 2022, Inboden and Christendom entered into a formal agreement to make Phase 2 improvements at the Plant.

10. DEQ received the Discharge Monitoring Reports (DMRs) from Christendom 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>
August 2022	001	352-Ammonia as N Jun-Dec	Concentration Average	5.6 mg/L	<b>1.6 mg/L</b>
August 2022	001	352-Ammonia as N Jun-Dec	Concentration Maximum	22.4 mg/L	<b>2.4 mg/L</b>
September 2022	001	352-Ammonia as N Jun-Dec	Concentration Average	2.4 mg/L	<b>1.6 mg/L</b>

September 2022	001	352-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	157.7mg/L	<b>45 g/L</b>

6. Permit Part I.A.1 prohibits discharges that exceed discharge limitations.
7. 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...”
8. 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.”
9. After a September 2022 exceedance, IES, by a letter of October 10, 2022, put the DEQ on notice of the Phase II improvements in-process at Christendom’s Plant. Specifically, IES reported that Christendom intended to install a temporary EQ basin. By a letter dated October 17, 2022, Christendom applied for a Certificate to Construct (CTC) to begin the ‘Initial’ Phase 2 improvements and received an approved CTC from DEQ on October 26, 2022.
10. On November 4, 2022, DEQ issued a Notice of Violation (NOV) No. W2022-11-V-0002 to Christendom for Permit effluent limit exceedances.
11. After a September 2022 exceedance, IES, by a letter of October 10, 2022, put the DEQ on notice of the Phase II improvements in-process at Christendom’s Plant. Specifically, IES reported that Christendom intended to install a temporary EQ basin. By a letter dated October 17, 2022, Christendom applied for a Certificate to Construct (CTC) to begin the ‘Initial’ Phase 2 improvements and received an approved CTC from DEQ on October 26, 2022.
12. On November 7, 2022, DEQ staff conducted a Compliance Evaluation Inspection of the Facility and met with Christendom to discuss the NOV and next steps forward. The following describe the staff’s factual observations from the inspection:
  - a) An accumulation of solids was observed in the UT to the Shenandoah River, downstream of Outfall 001.

- b) A current Operations & Maintenance Manual (O&M) was not maintained for the Facility. Christendom stated the O&M update delay was because installation of the Phase II improvements were still in progress.
- c) Maintenance was not performed in accordance with the O&M Manual as indicated by the condition of the chlorine contact tank baffles.

Documentation of compliance with the Permit requirement that there shall be no discharge of floating solids or visible foam in other than trace amounts was not completed in accordance with the O&M Manual.

- 13. Permit Part II.F states, “Except in compliance with this permit, or another permit issued by the Board, 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.”
- 14. Permit Part II.Q requires the permittee to properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit.
- 15. Permit Part I.D.4 requires the permittee to maintain a current O&M Manual for the treatment works that is in accordance with Virginia Pollutant Discharge Elimination System Regulations, 9VAC25-31 and (for sewage treatment plants) Sewage Collection and Treatment Regulations, 9VAC25-79
- 16. Permit Part I.D.4 requires the permittee to operate the treatment works in accordance with the O&M Manual.
- 17. On November 29, 2022, DEQ issued a NOV No. W2022-11-V-0003 to Christendom Educational Corporation for Permit violations.
- 18. On December 19, 2022, DEQ held a meeting with Christendom to discuss the NOV and next steps forward.
- 19. DEQ received the DMRs for the Facility, for the monitoring periods of October 2022, November 2022, and January – December 2022, which included the following data results:

Month	Outfall	Parameter	Concentration/Loading	Reported	Legal Requirement
October 2022	001	004-TSS	Concentration Average	34.1 mg/L	<b>30 mg/L</b>
October 2022	001	004-TSS	Concentration Maximum	109.3 mg/L	<b>45 mg/L</b>
October 2022	001	352-Ammonia as N Jun-Dec	Concentration Maximum	3.4 mg/L	<b>2.4 mg/L</b>
November 2022	001	352-Ammonia as N Jun-Dec	Concentration Average	11.4 mg/L	<b>1.6 mg/L</b>
November 2022	001	352-Ammonia as N Jun-Dec	Concentration Maximum	35.9 mg/L	<b>2.4 mg/L</b>
Jan – Dec 2022	001	120-E.coli	Concentration Average	>83 N/CML	<b>126 N/CML</b>

20. On January 26, 2023, DEQ issued a NOV No. W2023-01-V-0001 to Christendom for Permit effluent limit exceedances for October, November, and annually for 2022.

21. In January 2023, Christendom completed the ‘Initial’ Phase 2 Improvements to the Plant. These improvements included the purchase and installation of a permanent frac tank, exceeding the engineered design capacity of 18,000 gallons. The influent was diverted through temporary measures installing a grinder pump/2” forced main from the nearest manhole to the Plant, installing programmable controls to pump influent from the frac tank into the Plant at a sustainable flow and creating an internal recycle from the bioreactor to the frac tank to improve treatment. To date, Christendom has spent \$49,453 for these ‘Initial’ improvements and anticipates spending an additional estimated \$58,000 to complete the ‘Final’ Phase 2 Improvements, which will include, among other things, the installation of a precast screen channel and mechanical bar screen, converting the existing sludge pump structure into an influent pump station, with appropriate pumps and controls. Within the past two years, Christendom will have incurred costs totaling nearly \$300,000 to undertake proactive improvements to its Plant.

22. DEQ received the Discharge Monitoring Report for the Facility, for the monitoring period of January 2023, which included the following data results:

Month	Outfall	Parameter	Concentration/Loading	Reported	Legal Requirement
January 2023	001	352-Ammonia as N Jan-May	Concentration Maximum	57.3 mg/L	<b>3.1 mg/L</b>
January 2023	001	352-Ammonia as N Jan-May	Concentration Average	14.9 mg/L	<b>2.2 mg/L</b>

23. On March 14, 2023, DEQ issued a NOV No. W2023-03-V-0002 to Christendom Educational Corporation for Permit effluent limit exceedances

11. Va. Code § 62.1-44.15(5a) states that a VPDES permit is a “certificate” under the statute.

12. The Department has issued no permits or certificates to Christendom other than VPDES Permit No. VA0067067.

13. The Shenandoah River UT is a surface water located wholly within the Commonwealth and is a “state water” under State Water Control Law.

14. Based on the results of the November 7, 2022 inspection, the December 29, 2022 meeting, and the DMRs submitted for April, May, August, September, October and November 2022, the Department concludes that Christendom has violated [the Permit and Va. Code § 62.1-44.5, 9 VAC 25-31-50(A)(1-2), Permit Part II.F, Permit Part II.Q, Permit Part I.D.4, by discharging treated sewage and municipal wastes from the Plant while concurrently failing to comply with the conditions of the Permit, as described in paragraphs C(5) through C(18), above.
15. In order for Christendom to complete its return to compliance, DEQ staff and representatives of Christendom have agreed to the Schedule of Compliance, which is incorporated as Appendix A of this Order.

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

Accordingly, by virtue of the authority granted it in Va. Code §§ 62.1-44.15, the Department orders Christendom, and Christendom agrees to:

1. Perform the actions described in Appendix A of this Order; and
2. Pay a civil charge of \$15,783.86 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

Christendom shall include its Federal Employer Identification Number (FEIN) with the civil charge payment and shall indicate that the payment is being made in accordance with the requirements of this Order for deposit into the Virginia Environmental Emergency Response Fund (VEERF). If the Department has to refer collection of moneys due under this Order to the Department of Law, Christendom shall be liable for attorneys' fees of 30% of the amount outstanding.

#### **SECTION E: Administrative Provisions**

1. The Department may modify, rewrite, or amend this Order with the consent of Christendom for good cause shown by Christendom, 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. 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, Christendom admits the jurisdictional allegations, findings of fact, and conclusions of law contained herein.
4. Christendom consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order.
5. Christendom declares it has received fair and due process under the Administrative Process Act and the State Water Control Law and it waives 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 Christendom 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. Christendom 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 its control and not due to a lack of good faith or diligence on its part. Christendom shall demonstrate that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. Christendom 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 Christendom. Nevertheless, Christendom agrees 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 Christendom has completed all of the requirements of the Order;
  - b. Christendom petitions the Director or his designee to terminate the Order after it has 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 Christendom.
12. Any plans, reports, schedules or specifications attached hereto or submitted by Christendom 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 Christendom certifies that he or she is a responsible official authorized to enter into the terms and conditions of this Order and to execute and legally bind Christendom to this document. Any documents to be submitted pursuant to this Order shall also be submitted by a responsible official of Christendom.
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, Christendom voluntarily agrees to the issuance of this Order.

And it is so ORDERED this 27th day of September, 2023.



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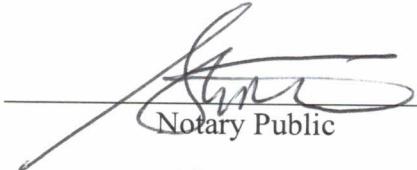
B. Keith Fowler, Deputy Regional Director  
Department of Environmental Quality

Christendom Educational Corporation voluntarily agrees to the issuance of this Order.

Date: 7/28/23 By: Mark C. Rohlens, Executive Vice President  
(Person) (Title)  
Christendom Educational Corporation

Commonwealth of Virginia  
City/County of Warren

The foregoing document was signed and acknowledged before me this 28 day of  
July, 2023, by Mark C. Rohlens who is  
Executive Vice President of Christendom Educational Corporation, on behalf of the  
corporation.

  
\_\_\_\_\_  
Notary Public  
\_\_\_\_\_  
7644239  
\_\_\_\_\_  
Registration No.

My commission expires: 8-31-2023

Notary seal:



## **APPENDIX A** **SCHEDULE OF COMPLIANCE**

### **Plant Upgrades**

Christendom shall complete its construction of the treatment plant (Plant) upgrades in accordance with the following schedule:

1. Begin construction by **August 31, 2023**;
2. Substantially complete construction and make application for the Certificate to Operate (CTO) by **October 31, 2023**; and
3. Complete construction, obtain a CTO, and revisit the Plant's Operations and Maintenance Manual to fully document operation and maintenance procedures of the upgraded Plant by **November 31, 2023**.

### **General Requirements:**

1. Christendom shall submit quarterly reports to DEQ, with the first report being due October 10, 2023. Subsequent quarterly progress reports will be due January 10, 2024, along with the Plant's DMR until cancellation of the Order. The quarterly progress reports shall contain:
  - a. A summary of all work completed since the previous quarterly progress report in accordance with this order;
  - b. A project of the work to be completed in the upcoming quarterly period in compliance with this Amendment; and
  - c. A statement regarding any anticipated problems in complying with this Amendment.
2. No later than 14 days following a date identified in the above schedule of compliance, Christendom shall submit to DEQ's Valley Regional Office a written notice of compliance or noncompliance with the scheduled item. In the case of noncompliance, the notice shall include the cause of the noncompliance, any remedial actions taken, and the probability of meeting the next scheduled item.

### **DEQ Contact**

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

Celeste Horton  
Enforcement Specialist Senior  
VA DEQ – Valley Regional Office  
4411 Early Rd. Harrisonburg, VA 22801

PHONE: 540-830-4677

FAX: 804-698-4178

Email: celeste.horton@deq.virginia.gov