



*Commonwealth of Virginia*

*VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY*

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

David L. Bulova  
Secretary of Natural and Historic Resources

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

**VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY  
ENFORCEMENT ACTION - ORDER BY CONSENT  
ISSUED TO  
Nelson County Service Authority  
FOR  
Wintergreen Mountain WWTP  
VPDES Permit No. VA0031011**

**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 (DEQ or Department) and Nelson County Service Authority, regarding the Wintergreen Mountain Wastewater Treatment Plant (WWTP), for the purpose of resolving certain violations of the State Water Control Law and the applicable permit and/or regulation. This Order supersedes and terminates the Consent Order issued by the State Water Control Board to Nelson County Service Authority on October 17, 2019, and the Amendment to the Consent Order issued by the Department to Nelson County Service Authority on April 26, 2023. In 2022, the Virginia General Assembly passed Senate Bill 657 which transferred the authority to issue consent orders from the State Water Control Board to the Department.

**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.* and 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. Nelson County Service Authority (NCSA) is an authority created pursuant to the Virginia Water and Waste Authorities Act, Va. Code § 15.2-5100 *et seq.* NCSA is a “person” within the meaning of Va. Code § 62.1-44.3.

2. NCSA owns and operates the Wintergreen Mountain WWTP (Facility or Plant) located at 143 Headwaters Lane in Roseland, Virginia, which treats and discharges treated sewage and other municipal wastes.
3. VPDES Permit No. VA0031011 (Permit) was issued under the State Water Control Law and VPDES Permit Regulations to NCSA on January 1, 2024 and expires on December 31, 2028. The Permit allows NCSA to discharge treated sewage and other municipal wastes from Plant Outfall 001, to Pond Hollow Creek, in strict compliance with the terms and conditions of the Permit.
4. An unnamed tributary of South Fork Rockfish River, commonly referenced as Pond Hollow Creek, is located in the Middle James River Basin. South Fork Rockfish River is listed in DEQ's 303(d) report as impaired for recreational use, due to exceedances of the State's water quality standard for bacteria, *Escherichia coli* (*E. coli*). The Rockfish River, North Fork Rockfish River, and South Fork Rockfish River Bacteria Total Maximum Daily Load (TMDL) implementation plan (IP), approved by EPA on October 17, 2012, and the State Water Control Board on March 25, 2013, addresses bacteria impairments. The Facility is listed as a point source and assigned a wasteload allocation (WLA).
5. On October 17, 2019, DEQ issued a Consent Order to NCSA regarding the Wintergreen Mountain WWTP for effluent violations, which included a Schedule of Compliance in Appendix A to upgrade the Facility. The Consent Order required NCSA to obtain a Certificate to Operate (CTO) and complete construction of the Facility by May 1, 2023.
6. On April 26, 2023, DEQ issued an amendment to revise certain provisions of the 2019 Consent Order. The Amendment revised the Schedule of Compliance found in Appendix A of the 2019 Order as the delay in manufacturing and production was out of NCSA's control, but did not alter, modify, or amend any other provision of the 2019 Order. The 2023 Amended Consent Order required NCSA to complete its upgrade of the Plant, obtain a CTO, and update the Facility's Operations and Maintenance (O&M) Manual by October 31, 2024. The 2023 Amended Consent Order also required NCSA to submit quarterly progress reports to DEQ, with reporting due January 10, April 10, July 10, and October 10, until the termination of the Order.
7. On July 9, 2024, DEQ received a Quarterly Report from NCSA staff for the Facility which provided a summary of work completed since April 5, 2024, along with remaining work projected to be completed within the following quarter. The summary of completed actions noted the drilling of three one-foot diameter holes in the Equalization (EQ) basin wall on May 9, 2024, which was not in the 2023 Amended Order Schedule of Compliance, or approved by DEQ, creating an overflow bypass. NCSA provided correspondence, dated May 13, 2024, in which the Engineering Project Manager, of CHA Consulting, Inc., provided that the EQ basin holes were cored as an emergency relief point, in the event membranes became fouled, to prevent an overflow at the MBR basins where mixed liquor would overflow. This correspondence indicated that the EQ basin was cored with no prior discussion or authorization from NCSA and provided that the Engineering Project Manager did not expect the EQ basin to overflow. On May 30, 2024, DEQ staff met with NCSA

officials and the Engineering Project Manager at the Facility to discuss the overflow bypass holes. During the meeting, DEQ communicated that any potential bypass, regardless of location, was not permitted.

8. On October 4, 2024, NCSA staff submitted the quarterly report for the Facility which provided a summary of work completed since July 9, 2024, along with remaining work projected to be completed within the following quarter. NCSA staff anticipated challenges in completing Plant upgrades by the Amended Consent Order deadline, October 31, 2024, due to the headworks portion of the project delaying final completion.
9. On October 8, 2024, DEQ staff requested NCSA provide an estimated date for completion of the project to evaluate the potential necessity of an Amendment. NCSA staff responded the following day but were unable to provide DEQ with a clear timeline due to contractor, subcontractor, and engineering changes. On November 24, 2024, DEQ received correspondence from NCSA staff with an extension timeline and estimated completion date of May 31, 2025, as recommended by the Engineering Project Manager.
10. On December 29, 2024, NCSA staff submitted Pollution Response and Emergency Preparedness (PREP) Incident Report (IR) No. 316890, which detailed an ongoing overflow of the surge tank due to high population in residence during the holidays coinciding with additional rainfall, resulting in an unknown discharge volume reaching State waters.
11. On January 3, 2025, NCSA submitted a 5-day letter which indicated representatives of Ovivo Water Inc., the Manufacturer of the new membrane bioreactors (MBRs), were operating the plant remotely to protect the membranes. NCSA staff submitted a revised report on January 13, 2025, which provided that overflows were also caused by cold weather limiting biological treatment and the new MBR Plant not meeting design flows.
12. On January 9, 2025, DEQ received a Quarterly Report from NCSA staff for the Facility which provided a summary of work completed since October 4, 2024. The summary of completed actions provided that on October 18, 2024, NCSA completed installation of netting over the MBR basins to reduce the number of leaves entering the basins prior to the membranes.
13. On January 9, 2025, DEQ also received an anonymous complaint, PREP IR No. 316951, that a pump at the Facility was not functioning properly and that sewage was being discharged to the environment. NCSA staff indicated that although the Facility did encounter certain issues, the pumps were not considered to be contributing factors.
14. On January 15, 2025, in response to PREP IR No. 316951, DEQ compliance staff conducted a Reconnaissance Inspection of the Facility. The inspection report dated January 31, 2025, details DEQ staff's observation of the removal of a previously installed overflow pipe from the equalization (EQ) basin, three large holes in the side of the EQ basin, and frozen overflow solids at the holes and on the ground. NCSA staff stated that Engineering Project Manager determined the walls of the EQ basin could be compromised if the EQ

tank became too full. NCSA staff stated that the Project Contractor drilled the holes into the side of the EQ basin in May 2024 upon receiving a change work order from the Engineering Project Manager on May 6, 2024, with no prior discussion or authorization from NCSA. NCSA later approved payment through a change order dated June 20, 2025, for coring the EQ basin.

15. On January 16, 2025, DEQ staff transmitted a request for information (RFI) to NCSA. NCSA provided responsive correspondence to DEQ that same day which detailed NCSA efforts, in collaboration with the Engineering Project Manager, Contractor, and Manufacturer representatives, to adjust Plant operations. NCSA's responsive correspondence included:
  - a. Correspondence dated January 15, 2025, from the Engineering Project Manager to NCSA indicated that the cause of the overflow, beginning December 29, 2024, was due in part to damaged biological activity after a valve had been left open. The Engineering Project Manager provided that digester tank contents were emptied through a two-stage manual process which requires: (1) a manual drain valve, equipped only with handwheels be opened, and (2) the decant pump operated with manual on/off buttons on the supervisory control and data acquisition (SCADA) system be turned on. Digester content, being detrimental to the MBR process, damaged biological activity. SCADA controlled MBR level set points were raised. Once MBR basin levels exceeded overflow cutout elevations, MBR contents filled the digesters, diluting the mixed liquor suspended solids (MLSS). Cold temperatures, combined with overflows diluting the MLSS, further damaged the system's microbiology.
  - b. Correspondence dated January 13, 2025, transmitted by the Manufacturer Project Manager to the Engineering Project Manager and Contractor, in which the Manufacturer Project Manager indicated that the Plant's biological processes had been severely compromised, resulting in adverse impacts to membrane performance. The Manufacturer Project Manager reported that, following the biological disruption, Manufacturer personnel had been actively monitoring and remotely operating the Plant, implementing operational adjustments, and initiating cleaning procedures in an effort to maintain functionality and reduce the occurrence and duration of shutdowns. The Manufacturer Project Manager further indicated that although Manufacturer personnel had obtained certain information through communications with NCSA Operators, they determined that a return of Manufacturer personnel to the Plant was advisable to provide onsite operational support and to assess whether additional measures could be undertaken to facilitate recovery of the Plant's biological processes. The Manufacturer Project Manager additionally provided that, if deployed to the Plant, the Manufacturer's Area Manager and Process Lead would be able to verify the Facility's configuration and equipment setup were consistent with design documents, assist NCSA Operators in performing a recovery clean, and establish and demonstrate proper dosing of flux-enhancing polymer.
  - c. Correspondence dated January 14, 2025, from the Engineering Project Manager to NCSA provided a timeline of events spanning December 18, 2024, through January 14,

2025, in which the Engineering Project Manager noted that:

- i. On January 3, 2025, the Engineering Project Manager spoke to representatives of the MBR Manufacturer regarding MBR set SCADA levels. Manufacturer representatives expressed concerns related to material from the digesters draining into the MBR basins and clogging the membranes. After further discussion, the Engineering Project Manager and Manufacturer representatives determined that small floating particles did not present a major threat and Manufacturer representatives dropped the level setpoints to eliminate the mixing of digester and MBR contents. Once the MBR basin setpoints were adjusted, MBR basin levels fully dropped to the adjusted level setpoints over the weekend.
  - ii. On January 7, 2025, the Contractor hauled 12,000 gallons of sludge from the digesters to reduce overall volume and prevent digester contents from mixing with the contents of the MBR basins.
16. On January 17, 2025, DEQ received correspondence from NCSA which provided additional information in response to the RFI. In its submission, NCSA reported that Manufacturer representatives were actively assisting Facility staff in performing a membrane recovery clean on one MBR train, with the second MBR train scheduled to undergo the same procedure thereafter. NCSA indicated these actions were being taken to increase the Plant's operational capacity and mitigate ongoing overflow conditions. NCSA further stated that Manufacturer personnel and Contractor staff intended to fully reseed the Plant over the course of an estimated two to five days, as soon as weather conditions permitted. The anticipated start date for reseedling was identified as January 23, 2025; however, NCSA indicated that the process could be accelerated if weather conditions improved or if adjustments could be made to accommodate the forecasted low temperatures. NCSA represented that, upon completion of the reseedling process one half of the Plant would be restored to full operational capacity, thereby eliminating the overflow conditions. Once that portion of the Plant was stabilized and functioning normally, the remaining half would be gradually brought online to reestablish redundancy and increase total treatment capacity. NCSA staff also considered pump and haul, but determined it was not an option due to time and cost as overflows would require 6,000-gallon tankers around the clock.
17. On January 24, 2025, DEQ received an Amended Overflow Report from NCSA staff. The report indicated that Manufacturer representatives were scheduled to arrive at the Facility the following week. The report further provided that NCSA had secured seven loads of seed sludge from a nearby wastewater treatment plant as an emergency measure intended to rapidly increase the concentration of viable biomass within the MBR basins, with the stated objective of improving treatment performance and reducing overflow conditions. NCSA reported that lime application along the overflow path would be deferred until the overflow was contained, as premature application could diminish treatment effectiveness and result in greater impact than delayed treatment. During a later meeting, NCSA provided additional details regarding corrective measures taken as described in paragraph C(23).

18. On January 31, 2025, the Engineering Project Manager engaged DEQ staff in conversation regarding the possibility of bypassing MBR basins with a pump. The Engineering Project Manager initially considered bypassing disinfection as well to prevent causing issues with the UV system. DEQ staff provided that, like overflows, unpermitted bypasses are a violation of the Permit, and that DEQ's preference was a temporary solution that best minimizes environmental impact. The Engineering Project Manager indicated they would reconsider the feasibility of bypassing with UV treatment.
19. On February 6, 2025, DEQ staff conducted a follow-up inspection to observe site conditions and impacts of EQ basin overflows. NCSA staff provided Facility precipitation records which indicate that the Plant received approximately one inch of precipitation during the 24-hour period preceding the inspection. During the inspection, DEQ staff observed wastewater solids deposition and matting next to the EQ basin, coating the stormwater ditch adjacent to the EQ basin, and widespread within the lower elevation wooded area downstream of the access road culvert where the wastewater had spread out and pooled prior to entering an unnamed tributary to Pond Hollow Creek. DEQ staff's photographic records show no active overflow from the EQ basin at the time of the inspection. NCSA staff acknowledged wet ground conditions visible in DEQ's photographs and stated that the contribution of direct stormwater runoff could not be determined as no water quality sampling was conducted at that time.
20. On February 7, 2025, the Engineering Project Manager provided an update to DEQ staff regarding the MBR bypass. Engineering staff explained that the bypass was occurring downstream of the EQ basin and fine screen, which they believe provided some degree of biological treatment and settleability, while also removing anything larger than 2mm in diameter. The Engineering Project Manager provided that wastewater bypassing the Plant was then being mixed with treated wastewater from the Plant at a treated-to-untreated ratio of approximately 7:4. The Engineering Project Manager's staff indicated that following the bypass invert, the blended wastewater processes through an approximately 300-foot-long flume aerator, believed to provide some additional biological treatment prior to reaching the Plant outfall.
21. On February 13, 2025, DEQ issued Notice of Violation (NOV) No. W2025-02-V-0001 to NCSA for the unpermitted discharge beginning December 29, 2024, with the estimated volume of discharge reported as 1.5 to 2 million gallons and ongoing; DEQ staff's January 15, 2025, inspection observations of evidence of overflows from the EQ basin and overflowed frozen foam along the walkways of the treatment system; and DEQ staff's February 6, 2025, inspection observations of approximately 540 feet of impact spanning from the EQ basin to the confluence with an unnamed tributary to Pond Hollow Creek. On April 7, 2026, NCSA submitted a revised overflow volume estimate to DEQ for the December 2024 to March 2025 (2024-2025) overflow event as detailed in paragraph C(40) below.
22. On February 20, 2025, DEQ compliance staff received a corrective action response from NCSA which provided that NCSA would make a more diligent effort to meet Permit

reporting requirements; frozen foam had been cleaned from Plant units, piping, walkways, and netting; frozen foam on the ground had been treated with lime which NCSA planned to clean and dispose of once the areas were dry enough. NCSA staff detailed numerous efforts that were being made to reestablish biological activity and increase MBR permeability, with NCSA staff collecting and reporting data to the Engineering Project Manager, DEQ, and the MBR Manufacturer each day, for tracking and trending measures.

23. On March 3, 2025, DEQ staff met with representatives of NCSA to discuss the NOV, cause of the overflow, remedial actions taken, corrective actions planned and to clarify total overflow volume estimates. NCSA representatives reported that:

Corrective Actions Taken:

- a. Between January 22, 2025, and January 31, 2025, NCSA hauled approximately 108,000 gallons of digester contents from the Plant. According to NCSA, this action was taken to prevent intermixing of digester and MBR contents and to create sufficient capacity for wasting, which is necessary to maintain sludge age and reduce the likelihood of overflows. NCSA staff further reported that NCSA transported ten loads, approximately 60,000 gallons, of seed sludge from a neighboring facility to the Plant during this same period. This seed sludge was blended with the Plant's existing sludge to support restoration of biological activity and reestablish treatment processes.
- b. Manufacturer Representatives provided NCSA staff onsite operational assistance January 26, 2025, through January 31, 2025, for the purpose of optimizing treatment performance. Under the direction of Manufacturer personnel, NCSA staff conducted extensive membrane cleanings and applied a flux-enhancing polymer to promote floc formation and improve membrane permeability. NCSA made additional operation adjustments during this time, including a) the introduction of a nutrient additive to support existing microbiological populations and encourage biological growth; b) adjustment of the automated membrane cleaning schedule and related process parameters to increase filtration capacity by backflushing the membranes every five minutes, a frequency significantly greater than normal operational settings. NCSA stated that this optimization effort remained ongoing, with Manufacturer personnel closely monitoring and remotely operating the Plant to adjust settings as needed to maximize daily flow throughput.
- c. A siphon bypass was attempted; however, it was removed on February 12, 2025 due to this process reducing the MLSS.
- d. The Engineering Project Manager engaged an MBR process expert to independently evaluate Plant Conditions and develop recommendations for issues faced by NCSA's Plant operators. The MBR Process Expert conducted a multi-day onsite evaluation, February 24, 2025, through February 26, 2025, and provided supplemental training to NCSA Operators. NCSA staff later provided that subsequent to this visit, NCSA designated a new Chief Operator. The MBR Process Expert provided an engineering letter report to the Engineering Project Manager on April 11, 2025. On June 16, 2025,

the Engineering Project Manager released this report to NCSA, upon the NCSA’s request. On July 8, 2025, NCSA staff shared the third-party evaluation report with DEQ as an attachment to the Quarterly Report.

Corrective Action Planned:

- a. The Engineering Project Manager planned to extract EQ basin wastewater elevation levels from the SCADA system and compare those elevations to the invert elevation of the cored holes in the EQ basin to calculate the total overflow volume and provide DEQ with a representative estimate.
  - b. NCSA planned to label the drain valve handwheel to clearly indicate valve position and explore the possibility of integrating a SCADA notification and/or alarm.
  - c. Representatives from the Manufacturer were scheduled to perform a deep clean of one MBR train, provide additional operator training the week of March 10, 2025, and further evaluate programming issues and pump related dilemmas.
  - d. The Engineering Project Manager developed a detailed concept for a permanent bypass and was working on a final design at that time. Contractor staff were preparing a construction quote based on the detailed concept. The Engineering Project Manager indicated that they planned to submit a change order to CWFA staff once the design was finalized.
24. On March 28, 2025, DEQ received correspondence from the Engineering Project Manager which provided a total overflow volume estimate of 11.2 million gallons and an estimated 70 days in which overflow events occurred. As provided in paragraph C(21) above, NCSA submitted a revised overflow volume estimate to DEQ for the 2024-2025 overflow even as further detailed in paragraph C(40) below.
25. In submitting its Discharge Monitoring Reports (DMRs), as required by the Permit, NCSA has indicated that it exceeded discharge limitations contained in Part I.A.1 of the Permit, for the month of September 2025. NCSA reported that it believed the exceedances were caused by NCSA staff lowering the volume in the EQ basin in order to access and evaluate issues with the air diffusers.

Month	Outfall	Parameter	Concentration/Loading	Reported	Legal Req.
September 2025	001	312-Ammonia as N Jun-Nov	Concentration Average (mg/L)	1.79	0.84
September 2025	001	312-Ammonia as N Jun-Nov	Concentration Maximum (mg/L)	6.52	1.1

26. On October 14, 2025, DEQ executive regional leadership, management, enforcement, and Clean Water Financing and Assistance (CWFA) staff met with representatives of NCSA, the Engineering Project Manager, and the Project Contractor to discuss remaining corrective actions and the proposed permanent bypass. Plant capacity during peak flows continued to be a concern. NCSA staff indicated that once all programming and system

updates were functional, design flow throughput would eliminate future overflow conditions. CWFA staff provided that the proposed bypass did not meet Sewage Collection and Treatment regulatory requirements and therefore the Agency could not fund the proposed bypass as designed. Ultimately, NCSA did not proceed with the proposed permanent bypass. NCSA later stated that the bypass was not pursued based on NCSA's understanding that DEQ would not issue a Certificate to Operate for the permanent bypass, if installed. NCSA further provided that the Contractor ceased installation of the bypass accordingly.

27. On December 22, 2025, DEQ received a 24-hour notification report from NCSA for overflows from the EQ basin beginning December 21, 2025, and assigned PREP IR No. 321906. NCSA staff stated that the overflow resulted from the inability of the WWTP membranes to process the designed volume of wastewater. NCSA staff provided that in order to address this limitation, an intensive membrane cleaning program was initiated to improve membrane treatment capacity.
28. In submitting its DMRs, as required by the Permit, NCSA has indicated that it exceeded discharge limitations contained in Part I.A.1 of the Permit, for the month of December 2025. NCSA indicated that it believed the exceedances were due to intense membrane cleanings.

Month	Outfall	Parameter	Concentration/Loading	Reported	Legal Req.
December 2025	001	313-Ammonia as N Dec-May	Concentration Average (mg/L)	3.13	1.9
December 2025	001	313-Ammonia as N Dec-May	Concentration Maximum (mg/L)	6.04	2.6
December 2025	001	004-TSS	Loading Average (kg/d)	16.6	11
December 2025	001	004-TSS	Concentration Average (mg/L)	43	10
December 2025	001	004-TSS	Concentration Maximum (mg/L)	43	15
December 2025	001	002-pH	Concentration Minimum (SU)	5.79	6.0

29. On January 8, 2026, DEQ received a Quarterly Report from NCSA staff for the Facility which provided a summary of work completed since October 8, 2025, along with remaining work projected to be completed within the following quarter. NCSA provided that in preparation for the expected winter seasonal wastewater flow increase, NCSA undertook the following actions:
  - a. On October 16, 2025, NCSA purchased and installed rubber matting to cover membranes as an insulative measure against anticipated cold winter temperatures and to supplement existing netting by further limiting leaves and other debris from entering the treatment system.
  - b. On October 17, 2025, NCSA staff received a training manual prepared by the MBR Process Expert and provided by the Engineering Project Manager. NCSA requested that the MBR Process Expert return to the Facility to provide operational assistance, however, the MBR Process Expert was not available.

- c. On October 22, 2025, following the second failure of the Manufacturer provided communications and control device, NCSA staff requested the Manufacturer provide an improved controller.
  - d. On October 28, 2025, Manufacturer representatives inspected the system and replaced faulty equipment.
  - e. On November 12, 2025, Manufacturer representatives provided NCSA staff additional onsite training.
  - f. On December 21, 2025, NCSA staff noted that membrane modules began to foul when flows increased to approximately 200 gallons per minute or .288 million gallons per day resulting in the need for continuous cleaning. On December 23, 2025, NCSA further reported that in an effort to manage increased flows and improve membrane throughput, NCSA staff were cleaning membranes daily.
30. On February 6, 2026, DEQ issued NOV No. W2026-02-V-0001 to NCSA for September 2025, and December 2025, Permit effluent limit exceedances, and the unpermitted discharge beginning December 21, 2025, which began reaching Pond Hollow Creek on December 29, 2025. Due to the continued start/stop pattern of the overflows, DEQ requested NCSA move to weekly reports. The table below lists the reported dates and overflow start and stop times reported by NCSA staff.

<b>EQ Overflow Start Date and Time</b>	<b>EQ Overflow Stop Date and Time</b>
12/29/2025 9:00 AM – 12:00 PM	12/29/2025 3:00 AM – 5:00 AM
12/30/2025 9:00 AM – 12:00 PM	12/30/2025 3:00 AM – 5:00 AM
12/31/2025 9:00 AM – 12:00 PM	12/31/2025 3:00 AM – 5:00 AM
1/1/2026 9:00 AM – 12:00 PM	1/1/2026 3:00 AM – 5:00 AM
1/3/2026 9:00 AM – 12:00 PM	1/3/2026 3:00 AM – 5:00 AM
1/4/2026 9:00 AM – 12:00 PM	1/4/2026 3:00 AM – 5:00 AM
1/10/2026 8:30 AM	1/12/2026 Early AM
1/12/2026 10:00 AM	1/12/2026 Stop time not reported
1/13/2026 12:40 PM	1/14/2026 6:00 AM
1/14/2026 8:30 AM	1/14/2026 11:20 AM
1/17/2026 10:50 AM	1/19/2026 5:00 AM
1/19/2026 7:30 AM	1/20/2026 12:50 AM
1/25/2026 6:00 PM	1/26/2026 12:45 AM
1/26/2026 10:35 AM	1/27/2026 1:10 AM
1/27/2026 2:45 PM	1/27/2026 8:25 PM
1/31/2026 10:00 AM	2/1/2026 4:45 AM
2/1/2026 8:40 AM	2/2/2026 1:00 AM

31. On February 11, 2026, DEQ staff met with NCSA representatives to discuss the NOV, and immediate measures taken or planned to eliminate overflows. NCSA representatives provided that in addition to the intensive membrane cleaning program, initiated in December 2025 in response to the overflows, NCSA staff performed a series of actions from December 2025 through February 2026 to improve wastewater treatment system

performance and to address overflows including: the request of additional operational assistance and recommendations for process improvements from the Manufacturer; introduced polymer feeds to improve filterability and membrane efficiency, and adjustments made to process cycle times to improve membrane permeability.

NCSA staff further provided the NCSA’s planned actions, which included plans to: sample and analyze TSS, Ammonia, BOD, and E. coli at the overflow holes, downstream of the Plant outfall, and at the first publicly accessible stream access to better assess overflow conditions and impacts; initiate pump and haul operations during high resort capacity timeframes to reduce overflows from the EQ basin; provide public notification of the overflow; consider water restrictions as a means to reduce total Plant influent; and evaluate the possibility of obtaining a temporary treatment plant for increased wastewater storage capacity while determining permanent, long-term corrective measures that will be necessary to maintain durable compliance. NCSA staff also stated that Manufacturer representatives were scheduled to return to the Facility February 17, 2026 through February 23, 2026 to thoroughly clean the membranes and conduct performance testing. DEQ staff requested that NCSA submit reports of any overflows, pump and haul efforts, and the results from the sampling.

32. On February 13, 2026, NCSA staff notified DEQ that NCSA had posted a public notice on the NCSA’s website and that NCSA staff would be communicating directly with homeowners downstream of the Facility on February 17, 2026.
33. On February 19, 2026, DEQ received the following analytical results from NCSA staff for samples taken February 12, 2026:

Sampling Location	TSS (mg/L)	Ammonia (mg/L)	BOD (mg/L)	E. coli (N/100mL)
EQ Basin Overflow	35	42	16.9	-
Downstream of Facility Outfall	3.1	9.5	ND	33.1
First Public Access Point	1.4	ND	ND	18.3

34. On February 9, February 17, February 24, March 2, and March 3, 2026, NCSA staff submitted reports detailing the prior week’s overflows and pump and haul efforts. During these weeks, NCSA staff reported 37 total 6,000-gallon tankers hauled from the Facility. The table below lists the dates and overflow start and stop times reported by NCSA staff, consisting of fifteen days of overflow events. NCSA staff also submitted updates regarding the Manufacturer representative’s cleaning efforts and progress, and reported that for the week of February 17, 2026, through February 23, 2026, the Facility experienced continuous overflows due to Plant shutdowns for membrane cleaning.

EQ Overflow Start Date and Time	EQ Overflow Stop Date and Time
2/8/2026 5:39 PM	2/8/26 10:55 PM
2/16/2026 8:30 AM	2/25/2026 11:45 AM
2/26/2026 11:15 AM	2/26/2026 9:50 PM
2/27/2026 5:15 AM	2/27/2026 4:00 PM

2/28/2026 6:00 PM	3/1/2026 2:30 AM
3/1/2026 9:30 AM	3/1/2026 5:00 PM

35. On February 25, 2026, DEQ staff conducted a Reconnaissance Inspection of the Facility to evaluate the condition of the receiving stream. The inspection report dated March 4, 2026, details DEQ staff's observations which provide that the EQ basin was overflowing at the time of the inspection with overflow wastewater passing through a culvert under the EQ basin access road and flowing through a wooded area. Staff observed the majority of wastewater solids dispersed in this wooded area, with minimal solids observed in Pond Hollow Creek. Staff noted that light settled solids were deposited in small pockets along the discharge path and observed on leaves in the stream.
36. On February 26, 2026, DEQ received correspondence from NCSA staff which provided an estimated total overflow volume of 3.8 million gallons for the December 2025 to March 2026 (2025-2026) overflow event. On March 18, 2026, NCSA staff provided a revised estimated total overflow volume of 4.11 million gallons for the 2025-2026 overflow events. On April 7, 2026, NCSA submitted a revised overflow volume estimate to DEQ for the 2025-2026 overflow event as detailed in paragraph C(40) below.
37. On March 10, 2026, and March 16, 2026, NCSA reported that no overflows had occurred after March 1, 2026.
38. On March 30, 2026, DEQ staff met with representatives of NCSA. During this meeting NCSA staff reported that the Manufacturer performance clean was scheduled to occur the following week, contingent upon achieving the MLSS concentrations required for testing procedures. NCSA's Operator reported concerns with wastewater generated during the cleaning process, flows back into the digesters and impacts the system's biological processes. NCSA staff further stated that the cleaning process requires significantly more time to complete than the duration indicated in the Manufacturer's guidelines. A NCSA Official indicated that Manufacturer representatives conducted an onsite investigation of equipment and pump control issues on March 25, 2026. NCSA staff provided that Manufacturer representatives had also reviewed the Facility's cleaning procedures and confirmed that NCSA staff were conducting cleaning processes in accordance with the Manufacturer's prescribed methods and using the Manufacturer-specified cleaning formulations. NCSA staff provided that a representative from the Manufacturer had been present at the Facility that week and that Manufacturer personnel were in the process of updating the cleaning process guidelines; however, NCSA had not yet received the updated documentation.
39. On April 1, 2026, DEQ received correspondence from NCSA which provided detailed operational investigations and diagnostics from Manufacturer representatives related to the forward feed pumps, permeate cycle times, and residual chlorine issues. Manufacturer staff indicated that performance testing was anticipated to begin the following week.
40. On April 7, 2026, DEQ staff met with NCSA officials. During this meeting, NCSA's staff reported that chlorine is introduced into the system twice per week, once per MBR train.

In response to chlorine concerns associated with the cleaning procedures, NCSA stated that it had installed valves programmed to close in order to recycle chlorinated washwater through the system as a measure intended to prevent effluent from being discharged until it is dechlorinated. NCSA staff further reported that chlorinated washwater is being transferred to a digester, where it aerates for approximately one week, and that NCSA's Operator conducts chlorine residual testing to confirm that the wastewater is dechlorinated prior to effluent discharge. That same day DEQ also received correspondence from NCSA which provided:

- a. Revised overflow volume estimates for the 2024-2025 and the 2025-2026 overflow events. NCSA representatives provided that NCSA staff reviewed the Engineering Plans and conducted multiple field measurements to determine whether the elevation of cored holes in the EQ basin matched that of transducer output readings for the stated elevation. NCSA staff resolved the cored hole elevation discrepancy, revised overflow volume calculations, and submitted a more representative approximation of overflow volumes. NCSA estimated 3.23 million gallons for the 2024-2025 overflow event, and 1.37 million gallons for the 2025-2026 overflow event. On May 1, 2026, NCSA further revised their calculations, ultimately estimating 5.20 million gallons for the 2024-2025 overflow event, 2.28 million gallons for the 2025-2026 overflow event, and .023 million gallons for an overflow event that occurred on April 5, 2026. After overflow events the affected area was limed by operational staff.
- b. Documentation verifying solid waste was removed from the overflow discharge path and properly disposed of.
- c. Sample analysis results for TSS, Ammonia, BOD, and E.coli samples collected April 1, 2026, at three locations; 1) from the EQ basin at the cored hole wastewater level elevation; 2) 100 feet downstream of the Facility Outfall (immediately downstream of where the unpermitted discharge entered Pond Hollows Creek), and; 3) at the first public access point.

Sampling Location	TSS (mg/L)	Ammonia (mg/L)	BOD (mg/L)	E. coli (N/100mL)
EQ Basin Overflow	118	17.9	68.9	-
Downstream of Facility Outfall	4.2	ND	ND	5.2
First Public Access Point	3.2	ND	ND	ND

41. On April 10, 2026, DEQ received a Quarterly Report from NCSA staff for the Facility which provided a summary of work completed since January 8, 2026. The summary of completed actions demonstrated NCSA staff's frequent communication with Manufacturer representatives, Engineering staff, and the Contractor, as all parties work to prepare the Plant for final performance testing. NCSA staff provided that every effort was made to follow Manufacturer guidance on process parameters and that the NCSA had made frequent requests for equipment and programming updates from the Manufacturer. The report provided that on March 12, 2026, NCSA formalized the frequent communications with Manufacturer representatives, Engineering staff and the Contractor through structured ongoing weekly meetings.

42. Va. Code § 62.1-44.5 states that: “[E]xcept in compliance with a certificate 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.”
43. The Regulation, at 9 VAC 25-31-50, also states that except in compliance with a VPDES permit, or another permit, it is unlawful to discharge into state waters sewage, industrial wastes or other wastes.
44. Va. Code § 62.1-44.15(5a) states that a VPDES permit is a “certificate” under the statute.
45. The Department has issued no permits or certificates for wastewater discharges to NCSA other than VPDES Permit No. VA0031011 .
46. The unnamed tributary to South Fork Rockfish River, commonly referenced as Pond Hollow Creek, is a surface water located wholly within the Commonwealth and is a “state water” under State Water Control Law.
47. Based on the results of the inspections, review of Department records, meetings with NCSA representatives, and documentation submitted by NCSA representatives the Department concludes that NCSA has violated the Permit, Va. Code 62.1-44.5, and 9 VAC 25-31-50, by discharging treated sewage and municipal wastes from the Plant while concurrently failing to comply with the conditions of the Permit described above.
48. In order for NCSA to complete its return to compliance, DEQ staff and representatives of NCSA have agreed to the Schedule of Compliance, which is incorporated as Appendix A of this Consent Order.

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

Accordingly, by virtue of the authority granted it in Va. Code §§ 62.1-44.15 and upon consideration of Va. Code § 10.1-1186.2, the Department orders NCSA, and NCSA agrees to:

1. Perform the actions described in Appendices A, B, and C of this Consent Order; and
2. Pay a civil charge of \$215,231.26 in settlement of the violations cited in this Order to be paid as follows:
  - a. NCSA shall pay \$35,741.26 of the civil charge within 30 days of the effective date of the Consent Order. Payment shall be made either by credit card at [www.deq.virginia.gov](http://www.deq.virginia.gov), or 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

- NCSA shall include its 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 into the Virginia Environmental Emergency Response Fund (VEERF). The TIN is required under Federal law (26 USC § 6723) and this consent order cannot be terminated until the TIN 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 your TIN please mail the attached Virginia Form W-9 with your payment. If the Department must refer collection of the civil charge due under this Order to the Department of Law, NCSA shall be liable for attorneys' fees of 30% of the amount outstanding.
- b. NCSA shall satisfy \$179,490.00 of the civil charge by satisfactorily completing the Supplemental Environmental Projects (SEPs) described in Appendix B and Appendix C of this Consent Order.
  - c. The net project costs of the SEPs to NCSA shall not be less than the amount set forth in Paragraph D.2.b. If it is, NCSA shall pay the remaining amount in accordance with Paragraph D.2.a of this Order, unless otherwise agreed to by the Department. "Net project cost" means the net present after-tax cost of the SEPs, including tax savings, grants and first-year cost reductions and other efficiencies realized by virtue of project implementation. If the proposed SEPs are for a project for which the party will receive an identifiable tax savings (e.g., tax credits for pollution control or recycling equipment), grants, or first-year operation cost reductions or other efficiencies, the net project cost shall be reduced by those amounts. The costs of those portions of SEPs that are funded by state or federal low-interest loans, contracts or grants shall be deducted.
  - d. By signing this Order NCSA certifies that it has not commenced performance of the SEPs.
  - e. NCSA acknowledges that it is solely responsible for completing the SEP projects. Any transfer of funds, tasks or otherwise by NCSA to a third party shall not relieve NCSA of its responsibility to complete the SEPs as described in this Order.
  - f. In the event it publicizes the SEPs or the SEP results, NCSA shall state in a prominent manner that the project is part of a settlement of an enforcement action.
  - g. The Department has the sole discretion to:
    - i. Authorize any alternate or equivalent SEPs proposed by the Facility; and

- ii. Determine whether the SEPs or alternate SEPs have been completed in a satisfactory manner.
- h. Should the Department determine that NCSA has not completed the SEPs or alternate SEPs in a satisfactory manner, the Department shall so notify NCSA in writing. Within 30 days of being notified, NCSA shall pay the amount specified in Paragraph D.2.b, above, as provided in Paragraph D.2.a, above.

Both the Department and the NCSA understand and agree that this Order supersedes and terminates the Consent Order issued by the State Water Control Board to NCSA regarding the Wintergreen Mountain WWTP, on October 17, 2019, and Amendment to Consent Order issued by the Department to NCSA on April 26, 2023.

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

1. The Department may modify, rewrite, or amend this Consent Order with the consent of NCSA for good cause shown by NCSA, 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 Consent Order addresses and resolves only those violations specifically identified in Section C of this Consent Order. This Consent 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 Consent Order.
3. For purposes of this Consent Order and subsequent actions with respect to this Order only, NCSA admits to the jurisdictional allegations, and agrees not to contest, but neither admits nor denies, the findings of fact and conclusions of law in this Order.
4. NCSA consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Consent Order.
5. NCSA 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 Consent Order.
6. Failure by NCSA to comply with any of the terms of this Consent 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 Consent Order is found to be unenforceable for any reason, the remainder of the Consent Order shall remain in full force and effect.
8. NCSA 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. NCSA shall demonstrate that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. NCSA shall notify the DEQ Enforcement 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 Consent 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 Enforcement 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 Consent Order.

9. This Consent Order is binding on the parties hereto and any successors in interest, designees and assigns, jointly and severally.
10. This Consent Order shall become effective upon execution by both the Director or his designee and NCSA. Nevertheless, NCSA agrees to be bound by any compliance date which precedes the effective date of this Order.
11. This Consent Order shall continue in effect until:
  - a. The Director or his designee terminates the Consent Order after NCSA has completed all of the requirements of the Consent Order;
  - b. NCSA petitions the Director or his designee to terminate the Consent Order after it has completed all of the requirements of the Consent Order and the Director or his designee approves the termination of the Consent Order; or

- c. The Director or Department terminates the Consent Order in his or its sole discretion upon 30 days' written notice to NCSA.

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

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

And it is so ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2026.

\_\_\_\_\_

Department of Environmental Quality

------(Remainder of Page Intentionally Blank)-----

Nelson County Service Authority voluntarily agrees to the issuance of this Consent Order.

Date: May 27, 2026 By: George T. Miller, Jr., Executive Director  
(Person) (Title)  
Nelson County Service Authority

Commonwealth of Virginia  
City/County of Nelson

The foregoing document was signed and acknowledged before me this 27<sup>th</sup> day of May, 2026 by George T. Miller, Jr. who is Executive Director of Nelson County Service Authority, on behalf of the Authority.

Jennifer Tyree Fitzgerald  
Notary Public

7125843  
Registration No.

My commission expires: September 30, 2027

Notary seal:



## **APPENDIX A SCHEDULE OF COMPLIANCE**

### **Wastewater Discharge**

1. NCSA shall immediately and for the duration of the Order cease the overflows of wastewater from the Facility to state waters. Discharge of wastewater from the Facility Outfall shall only be in a manner which maintains compliance with Permit effluent limits.
2. During the period beginning with the effective date of the Order and lasting until the Permit's expiration date, when Chlorine is utilized for cleaning or added to the WWTP, discharge from the Facility shall be limited and monitored as specified below.

	<b>Monthly Average</b>	<b>Weekly Average</b>	<b>Monitoring Frequency*</b>	<b>Sample Type</b>
Total Residual Chlorine (TRC) (mg/L)	0.0075	0.0083	1-Hour Intervals	Grab

### **Chlorine Management**

3. NCSA shall install equipment or employ procedures, or both, to ensure dechlorination to a chlorine residual that meets the TRC limits in Appendix A.2. and shall apply effective best management practices for chlorine.
4. By October 10, 2026, NCSA shall ensure sufficient storage to contain chlorinated water until it can be dechlorinated prior to discharge or have an online redundant and operation back-up dechlorination system to address possible malfunction of the dechlorination system.

### **Chlorine Monitoring**

5. During the period beginning with the effective date of the Order and lasting until the Permit's expiration date, when Chlorine is utilized for cleaning or added to the WWTP, effluent TRC shall be monitored following introduction of chlorine to the wastewater treatment system once chlorinated wastewater is reasonably expected to be in the final effluent, at one-hour intervals, until analysis demonstrates compliance with TRC limits in Appendix A.2, and in accordance with Permit Part III.A.1. Quantification levels (QLs) shall be less than or equal to a chlorine concentration of 0.10 mg/L. It is the responsibility of NCSA to ensure that proper quality control and quality assurance protocols are followed during the sample gathering and analytical procedures.

---

\*Monitoring shall be performed following introduction of chlorine to the wastewater treatment system and is reasonably expected to be in the final effluent, at one-hour intervals, until analysis demonstrates compliance with the TRC limits set out in Appendix A.2.

### **Chlorine Reporting**

6. During the period beginning with the effective date of the Order and lasting until the Permit's expiration date, NCSA shall record and maintain monitoring information in accordance with Permit Part III.B; submit the results of the monitoring required above in accordance with Permit Part III.C; submit quality control and quality assurance information to document that the required quantification level has been attained; and provide certification in accordance with Permit Part III.K. Compliance reporting shall be as specified in Permit Part I.C.2.

### **Chlorine Management and Monitoring Plan**

7. By July 10, 2026, NCSA shall submit to DEQ, for review and approval, a Chlorine Management and Monitoring Plan (CMMP). The CMMP shall demonstrate how NCSA will achieve compliance with the requirements outlined in Appendix A paragraphs 2 through 4, above. The CMPP shall include a schedule for implementation of the selected corrective actions to be completed as soon as possible, and no later than October 10, 2026. Upon DEQ approval said plan and schedule shall become a part of, and enforceable under, the terms of this Order. If needed, NCSA shall respond to DEQ comments within 14 days of receiving such comments.

### **Plan and Schedule of Corrective Action**

8. By July 10, 2026, NCSA shall submit to DEQ, for review and approval, a detailed Short Term Corrective Action Plan (S-CAP) addressing how NCSA will avoid overflows in the upcoming winter seasons. This plan shall include a schedule for implementation of the selected corrective actions to be completed as soon as possible, and no later than December 1, 2026. Upon DEQ approval said plan and schedule shall become a part of, and enforceable under, the terms of this Order. If needed, NCSA shall respond to DEQ comments within 14 days of receiving such comments.
9. By July 10, 2027, NCSA shall submit to DEQ for review and approval a detailed Long-Term CAP (L-CAP) that will indicate the actions that will be taken by the NCSA to ensure the Facility operates as designed and is capable of durable compliance with its Permit. This plan shall include a schedule for implementation of the selected corrective actions to be completed by December 31, 2028. Upon DEQ approval said plan and schedule shall become a part of, and enforceable under, the terms of this Order. If needed, NCSA shall respond to DEQ comments within 14 days of receiving such comments.
10. By December 31, 2028, NCSA shall obtain a Certificate to Operate and update the Facility's Operations and Maintenance (O&M) Manual.

### **General Requirements**

11. NCSA shall submit quarterly progress reports to DEQ, with the first report being due July 10, 2026. Subsequent progress reports will be due October 10, January 10, and April 10 along

with the Facility's Discharge Monitoring Report, until the cancellation of this Order. The quarterly progress reports shall contain:

- a. A summary of all work completed since the previous progress report in accordance with this Order;
- b. A projection of the work to be completed during the upcoming quarterly period in accordance with this Order; and
- c. A statement regarding any anticipated problems in complying with this Order.

No later than 14 days following a date identified in the above schedule of compliance, NCSA 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 noncompliance, any remedial actions taken, and the probability of meeting the next scheduled item.

### **DEQ Contact**

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

Francesca Wright  
Senior Enforcement Specialist  
VA DEQ – Valley Regional Office  
4411 Early Road, Harrisonburg, VA 22801  
[Francesca.Wright@deq.virginia.gov](mailto:Francesca.Wright@deq.virginia.gov)

**APPENDIX B**  
**NELSON COUNTY SERVICE AUTHORITY**  
**SUPPLEMENTAL ENVIRONMENTAL PROJECT (SEP)**

In accordance with Va. Code § 10.1-1186.2, Nelson County Service Authority (NCSA) shall perform the Supplemental Environmental Project (SEP) identified below in the manner specified in this Appendix. As used in this Order and Appendix, SEP means an environmentally beneficial project undertaken as partial settlement of a civil enforcement action and not otherwise required by law.

1. By July 10, 2027, NCSA shall complete a SEP through the transfer of funds to Wintergreen Volunteer Fire Department, Inc. for the purpose of emergency response providers completing HazMat Technician level training provided by the Federal Emergency Management Agency at the Center for Domestic Preparedness in Alabama. SEP funds provided for the HazMat Technician training may include necessary, relevant travel, lodging, meals and equipment to participate in the training, including suits, gas detectors, 60-minute breathing apparatuses, and decontamination supplies, as provided in the May 25, 2026, correspondence from NCSA.
2. If the SEP has not or cannot be completed as described in the Order, NCSA shall notify DEQ in writing as soon as possible, and no later than April 10, 2027. Such notification shall include:
  - a. an alternate SEP proposal; or
  - b. payment of the amount specified in Paragraph D.2.b as described in Paragraph D.2.a.
3. NCSA hereby consents to reasonable access by DEQ or its staff to property or documents under the party's control, for verifying progress or completion of the SEP.
4. By October 10, 2027, NCSA shall submit to the Department:
  - a. Documentation which demonstrates that funds provided to the recipient specified above were used for the purposes detailed in paragraph 1, above.
  - b. Written verification of the final overall and net project cost of the SEP in the form of a certified statement itemizing costs, invoices and proof of payment, or similar documentation. For the purposes of this submittal, net project costs can be either the actual, final net project costs or the projected net project costs if such projected net project costs statement is accompanied by a CPA certification or certification from NCSA's Chief Financial Officer concerning the projected tax savings, grants or first-year operation cost reductions or other efficiencies.
5. Documents to be submitted to the Department, other than the civil charge payment described in Section D of the Order, shall be sent to the contact identified in Appendix A of this Order.

**APPENDIX C**  
**NELSON COUNTY SERVICE AUTHORITY**  
**SUPPLEMENTAL ENVIRONMENTAL PROJECT (SEP)**

In accordance with Va. Code § 10.1-1186.2, Nelson County Service Authority (NCSA) shall perform the Supplemental Environmental Project (SEP) identified below in the manner specified in this Appendix. As used in this Order and Appendix, SEP means an environmentally beneficial project undertaken as partial settlement of a civil enforcement action and not otherwise required by law.

1. By July 10, 2027, NCSA shall complete a SEP through the transfer of funds to Wintergreen Volunteer Fire Department, Inc. for the purpose of purchasing response equipment and supplies; including the purchase of a compact track loader for establishing fire suppression lines.
2. If the SEP has not or cannot be completed as described in the Order, NCSA shall notify DEQ in writing as soon as possible, and no later than April 10, 2027. Such notification shall include:
  - a. an alternate SEP proposal; or
  - b. payment of the amount specified in Paragraph D.2.b as described in Paragraph D.2.a.
3. NCSA hereby consents to reasonable access by DEQ or its staff to property or documents under the party's control, for verifying progress or completion of the SEP.
4. By October 10, 2027, NCSA shall submit to the Department:
  - a. Documentation which demonstrates that funds provided to the recipient specified above were used for the purposes detailed in paragraph 1, above.
  - b. Written verification of the final overall and net project cost of the SEP in the form of a certified statement itemizing costs, invoices and proof of payment, or similar documentation. For the purposes of this submittal, net project costs can be either the actual, final net project costs or the projected net project costs if such projected net project costs statement is accompanied by a CPA certification or certification from NCSA's Chief Financial Officer concerning the projected tax savings, grants or first-year operation cost reductions or other efficiencies.
5. Documents to be submitted to the Department, other than the civil charge payment described in Section D of the Order, shall be sent to the contact identified in Appendix A of this Order.