



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

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Secretary of Natural and Historic Resources

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Director

July 29, 2026

Re: DEQ Response to Public Comment
Nelson County Service Authority Consent Order

This document consolidates and responds to public comments received by the Virginia Department of Environmental Quality (DEQ or Department), regarding the Consent Order for Nelson County Service Authority (NCSA), at the Wintergreen Mountain Wastewater Treatment Plant (WWTP), VPDES Permit No. VA0031011. This document groups comments by common themes and provides DEQ's responses.

1. Comments Regarding Supplemental Environmental Projects (SEPs): Commenters raised a concern with the SEP projects included in the Order favoring one entity rather than spreading out the benefits across the locality.

DEQ Response: When requesting DEQ approval of a proposed SEP, it is the responsibility of the party subject to the order, NCSA, to submit a complete SEP proposal for consideration as part of the settlement process (DEQ's [Enforcement Manual](#), Chapter 5, p. 137). NCSA identified the SEPs in this case and chose to submit those specific SEPs to DEQ for consideration. DEQ cannot substitute a third party's proposal, including one from Nelson County Emergency Services, for NCSA's own submission, nor can a third party make the final determination on how civil charge funds are used. Additionally, DEQ cannot approve a SEP that allows an entity to decide how to use the funds at a later date. Trying to substitute a different SEP at this time would significantly delay the Consent Order execution and the corrective actions that are crucial components of the Consent Order.

2. Comments Regarding State Waters & Private Wells: Commenters asked DEQ to direct funds towards private well monitoring and stated concerns about impacts on downstream properties.

DEQ Response: SEP proposals for environmental assessments, such as sampling of wells, typically do not qualify under the statutory factors for a SEP. DEQ looks for SEP proposals that improve the environment rather than study or assess current conditions. Similarly, statute directs the payment of civil charges to be deposited by the State Treasurer into the Virginia Environmental Emergency Response Fund (VEERF).

NCSA conducted monitoring on February 12, 2026, and March 31, 2026, 100 feet downstream of the Facility Outfall and at the first public access point, approximately one river mile downstream of the Facility Outfall. Lab results for E. coli concentrations were less than Virginia's freshwater recreational-use criteria of a 126 CFU/100mL geometric mean and 410 CFU/100mL statistical threshold value per 9 VAC 25-260-170(A). DEQ and the Virginia Department of Health (VDH) will continue to coordinate on

water quality monitoring and pollution response. Commenters should continue to communicate with Nelson County Service Authority regarding concerns with well water quality.

3. Comments Regarding the Corrective Action Schedules: Commenters provided opposing positions on the compliance schedule established in Appendix A of the Consent Order. One commenter requested the Long-Term Corrective Action Plan (L-CAP) deadline be accelerated, citing the time required for membrane replacement. A second commenter requested the L-CAP deadline be extended to allow NCSA time to evaluate lower-cost alternatives.

DEQ Response: As the Short-Term Corrective Action Plan (S-CAP) addresses immediate overflow risk, the Order requires implementation prior to peak season flows. The Order requires the Long-Term Corrective Action Plan include the specific schedule for a permanent solution to be implemented by December 31, 2028, which is the expiration date of VPDES Permit No. VA0031011, and functions as an outer limit tied to permit reissuance. The Order dates established for the L-CAP preserves NCSA's ability to evaluate lower-cost alternatives before committing to a specific long-term solution, addressing the request for flexibility. The Schedule of Compliance in Appendix A of the proposed Order requires NCSA submit quarterly progress reports to DEQ.

4. Comments Regarding Public Outreach: Commenters provided suggestions regarding TMDL public forums, educational partnerships, and additional real-time monitoring.

DEQ Response: The public outreach comments are outside of the scope of this Order, but DEQ will share this information with relevant program staff involved in those efforts.

5. Revision: Department staff identified a typographical error during review of public comments. Department records provide NCSA's second monitoring event occurred on March 31, 2026, however the proposed Consent Order identified April 1, 2026. The Consent Order has been corrected to reflect the accurate date.

Following consideration of comments received during the public notice period, DEQ executed the Order on July 27, 2026. DEQ values public participation and encourages continued engagement. Community members are welcome to contact DEQ for additional information and are further encouraged to access information through available platforms. The Department will provide Appendix A submittal information through myDEQ Portal, and upon [request](#).

Sincerely,



Kristen Sadtler
Director of Enforcement