

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103



In the Matter of: :

Frederick-Winchester Service Authority : **U.S. EPA Docket No. CWA-03-2024-0035DN**
9 West Piccadilly Street :
Winchester, VA 22601 :

Frederick County Sanitation Authority : **ADMINISTRATIVE ORDER ON CONSENT**
dba Frederick Water : **PURSUANT TO SECTION 309(a) OF THE**
315 Tasker Road : **CLEAN WATER ACT, 33 U.S.C. § 1319(a)**
Stephens City, VA 22655 :

Respondents. :

Crooked Run :
Wastewater Treatment Plant :
130 Crappie Court :
Front Royal, VA 22630 :

Facility. :

I. STATUTORY AUTHORITY AND JURISDICTION

1. This Administrative Order on Consent (“AOC” or “Order”) is issued to Frederick-Winchester Service Authority and Frederick County Sanitation Authority, dba Frederick Water, (collectively, the “Respondents”), under the authority vested in the United States Environmental Protection Agency (“EPA”) (hereinafter, the “Parties”) by Section 309(a) of the Clean Water Act, 33 U.S.C. § 1319(a) (“CWA” or “Act”). The Administrator delegated this authority to the Regional Administrator of EPA Region 3, who further delegated it to the Director of the Enforcement & Compliance Assurance Division, EPA Region 3.
2. Section 309(a) of the Act provides, *inter alia*, that: “Whenever, on the basis of information available to [EPA], [EPA] finds that any person is in violation of any condition or limitation [implementing section 1311, 1312, 1316, 1317, 1318, 1328, or 1345 of this title] in a permit issued under section 1342 ... of this title, ... [EPA] shall issue an order requiring such person to comply with such condition or limitation ...” See 33 U.S.C. § 1319(a)(3).
3. EPA has jurisdiction over the above-captioned matter, as described in Paragraphs 1 and 2, above.

4. EPA has consulted with the Virginia Department of Environmental Quality (“VDEQ”) regarding this action and, subsequent to the Effective Date, EPA will mail a copy of this fully executed AOC to the appropriate VDEQ representative.

II. GENERAL PROVISIONS

5. The provisions of this AOC shall apply to and be binding upon Respondents and the officers, directors, employees, contractors, agents, trustees, successors, and assigns of Respondents.
6. Respondents shall bear their own costs and attorney’s fees in connection with this proceeding and associated with the implementation or enforcement of this AOC, including any costs related to resolution of any dispute arising regarding this AOC.
7. EPA reserves the right to commence an action against any person, including Respondents, in response to any condition which EPA determines may present an imminent and substantial endangerment to the public health, public welfare, or the environment. EPA reserves all existing rights and remedies available to it under the CWA, 33 U.S.C. § 1251, *et seq.*, the regulations promulgated thereunder, and any other federal laws or regulations for which EPA has jurisdiction, including enforcement of this AOC.
8. This AOC does not constitute a waiver or modification of the terms or conditions of any permit issued to Respondents. Nothing in this Order shall relieve Respondents of their obligation to comply with all applicable provisions of federal, state, or local laws and regulations, nor shall it restrict EPA’s authority to seek compliance with any applicable laws or regulations, nor shall it be construed to be a ruling on the validity of any federal, state, or local permit. This Order does not constitute a waiver, suspension, or modification of the requirements of the Act, 33 U.S.C. § 1251, *et seq.*, or any regulations promulgated thereunder.
9. Respondents waive any and all remedies, claims for relief, and otherwise available rights to judicial or administrative review that Respondents may have with respect to any issue of fact or law set forth in this AOC, including any right of judicial review pursuant to Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706.
10. EPA reserves all existing inspection authority otherwise available to EPA pursuant to Section 308 of the CWA, 33 U.S.C. § 1318, or pursuant to any other statute or law.
11. The undersigned representatives of Respondents certify that they are fully authorized by Respondents to enter the terms and conditions of this AOC and to execute and legally bind Respondents.
12. By signing this AOC, Respondents acknowledge that this AOC may be available to the public and represent that, to the best of Respondents’ knowledge and belief, this AOC does not contain any confidential business information or personally identifiable information from Respondents.

13. Respondents certify that any information or representation they have supplied or made to EPA concerning this matter was, at the time of submission, true, accurate, and complete and that there has been no material change regarding the truthfulness, accuracy, or completeness of such information or representation. EPA shall have the right to institute further actions to recover appropriate relief if EPA obtains evidence that any information provided and/or representations made by either Respondent to the EPA regarding matters relevant to this AOC are false or, in any material respect, inaccurate. This right shall be in addition to all other rights and causes of action that EPA may have, civil or criminal, under law or equity in such event. Respondents and their officers, directors, and agents are aware that the submission of false or misleading information to the United States government may subject a person to separate civil and/or criminal liability.

III. STATUTORY AND REGULATORY BACKGROUND

14. Section 402(a) of the Act, 33 U.S.C. § 1342(a), provides that the Administrator of EPA may issue permits under the National Pollutant Discharge Elimination System (“NPDES”) program for the discharge of pollutants from point sources to waters of the United States. The discharges are subject to specific terms and conditions as prescribed in the permit. Section 402(b) of the Act, 33 U.S.C. § 1342(b), provides for the authorization of state programs to issue NPDES permits.
15. Pursuant to Section 402(b) of the Act, 33 U.S.C. § 1342(b), EPA authorized the Commonwealth of Virginia NPDES program on March 31, 1975. Pursuant to Section 402(b) of the Act, 33 U.S.C. § 1342(b), VDEQ is authorized to administer the NPDES program in the Commonwealth of Virginia.
16. Section 301(a) of the Act, 33 U.S.C. § 1311(a), prohibits the discharge of any pollutant by any person into waters of the U.S. except in compliance with sections 301, 302, 306, 307, 318, 402, and 404 of the Act.
17. “Discharge of a pollutant” means “[a]ny addition of any ‘pollutant’ or combination of pollutants to ‘waters of the United States’ from any ‘point source.’” 40 C.F.R. § 122.2. *See also* 33 U.S.C. § 1362(12).
18. Pursuant to Section 402(i) of the CWA, 33 U.S.C. § 1342(i), EPA retains its authority to take enforcement action within Virginia for NPDES permit violations.
19. For purposes of the identification requirement in Section 162(f)(2)(A)(ii) of the Internal Revenue Code, 26 U.S.C. § 162(f)(2)(A)(ii), and 26 C.F.R. § 162-21(b)(2), performance of Section V of this Order is restitution, remediation, or required to come into compliance with the law.

IV. FINDINGS OF FACT, JURISDICTIONAL ALLEGATIONS, AND CONCLUSIONS OF LAW

20. Frederick County Sanitation Authority, dba Frederick Water, operates the Crooked Run Wastewater Treatment Plant (“WWTP” or “Facility”), which is a wastewater treatment plant owned by the Frederick-Winchester Service Authority (“FWSA”) and located at 130 Crappie Court, Front Royal, Virginia. FWSA is a public body given jurisdiction over

water and sewer services by the City of Winchester and Frederick County pursuant to the laws of the Commonwealth of Virginia and is thus a “municipality” and “person” within the meaning of Section 502(4) and (5) of the Act, 33 U.S.C. § 1362(4) and (5). Frederick Water, created by the Frederick County Board of Supervisors by resolution, is a public body given jurisdiction over water and sewer services by the City of Winchester and Frederick County pursuant to the laws of the Commonwealth of Virginia and is thus a “municipality” and “person” within the meaning of Section 502(4) and (5) of the Act, 33 U.S.C. § 1362(4) and (5).

21. The WWTP discharges treated wastewater through an outfall to Crooked Run.
22. Crooked Run is a stream that leads into the Shenandoah River which is a tributary to the Potomac River in Virginia. Crooked Run, the Shenandoah, and the Potomac are “waters of the United States” within the meaning of Section 502(7) of the Act, 33 U.S.C. § 1362(7).
23. At all times relevant to this AOC, the operation of the WWTP, including the discharge of wastewater, has been subject to NPDES Discharge Permit No. VA0080080 (“WWTP Permit”), issued by VDEQ, effective June 1, 2014, and which expired March 31, 2019. On May 31, 2019, VDEQ renewed the WWTP Permit. The renewed WWTP Permit became effective on June 1, 2019, and will expire on May 31, 2024. The renewed WWTP Permit incorporated nearly the same effluent limits as the previous permit except for Ammonia-N which had a limit increase. Both the expired and the new NPDES permit are referred to herein as the WWTP Permit.
24. Respondents are authorized to discharge pollutants, in the form of treated wastewater from the WWTP, to waters of the United States only in accordance with the terms and conditions of the WWTP Permit.
25. At all times relevant to this AOC, the WWTP discharged treated wastewater into Crooked Run through a “point source” as that term is defined at Section 502(14) of the Act, 33 U.S.C. § 1362(14).
26. EPA sent an Information Request Letter (“IRL”) to Respondents on May 3, 2021, pursuant to Section 308 of the Act, 33 U.S.C § 1318.
27. On May 26, 2021, Respondents submitted a response to the IRL. Following additional correspondence, on March 3, 2022, EPA and Respondents with counsel met and conferred regarding the WWTP’s compliance, and Respondents provided further information. On March 21, 2022, Respondents provided an additional response.

**Count 1
Effluent Exceedances**

28. Part I.A.1 of the WWTP Permit defines effluent limitations and monitoring requirements for Outfall 001 discharges.

29. During the period from January 31, 2017 to July 31, 2023, the Facility experienced 102 effluent limit exceedances from Outfall 001, which it reported in its Discharge Monitoring Reports (“DMRs”). The effluent limits exceeded include nitrogen, chloride, E. coli, ammonia, biochemical oxygen demand (“BOD”), and total suspended solids as indicated in Table 1.

Table 1 Outfall 001 DMRs Reported Effluent Exceedances (January 2017 to July 2023)

Monitoring Period Date	Outfall	Parameter Description	Limit Type	DMR Value	Limit Value	Unit
1/31/2017	1	Nitrogen, ammonia total (as N)	WKLY AVG	2.2	1.4	mg/L
1/31/2017	1	Nitrogen, ammonia total (as N)	MO AVG	1.7	1	mg/L
1/31/2017	1	BOD, carbonaceous, 05 day, 20 C	MO AVG	9	8	mg/L
2/28/2017	1	Nitrogen, ammonia total (as N)	MO AVG	2.7	1	mg/L
10/31/2017	1	Nitrogen, total (as N)	MO AVG	5.7	5	mg/L
10/31/2017	1	Nitrogen, ammonia total (as N)	MO AVG	1.5	1	mg/L
10/31/2017	1	Nitrogen, ammonia total (as N)	WKLY AVG	2	1.4	mg/L
11/30/2017	1	Nitrogen, total (as N)	MO AVG	8.9	5	mg/L
11/30/2017	1	Nitrogen, ammonia total (as N)	MO AVG	1.5	1	mg/L
11/30/2017	1	Nitrogen, ammonia total (as N)	WKLY AVG	2	1.4	mg/L
12/31/2017	1	Nitrogen, total (as N)	MO AVG	17.1	5	mg/L
12/31/2017	1	Nitrogen, ammonia total (as N)	MO AVG	1.4	1	mg/L
12/31/2017	1	Nitrogen, ammonia total (as N)	WKLY AVG	1.7	1.4	mg/L
1/31/2018	1	Nitrogen, total (as N)	MO AVG	8.4	5	mg/L
1/31/2018	1	Nitrogen, ammonia total (as N)	WKLY AVG	4.7	1.4	mg/L
1/31/2018	1	Nitrogen, ammonia total (as N)	MO AVG	2.4	1	mg/L
2/28/2018	1	Nitrogen, total (as N)	MO AVG	6.6	5	mg/L
2/28/2018	1	E. coli	MO GEOMN	485	126	#/100mL
3/31/2018	1	Nitrogen, ammonia total (as N)	MO AVG	1.6	1	mg/L
3/31/2018	1	Nitrogen, ammonia total (as N)	WKLY AVG	2.2	1.4	mg/L

3/31/2018	1	E. coli	MO GEOMN	1118	126	#/100mL
3/31/2018	1	BOD, carbonaceous, 05 day, 20 C	MO AVG	10	8	mg/L
4/30/2018	1	Nitrogen, total (as N)	MO AVG	6.8	5	mg/L
5/31/2018	1	Solids, total suspended	WKLY AVG	74	45	mg/L
5/31/2018	1	Solids, total suspended	MO AVG	41	30	mg/L
5/31/2018	1	Nitrogen, ammonia total (as N)	MO AVG	1.5	1	mg/L
5/31/2018	1	Nitrogen, ammonia total (as N)	WKLY AVG	2.1	1.4	mg/L
6/30/2018	1	Nitrogen, ammonia total (as N)	MO AVG	1.4	1	mg/L
7/31/2018	1	Solids, total suspended	MO AVG	36	30	mg/L
7/31/2018	1	Nitrogen, ammonia total (as N)	MO AVG	1.2	1	mg/L
8/31/2018	1	Nitrogen, total (as N)	MO AVG	13.8	5	mg/L
8/31/2018	1	E. coli	MO GEOMN	153	126	#/100mL
9/30/2018	1	Nitrogen, total (as N)	MO AVG	6.2	5	mg/L
10/31/2018	1	Nitrogen, total (as N)	MO AVG	8.8	5	mg/L
10/31/2018	1	BOD, carbonaceous, 05 day, 20 C	MO AVG	9.1	8	mg/L
11/30/2018	1	Nitrogen, total (as N)	MO AVG	12.6	5	mg/L
11/30/2018	1	Nitrogen, ammonia total (as N)	WKLY AVG	2.3	1.4	mg/L
11/30/2018	1	Nitrogen, ammonia total (as N)	MO AVG	1.6	1	mg/L
11/30/2018	1	E. coli	MO GEOMN	298	126	#/100mL
11/30/2018	1	BOD, carbonaceous, 05 day, 20 C	MO AVG	10	8	mg/L
11/30/2018	1	BOD, carbonaceous, 05 day, 20 C	WKLY AVG	18	12	mg/L
12/31/2018	1	Solids, total suspended	WKLY AVG	45	43	kg/d
12/31/2018	1	Solids, total suspended	WKLY AVG	196	45	mg/L
12/31/2018	1	Solids, total suspended	MO AVG	106	30	mg/L
12/31/2018	1	Nitrogen, total (as N)	MO AVG	9.2	5	mg/L
12/31/2018	1	Nitrogen, ammonia total (as N)	MO AVG	2.9	1	mg/L

12/31/2018	1	Nitrogen, ammonia total (as N)	WKLY AVG	6.5	1.4	mg/L
12/31/2018	1	BOD, carbonaceous, 05 day, 20 C	MO AVG	10	8	mg/L
12/31/2018	1	BOD, carbonaceous, 05 day, 20 C	WKLY AVG	16	12	mg/L
6/30/2019	1	BOD, carbonaceous, 05 day, 20 C	WKLY AVG	23	12	mg/L
6/30/2019	1	BOD, carbonaceous, 05 day, 20 C	MO AVG	10	8	mg/L
11/30/2019	1	Nitrogen, ammonia total (as N)	WKLY AVG	3.7	2.5	mg/L
11/30/2019	1	Nitrogen, ammonia total (as N)	MO AVG	2.3	1.9	mg/L
1/31/2020	1	Nitrogen, total (as N)	MO AVG	5.4	5	mg/L
1/31/2020	1	Chloride (as Cl)	WKLY AVG	342	336	mg/L
1/31/2020	1	Chloride (as Cl)	MO AVG	342	336	mg/L
7/31/2020	1	Chloride (as Cl)	WKLY AVG	372	336	mg/L
7/31/2020	1	Chloride (as Cl)	MO AVG	372	336	mg/L
11/30/2020	1	Nitrogen, ammonia total (as N)	MO AVG	2	1.9	mg/L
11/30/2020	1	Nitrogen, ammonia total (as N)	WKLY AVG	2.8	2.5	mg/L
12/31/2020	1	Nitrogen, ammonia total (as N)	WKLY AVG	2.9	2.5	mg/L
12/31/2020	1	Nitrogen, ammonia total (as N)	MO AVG	2.2	1.9	mg/L
1/31/2021	1	Nitrogen, ammonia total (as N)	WKLY AVG	3.4	2.5	mg/L
1/31/2021	1	Nitrogen, ammonia total (as N)	MO AVG	2.2	1.9	mg/L
2/28/2021	1	Nitrogen, ammonia total (as N)	WKLY AVG	2.7	2.5	mg/L
3/31/2021	1	Chloride (as Cl)	MO AVG	346	336	mg/L
3/31/2021	1	Chloride (as Cl)	WKLY AVG	346	336	mg/L
4/30/2021	1	Chloride (as Cl)	MO AVG	347	336	mg/L
4/30/2021	1	Chloride (as Cl)	WKLY AVG	347	336	mg/L
11/30/2021	1	Chloride (as Cl)	WKLY AVG	348	336	mg/L
11/30/2021	1	Chloride (as Cl)	MO AVG	348	336	mg/L
1/31/2022	1	Chloride (as Cl)	MO AVG	354	336	mg/L

1/31/2022	1	Chloride (as Cl)	WKLY AVG	354	336	mg/L
2/28/2022	1	Chloride (as Cl)	MO AVG	356	336	mg/L
2/28/2022	1	Chloride (as Cl)	WKLY AVG	356	336	mg/L
6/30/2022	1	Chloride (as Cl)	MO AVG	382	336	mg/L
6/30/2022	1	Chloride (as Cl)	WKLY AVG	382	336	mg/L
12/31/2022	1	Nitrogen, ammonia total (as N)	WKLY AVG	4.9	2.5	mg/L
1/31/2023	1	Nitrogen, ammonia total (as N)	MO AVG	3.11	1.9	mg/L
1/31/2023	1	Nitrogen, ammonia total (as N)	WKLY AVG	9.6	2.5	mg/L
2/28/2023	1	Chloride (as Cl)	MO AVG	427	336	mg/L
2/28/2023	1	Chloride (as Cl)	WKLY AVG	427	336	mg/L
2/28/2023	1	Nitrogen, ammonia total (as N)	WKLY AVG	2.9	2.5	mg/L
2/28/2023	1	Nitrogen, ammonia total (as N)	MO AVG	2.1	1.9	mg/L
2/28/2023	1	E. Coli	MO GEOMN	188	126	N/CML
3/31/2023	1	Nitrogen, ammonia total (as N)	WKLY AVG	2.9	2.5	mg/L
4/30/2023	1	Nitrogen, ammonia total (as N)	WKLY AVG	3.3	2.5	mg/L
4/30/2023	1	Nitrogen, ammonia total (as N)	WKLY AVG	10.8	2.5	mg/L
4/30/2023	1	Nitrogen, ammonia total (as N)	WKLY AVG	12.1	2.5	mg/L
4/30/2023	1	Nitrogen, ammonia total (as N)	MO AVG	7.4	1.9	mg/L
5/30/2023	1	Nitrogen, ammonia total (as N)	WKLY AVG	13.5	2.5	mg/L
5/30/2023	1	Nitrogen, ammonia total (as N)	WKLY AVG	12.9	2.5	mg/L
5/30/2023	1	Nitrogen, ammonia total (as N)	WKLY AVG	7.38	2.5	mg/L
5/30/2023	1	Nitrogen, ammonia total (as N)	MO AVG	10	1.9	mg/L
5/30/2023	1	Nitrogen, total (as N)	MO AVG	9.4	5	mg/L
5/30/2023	1	Chloride (as Cl)	WKLY AVG	382	336	mg/L
5/30/2023	1	Chloride (as Cl)	WKLY AVG	392	336	mg/L

5/30/2023	1	Chloride (as Cl)	MO AVG	387	336	mg/L
6/30/2023	1	Chloride (as Cl)	WKLY AVG	407	336	mg/L
6/30/2023	1	Chloride (as Cl)	MO AVG	407	336	mg/L
7/31/2023	1	Chloride (as Cl)	WKLY AVG	402	336	mg/L
7/31/2023	1	Chloride (as Cl)	MO AVG	402	336	mg/L

30. VDEQ issued a Notice of Violation (“NOV”) Letter to Respondents on May 17, 2017, for effluent exceedances reported in the Facility’s DMRs from December 2016 to March 2017. In response, on February 13, 2018, Respondents entered into a Letter of Agreement with VDEQ to address the exceedances noted in the NOV as well as additional exceedances from October 2017 to December 2017.
31. Respondents failed to comply with Part I.A.1. of the Facility’s WWTP Permit in violation of the Facility’s NPDES permit and Section 301 of the Act on the dates identified above.

V. COMPLIANCE ORDER

Therefore, based on the foregoing, Respondents are hereby ORDERED, pursuant to Section 309(a) of the CWA, 33 U.S.C. § 1319(a), to conduct, and consent to conduct, the following activities:

32. Within two hundred and forty (240) days of the effective date of the AOC, Respondents shall provide to EPA for review an Injunctive Relief Framework (“IRF”), which shall include, at a minimum, the following.
 - a. The final settlement agreement between Respondents and the relevant third parties confirming the plans to implement new wastewater collection and transmission infrastructure that connects the Facility to Parkins Mills Wastewater Treatment Plant (collectively, the “Service Line”), which is another wastewater treatment facility owned and operated by Respondents.
 - b. A preliminary engineering report for the alignment of the Service Line and preliminary design of the Service Line.
 - c. A Geographic Information System (“GIS”) Sewer Map showing the proposed route of the Service Line.
 - d. A projected timeline and schedule for the construction of the Service Line, including but not limited to: (i) completion of the design phase; (ii) procurement of all required permits and easements; (iii) execution of construction contracts; (iv) substantial completion of construction; and (v) completion of all training to ensure adequate operation and maintenance of the Service Line and related equipment and processes.
33. After review of the IRF:

- a. EPA will in writing (i) accept the submission(s); (ii) accept the submission(s) upon specified conditions; (iii) accept part of the submission(s), disapprove the remainder, and request resubmission(s) of the remainder; or (iv) disapprove the submission(s) and request a new submission(s).
 - b. If the IRF, submitted pursuant to Paragraph 32, is accepted, Respondents shall take all actions required by the IRF, in accordance with the schedule and requirements of the IRF, as accepted.
 - c. If the IRF is disapproved in whole or in part, Respondents shall, within sixty (60) days of receipt from EPA of notice of deficiencies or by such other time as the Parties agree to in writing, correct all deficiencies and resubmit the IRF or any deficient portion thereof, for approval, in accordance with the preceding paragraphs. If the resubmission is accepted in whole or in part, Respondents shall proceed in accordance with the preceding subparagraph.
34. No later than thirty (30) days from EPA's approval of the IRF, Respondents shall submit to EPA for review a list of deadlines included in the IRF. The list shall be submitted in an electronic format (e.g., unlocked spreadsheet or similar format agreed by the Parties). Within fourteen (14) days of modifications of any deadline under the IRF, Respondents shall provide an updated list reflecting changes to the future schedule.
35. Following EPA's approval of the IRF, Respondents shall submit (i) a notice to EPA within thirty (30) days of completing a scheduled event in the IRF, and (ii) bi-annual progress reports, until the Service Line is fully constructed and brought online. Respondents shall submit the reports in accordance with Paragraphs 36 and 37 below. Respondents shall submit the bi-annual reports on March 31st and September 30th of each year, and shall include in those reports, at a minimum, the following.
- a. Activities completed during the reporting period.
 - b. Dates by which the activities were completed.
 - c. Any barriers to the timely completion of activities encountered.
 - d. Activities currently in progress.

VI. PROCEDURES FOR SUBMISSIONS

36. All documents required to be submitted by this Order and any Request for Termination shall be accompanied by a certification signed by a responsible officer, as defined in 40 CFR § 122.22(d), that reads as follows:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate,

and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signed: _____

Title: _____

Date: _____

37. Unless otherwise directed in writing, Respondents shall submit any submission or written communication, including any accompanying data, relating to this AOC via email to:

Monica Crosby
crosby.monica@epa.gov
NPDES Enforcement
Enforcement and Compliance Assurance Division
U.S. EPA, Region 3

Any information submitted electronically shall be submitted in a widely recognized electronic format.

38. Respondents may assert a business confidentiality claim covering part or all the information which this AOC requires it to submit to EPA, but only to the extent and only in the manner described in Part 2 Subpart B of Title 40 of the C.F.R. The EPA will disclose information submitted under a confidentiality claim only as provided in Part 2 Subpart B of Title 40 of the C.F.R. If, at the time any information is submitted to EPA, Respondents submitting such information do not assert a confidentiality claim, EPA may make the submitted information available to the public without further notice to either Respondents.

VII. CERTIFICATION OF COMPLIANCE AND REQUEST FOR TERMINATION OF AOC

39. Upon completion of all items required by this Order, Respondents shall submit to EPA a Certification of Compliance and Request for Termination of this AOC. Such certification and request shall include
- a. a certification that Respondents have maintained compliance with this AOC for the term of this AOC; and
 - b. all necessary documentation, including photo documentation as appropriate, to support a finding that Respondents have complied with Section V (Compliance Order) of this AOC.
40. If, following review of any Certification of Compliance and Request for Termination of this AOC, EPA agrees that Respondents have adequately complied with all requirements of this AOC, then EPA will provide written notification of termination of this AOC.

VIII. AOC MODIFICATIONS

41. Any request to modify the terms of, or parties to, this AOC shall be submitted, in writing, by Respondents to EPA and shall be subject to review and approval by EPA, in its sole and unreviewable discretion.

IX. CHANGE OF OWNERSHIP OR OPERATION OF THE WWTP


42. Until or unless this AOC is modified or terminated, in accordance with the terms of this AOC, Respondents shall remain responsible for compliance with the terms of this AOC following any transfer of ownership or operation of the WWTP.
43. At least ninety (90) days prior to any transfer of ownership or operation of the WWTP, Respondents shall submit a written notification to EPA of any such anticipated change in ownership or operation which shall include, at a minimum, a detailed summary of the anticipated change in ownership or operation, contact information for the proposed new owner or operator of the WWTP, and a schedule for such anticipated change.
44. Respondents shall condition any sale or transfer of ownership or operation of the Facility, in whole or in part, upon the execution by such Prospective Third-Party Purchaser, or Transferee, of an agreement, which creates an obligation that shall survive the closing of such sale or transfer of the WWTP, whereby such Prospective Third-Party Purchaser or Transferee agrees to comply with and be bound by the terms of this AOC.


X. EFFECTIVE DATE

45. This Order shall become effective upon Respondents' receipt of a fully executed copy of this AOC.

AGREED TO:

**FOR RESPONDENTS FREDERICK-WINCHESTER SERVICE AUTHORITY AND
FREDERICK COUNTY SANITATION AUTHORITY dba FREDERICK WATER**

Date: 10/26/2023 By: 
Candice Perkins, Executive Director
Frederick-Winchester Service Authority

Date: 10/26/2023 By: 
Gary R. Oates, Chairman
Frederick County Sanitation Authority
dba Frederick Water

SO ORDERED:

FOR U.S. ENVIRONMENTAL PROTECTION AGENCY

By: _____
[Digital Signature and Date]
Karen Melvin, Director
Enforcement & Compliance Assurance Division
U.S. EPA – Region 3

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103**

In the Matter of:	:	
	:	
Frederick-Winchester Service Authority	:	U.S. EPA Docket No. CWA-03-2024-0035DN
9 West Piccadilly Street	:	
Winchester, VA 22601	:	ADMINISTRATIVE ORDER ON CONSENT
	:	PURSUANT TO SECTION 309(a) OF THE
Frederick County Sanitation Authority	:	CLEAN WATER ACT, 33 U.S.C. § 1319(a)
dba Frederick Water	:	
315 Tasker Road	:	
Stephens City, VA 22655	:	
	:	
	:	
Respondents.	:	
	:	
Crooked Run	:	
Wastewater Treatment Plant	:	
130 Crappie Court	:	
Front Royal, VA 22630	:	
	:	
	:	
Facility.	:	

CERTIFICATE OF SERVICE

I certify that the foregoing Administrative Order on Consent was filed with the EPA Region 3 Regional Hearing Clerk on the date that has been electronically stamped on the Administrative Order on Consent. I further certify that on the date set forth below, I caused to be served a true and correct copy of the foregoing Administrative Order on Consent to each of the following persons, in the manner specified below, at the following addresses:

Copies served via UPS and email to:

Gary R. Oates, Chairman
Frederick County Sanitation Authority
dba Frederick Water
315 Tasker Road
Stephens City, VA 22655
OatesGR@aol.com

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Candice Perkins, Executive Director
Frederick-Winchester Service Authority
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Winchester, VA 22604
cperkins@fredwin.com

Copies served via email to:

Monica Crosby
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U.S. EPA, Region 3
crosby.monica@epa.gov

Promy Tabassum, Esq.
Assistant Regional Counsel
U.S. EPA, Region 3
tabassum.promy@epa.gov

By: _____
[Digital Signature and Date]
Regional Hearing Clerk
U.S. EPA – Region 3