



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
Four Penn Center
1600 John F. Kennedy Boulevard
Philadelphia, Pennsylvania 19103-2852

VIA ELECTRONIC MAIL

Eric Lawrence, Executive Director
Frederick County Sanitation Authority
dba Frederick Water
315 Tasker Road
Stephens City, Virginia 22655
elawrence@frederickwater.com

Candice Perkins, Executive Director
Frederick-Winchester Service Authority
P.O. Box 43
Winchester, Virginia 22604
cperkins@fredwin.com

**Re: Crooked Run Wastewater Treatment Plant – NPDES Permit No.
VA0080080**

Dear Mr. Lawrence and Ms. Perkins:

Per correspondence sent via email on Friday, November 4, 2022, Frederick Water and Frederick-Winchester Service Authority (hereinafter “Respondents”) agreed to perform the following tasks and send the resulting decisions and information to EPA within no later than 60 days of that email, which would be January 3, 2023:

1. Finalize practical option(s) to address the ammonia and chloride permit non-compliance. Respondents have already identified the following potential options.
 - a. Option 1: Upgrade the Crooked Run Wastewater Treatment Plant (“WWTP”) to address the ammonia non-compliance and enforce pretreatment limits for residential discharge of water softener brine to address the chloride non-compliance.
 - b. Option 2: Upgrade the Crooked Run WWTP to address the ammonia non-compliance and add or upgrade the serving water treatment plant to remove hardness from the water, which would eliminate the need for residential water softeners.
 - c. Option 3: Abandon the Crooked Run WWTP and pump the sewage from the Lake Frederick development to Parkins Mill WWTP for treatment.
2. Determine the regulatory and practical feasibility and operability of each option.

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3. Estimate the cost, both as a construction project and from an operational standpoint, of each option.
4. Estimate the schedule of the construction and related activities for each option.
5. Review options with MREC, whom Respondents identified as the developer responsible for capacity upgrades at the Crooked Run WWTP.
6. Negotiate with MREC to select a preferred option to resolve the ammonia and chloride permit non-compliance.
7. Explore potential funding sources, including MREC, bonds, or the Virginia Clean Water Revolving Loan Fund, for the option selected.

Please submit the above information electronically to:

Ms. Monica Crosby
Enforcement and Compliance Assurance Division
United States Environmental Protection Agency, Region III
Philadelphia, PA 19103-2029
crosby.monica@epa.gov

Should Respondents choose not to send EPA the above information by January 3, 2023, as agreed, EPA may pursue alternative enforcement options without further advance notice to Respondents. If EPA pursues an enforcement action, Respondents will receive instructions that describe their right to dispute EPA's claims, including the opportunity for a full evidentiary hearing before an administrative law judge.

We look forward to hearing from you.

Sincerely,

Mark Zolandz, Acting Chief
NPDES Section
Enforcement & Compliance Assurance Division

cc. Monica Crosby, EPA (crosby.monica@epa.gov)
Promy Tabassum, EPA (tabassum.promy@epa.gov)
Mike Brady, counsel for Frederick Water (mbrady@wtplaw.com)
Dale Mullen, counsel for Frederick Water (dmullen@wtplaw.com)