



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

NORTHERN REGIONAL OFFICE  
13901 Crown Court, Woodbridge, Virginia 22193  
(703) 583-3800 FAX (804) 698-4178  
[www.deq.virginia.gov](http://www.deq.virginia.gov)

Travis A. Voyles  
Acting Secretary of Natural and Historic Resources

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

Thomas A. Faha  
Regional Director

May 24, 2022

**WARNING LETTER**

Via Email: [jdidawick@purcellvilleva.gov](mailto:jdidawick@purcellvilleva.gov)

Mr. Jason Didawick  
Director of Public Works  
Town of Purcellville  
221 South Nursery Avenue  
Purcellville, VA 20132

**RE: WL No. W2022-05-N-1008**  
**Basham Simms WWTF**  
**VA0022802**  
**Loudoun County**

Dear Mr. Didawick,

The Department of Environmental Quality (DEQ), Northern Regional Office (NRO), has reason to believe that the Town of Purcellville may be in violation of State Water Control Law § 62.1-44 and the Virginia Pollutant Discharge Elimination System (VPDES) Permit regulation 9VAC25-31 *et seq.* at the Basham Simms - Wastewater Treatment Facility (WWTF) facility.

This letter addresses conditions at the facility named above, and also recites compliance requirements of the State Water Control Law and Regulations. Pursuant to Va. Code § 62.1-44.15 (8a), this letter is not a case decision under the Virginia Administrative Process Act, Va. Code § 2.2-4000 *et seq.* (APA)

**OBSERVATIONS AND LEGAL REQUIREMENTS**

Facility staff are required to submit discharge monitoring reports (DMRs) and documents to DEQ NRO, including the following *relevant* data results. The following describe DEQ NRO staff factual observations and identify the applicable legal requirements.

*Observations:* On March 30, 2022 at 3:14 pm, the Town was notified of a sewer break near 220 North Hatcher Avenue. The maintenance department arrived and was able to isolate and fix the leak. It is estimated that 3,000 gallons of raw sewage went into a storm drain and eventually to the receiving stream (South Fork Catoctin Creek). There was no evidence of it affecting the stream or aquatic life. Staff reported the incident to DEQ (Incident Report [IR] #303920) and cut out a section of pipe to have it analyzed to come up with a solution to prevent this from happening. On April 4, 2022 Town staff submitted their 5-day report of the event in accordance with Permit No. VA0022802, Part II. G., Reports of Unauthorized Discharges.

***Legal Requirements:*** Permit No. VA0022802, Part II.F., Unauthorized Discharges, states: “Except in compliance with this permit, or another permit issued by the Board, it shall be unlawful for any person to:

1. Discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances; or
2. Otherwise alter the physical, chemical or biological properties of such state waters and make them detrimental to the public health, or to animal or aquatic life, or to the use of such waters for domestic or industrial consumption, or for recreation, or for other uses.”

**\*This facility had 2.0 points in the Compliance Auditing System at the end of March 2022.**

### **ENFORCEMENT AUTHORITY**

Va. Code § 62.1-44.23 of the State Water Control Law provides for an injunction for any violation of the State Water Control Law, any State Water Control Board rule or regulation, an order, permit condition, standard, or any certificate requirement or provision. Va. Code §§ 62.1-44.15 and 62.1-44.32 provide for a civil penalty up to \$32,500 per day of each violation of the same. In addition, Va. Code § 62.1-44.15 authorizes the State Water Control Board to issue orders to any person to comply with the State Water Control Law and regulations, including the imposition of a civil penalty for violations of up to \$100,000. Also, Va. Code § 10.1-1186 authorizes the Director of DEQ to issue special orders to any person to comply with the State Water Control Law and regulations, and to impose a civil penalty. Va. Code §§ 62.1-44.32 (b) and 62.1-44.32 (c) provide for other additional penalties.

### **FUTURE ACTIONS**

After reviewing this letter, please respond in writing to DEQ **within 20 days of the date of this letter** detailing actions you have taken or will be taking to ensure compliance with state law and regulations. If corrective action will take longer than 90 days to complete, you may be asked to formalize the plan and schedule. *It is DEQ policy that appropriate, timely, corrective actions undertaken in response to a Warning Letter will avoid adversarial enforcement proceedings and the assessment of civil charges or penalties.*

Please advise us if you dispute any of the observations recited herein or if there is other information of which DEQ should be aware. In the event that discussions with staff do not lead to a satisfactory conclusion concerning the contents of this letter, you may elect to participate in DEQ's Process for Early Dispute Resolution. Also, if informal discussions do not lead to a satisfactory conclusion, you may request in writing that DEQ take all necessary steps to issue a final decision or fact finding under the APA on whether or not a violation has occurred. For further information on the Process for Early Dispute Resolution, please see Agency Policy Statement No.8-2005 posted on the Department's website under "Programs," "Enforcement," and "Laws, Regulations, & Guidance" ([https://townhall.virginia.gov/L/GetFile.cfm?File=C:\TownHall\docroot\GuidanceDocs\440\GDoc\\_DEQ\\_2672\\_v1.pdf](https://townhall.virginia.gov/L/GetFile.cfm?File=C:\TownHall\docroot\GuidanceDocs\440\GDoc_DEQ_2672_v1.pdf)) or ask the DEQ contact listed below.

Please direct written materials regarding this matter to Mr. Mark Evans. Written materials shall be sent electronically, via E-mail. DEQ recommends sending electronic responses as an Acrobat PDF or in a Word-compatible, write-protected format. If you have questions or wish to arrange a meeting, please contact Mr. Evans at (571) 866-6491 or by e-mail at [Mark.Evans@deq.virginia.gov](mailto:Mark.Evans@deq.virginia.gov).

Sincerely,



Edward L. Stuart  
Regional Water Compliance Manager

cc via electronic copy: ECM; Compliance Auditor; and Compliance Manager – DEQ

Jason Didawick [jdidawick@purcellvilleva.gov](mailto:jdidawick@purcellvilleva.gov)

Barry Defibaugh [bdefibaugh@purcellvilleva.gov](mailto:bdefibaugh@purcellvilleva.gov)



*Commonwealth of Virginia*

***VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY***

NORTHERN REGIONAL OFFICE  
13901 Crown Court, Woodbridge, Virginia 22193  
(703) 583-3800 FAX (804) 698-4178  
[www.deq.virginia.gov](http://www.deq.virginia.gov)

Ann F. Jennings  
Secretary of Natural and Historic Resources

David K. Paylor  
Director  
(804) 698-4000

Thomas A. Faha  
Regional Director

January 10, 2022

**WARNING LETTER**

Via Email: [jdidawick@purcellvilleva.gov](mailto:jdidawick@purcellvilleva.gov)

Mr. Jason Didawick  
Director of Public Works  
Town of Purcellville  
221 South Nursery Avenue  
Purcellville, VA 20132

**RE: WL No. W2022-01-N-1003**  
**Basham Simms WWTF**  
**VA0022802**  
**Loudoun County**

Dear Mr. Didawick,

The Department of Environmental Quality (DEQ), Northern Regional Office (NRO), has reason to believe that the Town of Purcellville may be in violation of the State Water Control Law § 62.1-44 and the Virginia Pollutant Discharge Elimination System (VPDES) Permit regulation 9VAC25-31 *et seq.* at the Basham Simms Wastewater Treatment Facility (WWTF) facility.

This letter addresses conditions at the facility named above, and also recites compliance requirements of the State Water Control Law and Regulations. Pursuant to Va. Code § 62.1-44.15 (8a), this letter is not a case decision under the Virginia Administrative Process Act, Va. Code § 2.2-4000 *et seq.*

**OBSERVATIONS AND LEGAL REQUIREMENTS**

Facility staff are required to submit discharge monitoring reports (DMRs) and documents to DEQ NRO, including the following *relevant* data results. The following describe DEQ NRO staff factual observations and identify the applicable legal requirements.

*Observation:* On Monday, October 25, 2021 at 1530 hours, the Town of Purcellville was notified of a sewer line break near 220 North Hatcher Avenue and reported the incident to DEQ (Incident Report [IR] #301357). The maintenance department arrived and was able to isolate and fix the leak. It is estimated that 2,500-3,000 gallons of raw sewage went into a storm drain and eventually to the receiving stream (South Fork Catoclin Creek).

**Legal Requirement: Permit Part II.F. Unauthorized Discharges, states: “Except in compliance with this permit, or another permit issued by the Board, it shall be un-lawful for any person to:**

- 1. Discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances; or**
- 2. Otherwise alter the physical, chemical or biological properties of such state waters and make them detrimental to the public health, or to animal or aquatic life, or to the use of such waters for domestic or industrial consumption, or for recreation, or for other uses.”**

**\*This facility had 1.0 points in the Compliance Auditing System at the end of October 2021.**

### **ENFORCEMENT AUTHORITY**

Va. Code § 62.1-44.23 of the State Water Control Law provides for an injunction for any violation of the State Water Control Law, any State Water Control Board rule or regulation, an order, permit condition, standard, or any certificate requirement or provision. Va. Code §§ 62.1-44.15 and 62.1-44.32 provide for a civil penalty up to \$32,500 per day of each violation of the same. In addition, Va. Code § 62.1-44.15 authorizes the State Water Control Board to issue orders to any person to comply with the State Water Control Law and regulations, including the imposition of a civil penalty for violations of up to \$100,000. Also, Va. Code § 10.1-1186 authorizes the Director of DEQ to issue special orders to any person to comply with the State Water Control Law and regulations, and to impose a civil penalty. Va. Code §§ 62.1-44.32 (b) and 62.1-44.32 (c) provide for other additional penalties.

### **FUTURE ACTIONS**

After reviewing this letter, **please respond in writing to DEQ within 20 days of the date of this letter** detailing actions you have taken or will be taking to ensure compliance with state law and regulations. If corrective action will take longer than 90 days to complete, you may be asked to formalize the plan and schedule. *It is DEQ policy that appropriate, timely, corrective actions undertaken in response to a Warning Letter will avoid adversarial enforcement proceedings and the assessment of civil charges or penalties.*

Please advise us if you dispute any of the observations recited herein or if there is other information of which DEQ should be aware. In the event that discussions with staff do not lead to a satisfactory conclusion concerning the contents of this letter, you may elect to participate in DEQ’s Process for Early Dispute Resolution. Also, if informal discussions do not lead to a satisfactory conclusion, you may request in writing that DEQ take all necessary steps to issue a final decision or fact finding under the APA on whether or not a violation has occurred. For further information on the Process for Early Dispute Resolution, please see Agency Policy Statement No.8-2005 posted on the Department’s website under “Programs,” “Enforcement,” and “Laws, Regulations, & Guidance”

([https://townhall.virginia.gov/L/GetFile.cfm?File=C:\TownHall\docroot\GuidanceDocs\440\GDoc\\_DEQ\\_2672\\_v1.pdf](https://townhall.virginia.gov/L/GetFile.cfm?File=C:\TownHall\docroot\GuidanceDocs\440\GDoc_DEQ_2672_v1.pdf)) or ask the DEQ contact listed below.

Please direct written materials regarding this matter to Mr. Mark Evans. Written materials shall be sent electronically, via E-mail. DEQ recommends sending electronic responses as an Acrobat PDF or in a Word-compatible, write-protected format. If you have questions or wish to arrange a meeting, please contact Mr. Evans at (571) 866-6491 or by e-mail at [Mark.Evans@deq.virginia.gov](mailto:Mark.Evans@deq.virginia.gov).

Sincerely,



Edward L. Stuart  
Regional Water Compliance Manager

cc via electronic copy: ECM; Compliance Auditor; and Compliance Manager – DEQ  
Barry Defibaugh Jr. [bdefibaugh@purcellvilleva.gov](mailto:bdefibaugh@purcellvilleva.gov)