



COMMONWEALTH of VIRGINIA

DEPARTMENT OF HEALTH

OFFICE OF DRINKING WATER

Richmond Field Office

Karen Shelton, MD
State Health Commissioner

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NOTICE OF ALLEGED VIOLATION

SUBJECT: Louisa County
Waterworks: Six-O-Five Village
PWSID No: 2109675

April 2, 2025

Bryon Fields, Homes of America LLC
P.O. Box 249
Englewood, NJ 07631

Re: Failure to Deliver Consumer Notice under LCR

Dear Mr. Fields:

This notice is to advise that you appear to be operating a waterworks in violation of the Public Water Supplies Law, Title 32.1, Chapter 6, Article 2 of the Code of Virginia, and Section 12VAC5-590-405 D of the Virginia *Waterworks Regulations* ("Regulations") for failing to provide consumer notice of lead tap monitoring results to persons served at sites that were tested in a recent tap monitoring program. Pursuant to the Regulations, the Virginia Department of Health (VDH) has determined this alleged violation is a Tier 3 violation.

Section 12VAC5-590-405 D states, in part, "The owner shall deliver a consumer notice of lead tap water monitoring results to all persons served by the waterworks at sites that are tested in accordance with subdivision D 4 of this section."

Section 12VAC5-590-405 D 4 states, in part, "The owner of a community waterworks shall provide a notice of the individual tap results from lead tap water monitoring carried out under the requirements of 12VAC5-590-375 B to the persons served by the waterworks at the specific sampling site from which the sample was collected (e.g., the occupants of the residence or buildings where the tap was tested). a. Timing of notification. The owner shall provide this consumer notice as soon as practical, but no later than 30 days after the owner learns of the tap monitoring results."

This Notice of Alleged Violation stems from the failure to provide certification of lead consumer notice. Six-O-Five Village tested for lead and copper on September 18, 2024 and was required to notify consumers/customers of their results and certify the notice to the Virginia Department of Health by March 31, 2025. Our office has not received such certification.

Required Actions

In accordance with Section 12VAC5-590-540 of the Regulations, you are required to issue a Tier 3 public notice ("Notice") to the consumers in the area served by the waterworks in accordance with the public notification requirements described below:

Public Notice: The Notice requires you to notify consumers in the area served **within 12 months** of learning of the violation. This Notice must be handled as follows:

- You must distribute the Notice no later than April 2, 2026.
- The Notice must be mailed or directly delivered to each customer receiving a bill, and to other service connections served by your waterworks.
- If your waterworks serves consumers who do not pay water bills, or who do not have service connection addresses (apartment dwellers, university students, or nursing home patients, for example), you must also use other delivery methods to provide the Notice to these consumers as well. Examples of other methods include, but are not limited to, publication in local newspapers, delivery of multiple copies to apartment buildings, or posting the Notice in public places served by the waterworks.
- You may choose to include the Notice as an enclosure with or as an integral part of your Consumer Confidence Report (CCR) for 2024 water quality data. To do so, the combined CCR and public Notice must be distributed to consumers by July 1, 2025 AND you must take steps to ensure that the CCR and public Notice reach all persons served by the waterworks. This requirement is more stringent than the "good faith effort" requirements for distributing the CCR alone.
- Maintain a posted public notice in place for as long as the violation, exceedance, variance, exemption, or other situation persists, but in no case less than seven days even if the violation, exceedance, or situation is resolved.
- Until the violation is resolved, you must give a copy of the Notice to all new billing units or new customers, before or at the time service begins.
- You must repeat distribution of the Notice annually for as long as the violation persists.

Draft Notice: Attached is a draft Notice for you to distribute as directed above. You may use this Notice as is, or modify it to better meet your situation, as long as the information is accurate and it contains all of the required elements and mandated language. If you decide to change the Notice, we suggest that you contact this Office to verify that your proposed changes meet the requirements of the Regulations. Please insert the name, address, and phone number of a waterworks representative in the spaces provided on the draft Notice.

Public Notice Confirmation: Within ten (10) days of completing the public notification, but no later than April 12, 2026, you must provide this Office with a copy of the Notice that you


distributed, along with a signed certification that the distribution was completed in the required time and manner. Failure to distribute the Notice and submit a signed certification form to this Office may be a further violation of the Regulations. A certification form is enclosed for your use.

Follow-Up Actions: Deliver the required consumer notices with lead tap water monitoring results to the persons served at the tap sample locations. Complete and return a certification statement along with a copy of the notice to this field office.

Requesting an Administrative Proceeding: If you disagree with the allegations in this notice or wish to obtain a determination as to whether a violation has occurred, you may request an informal conference in accordance with Va. Code § 2.2-4019 and 12VAC5-590-115 of the Regulations. To request an informal conference, please contact the Virginia Department of Health, Office of Drinking Water's Director of Compliance, Enforcement and Policy by telephone or email at 804-629-0989 or Grant.Kronenberg@vdh.virginia.gov.

Enforcement Authority: Failure to take all the necessary corrective actions in a timely manner to voluntarily return your waterworks to compliance may result in enforcement action. Enforcement actions include permit revocation, administrative orders, and civil or criminal proceedings, and civil charges or penalties of up to \$5,000 per day for each violation. Va. Code §§ 32.1-26, 32.1-27, 32.1-175.01 and 32.1-176.

If you have any questions or concerns regarding this matter, please contact me at (804) 910-6111 or email at Lydia.belser@vdh.virginia.gov.

Sincerely,

Lydia Belser, Environmental Health Specialist, Sr.
Richmond Field Office

LMB:lt

Enclosures:

1. Draft Tier 3 Public Notice
2. Certification Form
3. Chemical Sample Results Letter (including Consumer Notification and Delivery Certification), dated 10/28/2024

cc: Louisa County Health Department- Attn: Environmental Health Manager
Christian Goodwin- County Administrator/Manager, Louisa County- cgoodwin@louisa.org
Matthew Raynor, Raynor Environmental Enterprises- tamatt@aol.com
Scott Aaron Dunn, Operator- sdunnreeofva@yahoo.com