



*Commonwealth of Virginia*

**VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY**

[www.deq.virginia.gov](http://www.deq.virginia.gov)

Stefanie K. Taillon  
Secretary of Natural and Historic Resources

Michael S. Rolband, PE, PWD, PWS Emeritus  
Director

July 11, 2025

<b>Named Party Address:</b>	<b>Other Address:</b>
Sam Patel, Managing Member Rowan Holdings, LLC 14785 Forest Road Forest, VA 24551 Via email: <a href="mailto:sam@pdlaw.us">sam@pdlaw.us</a>	
<b>Other Address:</b>	<b>Other Address:</b>
Patel & Dalrymple, PLLC, Registered Agent Rowan Holdings, LLC 14785 Forest Road Forest, VA 24551 Via email: <a href="mailto:reception@pdlaw.us">reception@pdlaw.us</a>	

**NOTICE OF INFORMAL FACT FINDING PROCEEDING**

**RE:**

<b>Named Party(ies)</b>	Rowan Holdings, LLC
<b>Facility</b>	Madison Heights Town Centre
<b>Registration/ Permit No.</b>	VAR10S412

Dear Sir/Madam:

The Department of Environmental Quality (“DEQ”) will hold an Informal Fact Finding Proceeding (“Proceeding”)<sup>1</sup> by conference call at the date and time listed below. At the scheduled time, dial the Call-In Number and enter the Access Code listed below.

<b>Proceeding Date</b>	August 20, 2025	<b>Proceeding Time</b>	10:00 AM
<b>Call-In No.</b>	434-230-0065	<b>Access Code</b>	973775265#

**Purpose:**

- To determine if the Named Party(ies) violated the Virginia Code and Regulations as listed in the Findings of Fact and Conclusions of Law in Section C of the enclosed proposed Consent Order.
- DEQ staff will request a Special Order requiring the Named Party(ies) to:

---

<sup>1</sup> The Proceeding will be conducted in accordance with Va. Code §§ 2.2-4019 and 10.1-1186.

## Notice of Informal Fact Finding Proceeding

<input checked="" type="checkbox"/>	Pay the maximum civil penalty allowed by law, and pay attorneys' fees of 30% of the unpaid amount if DEQ has to refer collection to the Attorney General's Office.
<input checked="" type="checkbox"/>	Complete the corrective actions listed in Appendix A of the enclosed proposed Consent Order.

### Your Rights:<sup>2</sup>

- To participate in the conference call yourself or by lawyer or other representative.
- To present facts, arguments, or proof, including relevant documents.
- To receive a decision within 90 days from the Proceeding with a written explanation.
- To appeal any decision against you.<sup>3</sup>

### Information DEQ May Consider:

- DEQ Exhibits sent with this notice,
- DEQ's inspection report(s),
- Notice(s) of Violation,
- Any registration statement and permit,
- Other public documents in DEQ files,
- Information presented by witnesses,
- Any documents introduced into the record by the Named Party(ies),
- Statutes and regulations (available at <http://lis.virginia.gov/>), and
- DEQ guidance (available at <http://townhall.virginia.gov/L/GDocs.cfm>).

### Process:

- A Presiding Officer will hear evidence at the Proceeding and consider information in the record.
- If you do not appear at the Proceeding without good cause:
  - The Presiding Officer may issue a default order, complete the Proceeding, and determine all issues.
  - DEQ may issue an order against you based on admissions or other evidence without further notice.
- The Presiding Officer will prepare a recommendation for the DEQ Director.
- The Director may issue a Special Order with a civil penalty and/or corrective actions.

### Agency Contact:

- Contact the Agency Advocate listed below if you have any questions
- At least **ten days before the Proceeding Date**, contact the agency advocate to request accommodations for a disability, translation services, or other assistance to help you participate in the Proceeding.

<b>Agency Advocate</b>	Carla Pool
<b>Phone No.</b>	804-664-3666
<b>Email</b>	Carla.Pool@deq.virginia.gov

Sincerely,

Kristen Sadtler  
Digitally signed by: Kristen Sadtler  
Date: 2025.07.11 09:34:11 -04'00'

Enclosure

<sup>2</sup> See Va. Code §§ 2.2-4019, 2.2-4121, 2.2-4026.

<sup>3</sup> Va. Code § 2.2-4026.



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

www.deq.virginia.gov

Stefanie K. Taillon  
Secretary of Natural and Historical Resources

Michael S. Rolband, PE, PWD, PWS Emeritus  
Director

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY  
ENFORCEMENT ACTION - ORDER by CONSENT  
ISSUED to

FOR

VPDES PERMIT No. VAR10  
REGISTRATION No.

**SECTION A: Purpose**

This is a Consent Order issued under the authority of Va. Code §§ 62.1-44.15, 62.1-44.15:25, 62.1-44.15:48, and 62.1-44.32 for the purpose of resolving certain violations of the State Water Control Law and the applicable permit and/or regulations.

**SECTION B: Definitions**

Unless the context clearly indicates otherwise, the terms used in this Consent Order have the meanings assigned to them in Va. Code § 62.1-44.2 *et seq.*, § 62.1-44.15:24 *et seq.*, § 10.1-1182 *et seq.*, 9VAC25-880-1 *et seq.*, and 9VAC25-875-10 *et seq.*

**SECTION C: Findings of Fact and Conclusions of Law**

Responsible Party			Permit Coverage Issuance Date		
Site Address	Street Address/Coordinates				
	City/County		VA	Zip Code	
Inspection Date(s)			Receiving Water Information		
Warning Letter(s) and Notice(s) of Violation					
The General Virginia Pollutant Discharge Elimination System Permit for Discharges of Stormwater From Construction Activities, No. VAR10, promulgated at 9 VAC 25-880-70, (Permit) was re-issued under the State Water Control Law and Regulations, 9 VAC 25-880-1, <i>et seq.</i> , on July 1, 2024 and expires June 30, 2029.					
The Responsible Party is a “person” within the meaning of Va. Code § 62.1-44.3.					

Responsible Party has obtained Permit coverage, which allows the Responsible Party to discharge stormwater associated with construction activities from the Site to the receiving water in strict compliance with the terms and conditions of the Permit.				
Va. Code § 62.1-44.5 states: Except in compliance with a certificate issued by the [Department], it shall be unlawful for any person to discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances or discharge stormwater into state waters from land disturbing activities.				
The Regulation, at 9 VAC 25-880-70, also states that except in compliance with a VPDES permit, or another permit issued by the [Department], it is unlawful to discharge into state waters sewage, industrial wastes or other wastes.				
Va. Code § 62.1-44.15(5a) states that a VPDES permit is a “certificate” under the statute.				
The receiving water is a surface water located wholly or partially within the Commonwealth and is a “state water” under State Water Control Law.				
Violation	Observations and Legal Requirements <sup>1</sup>	Civil Charge		Subtotal
	1. Permit coverage expired July 1, 2024 and was not reissued until September 11, 2024. Land-disturbing activities were observed at the Site in areas outside the limits of disturbance and permitted acreage. Responsible Party has not obtained coverage under the Permit and no other certificate, agreement in lieu, or permit was issued for the discharge of stormwater from construction activities at the areas outside the limits of disturbance and permitted acreage. <b>Va. Code §62.1-44.15:34; Va. Code §62.1-44.5(A)</b>	# of Occurrences		
	2. Unpermitted discharge to state waters or discharge to state waters not in compliance with a permit. <b>Va. Code §62.1-44.5(A); 9 VAC 25-875-870(A)</b>	# of Occurrences		
	3. The Responsible Party failed to report or timely report unpermitted discharge to state waters. <b>Va. Code §62.1-44.5(B); 9 VAC 25-875-870(B)</b>	# of Occurrences		
	4. The Responsible Party failed to develop a Stormwater Pollution Prevention Plan (SWPPP). <b>Permit Part II(A) and (B); 9VAC25-875-500</b>	# of Occurrences		
	5. The Responsible Party’s SWPPP or SWPPP component was not available:  ___ On-site for use by those having responsibilities under the SWPPP. <b>Permit Part II(E)(1)</b>  ___ To the Department upon the request of DEQ staff and/or if an on-site location was unavailable to store the SWPPP when no personnel were present, notice of the SWPPP’s location was not posted near the main entrance. <b>Permit Part II(E)(2); 9 VAC 25-875-500(A) and (G)</b>	# of Occurrences		

<sup>1</sup> Chapters 758 and 68 of the 2016 Acts of Assembly combined the Stormwater Management Act and Erosion and Sediment Control Law to create the Virginia Erosion and Stormwater Management Act and the regulations were combined into the Virginia Erosion and Stormwater Management Regulations. Prior to July 1, 2024, the regulatory citations were located at 9VAC25-870-10 et seq. and 9VAC25-840-10 et seq.

Violation	Observations and Legal Requirements	Civil Charge		Subtotal
	<p>6. The Responsible Party's SWPPP was incomplete.</p> <p>No approved stormwater management plan or modification for the land disturbance outside the limits of disturbance and permitted acreage.  <b>9 VAC 25-875-500(A) and (C); Permit Part II(B)(3)</b></p> <p>_____ No pollution prevention plan and/or plan not complete  <b>9 VAC 25-875-500(A) and (D); 9 VAC 25-875-520; Permit Part II(B)(4)</b></p> <p>_____ Construction support activity not included <b>Permit Part II(A)</b></p> <p>_____ Missing Component(s) required by <b>Permit Part II(B)</b></p> <p>_____ Missing Component(s) required by <b>Permit part II(C)</b></p> <p>_____ Missing Component(s) required by <b>Permit Part II(F)</b></p>	# of Occurrences		
	<p>7. Responsible Party failed to properly install and/or maintain control measures.</p> <p>_____ Failure to design and implement an erosion and sediment control plan consistent with the requirements of the erosion and sediment control minimum standards.  <b>9 VAC 25-875-500(B); 9VAC25-875-550(A); Permit Part II.B.2.c.9; 9VAC 25-875-560:</b></p> <p style="text-align: center;"> <b>N/A    1    2    3    4    5    6    7</b>   <b>8    9    10    11    12    13    14    15</b>   <b>16    17    18    19 _____</b> </p> <p>Failure to maintain all control measures in effective operating condition in accordance with good engineering practices and, where applicable, manufacturer specifications.  <b>Permit Part II(F)(1),; 9VAC25-875-300(G)</b></p>	# of Occurrences		
	<p>8. Inspections and/or inspection reports were not completed in accordance with Permit requirements.</p> <p>_____ Inspections were not conducted by an individual identified as the qualified personnel by the operator in the SWPPP.  <b>Permit Part II(G)(1)</b></p> <p>_____ Inspections required by the SWPPP were not conducted at the required frequency, including a modified frequency for impaired water(s), approved TMDL(s), and exceptional waters when applicable.  <b>Permit Part II(G)(2) and Part II(B)(5)(b)(3)</b></p> <p>_____ Inspection reports were not completed and signed in accordance with the Permit.  <b>Permit Part II(G)(3-6)</b></p>	# of Occurrences		

Violation	Observations and Legal Requirements	Civil Charge		Subtotal
	<p>9. Responsible Party failed to comply with record and/or reporting requirements:</p> <p>____ Information for public access to the SWPPP was not posted near the main entrance of the construction activity or, for linear projects, at a publicly accessible location near an active part of the project.  <b>Permit Part II(E)(3)</b></p> <p>____ A copy of the notice of coverage letter was not posted near the main entrance of the construction activity or, for linear projects, at a publicly accessible location near an active part of the project.  <b>Permit Part II(D)</b></p>	<div># of Occurrences</div>		
	<p>10. Responsible Party failed to comply with SWPPP and/or plan requirements and/or other requirements.</p> <p>____ Corrective actions identified as a result of an inspection were not implemented as soon as practicable but no later than five business days after discovery or longer period as approved by the VESMP authority.  <b>Permit Part II(F)</b></p> <p>____ Failure to take actions required by the Permit when the operator must make the same repairs more than two times to the same control at the same location.  <b>Permit Part II(F)</b></p> <p>____ Sequencing of the project was not implemented in accordance with the approved erosion and sediment control plan and/or stormwater management plan.  <b>9 VAC 25-875-500(B) and (C)</b></p> <p>____ Failure to properly select, install, implement and/or maintain control measures at each dewatering location prior to discharging into a stormwater conveyance system or surface water  <b>Permit Part II(B)</b></p> <p>____ Failure to immediately cease the construction dewatering discharge at the location that exceeds the turbidity benchmark or where visual monitoring indicates a change in the characterization of the effluent discharge and/or determine whether construction dewatering controls are operative effectively or need routine maintenance or alternative control measures and/or make any necessary adjustments, additions, repairs, or replacements to the controls.  <b>Permit Part II(H)(2)</b></p>	<div># of Occurrences</div>		

Violation	Observations and Legal Requirements	Civil Charge		Subtotal
	11. The Responsible Party does not have an approved an erosion and sediment control plan or plan modification for the land disturbance outside the limits of disturbance and permitted acreage. <b>Va. Code §62.1-44.15.55; 9 VAC 25-875-500(A) and (B)</b>	# of Occurrences		
	12. Permanent control measures included in the SWPPP and/or stormwater management plan were not installed and/or functioning effectively. <b>9 VAC 25-875-500(C)</b>	# of Occurrences		
	13. The Responsible Party failed to comply with pollution prevention requirements. <b>Permit Part II(B)(4)(e).</b>	# of Occurrences		
<b>Violation Component Civil Charge Subtotal</b>				
<b>Aggravating Factors</b>				
	<b>Additional Civil Charge Assessment</b>	<b>Subtotal</b>		
Degree of Culpability				
Consent Order in another media program within 36 months				
Consent Order in the same media program within 36 months				
<b>Aggravating Factors Subtotal</b>				
<b>Civil Charge Subtotal and Aggravating Factor Subtotal</b>				
Cooperativeness and Quick Settlement				
Economic Benefit of Noncompliance				
In accordance with 62.1-44.15(8e), the Responsible Party's Ability to Pay was evaluated and it was determined that there is an ability to pay.				
<b>Total Civil Charge</b>				
Based on the results of staff observations and discussions with the Responsible Party, the Department concludes that the Responsible Party has violated the Va. Code, Regulations and/or Permit as identified herein.				

#### **SECTION D: Agreement and Order**

Accordingly, by virtue of the authority granted it in Va. Code §§ 62.1-44.15, 62.1-44.15:25, 62.1-44.15:48, and 62.1-44.32, the Department orders the Responsible Party, and the Responsible Party agrees to:

☐ Perform the actions described in Appendix A of this Consent Order if this box is checked and

Pay the total civil charge of \_\_\_\_\_ in settlement of the violations cited in this Consent Order in accordance with the following:

☐ Within 30 days of the effective date of the Consent Order, or

☐

In accordance with the following payment schedule:

Due Date	Amount

If the Department fails to receive a civil charge payment pursuant to the schedule described above, the payment shall be deemed late. If any payment is late by 30 days or more, the entire remaining balance of the civil charge shall become immediately due and owing under this Consent Order, and the Department may demand in writing full payment by the Permittee. Within 15 days of receipt of such letter, Permittee shall pay the remaining balance of the civil charge. Any acceptance by the Department of a late payment or of any payment of less than the remaining balance shall not act as a waiver of the acceleration of the remaining balance under this Consent Order.

Payment shall be made by either credit card at [www.deq.virginia.gov](http://www.deq.virginia.gov), or check, certified check, money order or cashier's check payable to the "Treasurer of Virginia," and delivered to:

Receipts Control  
Department of Environmental Quality  
Post Office Box 1104  
Richmond, VA 23218

The Responsible Party shall include its Federal Employer Identification Number (FEIN), if applicable, with the civil charge payment and shall indicate that the payment is being made in accordance with the requirements of this Consent Order for deposit into the Virginia Stormwater Local Assistance Fund. If the Department has to refer collection of moneys due under this Consent Order to the Department of Law, Responsible Party shall be liable for attorneys' fees of 30% of the amount outstanding.

#### **SECTION E: Administrative Provisions**

1. The Department may modify, rewrite, or amend this Consent Order with the consent of the Responsible Party for good cause shown by the Responsible Party, or on its own motion pursuant to the Administrative Process Act, Va. Code § 2.2-4000 *et seq.*, after notice and opportunity to be heard.
2. This Consent Order addresses and resolves only those violations specifically identified in Section C of this Consent Order. This Consent Order shall not preclude the Department or the Director from taking any action authorized by law, including but not limited to: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the facility; or (3) taking subsequent action to enforce the Consent Order.
3. For purposes of this Consent Order and subsequent actions with respect to this Consent Order only, the Responsible Party admits the jurisdictional allegations, and agrees not to contest, but neither admits nor denies, the findings of fact and conclusions of law in this Consent Order.
4. The Responsible Party consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Consent Order.
5. The Responsible Party declares it has received fair and due process under the Administrative Process Act and the State Water Control Law and it waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein. Nothing



herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Department to modify, rewrite, amend, or enforce this Consent Order.

6. Failure by the Responsible Party to comply with any of the terms of this Consent Order shall constitute a violation of an order of the Department. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Department or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.
7. If any provision of this Consent Order is found to be unenforceable for any reason, the remainder of the Consent Order shall remain in full force and effect.
8. The Responsible Party shall be responsible for failure to comply with any of the terms and conditions of this Consent Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other unforeseeable circumstances beyond its control and not due to a lack of good faith or diligence on its part. The Responsible Party shall demonstrate that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. The Responsible Party shall notify the DEQ Regional Director verbally within 24 hours and in writing within three business days when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of the Consent Order. Such notice shall set forth:
  - a. the reasons for the delay or noncompliance;
  - b. the projected duration of any such delay or noncompliance;
  - c. the measures taken and to be taken to prevent or minimize such delay or noncompliance; and
  - d. the timetable by which such measures will be implemented and the date full compliance will be achieved.

Failure to so notify the Regional Director verbally within 24 hours and in writing within three business days, of learning of any condition above, which the parties intend to assert will result in the impossibility of compliance, shall constitute a waiver of any claim to inability to comply with a requirement of this Consent Order.

9. This Consent Order is binding on the parties hereto and any successors in interest, designees and assigns, jointly and severally.
10. This Consent Order shall become effective upon execution by both the Director or his designee and the Responsible Party. Nevertheless, the Responsible Party agrees to be bound by any compliance date which precedes the effective date of this Consent Order.
11. This Consent Order shall continue in effect until:
  - a. The Director or his designee terminates the Consent Order after the Responsible Party has completed all of the requirements of the Consent Order;
  - b. The Responsible Party petitions the Director or his designee to terminate the Consent Order after it has completed all of the requirements of the Consent Order and the Director or his designee approves the termination of the Consent Order; or
  - c. The Director or Department terminates the Consent Order in his or its sole discretion upon 30 days' written notice to Responsible Party.

Termination of this Consent Order, or any obligation imposed in this Consent Order, shall not operate to relieve the Responsible Party from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.

12. Any plans, reports, schedules or specifications attached hereto or submitted by the Responsible Party and approved by the Department pursuant to this Consent Order are incorporated into this Consent Order. Any non-compliance with such approved documents shall be considered a violation of this Consent Order.
13. The undersigned representative of the Responsible Party certifies that he or she is a responsible official or officer authorized to enter into the terms and conditions of this Consent Order and to execute and legally bind the Responsible Party to this document. Any documents to be submitted pursuant to this Consent Order shall also be submitted by a responsible official of Responsible Party.
14. This Consent Order constitutes the entire agreement and understanding of the parties concerning settlement of the violations identified in Section C of this Order, and there are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this Consent Order.
15. By its signature below, the Responsible Party voluntarily agrees to the issuance of this Consent Order.

And it is so ORDERED.

DEQ Signee Signature

Date

DEQ Signee Name

Title

I hereby certify that I am the Responsible Party or duly appointed representative/officer of the Responsible Party.

Responsible Party Signee Signature

Date

Responsible Party Signee Name

Title

**APPENDIX A**  
**SCHEDULE OF COMPLIANCE**

The Responsible Party shall take the following actions:

Corrective Actions to be Performed	Due Date

**DEQ Contact**

Unless otherwise specified in this Consent Order, the Responsible Party shall submit all requirements of Appendix A of this Order to: