



COMMONWEALTH of VIRGINIA

Department of Health
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B. Cameron Webb, MD, JD
State Health Commissioner

**STATE BOARD OF HEALTH
ORDER BY CONSENT
ISSUED TO THE
Jones Estates, LLC
FOR THE
Jones Estates Lynchburg VA LLC Waterworks
PWSID No. 5031825**

This is a Consent Order issued under authority granted by Va. Code § 32.1-26 between the State Board of Health and Jones Estates, LLC, for the Jones Estates Lynchburg VA LLC Waterworks for the purpose of resolving certain violations of the Public Water Supplies Law and the applicable regulations.

Section A. Definitions

Unless the context clearly indicates otherwise, the following words and terms have the meaning assigned below:

1. "Board" means the State Board of Health, a permanent citizens' board of the Commonwealth of Virginia, as described in Va. Code § 32.1-5.
2. "CCR" means Consumer Confidence Report.
3. "Commissioner" means the State Health Commissioner, who supervises and manages the Department, as described in Va. Code §§ 32.1-16 and 32.1-17.
4. "Community waterworks" means a waterworks that serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.
5. "Department" or "VDH" means the Department of Health, an agency of the Commonwealth of Virginia, as described in Va. Code § 32.1-16.
6. "DFO" means the ODW Danville Field Office, located in Danville, Virginia.
7. "Human consumption" means drinking, food preparation, dishwashing, bathing, showering, handwashing, teeth brushing, and maintaining oral hygiene, as described in Va. Code § 32.1-167 and 12VAC5-590-10 of the Regulations.

8. "Jones Estates Waterworks" means the Jones Estates Lynchburg VA LLC Waterworks.
9. "Notice of Alleged Violation" or "NOAV" means a type of notice of alleged violation issued under 12VAC5-590-110 of the Regulations.
10. "ODW" means the VDH Office of Drinking Water.
11. "Order" means this document, also known as a "Consent Order" or "Order by Consent," which the Board is authorized to issue to require any person to comply with the provisions of any law administered by it, the Commissioner or the Department or any regulations promulgated by the Board or to comply with any case decision, as defined in Va. Code § 2.2-4001, of the Board or Commissioner.
12. "Owner" means Jones Estates, LLC.
13. "Permit" means Waterworks Operation Permit No. 5031825.
14. "PMCL" means the primary maximum contaminant level of a contaminant based on health considerations.
15. "Public Water Supplies Law" or "PWSL" means Chapter 6, Article 2 of Title 32.1 of the Va. Code.
16. "Pure water" means water fit for human consumption that is (i) sanitary and normally free of minerals, organic substances, and toxic agents in excess of reasonable amounts and (ii) adequate in quantity and quality for the minimum health requirements of the persons served.
17. "PWSID" means Public Water System Identification.
18. "Regulations" means the Waterworks Regulations, 12VAC5-590-10, *et seq.*
19. "SMCL" means the secondary maximum contaminant level of a contaminant. SMCLs are based on aesthetic qualities related to the public acceptance of drinking water.
20. "Va. Code" means the Code of Virginia (1950), as amended.
21. "VAC" means the Virginia Administrative Code.
22. "Warning Letter" means a type of notice issued by ODW indicating the waterworks has been issued an alleged violation(s) and the violation(s) have not been resolved within a specified timeframe.

23. "Waterworks" means a system that serves piped water for human consumption to at least 15 service connections or 25 or more individuals for at least 60 days out of the year. Waterworks includes all structures, equipment, and appurtenances used in storage, collection, purification, treatment, and distribution of pure water except the piping and fixtures inside the building where such water is delivered.

Section B. Findings of Fact and Conclusions of Law

1. The Owner owns and operates Jones Estates Waterworks. Jones Estates Waterworks is located on Suburban Road in Campbell County, Virginia. Jones Estates Waterworks is a community waterworks that serves groundwater from six wells (two inactive) for human consumption to 90 service connections and approximately 200 year-round residents. VDH issued the Permit to the Owner on March 3, 2023.
2. Based on a review of ODW records, DFO staff made the following observations regarding historical noncompliance by the Owner with requirements for monitoring lead and copper for the Jones Estates Waterworks since 2023, failure to distribute the 2023 CCR by July 1, 2024, and failure to conduct monitoring for radiological contaminants, metals and inorganic compounds, volatile organic chemicals, and nitrate-nitrate combination for the most recent compliance period.
3. On November 6, 2023, ODW issued an NOAV to the Owner for failure to collect five lead and copper samples from approved sites in the distribution system during the June through September 2023 monitoring period.
4. On November 8, 2024, ODW issued an NOAV to the Owner for failure to collect five lead and copper samples from approved sites in the distribution system during the June through September 2024 monitoring period.
5. On November 8, 2024, ODW issued an NOAV to the Owner for failure to distribute the 2023 CCR to the community served by Jones Estates Waterworks by July 1, 2024.
6. In a Warning Letter dated May 14, 2025, ODW notified the Owner that Jones Estates Waterworks had unresolved alleged violations. The letter stated that if the violations for failure to monitor lead and copper and to distribute the 2023 CCR were not resolved during that calendar quarter, ODW may take formal enforcement action to protect public health. An additional alleged violation mentioned in the Warning Letter for failure to distribute a public notice linked to the failure to monitor for the routine lead and copper samples in 2023 was resolved on July 30, 2025.
7. In a Warning Letter dated July 17, 2025, ODW again notified the Owner that Jones Estates Waterworks had unresolved alleged violations. The letter stated that if the violations for failure

to monitor lead and copper and to distribute the 2023 CCR were not resolved during that calendar quarter, ODW may take formal enforcement action to protect public health.

8. On October 31, 2025, ODW issued an NOAV to the Owner for failure to collect five lead and copper samples from approved sites in the distribution system during the June through September 2025 monitoring period.
9. On January 30, 2026, ODW issued an NOAV to the Owner for failure to monitor for radiological contaminants during the January 2020 through December 2025 monitoring period.
10. On January 30, 2026, ODW issued an NOAV to the Owner for failure to monitor the nitrate-nitrite combination sample during the January through December 2025 monitoring period.
11. On January 30, 2026, ODW issued an NOAV to the Owner for failure to monitor for metals and inorganic compounds during the January 2023 through December 2025 monitoring period.
12. On January 30, 2026, ODW issued an NOAV to the Owner for failure to monitor for volatile organic chemicals during the January 2023 through December 2025 monitoring period.
13. The Regulations, at 12VAC5-590-372.D.2, state in part, "Antimony, arsenic, barium, beryllium, cadmium, chromium, cyanide (as free cyanide), fluoride, mercury, nickel, selenium, and thallium. Monitoring to determine compliance with the PMCL for these contaminants specified in Table 340.1 shall be conducted as follows: a. The owner shall collect one sample at each groundwater source entry point during each compliance period." The Owner was required to monitor every three years for metals and inorganic compounds.
14. The Regulations, at 12VAC5-590-372.D.3, state in part, "Monitoring to determine compliance with the PMCL for...combined nitrate-nitrite as nitrogen specified in Table 340.1 shall be conducted as follows: a. The owner shall collect one sample annually at each groundwater source entry point." The Owner was required to monitor once a year for combined nitrate-nitrite as nitrogen.
15. The Regulations, at 12VAC5-590-372.D.5, state in part, "Aluminum, chloride, copper, corrosivity, fluoride, foaming agents (surfactants), iron, manganese, silver, sulfate, and zinc. Monitoring to determine compliance with the SMCL for these contaminants specified in Table 340.1 shall be conducted as follows: a. The owner shall collect one sample at each groundwater source entry point during each compliance period." The Owner was required to monitor every three years for metals and inorganic compounds.
16. The Regulations, at 12VAC5-590-373.A, address organic chemicals monitoring, including volatile organic chemicals, and state, "The owner of a community waterworks...shall conduct

monitoring to determine compliance with the PMCLs [for organic chemicals] listed in Table 340.2 in accordance with this section. Where two or more sources are combined before distribution, the owner shall sample at the entry point for the combined sources during periods of normal operation conditions." The Owner was required to monitor every three years for volatile organic chemicals.

17. The Regulations, at 12VAC5-590-375.A, state in part, "The owner of a community waterworks...shall monitor for lead and copper in tap water (subsection B of this section), water quality (corrosion) parameters in the distribution system and at entry points (subsection C of this section), and lead and copper in water supplies (subsection D of this section)."
18. The Regulations, at 12VAC5-590-378.B, state in part, "The owner of a community waterworks shall conduct monitoring to determine compliance with the PMCLs listed in Table 340.4 and 12VAC5-590-388.... c. Reduced monitoring. The department may allow the owner to reduce the future frequency of monitoring [for gross alpha particle activity, radium-226, radium-228, and uranium] from once every three years to once every six or nine years at each entry point...." The Owner was required to monitor every six years for these radiological contaminants.
19. The Regulations, at 12VAC5-590-545.B.1, state, "The owner of an existing community waterworks shall deliver the [CCR] by July 1."
20. Pursuant to Va. Code § 32.1-26, the Board may issue orders requiring compliance with any law or regulation administered by the Board.
21. Based on a review of ODW records, the Board concludes that the Owner has violated 12VAC5-590-372.D.2, 12VAC5-590-372.D.3, 12VAC5-590-372.D.5, 12VAC5-590-373.A, 12VAC5-590-375.A, 12VAC5-590-378.B, and 12VAC5-590-545.B.1 of the Regulations, as described in paragraphs B.2 through B.19, above, because the Owner has not collected the required lead and copper, metals and inorganic compounds, volatile organic chemicals, radiological contaminants, and nitrate-nitrite combination samples. In addition, the owner has failed to distribute the 2023 CCR to the community by the due date of July 1, 2024.

Section C. Agreement and Order

Accordingly, by virtue of the authority granted it in Va. Code §§ 32.1-26 and 32.1-27, the Board orders the Owner, and the Owner agrees, to:

1. Perform the actions described in Appendix A of this Order.
2. Pay a civil charge of **\$3,699.00** within 30 days of the effective date of this Order in settlement of the violations cited in this Order.

Payment shall be made by check, certified check, money order or cashier's check payable to the "Treasurer of Virginia" and shall be delivered to:

Virginia Department of Health
Office of Drinking Water
109 Governor Street, 6th Floor
Richmond, Virginia 23219

The Owner shall indicate that the payment is being made in accordance with the requirements of this Order for deposit into the Virginia Water Supply Assistance Grant Fund. If VDH has to refer collection of monies due under this Order to the Department of Law, the Owner shall be liable for attorneys' fees of 30% of the amount outstanding.

The Owner's obligations under this Order will be considered satisfied when it has paid the civil charge and has been in full compliance with this Order for 24 months in a row.

Section D. Administrative Provisions

1. This Order addresses and resolves only those violations specifically identified in Section B of this Order. This Order shall not preclude VDH from taking any action authorized by law, including but not limited to taking any action authorized by law regarding additional, subsequent, or subsequently discovered violations or taking subsequent action to enforce this Order.
2. This Order does not suspend, minimize, or otherwise alter the Owner's obligation to comply with federal, state, and local laws and regulations. The Board waives no lawful means of enforcing the laws it administers, the regulations it has adopted, or this Order.
3. The Owner agrees that it has received fair and due process under the Administrative Process Act (Va. Code § 2.2-4000, *et seq.*) and waives its right to further hearings or challenges, whether civil or administrative, regarding the terms, conditions, or issuance of this Order and specifically waives its rights to a hearing under Va. Code §§ 2.2-4019 or 2.2-4020 as a predicate for issuance of this Order. The Owner consents to the issuance of this Order freely, voluntarily, and after an opportunity to consult counsel of its choice.
4. Any plans, reports, schedules, or specifications submitted by the Owner and approved by the Department pursuant to this Order are incorporated into this Order. Any non-compliance with such approved documents shall be considered a violation of this Order.
5. To the fullest extent allowed by law, this Order is binding on the Owner, its agents and legal representatives, heirs, devisees, executors, administrators, and successors in interest, jointly and severally as applicable.

6. The Board may modify, rewrite, or amend this Order with the consent of the Owner. Additionally, the Board may modify, rewrite, or amend this Order on the Board's own motion pursuant to the Administrative Process Act, Va. Code §§ 2.2-4000, *et seq.*, after the Owner has received notice and an opportunity to be heard. Any request by the Owner for modification of this Order shall be submitted to VDH in writing to be considered for approval by the Board or its designee.
7. This Order shall not preclude the Board, the Commissioner, or the Department 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 this Order.
8. Failure by the Owner to comply with any terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or Department as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.
9. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
10. The Owner shall be responsible for failure to comply with any of the terms and conditions of this 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 Owner shall demonstrate that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. The Owner shall notify the Department 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 this 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 by the Owner to prevent or minimize such delay or noncompliance; and
 - d. The timetable by which the Owner will implement such measures and the date full compliance will be achieved.

Failure by the Owner to notify the Department verbally within 24 hours and in writing within three business days of learning of any condition above, which the Owner intends to assert will result in the impossibility of compliance, shall constitute a waiver by the Owner of any claim to inability to comply with a requirement of this Order.
11. This Order shall become effective on the 15th day after a copy of it is mailed to the Owner by certified mail. Va. Code § 32.1-26.

12. This Order shall continue in effect until:

- a. The Commissioner or the Commissioner's designee terminates the Order after the Owner has completed all of the requirements of this Order;
- b. The Commissioner or the Commissioner's designee terminates the Order after finding that the circumstances that led to the Order's issuance no longer exist, and that the Order is no longer needed to enforce the PWSL and Regulations to protect public health;
- c. The Owner petitions the Commissioner or the Commissioner's designee to terminate the Order after the Owner has completed all of the requirements of the Order and the Commissioner or the Commissioner's designee approves the termination of the Order; or
- d. The Commissioner or the Commissioner's designee, or the Board, in their sole discretion, terminates the Order upon 30 days written notice to the Owner. Termination of the Order pursuant to this authority without the Owner having satisfied all terms of the Order may result in VDH pursuing further enforcement related to the violations identified in the Order.

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

14. The undersigned representative of the Owner certifies that they are a responsible official authorized to enter into the terms and conditions of this Order and to execute and legally bind the Owner to this document. Any documents to be submitted pursuant to this Order shall also be submitted by a responsible official of the Owner.

15. By its signature below, the Owner voluntarily agrees to the issuance of this Order.

It is SO ORDERED this day, March 31, 2026.

STATE BOARD OF HEALTH
Commonwealth of Virginia



B. Cameron Webb, MD, JD
State Health Commissioner

Owner Signature and Notary Page

Jones Estates, LLC voluntarily agrees to the issuance of this Order.

Kellen P Buss Director of Infrastructure
Name Title

17 March 2024 [Signature]
Date Signature

Commonwealth of Virginia Ohio
City/County of Franklin

The foregoing document was signed and acknowledged before me this 17th day of March, 2026, by Kellen P. Buss who is Director of Infrastructure of Jones Estates, LLC, signing on behalf of the entity.

[Signature]
Notary Public
2017-RE-659657
Registration No.

My commission expires: 08/21/2027

Notary seal:
MUNAWWER A KHAN
Notary Public
State of Ohio
My Comm. Expires
August 21, 2027

Appendix A
Corrective Action Plan and Schedule for Compliance

The Owner shall:

- a. Initiate 6-month lead and copper distribution sampling from locations noted within the approved August 22, 2022, Lead/Copper Material Survey Plan, and have the results reported to VDH as required by the Regulations. Monitoring frequency and requirements will be evaluated following the successful completion of two consecutive six-month monitoring periods.
- b. Collect the following compliance samples in accordance with the Regulations by June 30, 2026, and have the results reported to VDH as required by the Regulations:
 - i. Radiological contaminants
 - ii. Metals and inorganic compounds
 - iii. Volatile organic chemicals
 - iv. Nitrate-nitrite combination
- c. Within 30 days of the Order becoming effective, distribute the 2023 Consumer Confidence Report using the draft provided by DFO staff.
- d. Return the completed Consumer Confidence Report certification statement to DFO within 10 days of distributing the 2023 Consumer Confidence Report. Mail, email, fax, and/or personally deliver the 2023 Consumer Confidence Report certification statement to:

VDH - Office of Drinking Water - Danville Field Office
c/o Compliance Specialist
211 Nor Dan Drive, Suite 1040
Danville, Virginia 24540
Office phone number: (434) 836-8416
Email address: ODWFieldOffice5@vdh.virginia.gov
Fax number: (434) 836-8424

(If the Owner does not send the original documents, it must file the original documents appropriately so if asked to produce the documents they are easy to access.)