



## COMMONWEALTH of VIRGINIA

B. Cameron Webb, MD, JD  
State Health Commissioner

Department of Health  
P O BOX 2448  
RICHMOND, VA 23218

TTY 7-1-1 OR  
1-800-828-1120

**STATE BOARD OF HEALTH  
ORDER BY CONSENT  
ISSUED TO THE  
City of Danville  
FOR THE  
City of Danville Waterworks  
PWSID No. 5590100**

This is a Consent Order issued under authority granted by Va. Code § 32.1-26 between the State Board of Health and the City of Danville for the City of Danville 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. "City" means City of Danville.
3. "Commissioner" means the State Health Commissioner, who supervises and manages the Department, as described in Va. Code §§ 32.1-16 and 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. "Danville Waterworks" means the City of Danville Waterworks.
6. "Department" or "VDH" means the Department of Health, an agency of the Commonwealth of Virginia, as described in Va. Code § 32.1-16.
7. "DFO" means the ODW Danville Field Office located in Danville, Virginia.

8. "Human consumption" means drinking, food preparation, dishwashing, bathing, showering, hand washing, teeth brushing, and maintaining oral hygiene, as described in Va. Code § 32.1-167 and 12VAC5-590-10 of the Regulations.
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 Virginia Department of Health - 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 § 2.2-4001, of the Board or Commissioner.
12. "Permit" means Waterworks Operation Permit No. 5590100.
13. "Public Water Supplies Law" or "PWSL" means Chapter 6, Article 2 of Title 32.1 of the Va. Code.
14. "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.
15. "PWSID" means Public Water System Identification.
16. "Regulations" means the Waterworks Regulations, 12VAC5-590-10, *et seq.*
17. "SCADA" means a computer-controlled system used by a waterworks to monitor its operations. Typical design features may be specific to individual waterworks and include alarm, response, control, and data acquisition.
18. "Va. Code" means the Code of Virginia (1950), as amended.
19. "VAC" means the Virginia Administrative Code.
20. "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 City owns and operates the Danville Waterworks. The Danville Waterworks is a community waterworks located in Danville, Virginia. The Danville Waterworks is supplied by surface water from the Dan River. The Danville Waterworks serves a total of 16,340 service connections.
2. On May 8, 2013, ODW issued the Permit to the City to operate the Danville Waterworks in compliance with the PWSL and Regulations.
3. On February 16, 2026, highly turbid raw water entered the Dan River intake for the Danville Waterworks, causing several media filters to be fouled and leaving the water treatment plant unable to filter water at a normal rate. The muddy water came in very quickly and the coagulant (alum) did not adjust fast enough to remove most of the turbidity before the filters were affected. While the operators at Danville Waterworks were working to get the coagulation process under control, the 8.0-million-gallon clearwell level dropped below the required level to maintain distribution pressure and caused water outages in some parts of the City. It was found that the visual display for the water level indicator in the 8.0-million-gallon clearwell was not working properly. The water level indicator caused a reliability failure in the system and ultimately a water outage which triggered issuance of a precautionary Boil Water Advisory.
4. Once the water flow was restored, the City collected two sets of bacteriological samples on February 19 and 20, 2026, which were reported by the laboratory to all be absent from any forms of bacteria. The citywide precautionary Boil Water Advisory was lifted on February 21, 2026.
5. On February 23, 2026, ODW issued an NOAV to the City for failing to undertake the responsibilities of a waterworks owner due to the City's failure to maintain infrastructure resulting in a low to no pressure event within the distribution system of the Danville Waterworks.
6. On February 26, 2026, W. Blake Franchi, the Division Director of Water and Wastewater Treatment with the City of Danville Utilities Department, sent a letter to DFO regarding the NOAV. The letter discussed the February 16, 2026, high turbidity event and the actions the City took to address the event at the time. In the letter, Mr. Franchi stated that the City acknowledges that 12VAC5-590-360.A and 12VAC5-590-480.B relating to system reliability and proper calibration of operational instruments apply to the high turbidity event. The letter stated that the SCADA system functioned as required. "On February 16, operators did receive and respond to low-level alarms. Although the clearwell level indicator provided inaccurate readings, the SCADA system itself functioned as intended." The letter also stated that the City has already scheduled its instrumentation vendor to calibrate the clearwell level indicator and the City will submit the documentation after completion of the work. Additionally, the letter stated that the City is developing a standard operating procedure "for managing

extreme turbidity events” and “will implement enhanced process control measures and establish routine annual calibrations of critical instrumentation to prevent recurrence of similar issues.”

7. The Regulations at 12VAC5-590-360.A state, “The owner shall provide and maintain conditions throughout the entirety of the waterworks in a manner that will assure a high degree of capability and reliability.... This requirement shall pertain to the source water, transmission, treatment, storage, and distribution system facilities and the operation thereof. The owner shall identify and evaluate factors with the potential for impairing the quality of the water delivered to the consumers. Preventative control measures...shall be promptly implemented to protect public health.”
8. The Regulations at 12VAC5-590-360.B state, in part, “...the owner shall exercise control of the waterworks from the source water to the service connection.”
9. The Regulations at 12VAC5-590-480.B state, in part, “Instruments used for operational control purposes must be calibrated in accordance with manufacturer instructions. Calibrations shall be documented in a manner acceptable to [VDH].”
10. Pursuant to Va. Code § 32.1-26, the Board may issue orders requiring compliance with any law or regulation administered by the Board.
11. Based on a review of ODW records, the Board concludes that the City has violated 12VAC5-590-360.A, 12VAC5-590-360.B, and 12VAC5-590-480.B of the Regulations, as described in paragraphs B.3 through B.9, above.

### Section C. Agreement and Order

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

1. Perform the actions described in Appendix A of this Order.
2. Pay a civil charge of **\$516.00** 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, 6<sup>th</sup> Floor  
Richmond, Virginia 23219

Consent Order  
City of Danville Waterworks  
Page 4 of 10

The City 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 must refer collection of monies due under this Order to the Department of Law, the City shall be liable for attorneys' fees of 30% of the outstanding amount.

#### **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 City'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. For the purpose of this Order and subsequent actions with respect to this Order only, the City admits the jurisdictional allegations, and agrees not to contest, but neither admits nor denies findings of fact and conclusions of law contained herein.
3. The City 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 City 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 City 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 City, 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 City. 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 City has received notice and an opportunity to be heard. Any request by the City 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 City 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 City 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 City shall demonstrate that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. The City 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 City to prevent or minimize such delay or noncompliance; and
  - d. The timetable by which the City will implement such measures and the date full compliance will be achieved.

Failure by the City to notify the Department verbally within 24 hours and in writing within three business days of learning of any condition above, which the City intends to assert will result in the impossibility of compliance, shall constitute a waiver by the City of any claim to inability to comply with a requirement of this Order.

11. This Order shall become effective on the 15<sup>th</sup> day after a copy of it is mailed to the City 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 City has completed all 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 City petitions the Commissioner or the Commissioner's designee to terminate the Order after the City has completed all 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 City. Termination of the Order pursuant to this authority without the City 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 City 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 City 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 City to this document. Any documents to be submitted pursuant to this Order shall also be submitted by a responsible official of the City.
15. By its signature below, the City voluntarily agrees to the issuance of this Order.

It is SO ORDERED this day, May 5, 2026.

STATE BOARD OF HEALTH  
Commonwealth of Virginia



---

B. Cameron Webb, MD, JD  
State Health Commissioner

Owner Signature and Notary

The City of Danville voluntarily agrees to the issuance of this Order.

W. Blake Franchi  
Print Name

Division Director of Water & Wastewater Treatment  
Title

4/28/2026  
Date

W. Blake Franchi  
Signature

**Notary Public:**

Commonwealth of Virginia

City/County of Danville

The foregoing document was signed and acknowledged before me this 28 day of April, 2026, by W. Blake Franchi who is Division Director of WT/WWT of the City of Danville, signing on behalf of the entity.

Courtney Wilkerson  
Notary Public

398123  
Registration No.

My commission expires: 9/30/30  
Notary seal:



**Appendix A**  
**Corrective Action Plan and Schedule**

The City shall:

- a. Within 30 days of the effective date of this Order, submit to ODW a Corrective Action Plan (CAP) and Schedule for Compliance (Schedule) for review and approval setting forth actions the City has taken or plans to take, and a schedule within which to take them, to comply consistently with the PWSL and the Regulations and to accomplish the following:
  - i. Develop, or revise an existing, standard operating procedure (SOP) for responding to highly turbid raw water and the potential impacts of such high turbidity, considering the factors that caused the February 2026 event at the Danville Waterworks. The City must submit the SOP to ODW for review and approval. If ODW does not approve the SOP as submitted by the City, the City must revise the SOP in response to ODW's feedback and resubmit it to ODW for review and approval within 30 days of receiving ODW's feedback.
  - ii. Train Danville Waterworks operators and other relevant Danville Waterworks staff regarding the SOP for responding to highly turbid raw water and the potential impacts of such high turbidity. The City must provide ODW with documentation that training was conducted, including who was trained and the date of training.
  - iii. Repair and/or calibrate level indicators for the clearwells to ensure operator awareness of any potential issues that could negatively affect the operation of Danville Waterworks. The City must provide ODW with documentation showing that the City repaired and/or calibrated the level indicators and that they are functioning properly.
  - iv. Develop, or revise an existing SOP for periodic maintenance checks and calibration of level indicators for clearwells. The City must submit the SOP to ODW for review and approval. If ODW does not approve the SOP as submitted by the City, the City must revise the SOP in response to ODW's feedback and resubmit it to ODW for review and approval within 30 days of receiving ODW's feedback.
  - v. Train Danville Waterworks operators and other relevant Danville Waterworks staff regarding the SOP for periodic maintenance checks and calibration of level indicators for clearwells. The City must provide ODW with documentation that training was conducted, including who was trained and the date of training.
  - vi. Conduct coagulant trials to determine optimal operation of the Danville Waterworks water treatment plant.
  - vii. Written evaluation by the City's engineers, or by licensed engineers retained by the City, of the Danville Waterworks water treatment plant's components, chemicals, and operations, focusing on the raw water treatment process prior to filtration, the SCADA readings of pertinent components, the functioning of sensors, and responding to quickly developing incidents that may impact the functioning of the waterworks, including recommendations for improvements. The City must share the written evaluation and the City's plan and schedule for implementation of recommendations for improvements with ODW for review and approval.

- viii. Review the City's current Waterworks Business Operation Plan, Asset Management Plan, and Capital Improvement Plan, and update them as necessary.
- b. Upon ODW approval of the CAP and Schedule, implement the CAP in accordance with the Schedule. The approved CAP and Schedule shall become a part of, and enforceable under, the terms of this Order. If the Owner does not present a CAP and Schedule with terms that are acceptable to ODW such that ODW cannot approve it, and the Owner and ODW are unable to reach agreement on the terms of a mutually agreeable CAP and Schedule, the Board or Commissioner may terminate this Order subject to Section D.12.d of this Order, which may result in further enforcement action against the Owner as stated therein.
- c. After initial approval of the CAP and Schedule by ODW, submit any proposed modifications to the CAP and Schedule to ODW for review, discussion and consideration for approval prior to the Owner taking any action. The Owner shall submit any proposed modification of the CAP and Schedule to ODW at least 30 days prior to expiration of a deadline that the Owner seeks to modify.
- d. Submit to ODW quarterly progress reports regarding actions that the Owner has taken, and plans to take, for each item in the approved CAP. The Owner shall send the quarterly progress reports to ODW by the 10<sup>th</sup> day of the month following the end of the reporting period (for example, the report for the second quarter of 2026 would be due to ODW by July 10, 2026).
- e. Upon completion of the CAP, submit to ODW a final report verifying that the CAP has been completed in accordance with the terms of this Order.
- f. Mail, email, fax, and/or personally deliver documentation required by this Order 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](mailto:ODWFieldOffice5@vdh.virginia.gov)  
Fax number: (434) 836-8424

(If the City 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.)