



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

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David L. Bulova
Secretary of Natural and Historic Resources

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

**VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY
ENFORCEMENT ACTION - ORDER BY CONSENT
ISSUED TO
AMERICAN TYPE CULTURE COLLECTION
IR 323361**

SECTION A: Purpose

This is a Consent Order issued under the authority of Va. Code § 62.1-44.34:20, between the Virginia Department of Environmental Quality and American Type Culture Collection, for the purpose of resolving certain violations of the State Water Control Law and the applicable 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. and 9 VAC 25-91-10 et seq.

SECTION C: Findings of Fact and Conclusions of Law

1. American Type Culture Collection ("ATCC") owns and operates a private, nonprofit, global biological resource center and standards organization that provides scientists with the biomaterials and resources they need to conduct life science research at 10801 University Boulevard, Manassas 20110 ("Site"). A new ATCC manufacturing facility is being constructed at 10795 University Boulevard, Manassas, VA 20110 by a General Contractor for ATCC for the construction.
2. On April 30, 2026, DEQ staff received a report from a General Contractor, acting on behalf of ATCC, regarding a discharge of diesel fuel from an emergency generator. The General Contractor reported that on April 30, 2026 a discharge occurred at the construction site at 10795 University Boulevard, Manassas, VA 20110. The discharge originated from a loose fuel transfer line between two electrical generators. According to ATCC, at the time of the discharge, the construction site and the generator operation were under the operational control of a General Contractor and its sub-contractors.

3. The General Contractor immediately self-reported the incident to Virginia Emergency Operations Center and contractors and ATCC personnel immediately initiated cleanup activities.
4. Per information from the contractors, the discharge was approximately 1,000 gallons. The discharge entered an electrical conduit chase, flowed down to an at-grade concrete pad, then onto soil, pavement, and curb and gutter before entering a stormwater drop inlet. The oil subsequently reached a stormwater management pond ("SWMP"), a Prince William County stormwater management facility, which discharges to an unnamed tributary to Cannon Branch. Based on DEQ observations, the discharge was contained within the SWMP and did not reach the unnamed tributary of Cannon Branch or any other state waters. Contractors and ATCC personnel immediately initiated containment and clean up activities in coordination with DEQ staff. Clean up activities continued continuously until the site was returned to compliance.
5. On June 5, 2026, DEQ staff conducted a follow-up site investigation. Site discharge clean-up had been completed and was verified during this site investigation.
6. Va. Code § 62.1-44.34:18.A states. "The discharge of oil into or upon state waters, lands, or storm drain systems within the Commonwealth is prohibited. ..."
7. On June 15, 2026, the Department issued Notice of Violation No. 2026-06-N-001 to ATCC for the discharge of oil to the land and storm drain system.
8. On June 15, 2026 ATCC responded to the NOV.
9. Based on the April 30, 2026 notification from ATCC and subsequent DEQ inspections since that time the Department concludes that ATCC has violated § 62.1-44.34:18.A as described in paragraphs C(2) through C(6), above.
10. Based on the DEQ site inspection June 5, 2026, DEQ has verified a return to compliance from the discharge.

SECTION D: Agreement and Order

Accordingly, by virtue of the authority granted it in Va. Code § 62.1-44.34:20, the Department orders ATCC and ATCC agrees to pay a civil charge of \$5,190 within 30 days of the effective date of the Order solely 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 delivered to:

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

ATCC shall include its Federal Employer Identification Number (FEIN) with the civil charge payment and shall indicate that the payment is being made in accordance with the requirements of this Order for deposit into the Virginia Environmental Emergency Response Fund (VEERF). If the Department must refer collection of the civil charge due under this Order to the Department of Law, ATCC 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 Order with the consent of ATCC for good cause shown by ATCC, 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 Order addresses and resolves only those violations specifically identified in Section C of this Order and in NOV No. 2026-06-N-001 dated June 15, 2026. This 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 Order.
3. For purposes of this Order and subsequent actions with respect to this Order only, ATCC admits to the jurisdictional allegations, and agrees not to contest, but neither admits nor denies, the findings of fact and conclusions of law in this Order.
4. ATCC consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order.
5. ATCC 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 Order.
6. Failure by ATCC to comply with any of the terms of this 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 Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
8. ATCC 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. ATCC shall demonstrate that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. ATCC 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 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 Order.

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

- c. the Director or Department terminates the Order in his or its sole discretion upon 30 days' written notice to ATCC.

Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve ATCC 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 ATCC 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.
13. The undersigned representative of ATCC certifies that he or she is a responsible official authorized to enter into the terms and conditions of this Order and to execute and legally bind ATCC to this document. Any documents to be submitted pursuant to this Order shall also be submitted by a responsible official of ATCC.
14. This 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 Order.
15. By its signature below, ATCC voluntarily agrees to the issuance of this Order.

And it is so ORDERED this 7th day of October, 2020

Kristen Sadtler

Department of Environmental Quality

American Type Culture Collection voluntarily agrees to the issuance of this Order.

Date: 06 OCT 2020 By: M. Menon
MANOJ K. MENON, Ph.D., Chief operating officer
(Person) (Title)
American Type Culture Collection

