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Governor
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LINDA CULPEPPER
Director



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January 22, 2019

Shannon V Becker
Aqua North Carolina Inc
202 Mackenan Ct
Cary, NC 27511

SUBJECT: Notice of Violation and Assessment of Civil Penalty
for Violations of North Carolina General Statute (G.S.) 143-215.1(a)(6)
and NPDES WW Permit No. NC0064564
Aqua North Carolina Inc
Neuse Colony WWTP
Case No. MV-2019-0008
Johnston County

Dear Mr. Becker:

This letter transmits a Notice of Violation and assessment of civil penalty in the amount of \$1,232.36 (\$1,200.00 civil penalty + \$32.36 enforcement costs) against Aqua North Carolina Inc.

This assessment is based upon the following facts: a review has been conducted of the Discharge Monitoring Report (DMR) submitted by Aqua North Carolina Inc for the month of September 2018. This review has shown the subject facility to be in violation of the discharge limitations and/or monitoring requirements found in NPDES WW Permit No. NC0064564. The violations, which occurred in September 2018, are summarized in Attachment A to this letter.

Based upon the above facts, I conclude as a matter of law that Aqua North Carolina Inc violated the terms, conditions or requirements of NPDES WW Permit No. NC0064564 and G.S. 143-215.1(a)(6) in the manner and extent shown in Attachment A. In accordance with the maximums established by G.S. 143-215.6A(a)(2), a civil penalty may be assessed against any person who violates the terms, conditions or requirements of a permit required by G.S. 143-215.1(a).



North Carolina Department of Environmental Quality | Division of Water Resources
Raleigh Regional Office | 3500 Barrett Drive | Raleigh, North Carolina 27609
919-781-4200

Based upon the above findings of fact and conclusions of law, and in accordance with authority provided by the Secretary of the Department of Environmental Quality and the Director of the Division of Water Resources, I, Rick Bolich, L.G., Assistant Regional Supervisor, Raleigh Regional Office hereby make the following civil penalty assessment against Aqua North Carolina Inc:

<u>\$200.00</u>	for 4 of the 4 failures to properly monitor <u>BOD, 5-Day (20 Deg. C) - Concentration</u> in violation of Permit No. NC0064564.
<u>\$200.00</u>	for 4 of the 4 failures to properly monitor <u>Coliform, Fecal MF, MFC Broth, 44.5 C</u> in violation of Permit No. NC0064564.
<u>\$200.00</u>	for 4 of the 4 failures to properly monitor <u>Nitrogen, Ammonia Total (as N) - Concentration</u> in violation of Permit No. NC0064564.
<u>\$200.00</u>	for 4 of the 4 failures to properly monitor <u>Oxygen, Dissolved (DO)</u> in violation of Permit No. NC0064564.
<u>\$200.00</u>	for 4 of the 4 failures to properly monitor <u>pH</u> in violation of Permit No. NC0064564.
<u>\$200.00</u>	for 4 of the 4 failures to properly monitor <u>Solids, Total Suspended - Concentration</u> in violation of Permit No. NC0064564.
<u>\$1,200.00</u>	TOTAL CIVIL PENALTY
<u>\$32.36</u>	Enforcement Costs
<u>\$1,232.36</u>	TOTAL AMOUNT DUE

Pursuant to G.S. 143-215.6A(c), in determining the amount of the penalty I have taken into account the Findings of Fact and Conclusions of Law and the factors set forth at G.S. 143B-282.1(b), which are:

- (1) The degree and extent of harm to the natural resources of the State, to the public health, or to private property resulting from the violation;
- (2) The duration and gravity of the violation;
- (3) The effect on ground or surface water quantity or quality or on air quality;
- (4) The cost of rectifying the damage;
- (5) The amount of money saved by noncompliance;
- (6) Whether the violation was committed willfully or intentionally;
- (7) The prior record of the violator in complying or failing to comply with programs over which the Environmental Management Commission has regulatory authority; and
- (8) The cost to the State of the enforcement procedures.

Within **thirty (30) days** of receipt of this notice, you must do **one** of the following:

- (1) Submit payment of the penalty, **OR**
- (2) Submit a written request for remission, **OR**
- (3) Submit a written request for an administrative hearing

Option 1: Submit payment of the penalty:

Payment should be made directly to the order of the Department of Environmental Quality (*do not include waiver form*). Payment of the penalty will not foreclose further enforcement action for any continuing or new violation(s). Please submit payment to the attention of:

Wastewater Branch
Division of Water Resources
1617 Mail Service Center
Raleigh, North Carolina 27699-1617

Option 2: Submit a written request for remission or mitigation including a detailed justification for such request:

Please be aware that a request for remission is limited to consideration of the five factors listed below as they may relate to the reasonableness of the amount of the civil penalty assessed. Requesting remission is not the proper procedure for contesting whether the violation(s) occurred or the accuracy of any of the factual statements contained in the civil penalty assessment document. Because a remission request forecloses the option of an administrative hearing, such a request must be accompanied by a waiver of your right to an administrative hearing and a stipulation and agreement that no factual or legal issues are in dispute. Please prepare a detailed statement that establishes why you believe the civil penalty should be remitted, and submit it to the Division of Water Resources at the address listed below. In determining whether a remission request will be approved, the following factors shall be considered:

- (1) whether one or more of the civil penalty assessment factors in NCGS 143B-282.1(b) was wrongfully applied to the detriment of the petitioner;
- (2) whether the violator promptly abated continuing environmental damage resulting from the violation;
- (3) whether the violation was inadvertent or a result of an accident;
- (4) whether the violator had been assessed civil penalties for any previous violations; or
- (5) whether payment of the civil penalty will prevent payment for the remaining necessary remedial actions.

Please note that all evidence presented in support of your request for remission must be submitted in writing. The Director of the Division of Water Resources will review your evidence and inform you of his decision in the matter of your remission request. The response will provide details regarding the case status, directions for payment, and provision for further appeal of the penalty to the Environmental Management Commission's Committee on Civil Penalty Remissions (Committee). Please be advised that the Committee cannot consider information that was not part of the original remission request considered by the Director. Therefore, it is very important that you prepare a complete and thorough statement in support of your request for remission.

In order to request remission, you must complete and submit the enclosed "Request for Remission of Civil Penalties, Waiver of Right to an Administrative Hearing, and Stipulation of Facts" form within thirty (30) days of receipt of this notice. The Division of Water Resources also requests that you complete and submit the enclosed "Justification for Remission Request."

Both forms should be submitted to the following address:

Wastewater Branch
Division of Water Resources
1617 Mail Service Center
Raleigh, North Carolina 27699-1617

Option 3: File a petition for an administrative hearing with the Office of Administrative Hearings:

If you wish to contest any statement in the attached assessment document you must file a petition for an administrative hearing. You may obtain the petition form from the Office of Administrative Hearings. You must file the petition with the Office of Administrative Hearings within thirty (30) days of receipt of this notice. A petition is considered filed when it is received in the Office of Administrative Hearings during normal office hours. The Office of Administrative Hearings accepts filings Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m., except for official state holidays. The petition may be filed by facsimile (fax) or electronic mail by an attached file (with restrictions) - provided the signed original, one (1) copy and a filing fee (if a filing fee is required by NCGS §150B-23.2) is received in the Office of Administrative Hearings within seven (7) business days following the faxed or electronic transmission. You should contact the Office of Administrative Hearings with all questions regarding the filing fee and/or the details of the filing process.

The mailing address and telephone and fax numbers for the Office of Administrative Hearings are as follows:

6714 Mail Service Center
Raleigh, NC 27699 6714
Tel: (919) 431-3000
Fax: (919) 431-3100

One (1) copy of the petition must also be served on DEQ as follows:

Mr. William F. Lane, General Counsel
Department of Environmental Quality
1601 Mail Service Center
Raleigh, North Carolina 27699-1601

Please indicate the case number (as found on page one of this letter) on the petition.

Failure to exercise one of the options above within thirty (30) days of receipt of this letter, as evidenced by an internal date/time received stamp (not a postmark), will result in this matter being referred to the Attorney General's Office for collection of the penalty through a civil action. Please be advised that additional penalties may be assessed for violations that occur after the review period of this assessment.

If you have any questions, please contact Mitchell Hayes with the Division of Water Resources staff of the Raleigh Regional Office at (919) 791-4200 or via email at mitch.hayes@ncdenr.gov.

Sincerely,



Rick Bolich, L.G., Assistant Regional Supervisor
Water Quality Regional Operations Section
Raleigh Regional Office
Division of Water Resources, NCDEQ

ATTACHMENTS

Cc: WQS Raleigh Regional Office - Enforcement File
NPDES Compliance/Enforcement Unit - Enforcement File
Central Files

ATTACHMENT A

Aqua North Carolina Inc

CASE NUMBER: MV-2019-0008

PERMIT: NC0064564

REGION: Raleigh

FACILITY: Neuse Colony WWTP

COUNTY: Johnston

MONITORING VIOLATION(S)SAMPLE LOCATION: Outfall 001 - Effluent

Violation Date	Report Month/Yr	Parameter	Frequency	Unit of Measure	Limit Value	Calculated Value	% Over Limit	Violation Type	Penalty Amount
9/8/2018	9-2018	BOD, 5-Day (20 Deg. C) - Concentration	3 X week	mg/l				Frequency Violation	\$50.00
9/15/2018	9-2018	BOD, 5-Day (20 Deg. C) - Concentration	3 X week	mg/l				Frequency Violation	\$50.00
9/22/2018	9-2018	BOD, 5-Day (20 Deg. C) - Concentration	3 X week	mg/l				Frequency Violation	\$50.00
9/29/2018	9-2018	BOD, 5-Day (20 Deg. C) - Concentration	3 X week	mg/l				Frequency Violation	\$50.00
9/8/2018	9-2018	Coliform, Fecal MF, MFC Broth, 44.5 C	3 X week	#/100ml				Frequency Violation	\$50.00
9/15/2018	9-2018	Coliform, Fecal MF, MFC Broth, 44.5 C	3 X week	#/100ml				Frequency Violation	\$50.00
9/22/2018	9-2018	Coliform, Fecal MF, MFC Broth, 44.5 C	3 X week	#/100ml				Frequency Violation	\$50.00
9/29/2018	9-2018	Coliform, Fecal MF, MFC Broth, 44.5 C	3 X week	#/100ml				Frequency Violation	\$50.00
9/8/2018	9-2018	Nitrogen, Ammonia Total (as N) - Concentration	3 X week	mg/l				Frequency Violation	\$50.00
9/15/2018	9-2018	Nitrogen, Ammonia Total (as N) - Concentration	3 X week	mg/l				Frequency Violation	\$50.00
9/22/2018	9-2018	Nitrogen, Ammonia Total (as N) - Concentration	3 X week	mg/l				Frequency Violation	\$50.00
9/29/2018	9-2018	Nitrogen, Ammonia Total (as N) - Concentration	3 X week	mg/l				Frequency Violation	\$50.00
9/8/2018	9-2018	Oxygen, Dissolved (DO)	3 X week	mg/l				Frequency Violation	\$50.00
9/15/2018	9-2018	Oxygen, Dissolved (DO)	3 X week	mg/l				Frequency Violation	\$50.00
9/22/2018	9-2018	Oxygen, Dissolved (DO)	3 X week	mg/l				Frequency Violation	\$50.00

Violation Date	Report Month/Yr	Parameter	Frequency	Unit of Measure	Limit Value	Calculated Value	% Over Limit	Violation Type	Penalty Amount
9/29/2018	9-2018	Oxygen, Dissolved (DO)	3 X week	mg/l				Frequency Violation	\$50.00
9/8/2018	9-2018	pH	3 X week	su				Frequency Violation	\$50.00
9/15/2018	9-2018	pH	3 X week	su				Frequency Violation	\$50.00
9/22/2018	9-2018	pH	3 X week	su				Frequency Violation	\$50.00
9/29/2018	9-2018	pH	3 X week	su				Frequency Violation	\$50.00
9/8/2018	9-2018	Solids, Total Suspended - Concentration	3 X week	mg/l				Frequency Violation	\$50.00
9/15/2018	9-2018	Solids, Total Suspended - Concentration	3 X week	mg/l				Frequency Violation	\$50.00
9/22/2018	9-2018	Solids, Total Suspended - Concentration	3 X week	mg/l				Frequency Violation	\$50.00
9/29/2018	9-2018	Solids, Total Suspended - Concentration	3 X week	mg/l				Frequency Violation	\$50.00

Monitoring Violation(s):

Sample Location	Parameter	Date	Monitoring Frequency	Type of Violation
001 Effluent	BOD, 5-Day (20 Deg. C) - Concentration (CO310)	9/8/2018	3 X week	Frequency Violation
001 Effluent	Coliform, Fecal MF, MFC Broth, 44.5 C (31616)	9/8/2018	3 X week	Frequency Violation
001 Effluent	Nitrogen, Ammonia Total (as N) - Concentration (CO610)	9/8/2018	3 X week	Frequency Violation
001 Effluent	Oxygen, Dissolved (DO) (00300)	9/8/2018	3 X week	Frequency Violation
001 Effluent	pH (00400)	9/8/2018	3 X week	Frequency Violation
001 Effluent	Solids, Total Suspended - Concentration (CO530)	9/8/2018	3 X week	Frequency Violation
001 Effluent	BOD, 5-Day (20 Deg. C) - Concentration (CO310)	9/15/2018	3 X week	Frequency Violation
001 Effluent	Coliform, Fecal MF, MFC Broth, 44.5 C (31616)	9/15/2018	3 X week	Frequency Violation
001 Effluent	Nitrogen, Ammonia Total (as N) - Concentration (CO610)	9/15/2018	3 X week	Frequency Violation
001 Effluent	Oxygen, Dissolved (DO) (00300)	9/15/2018	3 X week	Frequency Violation
001 Effluent	pH (00400)	9/15/2018	3 X week	Frequency Violation
001 Effluent	Solids, Total Suspended - Concentration (CO530)	9/15/2018	3 X week	Frequency Violation

Monitoring Violation(s):

Sample Location	Parameter	Date	Monitoring Frequency	Type of Violation
001 Effluent	BOD, 5-Day (20 Deg. C) - Concentration (CO310)	9/22/2018	3 X week	Frequency Violation
001 Effluent	Coliform, Fecal MF, MFC Broth, 44.5 C (31616)	9/22/2018	3 X week	Frequency Violation
001 Effluent	Nitrogen, Ammonia Total (as N) - Concentration (CO610)	9/22/2018	3 X week	Frequency Violation
001 Effluent	Oxygen, Dissolved (DO) (00300)	9/22/2018	3 X week	Frequency Violation
001 Effluent	pH (00400)	9/22/2018	3 X week	Frequency Violation
001 Effluent	Solids, Total Suspended - Concentration (CO530)	9/22/2018	3 X week	Frequency Violation
001 Effluent	BOD, 5-Day (20 Deg. C) - Concentration (CO310)	9/29/2018	3 X week	Frequency Violation
001 Effluent	Coliform, Fecal MF, MFC Broth, 44.5 C (31616)	9/29/2018	3 X week	Frequency Violation
001 Effluent	Nitrogen, Ammonia Total (as N) - Concentration (CO610)	9/29/2018	3 X week	Frequency Violation
001 Effluent	Oxygen, Dissolved (DO) (00300)	9/29/2018	3 X week	Frequency Violation
001 Effluent	pH (00400)	9/29/2018	3 X week	Frequency Violation
001 Effluent	Solids, Total Suspended - Concentration (CO530)	9/29/2018	3 X week	Frequency Violation

ROY COOPER
Governor
MICHAEL S. REGAN
Secretary
LINDA CULPEPPER
Director



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April 24, 2019

RECEIVED MAY 01 2019

Shannon V Becker, President
Aqua North Carolina Inc
202 Mackenan Ct
Cary, NC 27511

SUBJECT: Notice of Violation and Assessment of Civil Penalty
for Violations of North Carolina General Statute (G.S.) 143-215.1(a)(6)
and NPDES WW Permit No. NC0064564
Aqua North Carolina Inc
Neuse Colony WWTP
Case No. LV-2019-0080
Johnston County

Dear Mr. Becker:

This letter transmits a Notice of Violation and assessment of civil penalty in the amount of \$1,532.36 (\$1,500.00 civil penalty + \$32.36 enforcement costs) against Aqua North Carolina Inc.

This assessment is based upon the following facts: a review has been conducted of the Discharge Monitoring Report (DMR) submitted by Aqua North Carolina Inc for the month of January 2019. This review has shown the subject facility to be in violation of the discharge limitations and/or monitoring requirements found in NPDES WW Permit No. NC0064564. The violations, which occurred in January 2019, are summarized in Attachment A to this letter.

Based upon the above facts, I conclude as a matter of law that Aqua North Carolina Inc violated the terms, conditions or requirements of NPDES WW Permit No. NC0064564 and G.S. 143-215.1(a)(6) in the manner and extent shown in Attachment A. In accordance with the maximums established by G.S. 143-215.6A(a)(2), a civil penalty may be assessed against any person who violates the terms, conditions or requirements of a permit required by G.S. 143-215.1(a).



North Carolina Department of Environmental Quality | Division of Water Resources
Raleigh Regional Office | 3500 Barrett Drive | Raleigh, North Carolina 27609
919-781-4200

Based upon the above findings of fact and conclusions of law, and in accordance with authority provided by the Secretary of the Department of Environmental Quality and the Director of the Division of Water Resources, I, Rick Bolich, L.G., Assistant Supervisor, Raleigh Regional Office hereby make the following civil penalty assessment against Aqua North Carolina Inc:

<u>\$0.00</u>	0 of 5 violations of G.S. 143-215.1(a)(6) and Permit No. NC0064564, by discharging waste water into the waters of the State in violation of the Permit Daily Maximum for <u>Nitrogen, Ammonia</u> <u>Total (as N) - Concentration</u>
<u>\$750.00</u>	1 of 1 violations of G.S. 143-215.1(a)(6) and Permit No. NC0064564, by discharging waste water into the waters of the State in violation of the Permit Monthly Average for <u>Flow, in conduit or thru treatment plant</u>
<u>\$750.00</u>	1 of 1 violations of G.S. 143-215.1(a)(6) and Permit No. NC0064564, by discharging waste water into the waters of the State in violation of the Permit Monthly Average for <u>Nitrogen, Ammonia</u> <u>Total (as N) - Concentration</u>
<u>\$1,500.00</u>	TOTAL CIVIL PENALTY
<u>\$32.36</u>	Enforcement Costs
<u>\$1,532.36</u>	TOTAL AMOUNT DUE

Pursuant to G.S. 143-215.6A(c), in determining the amount of the penalty I have taken into account the Findings of Fact and Conclusions of Law and the factors set forth at G.S. 143B-282.1(b), which are:

- (1) The degree and extent of harm to the natural resources of the State, to the public health, or to private property resulting from the violation;
- (2) The duration and gravity of the violation;
- (3) The effect on ground or surface water quantity or quality or on air quality;
- (4) The cost of rectifying the damage;
- (5) The amount of money saved by noncompliance;
- (6) Whether the violation was committed willfully or intentionally;
- (7) The prior record of the violator in complying or failing to comply with programs over which the Environmental Management Commission has regulatory authority; and
- (8) The cost to the State of the enforcement procedures.

Within **thirty (30) days** of receipt of this notice, you must do **one** of the following:

- (1) Submit payment of the penalty, **OR**
- (2) Submit a written request for remission, **OR**
- (3) Submit a written request for an administrative hearing

Option 1: Submit payment of the penalty:

Payment should be made directly to the order of the Department of Environmental Quality (*do not include waiver form*). Payment of the penalty will not foreclose further enforcement action for any continuing or new violation(s). Please submit payment to the attention of:

Wastewater Branch
Division of Water Resources
1617 Mail Service Center
Raleigh, North Carolina 27699-1617

Option 2: Submit a written request for remission or mitigation including a detailed justification for such request:

Please be aware that a request for remission is limited to consideration of the five factors listed below as they may relate to the reasonableness of the amount of the civil penalty assessed. Requesting remission is not the proper procedure for contesting whether the violation(s) occurred or the accuracy of any of the factual statements contained in the civil penalty assessment document. Because a remission request forecloses the option of an administrative hearing, such a request must be accompanied by a waiver of your right to an administrative hearing and a stipulation and agreement that no factual or legal issues are in dispute. Please prepare a detailed statement that establishes why you believe the civil penalty should be remitted, and submit it to the Division of Water Resources at the address listed below. In determining whether a remission request will be approved, the following factors shall be considered:

- (1) whether one or more of the civil penalty assessment factors in NCGS 143B-282.1(b) was wrongfully applied to the detriment of the petitioner;
- (2) whether the violator promptly abated continuing environmental damage resulting from the violation;
- (3) whether the violation was inadvertent or a result of an accident;
- (4) whether the violator had been assessed civil penalties for any previous violations; or
- (5) whether payment of the civil penalty will prevent payment for the remaining necessary remedial actions.

Please note that all evidence presented in support of your request for remission must be submitted in writing. The Director of the Division of Water Resources will review your evidence and inform you of his decision in the matter of your remission request. The response will provide details regarding the case status, directions for payment, and provision for further appeal of the penalty to the Environmental Management Commission's Committee on Civil Penalty Remissions (Committee). Please be advised that the Committee cannot consider information that was not part of the original remission request considered by the Director. Therefore, it is very important that you prepare a complete and thorough statement in support of your request for remission.

In order to request remission, you must complete and submit the enclosed "Request for Remission of Civil Penalties, Waiver of Right to an Administrative Hearing, and Stipulation of Facts" form within thirty (30) days of receipt of this notice. The Division of Water Resources also requests that you complete and submit the enclosed "Justification for Remission Request."

Both forms should be submitted to the following address:

Wastewater Branch
Division of Water Resources
1617 Mail Service Center
Raleigh, North Carolina 27699-1617

Option 3: File a petition for an administrative hearing with the Office of Administrative Hearings:

If you wish to contest any statement in the attached assessment document you must file a petition for an administrative hearing. You may obtain the petition form from the Office of Administrative Hearings. You must file the petition with the Office of Administrative Hearings within thirty (30) days of receipt of this notice. A petition is considered filed when it is received in the Office of Administrative Hearings during normal office hours. The Office of Administrative Hearings accepts filings Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m., except for official state holidays. The petition may be filed by facsimile (fax) or electronic mail by an attached file (with restrictions) - provided the signed original, one (1) copy and a filing fee (if a filing fee is required by NCGS §150B-23.2) is received in the Office of Administrative Hearings within seven (7) business days following the faxed or electronic transmission. You should contact the Office of Administrative Hearings with all questions regarding the filing fee and/or the details of the filing process.

The mailing address and telephone and fax numbers for the Office of Administrative Hearings are as follows:

6714 Mail Service Center
Raleigh, NC 27699 6714
Tel: (919) 431-3000
Fax: (919) 431-3100

One (1) copy of the petition must also be served on DEQ as follows:

Mr. William F. Lane, General Counsel
Department of Environmental Quality
1601 Mail Service Center
Raleigh, North Carolina 27699-1601

Please indicate the case number (as found on page one of this letter) on the petition.

Failure to exercise one of the options above within thirty (30) days of receipt of this letter, as evidenced by an internal date/time received stamp (not a postmark), will result in this matter being referred to the Attorney General's Office for collection of the penalty through a civil action. Please be advised that additional penalties may be assessed for violations that occur after the review period of this assessment.

If you have any questions, please contact Mitchell Hayes with the Division of Water Resources staff of the Raleigh Regional Office at (919) 791-4200 or via email at mitch.hayes@ncdenr.gov.

Sincerely,



Rick Bolich, L.G., Assistant Regional Supervisor
Water Quality Regional Operations Section
Raleigh Regional Office
Division of Water Resources, NCDEQ

ATTACHMENTS

Cc: WQS Raleigh Regional Office - Enforcement File
NPDES Compliance/Enforcement Unit - Enforcement File
Central Files

ATTACHMENT A**Aqua North Carolina Inc****CASE NUMBER: LV-2019-0080****PERMIT: NC0064564****REGION: Raleigh****FACILITY: Neuse Colony WWTP****COUNTY: Johnston****LIMIT VIOLATION(S)****SAMPLE LOCATION: Outfall 001 - Effluent**

Violation Date	Report Month/Yr	Parameter	Frequency	Unit of Measure	Limit Value	Calculated Value	% Over Limit	Violation Type	Penalty Amount
1/31/2019	1-2019	Flow, in conduit or thru treatment plant	Continuous	mgd	0.35	0.388	11.0	Monthly Average Exceeded	\$750.00
1/23/2019	1-2019	Nitrogen, Ammonia Total (as N) - Concentration	3 X week	mg/l	20	22	10.0	Daily Maximum Exceeded	\$0.00
1/24/2019	1-2019	Nitrogen, Ammonia Total (as N) - Concentration	3 X week	mg/l	20	23	15.0	Daily Maximum Exceeded	\$0.00
1/29/2019	1-2019	Nitrogen, Ammonia Total (as N) - Concentration	3 X week	mg/l	20	22	10.0	Daily Maximum Exceeded	\$0.00
1/30/2019	1-2019	Nitrogen, Ammonia Total (as N) - Concentration	3 X week	mg/l	20	21	5.0	Daily Maximum Exceeded	\$0.00
1/31/2019	1-2019	Nitrogen, Ammonia Total (as N) - Concentration	3 X week	mg/l	20	23	15.0	Daily Maximum Exceeded	\$0.00
1/31/2019	1-2019	Nitrogen, Ammonia Total (as N) - Concentration	3 X week	mg/l	4	12.24	206.0	Monthly Average Exceeded	\$750.00

ROY COOPER
Governor
MICHAEL S. REGAN
Secretary
LINDA CULPEPPER
Director



Certified Mail # 7017 0190 0000 9562 6803
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June 10, 2019

RECEIVED JUN 13 2019

Shannon V Becker, President
Aqua North Carolina Inc
202 Mackenan Ct
Cary, NC 27511

SUBJECT: Notice of Violation and Assessment of Civil Penalty
for Violations of North Carolina General Statute (G.S.) 143-215.1(a)(6)
and NPDES WW Permit No. NC0064564
Aqua North Carolina Inc
Neuse Colony WWTP
Case No. LV-2019-0124
Johnston County

Dear Mr. Becker:

This letter transmits a Notice of Violation and assessment of civil penalty in the amount of \$2,032.36 (\$2,000.00 civil penalty + \$32.36 enforcement costs) against Aqua North Carolina Inc.

This assessment is based upon the following facts: a review has been conducted of the Discharge Monitoring Report (DMR) submitted by Aqua North Carolina Inc for the month of February 2019. This review has shown the subject facility to be in violation of the discharge limitations and/or monitoring requirements found in NPDES WW Permit No. NC0064564. The violations, which occurred in February 2019, are summarized in Attachment A to this letter.

Based upon the above facts, I conclude as a matter of law that Aqua North Carolina Inc violated the terms, conditions or requirements of NPDES WW Permit No. NC0064564 and G.S. 143-215.1(a)(6) in the manner and extent shown in Attachment A. In accordance with the maximums established by G.S. 143-215.6A(a)(2), a civil penalty may be assessed against any person who violates the terms, conditions or requirements of a permit required by G.S. 143-215.1(a).



North Carolina Department of Environmental Quality | Division of Water Resources
Raleigh Regional Office | 3500 Barrett Drive | Raleigh, North Carolina 27609
919-781-4200

Based upon the above findings of fact and conclusions of law, and in accordance with authority provided by the Secretary of the Department of Environmental Quality and the Director of the Division of Water Resources, I, Rick Bolich, L.G., Assistant Regional Supervisor, Raleigh Regional Office hereby make the following civil penalty assessment against

Aqua North Carolina Inc:

<u>\$0.00</u>	<u>0</u> of 2 violations of G.S. 143-215.1(a)(6) and Permit No. NC0064564, by discharging waste water into the waters of the State in violation of the Permit Daily Maximum for <u>BOD, 5-Day (20 Deg. C) - Concentration</u>
<u>\$0.00</u>	<u>0</u> of 2 violations of G.S. 143-215.1(a)(6) and Permit No. NC0064564, by discharging waste water into the waters of the State in violation of the Permit Daily Maximum for <u>Coliform, Fecal MF, MFC Broth, 44.5 C</u>
<u>\$1,000.00</u>	<u>4</u> of 8 violations of G.S. 143-215.1(a)(6) and Permit No. NC0064564, by discharging waste water into the waters of the State in violation of the Permit Daily Maximum for <u>Nitrogen, Ammonia Total (as N) - Concentration</u>
<u>\$0.00</u>	<u>0</u> of 1 violations of G.S. 143-215.1(a)(6) and Permit No. NC0064564, by discharging waste water into the waters of the State in violation of the Permit Monthly Average for <u>BOD, 5-Day (20 Deg. C) - Concentration</u>
<u>\$250.00</u>	<u>1</u> of 1 violations of G.S. 143-215.1(a)(6) and Permit No. NC0064564, by discharging waste water into the waters of the State in violation of the Permit Monthly Average for <u>Flow, in conduit or thru treatment plant</u>
<u>\$750.00</u>	<u>1</u> of 1 violations of G.S. 143-215.1(a)(6) and Permit No. NC0064564, by discharging waste water into the waters of the State in violation of the Permit Monthly Average for <u>Nitrogen, Ammonia Total (as N) - Concentration</u>
<u>\$2,000.00</u>	TOTAL CIVIL PENALTY
<u>\$32.36</u>	Enforcement Costs
<u>\$2,032.36</u>	TOTAL AMOUNT DUE

Pursuant to G.S. 143-215.6A(c), in determining the amount of the penalty I have taken into account the Findings of Fact and Conclusions of Law and the factors set forth at G.S. 143B-282.1(b), which are:

- (1) The degree and extent of harm to the natural resources of the State, to the public health, or to private property resulting from the violation;
- (2) The duration and gravity of the violation;
- (3) The effect on ground or surface water quantity or quality or on air quality;
- (4) The cost of rectifying the damage;
- (5) The amount of money saved by noncompliance;
- (6) Whether the violation was committed willfully or intentionally;
- (7) The prior record of the violator in complying or failing to comply with programs over which the Environmental Management Commission has regulatory authority; and
- (8) The cost to the State of the enforcement procedures.

Within **thirty (30) days** of receipt of this notice, you must do **one** of the following:

- (1) Submit payment of the penalty, **OR**
- (2) Submit a written request for remission, **OR**
- (3) Submit a written request for an administrative hearing

Option 1: Submit payment of the penalty:

Payment should be made directly to the order of the Department of Environmental Quality (*do not include waiver form*). Payment of the penalty will not foreclose further enforcement action for any continuing or new violation(s). Please submit payment to the attention of:

Wastewater Branch
Division of Water Resources
1617 Mail Service Center
Raleigh, North Carolina 27699-1617

Option 2: Submit a written request for remission or mitigation including a detailed justification for such request:

Please be aware that a request for remission is limited to consideration of the five factors listed below as they may relate to the reasonableness of the amount of the civil penalty assessed. Requesting remission is not the proper procedure for contesting whether the violation(s) occurred or the accuracy of any of the factual statements contained in the civil penalty assessment document. Because a remission request forecloses the option of an administrative hearing, such a request must be accompanied by a waiver of your right to an administrative hearing and a stipulation and agreement that no factual or legal issues are in dispute. Please prepare a detailed statement that establishes why you believe the civil penalty should be remitted, and submit it to the Division of Water Resources at the address listed below. In determining whether a remission request will be approved, the following factors shall be considered:

- (1) whether one or more of the civil penalty assessment factors in NCGS 143B-282.1(b) was wrongfully applied to the detriment of the petitioner;
- (2) whether the violator promptly abated continuing environmental damage resulting from the violation;
- (3) whether the violation was inadvertent or a result of an accident;
- (4) whether the violator had been assessed civil penalties for any previous violations; or
- (5) whether payment of the civil penalty will prevent payment for the remaining necessary remedial actions.

Please note that all evidence presented in support of your request for remission must be submitted in writing. The Director of the Division of Water Resources will review your evidence and inform you of his decision in the matter of your remission request. The response will provide details regarding the case status, directions for payment, and provision for further appeal of the penalty to the Environmental Management Commission's Committee on Civil Penalty Remissions (Committee). Please be advised that the Committee cannot consider information that was not part of the original remission request considered by the Director. Therefore, it is very important that you prepare a complete and thorough statement in support of your request for remission.

In order to request remission, you must complete and submit the enclosed "Request for Remission of Civil Penalties, Waiver of Right to an Administrative Hearing, and Stipulation of Facts" form within thirty (30) days of receipt of this notice. The Division of Water Resources also requests that you complete and submit the enclosed "Justification for Remission Request."

Both forms should be submitted to the following address:

Wastewater Branch
Division of Water Resources
1617 Mail Service Center
Raleigh, North Carolina 27699-1617

Option 3: File a petition for an administrative hearing with the Office of Administrative Hearings:

If you wish to contest any statement in the attached assessment document you must file a petition for an administrative hearing. You may obtain the petition form from the Office of Administrative Hearings. You must file the petition with the Office of Administrative Hearings within thirty (30) days of receipt of this notice. A petition is considered filed when it is received in the Office of Administrative Hearings during normal office hours. The Office of Administrative Hearings accepts filings Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m., except for official state holidays. The petition may be filed by facsimile (fax) or electronic mail by an attached file (with restrictions) - provided the signed original, one (1) copy and a filing fee (if a filing fee is required by NCGS §150B-23.2) is received in the Office of Administrative Hearings within seven (7) business days following the faxed or electronic transmission. You should contact the Office of Administrative Hearings with all questions regarding the filing fee and/or the details of the filing process.

The mailing address and telephone and fax numbers for the Office of Administrative Hearings are as follows:

6714 Mail Service Center
Raleigh, NC 27699 6714
Tel: (919) 431-3000
Fax: (919) 431-3100

One (1) copy of the petition must also be served on DEQ as follows:

Mr. William F. Lane, General Counsel
Department of Environmental Quality
1601 Mail Service Center
Raleigh, North Carolina 27699-1601

Please indicate the case number (as found on page one of this letter) on the petition.

Failure to exercise one of the options above within thirty (30) days of receipt of this letter, as evidenced by an internal date/time received stamp (not a postmark), will result in this matter being referred to the Attorney General's Office for collection of the penalty through a civil action. Please be advised that additional penalties may be assessed for violations that occur after the review period of this assessment.

If you have any questions, please contact Mitchell Hayes with the Division of Water Resources staff of the Raleigh Regional Office at (919) 791-4200 or via email at mitch.hayes@ncdenr.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rick Bolich', with a long horizontal stroke extending to the right.

Rick Bolich, L.G., Assistant Regional Supervisor
Water Quality Regional Operations Section
Raleigh Regional Office
Division of Water Resources, NCDEQ

ATTACHMENTS

Cc: WQS Raleigh Regional Office - Enforcement File
NPDES Compliance/Enforcement Unit - Enforcement File
Central Files

ATTACHMENT A**Aqua North Carolina Inc****CASE NUMBER: LV-2019-0124****PERMIT: NC0064564****REGION: Raleigh****FACILITY: Neuse Colony WWTP****COUNTY: Johnston****LIMIT VIOLATION(S)****SAMPLE LOCATION: Outfall 001 - Effluent**

Violation Date	Report Month/Yr	Parameter	Frequency	Unit of Measure	Limit Value	Calculated Value	% Over Limit	Violation Type	Penalty Amount
2/26/2019	2-2019	BOD, 5-Day (20 Deg. C) - Concentration	3 X week	mg/l	15	17	13.3	Daily Maximum Exceeded	\$0.00
2/28/2019	2-2019	BOD, 5-Day (20 Deg. C) - Concentration	3 X week	mg/l	15	18	20.0	Daily Maximum Exceeded	\$0.00
2/28/2019	2-2019	BOD, 5-Day (20 Deg. C) - Concentration	3 X week	mg/l	10	11.89	18.9	Monthly Average Exceeded	\$0.00
2/20/2019	2-2019	Coliform, Fecal MF, MFC Broth, 44.5 C	3 X week	#/100ml	400	440	10.0	Daily Maximum Exceeded	\$0.00
2/26/2019	2-2019	Coliform, Fecal MF, MFC Broth, 44.5 C	3 X week	#/100ml	400	410	2.5	Daily Maximum Exceeded	\$0.00
2/28/2019	2-2019	Flow, in conduit or thru treatment plant	Continuous	mgd	0.35	0.391	11.7	Monthly Average Exceeded	\$250.00
2/5/2019	2-2019	Nitrogen, Ammonia Total (as N) - Concentration	3 X week	mg/l	20	26	30.0	Daily Maximum Exceeded	\$250.00
2/6/2019	2-2019	Nitrogen, Ammonia Total (as N) - Concentration	3 X week	mg/l	20	24	20.0	Daily Maximum Exceeded	\$250.00
2/7/2019	2-2019	Nitrogen, Ammonia Total (as N) - Concentration	3 X week	mg/l	20	23	15.0	Daily Maximum Exceeded	\$0.00
2/12/2019	2-2019	Nitrogen, Ammonia Total (as N) - Concentration	3 X week	mg/l	20	26	30.0	Daily Maximum Exceeded	\$250.00
2/13/2019	2-2019	Nitrogen, Ammonia Total (as N) - Concentration	3 X week	mg/l	20	24	20.0	Daily Maximum Exceeded	\$250.00
2/15/2019	2-2019	Nitrogen, Ammonia Total (as N) - Concentration	3 X week	mg/l	20	23	15.0	Daily Maximum Exceeded	\$0.00

2/19/2019	2-2019	Nitrogen, Ammonia Total (as N) - Concentration	3 X week	mg/l	20	21	5.0	Daily Maximum Exceeded	\$0.00
2/22/2019	2-2019	Nitrogen, Ammonia Total (as N) - Concentration	3 X week	mg/l	20	21	5.0	Daily Maximum Exceeded	\$0.00
2/28/2019	2-2019	Nitrogen, Ammonia Total (as N) - Concentration	3 X week	mg/l	4	20.83	420.8	Monthly Average Exceeded	\$750.00

ROY COOPER
Governor
MICHAEL S. REGAN
Secretary
LINDA CULPEPPER
Director



RECEIVED JUL 30 2019

Certified Mail # 7016 3560 0000 4428 4327
Return Receipt Requested

July 25, 2019

Shannon V Becker, P.E., President
Aqua North Carolina Inc
202 Mackenan Ct
Cary, NC 27511

SUBJECT: Notice of Violation and Assessment of Civil Penalty
for Violations of North Carolina General Statute (G.S.) 143-215.1(a)(6)
and NPDES WW Permit No. NC0064564
Aqua North Carolina Inc
Neuse Colony WWTP
Case No. LV-2019-0168
Johnston County

Dear Mr. Becker:

This letter transmits a Notice of Violation and assessment of civil penalty in the amount of \$1,782.36 (\$1,750.00 civil penalty + \$32.36 enforcement costs) against Aqua North Carolina Inc.

This assessment is based upon the following facts: a review has been conducted of the Discharge Monitoring Report (DMR) submitted by Aqua North Carolina Inc for the month of March 2019. This review has shown the subject facility to be in violation of the discharge limitations and/or monitoring requirements found in NPDES WW Permit No. NC0064564. The violations, which occurred in March 2019, are summarized in Attachment A to this letter.

Based upon the above facts, I conclude as a matter of law that Aqua North Carolina Inc violated the terms, conditions or requirements of NPDES WW Permit No. NC0064564 and G.S. 143-215.1(a)(6) in the manner and extent shown in Attachment A. In accordance with the maximums established by G.S. 143-215.6A(a)(2), a civil penalty may be assessed against any person who violates the terms, conditions or requirements of a permit required by G.S. 143-215.1(a).



North Carolina Department of Environmental Quality | Division of Water Resources
Raleigh Regional Office | 3500 Barrett Drive | Raleigh, North Carolina 27609
919-781-4200

Based upon the above findings of fact and conclusions of law, and in accordance with authority provided by the Secretary of the Department of Environmental Quality and the Director of the Division of Water Resources, I, Rick Bolich, L.G., Assistant Regional Supervisor, Raleigh Regional Office hereby make the following civil penalty assessment against

Aqua North Carolina Inc:

<u>\$250.00</u>	<u>1</u> of 1 violations of G.S. 143-215.1(a)(6) and Permit No. NC0064564, by discharging waste water into the waters of the State in violation of the Permit Daily Maximum for <u>BOD, 5-Day (20 Deg. C) - Concentration</u>
<u>\$750.00</u>	<u>1</u> of 1 violations of G.S. 143-215.1(a)(6) and Permit No. NC0064564, by discharging waste water into the waters of the State in violation of the Permit Monthly Average for <u>BOD, 5-Day (20 Deg. C) - Concentration</u>
<u>\$0.00</u>	<u>0</u> of 1 violations of G.S. 143-215.1(a)(6) and Permit No. NC0064564, by discharging waste water into the waters of the State in violation of the Permit Monthly Average for <u>Flow, in conduit or thru treatment plant</u>
<u>\$750.00</u>	<u>1</u> of 1 violations of G.S. 143-215.1(a)(6) and Permit No. NC0064564, by discharging waste water into the waters of the State in violation of the Permit Monthly Average for <u>Nitrogen, Ammonia Total (as N) - Concentration</u>
<u>\$1,750.00</u>	TOTAL CIVIL PENALTY
<u>\$32.36</u>	Enforcement Costs
<u>\$1,782.36</u>	TOTAL AMOUNT DUE

Pursuant to G.S. 143-215.6A(c), in determining the amount of the penalty I have taken into account the Findings of Fact and Conclusions of Law and the factors set forth at G.S. 143B-282.1(b), which are:

- (1) The degree and extent of harm to the natural resources of the State, to the public health, or to private property resulting from the violation;
- (2) The duration and gravity of the violation;
- (3) The effect on ground or surface water quantity or quality or on air quality;
- (4) The cost of rectifying the damage;
- (5) The amount of money saved by noncompliance;
- (6) Whether the violation was committed willfully or intentionally;
- (7) The prior record of the violator in complying or failing to comply with programs over which the Environmental Management Commission has regulatory authority; and
- (8) The cost to the State of the enforcement procedures.

Within **thirty (30) days** of receipt of this notice, you must do **one** of the following:

- (1) Submit payment of the penalty, **OR**
- (2) Submit a written request for remission, **OR**
- (3) Submit a written request for an administrative hearing

Option 1: Submit payment of the penalty:

Payment should be made directly to the order of the Department of Environmental Quality (*do not include waiver form*). Payment of the penalty will not foreclose further enforcement action for any continuing or new violation(s). Please submit payment to the attention of:

Wastewater Branch
Division of Water Resources
1617 Mail Service Center
Raleigh, North Carolina 27699-1617

Option 2: Submit a written request for remission or mitigation including a detailed justification for such request:

Please be aware that a request for remission is limited to consideration of the five factors listed below as they may relate to the reasonableness of the amount of the civil penalty assessed. Requesting remission is not the proper procedure for contesting whether the violation(s) occurred or the accuracy of any of the factual statements contained in the civil penalty assessment document. Because a remission request forecloses the option of an administrative hearing, such a request must be accompanied by a waiver of your right to an administrative hearing and a stipulation and agreement that no factual or legal issues are in dispute. Please prepare a detailed statement that establishes why you believe the civil penalty should be remitted, and submit it to the Division of Water Resources at the address listed below. In determining whether a remission request will be approved, the following factors shall be considered:

- (1) whether one or more of the civil penalty assessment factors in NCGS 143B-282.1(b) was wrongfully applied to the detriment of the petitioner;
- (2) whether the violator promptly abated continuing environmental damage resulting from the violation;
- (3) whether the violation was inadvertent or a result of an accident;
- (4) whether the violator had been assessed civil penalties for any previous violations; or
- (5) whether payment of the civil penalty will prevent payment for the remaining necessary remedial actions.

Please note that all evidence presented in support of your request for remission must be submitted in writing. The Director of the Division of Water Resources will review your evidence and inform you of his decision in the matter of your remission request. The response will provide details regarding the case status, directions for payment, and provision for further appeal of the penalty to the Environmental Management Commission's Committee on Civil Penalty Remissions (Committee). Please be advised that the Committee cannot consider information that was not part of the original remission request considered by the Director. Therefore, it is very important that you prepare a complete and thorough statement in support of your request for remission.

In order to request remission, you must complete and submit the enclosed "Request for Remission of Civil Penalties, Waiver of Right to an Administrative Hearing, and Stipulation of Facts" form within thirty (30) days of receipt of this notice. The Division of Water Resources also requests that you complete and submit the enclosed "Justification for Remission Request."

Both forms should be submitted to the following address:

Wastewater Branch
Division of Water Resources
1617 Mail Service Center
Raleigh, North Carolina 27699-1617

Option 3: File a petition for an administrative hearing with the Office of Administrative Hearings:

If you wish to contest any statement in the attached assessment document you must file a petition for an administrative hearing. You may obtain the petition form from the Office of Administrative Hearings. You must file the petition with the Office of Administrative Hearings within thirty (30) days of receipt of this notice. A petition is considered filed when it is received in the Office of Administrative Hearings during normal office hours. The Office of Administrative Hearings accepts filings Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m., except for official state holidays. The petition may be filed by facsimile (fax) or electronic mail by an attached file (with restrictions) - provided the signed original, one (1) copy and a filing fee (if a filing fee is required by NCGS §150B-23.2) is received in the Office of Administrative Hearings within seven (7) business days following the faxed or electronic transmission. You should contact the Office of Administrative Hearings with all questions regarding the filing fee and/or the details of the filing process.

The mailing address and telephone and fax numbers for the Office of Administrative Hearings are as follows:

6714 Mail Service Center
Raleigh, NC 27699 6714
Tel: (919) 431-3000
Fax: (919) 431-3100

One (1) copy of the petition must also be served on DEQ as follows:

Mr. William F. Lane, General Counsel
Department of Environmental Quality
1601 Mail Service Center
Raleigh, North Carolina 27699-1601

Please indicate the case number (as found on page one of this letter) on the petition.

Failure to exercise one of the options above within thirty (30) days of receipt of this letter, as evidenced by an internal date/time received stamp (not a postmark), will result in this matter being referred to the Attorney General's Office for collection of the penalty through a civil action. Please be advised that additional penalties may be assessed for violations that occur after the review period of this assessment.

If you have any questions, please contact Mitchell Hayes with the Division of Water Resources staff of the Raleigh Regional Office at (919) 791-4200 or via email at mitch.hayes@ncdenr.gov.

Sincerely,



Rick Bolich, L.G., Assistant Regional Supervisor
Water Quality Regional Operations Section
Raleigh Regional Office
Division of Water Resources, NCDEQ

ATTACHMENTS

Cc: WQS Raleigh Regional Office - Enforcement File
NPDES Compliance/Enforcement Unit - Enforcement File
Central Files

ATTACHMENT A**Aqua North Carolina Inc****CASE NUMBER: LV-2019-0168****PERMIT: NC0064564****REGION: Raleigh****FACILITY: Neuse Colony WWTP****COUNTY: Johnston**

LIMIT VIOLATION(S)

SAMPLE LOCATION: Outfall 001 - Effluent

Violation Date	Report Month/Yr	Parameter	Frequency	Unit of Measure	Limit Value	Calculated Value	% Over Limit	Violation Type	Penalty Amount
3/8/2019	3-2019	BOD, 5-Day (20 Deg. C) - Concentration	3 X week	mg/l	15	18	20.0	Daily Maximum Exceeded	\$250.00
3/31/2019	3-2019	BOD, 5-Day (20 Deg. C) - Concentration	3 X week	mg/l	10	13.25	32.5	Monthly Average Exceeded	\$750.00
3/31/2019	3-2019	Flow, in conduit or thru treatment plant	Continuous	mgd	0.35	0.371	6.1	Monthly Average Exceeded	\$0.00
3/31/2019	3-2019	Nitrogen, Ammonia Total (as N) - Concentration	3 X week	mg/l	4	9.19	129.8	Monthly Average Exceeded	\$750.00

ROY COOPER
Governor
MICHAEL S. REGAN
Secretary
LINDA CULPEPPER
Director



RECEIVED JUL 30 2019

Certified Mail # 7016 3560 0000 4428 4327
Return Receipt Requested

July 25, 2019

Shannon V Becker, P.E. President
Aqua North Carolina Inc
202 Mackenan Ct
Cary, NC 27511

SUBJECT: Notice of Violation and Assessment of Civil Penalty
for Violations of North Carolina General Statute (G.S.) 143-215.1(a)(6)
and NPDES WW Permit No. NC0064564
Aqua North Carolina Inc
Neuse Colony WWTP
Case No. LV-2019-0173
Johnston County

Dear Mr. Becker:

This letter transmits a Notice of Violation and assessment of civil penalty in the amount of \$2,032.36 (\$2,000.00 civil penalty + \$32.36 enforcement costs) against Aqua North Carolina Inc.

This assessment is based upon the following facts: a review has been conducted of the Discharge Monitoring Report (DMR) submitted by Aqua North Carolina Inc for the month of April 2019. This review has shown the subject facility to be in violation of the discharge limitations and/or monitoring requirements found in NPDES WW Permit No. NC0064564. The violations, which occurred in April 2019, are summarized in Attachment A to this letter.

Based upon the above facts, I conclude as a matter of law that Aqua North Carolina Inc violated the terms, conditions or requirements of NPDES WW Permit No. NC0064564 and G.S. 143-215.1(a)(6) in the manner and extent shown in Attachment A. In accordance with the maximums established by G.S. 143-215.6A(a)(2), a civil penalty may be assessed against any person who violates the terms, conditions or requirements of a permit required by G.S. 143-215.1(a).



North Carolina Department of Environmental Quality | Division of Water Resources
Raleigh Regional Office | 8800 Barrett Drive | Raleigh, North Carolina 27609
919-781-4200

Based upon the above findings of fact and conclusions of law, and in accordance with authority provided by the Secretary of the Department of Environmental Quality and the Director of the Division of Water Resources, I, Rick Bolich, L.G., Assistant Regional Supervisor, Raleigh Regional Office hereby make the following civil penalty assessment against

Aqua North Carolina Inc:

<u>\$500.00</u>	<u>2</u> of 2 violations of G.S. 143-215.1(a)(6) and Permit No. NC0064564, by discharging waste water into the waters of the State in violation of the Permit Daily Maximum for <u>BOD, 5-Day (20 Deg. C) - Concentration</u>
<u>\$750.00</u>	<u>3</u> of 3 violations of G.S. 143-215.1(a)(6) and Permit No. NC0064564, by discharging waste water into the waters of the State in violation of the Permit Daily Maximum for <u>Nitrogen, Ammonia Total (as N) - Concentration</u>
<u>\$750.00</u>	<u>1</u> of 1 violations of G.S. 143-215.1(a)(6) and Permit No. NC0064564, by discharging waste water into the waters of the State in violation of the Permit Monthly Average for <u>Nitrogen, Ammonia Total (as N) - Concentration</u>
<u>\$2,000.00</u>	TOTAL CIVIL PENALTY
<u>\$32.36</u>	Enforcement Costs
<u>\$2,032.36</u>	TOTAL AMOUNT DUE

Pursuant to G.S. 143-215.6A(c), in determining the amount of the penalty I have taken into account the Findings of Fact and Conclusions of Law and the factors set forth at G.S. 143B-282.1(b), which are:

- (1) The degree and extent of harm to the natural resources of the State, to the public health, or to private property resulting from the violation;
- (2) The duration and gravity of the violation;
- (3) The effect on ground or surface water quantity or quality or on air quality;
- (4) The cost of rectifying the damage;
- (5) The amount of money saved by noncompliance;
- (6) Whether the violation was committed willfully or intentionally;
- (7) The prior record of the violator in complying or failing to comply with programs over which the Environmental Management Commission has regulatory authority; and
- (8) The cost to the State of the enforcement procedures.

Within **thirty (30) days** of receipt of this notice, you must do **one** of the following:

- (1) Submit payment of the penalty, **OR**
- (2) Submit a written request for remission, **OR**
- (3) Submit a written request for an administrative hearing

Option 1: Submit payment of the penalty:

Payment should be made directly to the order of the Department of Environmental Quality (*do not include waiver form*). Payment of the penalty will not foreclose further enforcement action for any continuing or new violation(s). Please submit payment to the attention of:

Wastewater Branch
Division of Water Resources
1617 Mail Service Center
Raleigh, North Carolina 27699-1617

Option 2: Submit a written request for remission or mitigation including a detailed justification for such request:

Please be aware that a request for remission is limited to consideration of the five factors listed below as they may relate to the reasonableness of the amount of the civil penalty assessed. Requesting remission is not the proper procedure for contesting whether the violation(s) occurred or the accuracy of any of the factual statements contained in the civil penalty assessment document. Because a remission request forecloses the option of an administrative hearing, such a request must be accompanied by a waiver of your right to an administrative hearing and a stipulation and agreement that no factual or legal issues are in dispute. Please prepare a detailed statement that establishes why you believe the civil penalty should be remitted, and submit it to the Division of Water Resources at the address listed below. In determining whether a remission request will be approved, the following factors shall be considered:

- (1) whether one or more of the civil penalty assessment factors in NCGS 143B-282.1(b) was wrongfully applied to the detriment of the petitioner;
- (2) whether the violator promptly abated continuing environmental damage resulting from the violation;
- (3) whether the violation was inadvertent or a result of an accident;
- (4) whether the violator had been assessed civil penalties for any previous violations; or
- (5) whether payment of the civil penalty will prevent payment for the remaining necessary remedial actions.

Please note that all evidence presented in support of your request for remission must be submitted in writing. The Director of the Division of Water Resources will review your evidence and inform you of his decision in the matter of your remission request. The response will provide details regarding the case status, directions for payment, and provision for further appeal of the penalty to the Environmental Management Commission's Committee on Civil Penalty Remissions (Committee). Please be advised that the Committee cannot consider information that was not part of the original remission request considered by the Director. Therefore, it is very important that you prepare a complete and thorough statement in support of your request for remission.

In order to request remission, you must complete and submit the enclosed "Request for Remission of Civil Penalties, Waiver of Right to an Administrative Hearing, and Stipulation of Facts" form within thirty (30) days of receipt of this notice. The Division of Water Resources also requests that you complete and submit the enclosed "Justification for Remission Request."

Both forms should be submitted to the following address:

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Division of Water Resources
1617 Mail Service Center
Raleigh, North Carolina 27699-1617

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If you wish to contest any statement in the attached assessment document you must file a petition for an administrative hearing. You may obtain the petition form from the Office of Administrative Hearings. You must file the petition with the Office of Administrative Hearings within thirty (30) days of receipt of this notice. A petition is considered filed when it is received in the Office of Administrative Hearings during normal office hours. The Office of Administrative Hearings accepts filings Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m., except for official state holidays. The petition may be filed by facsimile (fax) or electronic mail by an attached file (with restrictions) - provided the signed original, one (1) copy and a filing fee (if a filing fee is required by NCGS §150B-23.2) is received in the Office of Administrative Hearings within seven (7) business days following the faxed or electronic transmission. You should contact the Office of Administrative Hearings with all questions regarding the filing fee and/or the details of the filing process.

The mailing address and telephone and fax numbers for the Office of Administrative Hearings are as follows:

6714 Mail Service Center
Raleigh, NC 27699 6714
Tel: (919) 431-3000
Fax: (919) 431-3100

One (1) copy of the petition must also be served on DEQ as follows:

Mr. William F. Lane, General Counsel
Department of Environmental Quality
1601 Mail Service Center
Raleigh, North Carolina 27699-1601

Please indicate the case number (as found on page one of this letter) on the petition.

Failure to exercise one of the options above within thirty (30) days of receipt of this letter, as evidenced by an internal date/time received stamp (not a postmark), will result in this matter being referred to the Attorney General's Office for collection of the penalty through a civil action. Please be advised that additional penalties may be assessed for violations that occur after the review period of this assessment.

If you have any questions, please contact Mitchell Hayes with the Division of Water Resources staff of the Raleigh Regional Office at (919) 791-4200 or via email at mitch.hayes@ncdenr.gov.

Sincerely,



Rick Bolich, L.G., Assistant Regional Supervisor
Water Quality Regional Operations Section
Raleigh Regional Office
Division of Water Resources, NCDEQ

ATTACHMENTS

Cc: WQS Raleigh Regional Office - Enforcement File
NPDES Compliance/Enforcement Unit - Enforcement File
Central Files

ATTACHMENT A**Aqua North Carolina Inc****CASE NUMBER: LV-2019-0173****PERMIT: NC0064564****REGION: Raleigh****FACILITY: Neuse Colony WWTP****COUNTY: Johnston****LIMIT VIOLATION(S)****SAMPLE LOCATION: Outfall 001 - Effluent**

Violation Date	Report Month/Yr	Parameter	Frequency	Unit of Measure	Limit Value	Calculated Value	% Over Limit	Violation Type	Penalty Amount
4/3/2019	4-2019	BOD, 5-Day (20 Deg. C) - Concentration	3 X week	mg/l	7.50	10	33.3	Daily Maximum Exceeded	\$250.00
4/9/2019	4-2019	BOD, 5-Day (20 Deg. C) - Concentration	3 X week	mg/l	7.50	11	46.7	Daily Maximum Exceeded	\$250.00
4/3/2019	4-2019	Nitrogen, Ammonia Total (as N) - Concentration	3 X week	mg/l	10	15	50.0	Daily Maximum Exceeded	\$250.00
4/4/2019	4-2019	Nitrogen, Ammonia Total (as N) - Concentration	3 X week	mg/l	10	13	30.0	Daily Maximum Exceeded	\$250.00
4/5/2019	4-2019	Nitrogen, Ammonia Total (as N) - Concentration	3 X week	mg/l	10	12	20.0	Daily Maximum Exceeded	\$250.00
4/30/2019	4-2019	Nitrogen, Ammonia Total (as N) - Concentration	3 X week	mg/l	2	2.79	39.6	Monthly Average Exceeded	\$750.00