

**NORTH CAROLINA
ENVIRONMENTAL MANAGEMENT COMMISSION**

COUNTY OF CURRITUCK

IN THE MATTER OF
NORTH CAROLINA
NON-DISCHARGE PERMIT
NUMBER WQ0004696
HELD BY CAROLINA VILLAGE NC, LLC

SPECIAL ORDER BY CONSENT
EMC SOC S15-003

Pursuant to provisions of North Carolina General Statutes (G.S.) 143-215.2, this Special Order by Consent (SOC) is entered into by Carolina Village NC, LLC, hereinafter referred to as the Permittee, and the North Carolina Environmental Management Commission, an agency of the State of North Carolina created by G.S. 143B-282, and hereinafter referred to as the Commission:

1. The Permittee and the Commission hereby stipulate the following:

- (a) The Permittee holds North Carolina Non-Discharge Permit No. WQ0004696 for operation of an existing wastewater treatment and disposal system. The currently permitted wastewater treatment system is in disrepair and is not capable of meeting effluent limits in the current permit. The infiltration basin is essentially plugged and not capable of assimilating wastewater at the permitted application rates, requiring temporary irrigation of the wastewater onsite. Also, unpermitted partial excavation of the wet weather effluent storage pond has compromised its synthetic liner necessitating its proper closure. Compliance will require proper closure of the storage pond and preparation of plans and specifications for construction and operation of additional treatment and disposal facilities.
- (b) Noncompliance with permit conditions constitutes causing and contributing to pollution of the waters of this State, and the Permittee is within the jurisdiction of the Commission as set forth in G.S. Chapter 143, Article 21.
- (c) The Permittee has secured grants or otherwise will secure financing for planning, design, and construction of some portion of the construction necessary to achieve compliance with permit conditions.
- (d) Since this Special Order is by Consent, neither party will file a petition for a contested case or for judicial review concerning its terms.

2. The Permittee desiring to comply with the Permit identified in Section 1(a) above, hereby agrees to do the following:

- (a) As settlement of all alleged violations of Permit Number WQ0004696 and prior to

entering into this Special Order by Consent, the Permittee agrees to pay the sum of \$15,000. This settlement payment provides coverage of any Notice of Violation/Enforcements and any other alleged violations that may have occurred prior to the SOC effective date.

A certified check must be made payable to the Department of Environmental Quality and Forwarded to the Director of the Division of Water Resources at 1617 Mail Service Center, Raleigh, North Carolina 27699 by no later than fifteen (15) days following the date on which this Order is approved and executed by the Commission and received by the Permittee.

- (b) Undertake the following activities in accordance with the indicated time schedule:
- (1) **On or before May 1, 2016**, install a temporary, solid set surface irrigation system with an acceptable application rate that will operate without causing significant ponding and/or runoff to surface waters.
 - (2) **On or before March 29, 2016**, complete closure of the wet weather effluent storage pond and properly dispose of all solids that are contained in the pond. **(Completed)**
 - (3) **On or before March 1, 2016**, submit an application for modification of the wastewater facility permitted under Permit No. WQ0004696 covering wastewater treatment plant modifications and construction of a new disposal system. **(Completed)**
 - (4) **On or before June 1, 2016**, begin construction of the proposed wastewater treatment plant and disposal system modifications.
 - (5) **On or before March 1, 2017** complete construction of the permitted modifications.
 - (6) **On or before July 1, 2017** achieve compliance with all permit conditions.
 - (7) **Provide the Washington Regional Office with quarterly progress reports.** Reports are due within 30 days following the end of each calendar quarter. The quarterly reports shall include, at a minimum, documentation of the Permittee's status of operation of the current treatment system and temporary irrigation system, and the status of permit modification and new treatment and disposal system construction activities. **The first quarterly report is due prior to April 30, 2016**, and then reports are due as noted above.
- (c) Permittee shall comply with all terms and conditions of the permit except in relation to the issues noted in 1(a) and shall make every effort to prevent the discharge of wastewater to the State's waters within its ability to operate the treatment and disposal facilities. The Permittee may also be required to monitor for other parameters as deemed necessary by the Director in future permits or administrative orders.
- (d) No later than thirty (30) calendar days after any date identified for accomplishment of any activity listed in Section 2(b) above, submit to the Division of Water Resources (DWR) Director a written notice of compliance or noncompliance

therewith. In the case of noncompliance, the notice shall include a statement of the reason(s) for noncompliance, remedial action(s) taken, and a statement identifying the extent to which subsequent dates or times for accomplishment of listed activities may be affected.

- (e) During the time in which this Special Order by Consent is effective, the Permittee shall comply with the interim effluent limitations as contained in Attachment A.

Under this Special Order by Consent, ONLY the parameters listed below have been modified from the most current Non-Discharge Permit WQ0004696 currently in effect.

PPI001 – WWTP Effluent

Parameters	Unit	Permit Limitations		Modified Limitations (SOC)	
		Monthly Avg.	Monthly Geo. Mean	Monthly Avg.	Monthly Geo. Mean
BOD, 5Day(20 °C)	mg/L	10		30	
Coliform, Fecal MF, M-FC Broth, 44.5 °C	#/100 mL		14		200
Flow, in conduit or thru treatment plant	GPD	40,000		Monitor Only	
Nitrogen, Ammonia Total (as N)	mg/L	4		12	
Nitrogen, Nitrate Total (as N)	mg/L	10		Monitor Only	
Nitrogen, Total (as N)	mg/L	7		Monitor Only	
Phosphorus, Total (as P)	mg/L	3		Not Monitored	
Solids, Total Suspended	mg/L	15		30	
Turbidity, HCH Turbidimeter	NTU	10 (Daily Max.)		Not Monitored	

- (f) The temporary surface irrigation system shall be effectively maintained and operated at all times so that there is no discharge to the surface waters, nor any contamination of ground waters, which will render them unsatisfactory for normal use. In the event that the system fail to perform satisfactorily, including the creation of nuisance conditions or the failure of the irrigation area to assimilate the wastewater (ponding), the Permittee shall take immediate corrective action to eliminate non-compliance. This may entail adding additional spray area and equipment.
- (g) A suitable year round vegetative cover shall be maintained on the temporary spray irrigation site. The crop shall be growing for irrigation to be implemented. Crop shall not be dormant.
- (h) Irrigation shall not be performed during inclement weather or when the ground is in a condition that will cause runoff or ponding.
- (i) The Permittee shall notify the Washington Regional Office 24 hours prior to completely closing the storage pond so that an inspection and an approval can be made.
- (j) The Permittee shall provide a North Carolina licensed engineer's certification that

the solids from the storage pond were applied onsite at or below agronomic rates.

- (k) The Permittee shall establish a vegetative cover on the area used for disposal of the solids from the storage pond within thirty (30) days after completion of the solids application.
 - (l) The Permittee shall provide onsite and operational at all times an automatically activated standby power source capable of powering all essential treatment units. If a generator is employed as an alternative power source, it shall be tested weekly by interrupting the primary power source.
 - (m) The Permittee shall identify any infiltration and Inflow problems associated with the facility and establish a program to correct.
3. The Permittee agrees that unless excused under Section 4, the Permittee will pay the Director of DWR, by check payable to the North Carolina Department of Environmental Quality, stipulated penalties according to the following schedule for failure to meet deadlines set out in Sections 2(b) and 2(d) or for failure to properly operate the wastewater treatment and disposal system.

Failure to meet a schedule date:	\$100/day for the first seven days; \$500/day thereafter
Failure to maintain compliance with any modified limit contained in the SOC:	\$500/violation
Failure to comply with a SOC condition:	\$500/day until condition is met
Failure to achieve final compliance date:	\$10,000
Failure to submit a progress report:	\$1,000/first violation; penalty doubles with each SUBSEQUENT ASSESSMENT
Failure to prevent run-off	\$500/first violation; penalty increases with each subsequent run-off incident

4. The Permittee and the Commission agree that stipulated penalties are not due if the Permittee satisfies DWR that noncompliance was caused solely by:
- (a) An act of God;
 - (b) An act of war;
 - (c) An intentional act or omission of a third party, but this defense shall not be available if the act or omission is that of an employee or agent of the defendant or if the act or omission occurs in connection with a contractual relationship with the Permittee;
 - (d) An extraordinary event beyond the Permittee's control. Contractor delays or failure to obtain funding will not be considered as events beyond the Permittee's control; or
 - (e) Any combination of the above causes.

OFFICIAL COPY
Mar 26 2024

Failure within 30 days of receipt of written demand to pay the penalties, or challenge them by a contested case petition pursuant to G.S. 150B-23, will be grounds for a collection action, which the Attorney General is hereby authorized to initiate. The only issue in such an action will be whether the 30 days has elapsed.

5. This SOC and any terms, conditions and interim effluent limitations contained herein, hereby supersede any and all previous Special Orders, Enforcement Compliance Schedule Letters, terms, conditions, and limitations contained therein issued in connection with Permit No. WQ0004696.
6. Noncompliance with the terms of this SOC are subject to enforcement action in addition to the above stipulated penalties, including injunctive relief pursuant to G.S. 143-215.6C.
7. The Permittee, upon signature of this SOC, will be expected to comply with all schedule dates, terms, and conditions of this document.
8. This SOC shall expire November 1, 2017.

For Carolina Village NC, LLC:

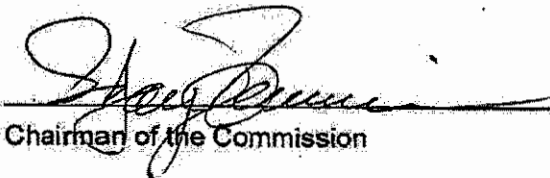


Signature of Signing Official

Date

4/27/16
4/27/16

For the North Carolina Environmental Management Commission:

for

Chairman of the Commission

Date

6/24/2016

ROY COOPER
Governor
MICHAEL S. REGAN
Secretary
LINDA CULPEPPER
Director



February 11, 2020

CERTIFIED MAIL NO. 7018 1830 0001 8029 2514
RETURN RECEIPT REQUESTED

BOB MILLER – MANAGING MEMBER
CAROLINA VILLAGE NC, LLC
POST OFFICE BOX 265
ROSSVILLE, GEORGIA 30741

Subject: **Permit No. WQ0004696**
Special Order by Consent
Application Return
SOC No. S18-002
Carolina Village WWTP
High-Rate Infiltration System
Currituck County

Dear Mr. Miller:

This letter is in reference to your Special Order by Consent (SOC) amendment application request received January 29, 2019.

The Division of Water Resources reviewed the SOC Amendment Application Package for Carolina Village WWTP in Currituck County. Based on past compliance history and current uncertainty over site and facility redevelopment plans, your SOC Amendment Application Package is returned. At this time, continuance of an SOC does not appear to be a viable option. In the absence of an SOC, the facility remains subject to enforcement actions for any ongoing or new compliance violations in accordance with G.S. 143-215.6A-6C. Action shall be taken as needed to address any ongoing compliance and/or permitting matters.

Please note, a permit application has been submitted for the Currituck Water Resource Recovery Facility, which appears to be affiliated with plans to address Carolina Village WWTP improvement needs. Additional information has been requested for the subject application. Although an application has been submitted for a new wastewater system to serve the area, Carolina Village NC, LLC remains responsible for properly maintaining and operating the existing wastewater system and satisfying all compliance requirements.

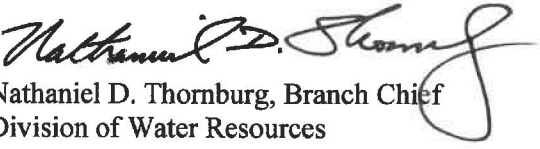
In the event facility ownership has changed or there is different contact responsible for oversight of the Carolina Village WWTP, please let us know.



North Carolina Department of Environmental Quality | Division of Water Resources
512 North Salisbury Street | 1617 Mail Service Center | Raleigh, North Carolina 27699-1617
919.707.9000

If you need additional information concerning this letter, please contact me at (919) 707-3653 or nathaniel.thornburg@ncdenr.gov.

Sincerely,


Nathaniel D. Thornburg, Branch Chief
Division of Water Resources

cc: Washington Regional Office, Water Quality Regional Operations Section
Central Files

OFFICIAL COPY

Mar 26 2024

**STATE OF NORTH CAROLINA
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES**

APPLICATION FOR AN AMENDMENT TO A SPECIAL ORDER BY CONSENT

I. GENERAL INFORMATION:

1. Applicant (corporation, individual, or other): Carolina Village NC, LLC
2. Owner Phone: 706-218-8800
3. Owner Email: bmiller8800@gmail.com
4. Facility Name (must be the same as name on the original SOC): Carolina Village NC, LLC
5. Original SOC No. / Issuance Date: SOC S18-002 / 9/06/18
6. NPDES Permit No. (if applicable): WQ0004696
7. Application Date: 1/14/19

II. SOC COMPLIANCE HISTORY:

Please attach a listing of all violations this facility has had under this Order. Include any violation of interim dates, relaxed permit parameters, and existing permit limits.

NOV dated 12/21/18 and received on 1/02/19 via email from the division office;

1. Failure to meet scheduled date - as discussed in our last conference call, there are various reasons for this occurrence which were in most or all part outside of our control.

a. Inclement Weather - the total rainfall in this region of NC has been overwhelming, leaving the ground condition virtually impossible to dig or work in for the various next steps needed for this project to timely conclude.

b. Permit Modifications - permit modifications were delayed due to complexity of testing, modeling requirements and weather for the ground water lowering system and related other issues. Multiple tests and modeling scenarios had to be completed in order to validate the efficiency and compliance of the infiltration basin performance. Multiple models were developed, some requiring more de-watering wells which would have if installed infringed on property not owned by us. After re-working the modeling, a

sufficient designed location and quantity of de-watering wells was accomplished while maintaining the setbacks and property boundaries needed. The final permit modifications will be submitted shortly and after receiving the modified permit, and as weather breaks, we should be able to resume the installation of the ground lowering system and related work.

c. Various Items - without belaboring details as to smaller items that contributed to the delays, such as the sand re-work in the infiltration basin (example: original approved sand overly compacted and new sand from an outside quarry had to be brought in, rubber mats used to allow trucks to dump). If a more detailed lists of items is needed or would be helpful, please let me know.

Note: We received the current SOC on May 25th, 2018 to review and sign, which we completed and sent in as requested. Our next update from the division looks like it was on July 3, 2018 where the SOC in its final form and with signature from us was still being reviewed. It looks like to date, we have not received our copy of the mutual signed SOC. If we are incorrect, please let us know and if you would be so kind as to send us a mutually signed SOC for our records, we would appreciate it.

2. Failure to comply - Spray Field has been addressed in our last call and the email response sent to you on 1/04/2019 should have addressed this one-time occurrence as it relates to the spray heads rotating consistently, the quantity of heads operating was explained in the response and video demonstrating that this is a zoned system, only 3 heads operate at any given cycle time which was by system design. .

3. Treatment Filters - has been addressed in our last call and the email response sent to you on 1/04/2019 should have addressed this one-time occurrence as it relates to the taking off-line for routine service/maintenance. This occurrence was corrected within 24 hours and new procedures have been implemented so as not to have this occur again in the future.

We have invested additional capital in excess \$400,000 in 2018 for upgrades and modifications to the WWTP system. Additionally, we have delivered and retained additional owned equipment on-site to aid in repairs, upgrades and maintenance of the WWTP system in 2018 to include;

- a. Track Excavator
- b. Backhoe
- c. Large Tractor with bucket
- d. Pump/Vacuum Truck
- e. Various smaller tools and equipment

To date we have spent over \$350,000 in engineering and other professionals to facilitate this project upgrades and compliance with the SOC, not including contractors, earth work and materials, equipment and supplies. Our commitment to compliance has not wavered, nor our commitment to capital to fund conditions not created by us. We stepped into this as the bank a Note Holder only and have in good faith continually been funding this project without any recovery or revenues to offset the investments. In our current SOC, we funded \$10,000 for alleged violations and have funded other sums for the same reason. It was contemplated and discussed at great length my concerns before entering into the current SOC as to delays due to weather and other obstacles beyond our control and receiving future fines for violations outside of our control.

Respectfully, the situation described above was exactly my concern and as such I am respectfully requesting you to waive any fines for violations and grant the extension with the new dates as submitted on the modified SOC section 2b(2) below. We need to know as quickly as possible if these requested will be granted so that we do not further delay this project, for all our efforts, let's please get this modified quickly so we can get this SOC completed and behind us.

Section 2b(2);

(b) Undertake the following activities in accordance with the indicated time schedule:

- (1) **On or before July 15, 2017**, begin construction of the proposed wastewater treatment plant and disposal system modifications. (CONSTRUCTION HAS STARTED)
- (2) **On or before July 1, 2019**, complete construction associated with the infiltration system, including all components required to support proper operation of the infiltration system (installation of the dry bed infiltration spray disposal area and irrigation system used for disposal of effluent, the groundwater lowering wells, all piping associated with the groundwater lowering system, the settling pond designed to temporarily retain water from the groundwater lowering system prior to discharge, the discharge weir for the settling pond, and all grading and seeding).
- (3) **On or before August 1, 2019** complete construction/repairs of the wastewater treatment plant to achieve final effluent limits associated with the effective version of Permit No. WQ0004696. The closure (removal of sludge, wastewater, and basin filled to grade) of the existing transfer pond at the existing WWTP shall also be completed by this date.
- (4) **On or before September 1, 2019**, remove temporary irrigation system (all piping must be removed and pipes permanently capped) and complete closure of the existing infiltration basin (closure is defined as disconnecting the existing infiltration basin from the WWTP).
- (5) **On or before December 1, 2019 achieve compliance with all permit conditions.**

Note: This extension request, as to the dates requested are based on a reasonable turn around and approval of these dates within 2-4 weeks from submission and receipt of a fully executed SOC

(v.-03) from the Division so that we can proceed timely. We have not built in any further contingency for delays beyond 4 weeks from the date of this application or future delays that are uncontrollable by us from inclement weather, delays in receiving the permit modifications needed to proceed with the work outlined in the SOC, supplier delays of materials or installation. It is anticipated that one or more of these items above could easily result in additional applications for extension of time in the future.

III. ADDITIONAL FLOW OR REALLOCATION OF EXISTING FLOW:

Only facilities owned by a unit of government may request to add additional flow to the treatment system as part of this SOC Amendment in accordance with NCGS 143-215.67(b).

Additional flow may be allowed under an SOC amendment only in specific circumstances. These circumstances may include eliminating discharges that are not compliant with an NPDES or Non-discharge permit as specified in the original SOC. These circumstances do not include failure to perform proper maintenance on treatment systems, collection systems or disposal systems. When requesting additional flow, the facility must include its justification and supporting documentation. If the requested additional flow is non-domestic, the facility must be able to demonstrate the ability to effectively treat the waste and dispose of residuals. The applicant must provide a detailed analysis of all constituents in the proposed non-domestic wastewater.

The total domestic additional flow requested: _____ gallons per day.

The total non-domestic additional flow requested: _____ gallons per day.

The total additional flow (*sum of the above*): _____ gallons per day.

If a reallocation of existing additional flow is needed the facility must provide justification as to why this reallocation is needed.

Any additional flow that may be allowed will be determined by an analysis of projected adverse impacts on the wastewater treatment facility and/or surface waters.

IV. WHY AN SOC AMENDMENT IS NEEDED:

Please provide a detailed explanation as to why the SOC amendment is being requested. Include actions already taken to avoid noncompliance with the existing SOC. Also provide details on activities that were delayed.

As stated above: It was contemplated and discussed with the Divisions Regional office prior to the current SOC being issued that the following were of great concern to us in entering into and signing the current SOC and were assured by the same regional office that any reasonable delay such as the ones listed above would be cause for extending the competition dates in the SOC and that the Division wanted to use the dates listed in their SOC -02 draft even though they were

aggressive and without contingency for such things as weather or other permit modification delays which had impacted the prior projected timing in the past.

Such items of most concern were:

- a. Weather due to the nature of the outdoor earth work and other ground preparation and timing of the rainy season.
- b. Permit Modifications – construction as to components of the infiltration system ground water lowering wells, piping, settling pond plumbing and other plumbing and electrical requirements for the new wells all require the current permit to be modified before this work can commence. The prior permit modifications took nearly a year from submittal to receive and we were very concerned that delays could force delays in the overall project. We did not have at the time of signing the SOC-02 the requirements necessary for the permit modification in order to project the time necessary to prepare the modification application and associated modeling data. We have since received this information and the modeling if accepted as prepared by the State is now completed and ready to submit for the permit modification.
- c. Supplier delays from the time the Permit modification is completed and thus the EQ basin liner, bulk headworks and other necessary components are approved and ready to order, we were not sure the suppliers timing for delivery and installation would be the same as originally quoted and or delayed due to the weather needed for such installations. Upon approval of the Permit Modifications and the SOC Extension request being granted in this application, we are ready to authorize these supplier items for order release and installation.

Causes related to SOC Extension Request:

- a. Inclement Weather - the total rainfall in this region of NC has been overwhelming, leaving the ground condition virtually impossible to dig or work in for the various next steps needed for this project to timely conclude.
- b. Permit Modifications - permit modifications were delayed due to complexity of testing, modeling requirements and weather for the ground water lowering system and related other issues. Multiple tests and modeling scenarios had to be completed in order to validate the efficiency and compliance of the infiltration basin performance. Multiple models were developed, some requiring more de-watering wells which would have if installed infringed on property not owned by us. After re-working the modeling, a

sufficient designed location and quantity of de-watering wells was accomplished while maintaining the setbacks and property boundaries needed. The final permit modifications will be submitted shortly and after receiving the modified permit, and as weather breaks, we should be able to resume the installation of the ground lowering system and related work.

c. Various Items - without belaboring details as to smaller items that contributed to the delays, such as the sand re-work in the infiltration basin (example: original approved sand overly compacted and new sand from an outside quarry had to be brought in, rubber mats used to allow trucks to dump). If a more detailed lists of items is needed or would be helpful, please let me know.

THE DIVISION OF WATER RESOURCES WILL NOT ACCEPT THIS APPLICATION PACKAGE UNLESS ALL OF THE APPLICABLE ITEMS ARE INCLUDED WITH THE SUBMITTAL.

Required Items:

- a. One original and two copies of the completed and appropriately executed application form, along with all required attachments.
 - If the SOC Amendment is for a City / Town, the person signing the SOC must be a ranking elected official or other duly authorized employee.
 - If the SOC Amendment is for a Corporation / Company / Industry / Other, the person signing the SOC must be a principal executive officer of at least the level of vice-president, or his duly authorized representative.
 - If the SOC Amendment is for a School District, the person signing the SOC must be the Superintendent of Schools or other duly authorized employee.

Note: Reference to signatory requirements in SOC's may be found in the North Carolina Administrative Code [T15A NCAC 2H .1206(a)(3)].

- b. The non-refundable Special Order by Consent (SOC) processing fee of \$400.00. A check must be made payable to The Department of Environment and Natural Resources.

APPLICANT'S CERTIFICATION:

(NO MODIFICATION TO THIS CERTIFICATION IS ACCEPTABLE)

I, Bob Miller for Carolina Village NC, LLC, attest this application for a Special Order by Consent (SOC) amendment has been reviewed by me and is accurate and complete to the best of my knowledge. I understand if all required parts of this application are not completed and if all required supporting information and attachments are not included, this application package may be returned as incomplete. *(Please be advised that the return of this application does not prevent DWR from collecting all outstanding penalties upon request).* Furthermore, I attest by my signature that I fully understand that an upfront penalty, which may satisfy as a full settlement for past violations, may be imposed. {Note: Reference to upfront penalties in Special Orders by Consent may be found in the North Carolina Administrative Code [T15A NCAC 2H .1206(c)(3)].}


Signature of Signing Official MM Date 1/25/19

Bob Miller managing member
Printed Name of Signing Official

THE COMPLETED AMENDMENT APPLICATION PACKAGE, INCLUDING ALL SUPPORTING INFORMATION, SHOULD BE SENT TO THE FOLLOWING ADDRESS:

NORTH CAROLINA DIVISION OF WATER RESOURCES
POINT SOURCE BRANCH
1617 MAIL SERVICE CENTER
RALEIGH, NORTH CAROLINA 27699-1617

IF THIS APPLICATION IS FOR A NON-DISCHARGING SYSTEM, THEN SEND TO:

NORTH CAROLINA DIVISION OF WATER RESOURCES
AQUIFER PROTECTION SECTION
1636 MAIL SERVICE CENTER
RALEIGH, NORTH CAROLINA 27699-1636