

ROY COOPER
Governor

ELIZABETH S. BISER
Secretary

RICHARD E. ROGERS, JR.
Director



NORTH CAROLINA
Environmental Quality

Certified Mail # 7021035000044184951
Return Receipt Requested

April 05, 2022

Ray E Hollowell, Jr
Outer Banks/Kinnakeet Associates LLC
8351 Fern Ln
Connelly Spg, NC 28612

SUBJECT: Notice of Violation and Assessment of Civil Penalty
for Violations of NC General Statute (G.S.) 143-215.1(a)(6)
and Non-discharge Permit No. WQ0002284
Outer Banks/Kinnakeet Associates LLC
Kinnakeet Shores WWTP
Case No. PC-2022-0015
Dare County

Dear Mr. Hollowell:

This letter transmits a Notice of Violation and assessment of civil penalty in the amount of \$13,494.67 (\$13,000.00 civil penalty + \$494.67 enforcement costs) against Outer Banks/Kinnakeet Associates LLC.

This assessment is based upon the following facts: an inspection of the Kinnakeet Shores WWTP was conducted on January 11, 2022. This inspection was conducted to verify that the facility is operating in compliance with the conditions and limitations specified in Non-discharge Permit No. WQ0002284. This inspection has shown the subject facility to be in violation of the conditions and limitations found in Non-discharge Permit No. WQ0002284. The violations found during the inspection are summarized in Attachment A to this letter.

Based upon the above facts, I conclude as a matter of law that Outer Banks/Kinnakeet Associates LLC violated the terms, conditions or requirements of Non-discharge Permit No. WQ0002284 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
Washington Regional Office | 943 Washington Square Mail | Washington, North Carolina 27889
252.946.6481

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JUL 27 2022

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, David May, Regional Supervisor, Washington Regional Office hereby make the following civil penalty assessment against Outer Banks/Kinnakeet Associates LLC:

\$13,000.00 For 6 of the 8 violations of the conditions and limitations specified in Permit No. WQ0002284 .

\$13,000.00 **TOTAL CIVIL PENALTY**

\$494.67 Enforcement Costs

\$13,494.67 **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 Robert Tankard with the Division of Water Resources staff of the Washington Regional Office at (252) 948-3921 or via email at robert.tankard@ncdenr.gov.

Sincerely,

David May

David May, Regional Supervisor
Water Quality Regional Operations Section
Washington Regional Office
Division of Water Resources, NCDEQ

ATTACHMENTS

Cc: laserfiche
Mr. Bruce Miller, Accountant; 40222 Methodist Church Road, Avon, NC, 27915
Via certified mail and email (certified mail # 70210350000044184968)
Mr. C. Sean Yacobi, Esq., Law Office of C. Sean Yacobi, PLLC; PO Box 1851, Nags Head NC 27959
Via certified mail and email (certified mail #70210350000044184975)
Mr. Ray E. Hollowell; PO Box 1158, Avon NC 27915
Via certified mail and email (certified mail #770210350000044184982)

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JUL 27 2022

JUSTIFICATION FOR REMISSION REQUEST**Case Number:** PC-2022-0015**County:** Dare**Assessed Party:** Outer Banks/Kinnakeet Associates LLC**Permit No.:** WQ0002284**Amount Assessed:** \$13,494.67

Please use this form when requesting remission of this civil penalty. You must also complete the "Request For Remission, Waiver of Right to an Administrative Hearing, and Stipulation of Facts" form to request remission of this civil penalty. You should attach any documents that you believe support your request and are necessary for the Director to consider in evaluating your request for remission. 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. Pursuant to N.C.G.S. § 143B-282.1(c), remission of a civil penalty may be granted only when one or more of the following five factors apply. Please check each factor that you believe applies to your case and provide a detailed explanation, including copies of supporting documents, as to why the factor applies (attach additional pages as needed).

- ☐ (a) one or more of the civil penalty assessment factors in N.C.G.S. 143B-282.1(b) were wrongfully applied to the detriment of the petitioner (*the assessment factors are listed in the civil penalty assessment document*);
- ☐ (b) the violator promptly abated continuing environmental damage resulting from the violation (*i.e., explain the steps that you took to correct the violation and prevent future occurrences*);
- ☐ (c) the violation was inadvertent or a result of an accident (*i.e., explain why the violation was unavoidable or something you could not prevent or prepare for*);
- ☐ (d) the violator had not been assessed civil penalties for any previous violations;
- ☐ (e) payment of the civil penalty will prevent payment for the remaining necessary remedial actions (*i.e., explain how payment of the civil penalty will prevent you from performing the activities necessary to achieve compliance*).

EXPLANATION:

STATE OF NORTH CAROLINA
COUNTY OF DARE

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF ASSESSMENT
OF CIVIL PENALTIES AGAINST

Outer Banks/Kinnakeet Associates LLC
Kinnakeet Shores WWTP

PERMIT NO. WQ0002284

) **WAIVER OF RIGHT TO AN**
) **ADMINISTRATIVE HEARING AND**
) **STIPULATION OF FACTS**

) **CASE NO. PC-2022-0015**

Having been assessed civil penalties totaling \$13,494.67 for violation(s) as set forth in the assessment document of the Division of Water Resources dated April 05, 2022, the undersigned, desiring to seek remission of the civil penalty, does hereby waive the right to an administrative hearing in the above-stated matter and does stipulate that the facts are as alleged in the assessment document. The undersigned further understands that all evidence presented in support of remission of this civil penalty must be submitted to the Director of the Division of Water Resources within thirty (30) days of receipt of the notice of assessment. No new evidence in support of a remission request will be allowed after (30) days from the receipt of the notice of assessment.

This the _____ day of _____, 20____

SIGNATURE

ADDRESS

TELEPHONE

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Jul 27 2022

ATTACHMENT A**Outer Banks/Kinnakeet Associates LLC****CASE NUMBER: PC-2022-0015****PERMIT NO: WQ0002284****REGION: Washington****FACILITY: Kinnakeet Shores WWTP****COUNTY: Dare**

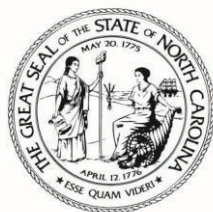
VIOLATION DATE	AREA	VIOLATION TYPE	VIOLATION DESCRIPTION	PENALTY AMOUNT
1/11/2022	Treatment Clarifiers	Violation detected during inspection	CLARIFIER DOES NOT FUNCTION. SOLIDS ARE THICK WITHIN THE CLARIFIER. THERE WERE TWO BYPASSES SET UP WITHIN THE CLARIFIER WHICH WENT DIRECTLY TO THE DISCHARGE PIPE TO THE STORAGE/INFILTRATION POIND.	\$3,000.00
1/11/2022	Treatment	Violation detected during inspection	CLARIFIERS, RETURN PUMPS, TRAVELLING BRIDGE FILTER, DISINFECTION, GENERATOR AND SPRAY IRRIGATION SYSTEM IS NOT FUNCTIONAL.	\$0.00
1/11/2022	Treatment Disinfection	Violation detected during inspection	DISINFECTION SYSTEM DID NOT HAVE ANY CHLORINE ON SITE.	\$3,000.00
1/11/2022	Standby Power	Violation detected during inspection	GENERATOR DOES NOT FUNCTION.	\$3,000.00
1/11/2022	Treatment Flow Measurement-Effluent	Violation detected during inspection	OPERATOR STATED FLOW METER IS NOT WORKING AND USING AVERAGE FLOWS FROM 2021.	\$500.00
1/11/2022	Treatment Return pumps	Violation detected during inspection	OPERATOR STATED THEY DO NOT FUNCTION. THEREFORE, SOLIDS ARE BUILDING UP IN THE CLARIFIER.	\$0.00
1/11/2022	Treatment Filters	Violation detected during inspection	TRAVELLING BRIDGE FILTER IS NOT FUNCTIONAL.	\$3,000.00
1/11/2022	Miscellaneous Questions	Violation detected during inspection	TURBIFITY METER NEEDS TO BE REAPIRED AND CALIBRATED BY A THIRD PARTY.	\$500.00

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ROY COOPER
Governor

ELIZABETH S. BISER
Secretary

RICHARD E. ROGERS, JR.
Director



NORTH CAROLINA
Environmental Quality

Certified Mail # 70210950000186852545
Return Receipt Requested

July 20, 2022

Ray E Hollowell, Jr
Outer Banks/Kinnakeet Associates LLC
8351 Fern Ln
Connelly Spg, NC 28612

SUBJECT: Notice of Violation and Assessment of Civil Penalty
for Violations of NC General Statute (G.S.) 143-215.1(a)(6)
and Non-discharge Permit No. WQ0002284
Outer Banks/Kinnakeet Associates LLC
Kinnakeet Shores WWTP
Case No. PC-2022-0034
Dare County

Dear Permittee:

This letter transmits a Notice of Violation and assessment of civil penalty in the amount of \$15,494.67 (\$15,000.00 civil penalty + \$494.67 enforcement costs) against Outer Banks/Kinnakeet Associates LLC.

This assessment is based upon the following facts: an inspection of the Kinnakeet Shores WWTP was conducted on March 2, 2022. This inspection was conducted to verify that the facility is operating in compliance with the conditions and limitations specified in Non-discharge Permit No. WQ0002284. This inspection has shown the subject facility to be in violation of the conditions and limitations found in Non-discharge Permit No. WQ0002284. The violations found during the inspection are summarized in Attachment A to this letter.

Based upon the above facts, I conclude as a matter of law that Outer Banks/Kinnakeet Associates LLC violated the terms, conditions or requirements of Non-discharge Permit No. WQ0002284 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
Washington Regional Office | 943 Washington Square Mall | Washington, North Carolina 27889
252.946.6481

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JUL 27 2022

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, David May, Regional Supervisor, Washington Regional Office hereby make the following civil penalty assessment against Outer Banks/Kinnakeet Associates LLC:

\$15,000.00 For 8 of the 10 violations of the conditions and limitations specified in Permit No. WQ0002284 .

\$15,000.00 **TOTAL CIVIL PENALTY**

\$494.67 Enforcement Costs

\$15,494.67 **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 Robert Tankard with the Division of Water Resources staff of the Washington Regional Office at (252) 946-1233 or via email at robert.tankard@ncdenr.gov.

Sincerely,

David May

David May, Regional Supervisor
Water Quality Regional Operations Section
Washington Regional Office
Division of Water Resources, NCDEQ

ATTACHMENTS

Cc: laserfiche
Mr. Bruce Miller, Accountant; 40222 Methodist Church Road, Avon, NC, 27915
Via certified mail and email (certified mail # 70210950000186852552)
Mr. Ray E. Hollowell; PO Box 1158, Avon NC 27915
Via certified mail and email (certified mail #70210950000186852569)

JUSTIFICATION FOR REMISSION REQUEST

Case Number: PC-2022-0034

County: Dare

Assessed Party: Outer Banks/Kinnakeet Associates LLC

Permit No.: WQ0002284

Amount Assessed: \$15,494.67

Please use this form when requesting remission of this civil penalty. You must also complete the "Request For Remission, Waiver of Right to an Administrative Hearing, and Stipulation of Facts" form to request remission of this civil penalty. You should attach any documents that you believe support your request and are necessary for the Director to consider in evaluating your request for remission. 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. Pursuant to N.C.G.S. § 143B-282.1(c), remission of a civil penalty may be granted only when one or more of the following five factors apply. Please check each factor that you believe applies to your case and provide a detailed explanation, including copies of supporting documents, as to why the factor applies (attach additional pages as needed).

- ☐ (a) one or more of the civil penalty assessment factors in N.C.G.S. 143B-282.1(b) were wrongfully applied to the detriment of the petitioner (*the assessment factors are listed in the civil penalty assessment document*);
- ☐ (b) the violator promptly abated continuing environmental damage resulting from the violation (*i.e., explain the steps that you took to correct the violation and prevent future occurrences*);
- ☐ (c) the violation was inadvertent or a result of an accident (*i.e., explain why the violation was unavoidable or something you could not prevent or prepare for*);
- ☐ (d) the violator had not been assessed civil penalties for any previous violations;
- ☐ (e) payment of the civil penalty will prevent payment for the remaining necessary remedial actions (*i.e., explain how payment of the civil penalty will prevent you from performing the activities necessary to achieve compliance*).

EXPLANATION:

STATE OF NORTH CAROLINA

DEPARTMENT OF ENVIRONMENTAL QUALITY

COUNTY OF DARE

IN THE MATTER OF ASSESSMENT
OF CIVIL PENALTIES AGAINST

Outer Banks/Kinnakeet Associates LLC
Kinnakeet Shores WWTP

PERMIT NO. WQ0002284

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**WAIVER OF RIGHT TO AN
ADMINISTRATIVE HEARING AND
STIPULATION OF FACTS**

CASE NO. PC-2022-0034

Having been assessed civil penalties totaling \$15,494.67 for violation(s) as set forth in the assessment document of the Division of Water Resources dated July 20, 2022, the undersigned, desiring to seek remission of the civil penalty, does hereby waive the right to an administrative hearing in the above-stated matter and does stipulate that the facts are as alleged in the assessment document. The undersigned further understands that all evidence presented in support of remission of this civil penalty must be submitted to the Director of the Division of Water Resources within thirty (30) days of receipt of the notice of assessment. No new evidence in support of a remission request will be allowed after (30) days from the receipt of the notice of assessment.

This the _____ day of _____, 20____

SIGNATURE

ADDRESS

TELEPHONE

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Jul 27 2022

ATTACHMENT A**Outer Banks/Kinnakeet Associates LLC****CASE NUMBER:** PC-2022-0034**PERMIT NO:** WQ0002284**REGION:** Washington**FACILITY:** Kinnakeet Shores WWTP**COUNTY:** Dare

VIOLATION DATE	AREA	VIOLATION TYPE	VIOLATION DESCRIPTION	PENALTY AMOUNT
3/2/2022	Treatment Clarifiers	Violation detected during inspection	CLARIFIER DOES NOT FUNCTION. SOLIDS ARE THICK WITHIN THE CLARIFIER. THERE WERE TWO BYPASSES SET UP WITHIN THE CLARIFIER WHICH WENT DIRECTLY TO THE UV CHANNEL. THIS FLOW BYPASSED THE TERTIARY FILTER AND CHLORINE DISINFECTION SYSTEM. OPERATOR HAD PUT CHLORINE TABLETS IN EFFLUENT CHANNEL BUT DID NOT MEET THE DETENTION TIME.	\$3,000.00
3/2/2022	Treatment	Violation detected during inspection	CLARIFIERS, RETURN PUMPS, TRAVELLING BRIDGE FILTER, DISINFECTION, GENERATOR AND SPRAY IRRIGATION SYSTEM IS NOT FUNCTIONAL.	\$0.00
3/2/2022	Treatment Disinfection	Violation detected during inspection	DISINFECTION IS BEING BYPASSED. SYSTEM IS DESIGNED FOR CHLORINE TO BE INJECTED UPSTREAM OF THE FILTER. FILTER IS BEING BYPASSED. OPERATOR IS PLACING TABLETS IN EFFLUENT CHANNEL. DOES NOT MEET RETENTION TIME!	\$3,000.00
3/2/2022	Standby Power	Violation detected during inspection	GENERATOR DOES NOT FUNCTION.	\$3,000.00
3/2/2022	Wells	Violation detected during inspection	MONITORING WELLS HAVE NOT BEEN INSTALLED PER PERMIT.	\$1,000.00
3/2/2022	Treatment Flow Measurement-Effluent	Violation detected during inspection	OPERATOR STATED FLOW METER IS NOT WORKING AND USING AVERAGE FLOWS FROM 2021. OPERATOR STATED THIS ON 01/11/2022 INSPECTION.	\$500.00
3/2/2022	Treatment Return pumps	Violation detected during inspection	OPERATOR STATED THEY DO NOT FUNCTION. THEREFORE SOLIDS ARE BUILDING UP IN THE CLARIFIER. SEVERAL PUMPS WERE MISSING FROM THE PIPING.	\$0.00

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ATTACHMENT A

Outer Banks/Kinnakeet Associates LLC

CASE NUMBER: PC-2022-0034

PERMIT NO: WQ0002284

REGION: Washington

FACILITY: Kinnakeet Shores WWTP

COUNTY: Dare

VIOLATION DATE	AREA	VIOLATION TYPE	VIOLATION DESCRIPTION	PENALTY AMOUNT
3/2/2022	End Use-Reuse	Violation detected during inspection	SPRAY IRRIGATION IS NOT FUNCTIONAL. ALL WASTEWATER IS SENT TO THE INFILTRATION POIND WHEHER IT MEETS REUSE OR NOT. TURBIDITY METER DOES NOT WORK AND NOT SURE IF THE VALVES CAN BE AUTOMATICALLY TURNED WHEN FECAL COLIFORM DOES NOT MEET LIMITS.	\$1,000.00
3/2/2022	Treatment Filters	Violation detected during inspection	TRAVELLING BRIDGE FILTER IS NOT FUNCTIONAL AND IS BEING BYPASSED.	\$3,000.00
3/2/2022	System Operation	Violation detected during inspection	TURBIDITY METER NOT CALIBRATED CORRECTLY.	\$500.00

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Jul 27 2022

ROY COOPER
Governor

ELIZABETH S. BISER
Secretary

RICHARD E. ROGERS, JR.
Director



NORTH CAROLINA
Environmental Quality

Certified Mail # 7021 0950 0001 8685 2576
Return Receipt Requested

July 20, 2022

Ray E Hollowell, Jr
Outer Banks/Kinnakeet Associates LLC
8351 Fern Ln
Connelly Spg, NC 28612

SUBJECT: **NOTICE OF VIOLATION & INTENT TO ASSESS CIVIL PENALTY**

Tracking Number: NOV-2022-PC-0388

Permit No. WQ0002284

Kinnakeet Shores WWTP

Dare County

Dear Mr. Hollowell:

The North Carolina Division of Water Resources conducted an inspection of the Kinnakeet Shores WWTP on July 19, 2022. This inspection was conducted to verify that the facility is operating in compliance with the conditions and limitations specified in Non-discharge Permit No. WQ0002284. A summary of the findings and comments noted during the inspection are provided in the enclosed copy of the inspection report.

The Compliance Evaluation inspection was conducted by Division of Water Resources staff from the Washington Regional Office. The following violation(s) were noted during the inspection:

Inspection Area	Description of Violation
Treatment Activated Sludge	Blowers were not operating at the time of the inspection. Only one blower was working, which was designed to supply air to the equalization basin.
Treatment Clarifiers	Clarifier not functioning as designed. One clarifier has parts taken to repair the other clarifier and that clarifier is not functioning because of broken parts.
Treatment Filters	Filter is not operational.
Standby Power	Generator has not worked for several years.
End Use-Reuse	Irrigation system is not functional. Only one irrigation pump. Wells have not been installed around the irrigation/infiltration pond.



North Carolina Department of Environmental Quality | Division of Water Resources
Washington Regional Office | 943 Washington Square Mall | Washington, North Carolina 27889
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Jul 27 2022

Inspection Area	Description of Violation
Treatment Flow Measurement-Effluent	Operator stated flow meter is not working and using average flows from 2021
Treatment Barscreen	The bar screen is in poor condition. Corrosion is taken its toll on the unit.
Treatment Disinfection	The liquid disinfection system was present but was not on. The operator was bypassing the filter, therefore, was not using the disinfection system. Operator stated that he was using tablets but did not see any in the effluent trough.
Miscellaneous Questions	Turbidity meter needs to be repaired and calibrated by a third party
Wells	Wells have not been installed per permit.

A Notice of Violation/Intent to Issue Civil Penalty is being issued for the noted violation of North Carolina General Statute (G.S.) 143-215.1 and the facility's Non-discharge Permit. Pursuant to G.S. 143-215.6A, a civil penalty of not more than twenty-five thousand dollars (\$25,000.00) may be assessed against any person who violates or fails to act in accordance with the terms, conditions, or requirements of any permit issued pursuant to G.S. 143-215.1.

If you wish to provide additional information regarding the noted violation, request technical assistance, or discuss overall compliance please respond in writing within ten (10) days after receipt of this Notice. A review of your response will be considered along with any additional information provided. You will then be notified of any civil penalties that may be assessed regarding the violations. **If no response is received in this Office within the 10-day period, a civil penalty assessment may be prepared.**

Remedial actions should have already been taken to correct this problem and prevent further occurrences in the future. The Division of Water Resources may pursue enforcement action for this and any additional violations of State law. If the violations are of a continuing nature, not related to operation and/or maintenance problems, and you anticipate remedial construction activities, then you may wish to consider applying for a Special Order by Consent.

If you should have any questions, please do not hesitate to contact Robert Tankard with the Water Quality Regional Operations Section in the Washington Regional Office at 252-948-3921.

Sincerely,

David May

David May, Regional Supervisor
Water Quality Regional Operations Section
Washington Regional Office
Division of Water Resources, NCDEQ

ATTACHMENTS

Cc: laserfiche
Mr. Bruce Miller, Accountant; 40222 Methodist Church Road, Avon, NC, 27915
Via certified mail and email (certified mail # 7021 0950 0001 8685 2583)
Mr. Ray E. Hollowell; PO Box 1158, Avon NC 27915
Via certified mail and email (certified mail #7021 0950 0001 8685 2590)



