ROY COOPER Governor ELIZABETH S. BISER Secretary RICHARD E. ROGERS, JR.



<u>Certified Mail</u> #7022 1670 0000 9974 7542 <u>Return Receipt Requested</u>

March 1, 2024

Michael Myers Currituck Water and Sewer LLC 4700 Hornewood Ct Ste 108 Raleigh, NC 27609-1804

SUBJECT: NOTICE OF VIOLATION & INTENT TO ASSESS CIVIL PENALTY

Tracking Number: NOV-2024-PC-0143

Permit No. WQ0004696 Carolina Village WWTP Currituck County

Dear Mr. Myers:

The North Carolina Division of Water Resources conducted an inspection of the Carolina Village WWTP on February 21, 2024. This inspection was conducted to verify that the facility is operating in compliance with the conditions and limitations specified in Non-discharge Permit No. WQ0004696. 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

2.8 mg infiltration basin and sludge holding/transfer pond have not been abandoned. Construction of the new high-rate infiltration spray beds, related groundwater lowering system, 32,620 gallon settling pond, 636,117 gallon equalization/five day upset basin and new WWTP has not started or has not been completed. There is no functional and permitted means of wastewater disposal at the facility. A direct discharge was noted during the inspection with wastewater being directly pumped and discharged through a pipe running through the fence at the rear of the facility. The WWTP was non-operational and in a septic condition. Blower motors and units were non-operational. Sludge and solids accumulation were noted in all WWTP tanks. The clarifier was full of solids. Chlorine tablets were not present for disinfection. The tertiary filters flowed black water/product when placed into operation. When the filters were manually turned on, a piping failure occurred.



Inspection Area	Description of Violation	Page 2 of 20
www.reatment WWTP is not maintained. Facility as a whole in a neglected condition. Blower un inoperable, solids and sludge accumulated in tankage, system in a septic condition disinfection/no chlorine tablets, tertiary filters are not being utilized. The operator the plant was operable the evening before. Such conditions are a violation of Per Conditions II.1. and III.1 of Permit No. WQ0004696 that require the permittee to poperate and maintain the facility and to take immediate corrective action if needed the facility to proper operation. (The noted WWTP conditions were previously do during a facility reconnaissance inspection on February 13, 2024.)		in a septic condition, no ilized. The operator indicated are a violation of Permit re the permittee to properly tive action if needed to return were previously documented
Standby Power	Generator is inoperable. Such is a violation of Permit Conditio WQ0004696 that requires an automatically activated standby paraintained.	power source be provided and
Treatment Disinfection	No chlorine tablets present in chlorination tubes. No active disinspection. Such condition is a violation of Permit Conditions II. WQ0004696 that require the permittee to properly operate and take immediate corrective action if needed to return the facility	.1. and III.1 of Permit No. d maintain the facility and to
Miscellaneous Questions	Non-Compliance was not reported. Condition of WWTP and di reported to DWR. Such is a violation of Permit Condition IV. 1 of Permit No. WQ0004696 that requires the permitee to report knowledge of any process unit failure, discharge to surface wa	3. Noncompliance Notification within 24 hours of first
End Use-Infiltration	An active discharge had been placed into use, pumping wastew through the fence at the back of the WWTP. Wastewater was running to surface waters. The operator stated that the unperplaced into service five days prior to the inspection. Such is a vi II.1, III. 1., III. 4., III. 6., and III., 10. that in part prohibits disspecifies how wastewater disposal is to occur. (The noted unperpreviously documented during a facility reconnaissance inspections.)	ponded behind the WWTP and mitted pipe/discharge had been olation of Permit Conditions scharges to surface waters and ermitted discharge was
Record Keeping	Sludge management records were not available; Island Septag 12,000 - 16,000 gallons of sludge to Elizabeth City. Such is a vice 9., and IV. 8. of Permit No. WQ0004696 that requires the perm residuals removed from the facility.	olation of Permit Conditions III.
Record Keeping	Operator log-book unavailable. Such is a violation of Permit Cor WQ0004696 that requires the Permittee to keep a log of all mai	ndition IV.9. of Permit No. intenance done at the facility.
Treatment Filters	Tertiary filters did not appear to have been operated in the recovere activated, a piping failure occurred. Black water flowed to while the filters were in operation with the water not significant conditions are a violation of Permit Conditions II.1. and III.1 or require the permittee to properly operate and maintain the factorrective action if needed to return the facility to proper operate.	for an extended period tly clearing up. Such f Permit No. WQ0004696 that ility and to take immediate
Treatment Clarifiers	The clarifier was full of solids, as the WWTP was observed to b unmaintained/inoperable condition. Such conditions are a viola and III.1 of Permit No. WQ0004696 that require the permittee maintain the facility and to take immediate corrective action if proper operation.	tion of Permit Conditions II.1. to properly operate and



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Schedules The interim wastewater irrigation system and associated components have not been abandoned or a permit modification has not been requested to include another means of permitted disposal. The high-rate spray beds are not operational. Such is a violation of Permit Conditions I., 3., and VI., 6. of Permit No. WQ0004696 that provided a 180 timefra to bring the high-rate spray beds on-line following issuance of the permit on August 15, 20 End Use-Infiltration Final construction has not been completed for the two 0.29 acre high-rate infiltration spray beds. There is no other permitted means for disposal and the referenced spray beds are non-operational. Such is a violation of Permit Conditions I. 3., II.1, III. 1., III. 6., and III. of Permit No. WQ0004696 that required newly permitted high-rate spray beds to be utilized final wastewater disposal.

Additional Compliance Issues:

1. An observed rack line was observed within the basin structure receiving and holding effluent from the WWTP The elevation of the rack line coincided with a low point on the dike wall along the southeastern corner of the structure. Observations are suggestive that the basin structure has overflowed in the past.

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 David May with the Water Quality Regional Operations Section in the Washington Regional Office at 252-946-6481.

Sincerely,

David May

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

ATTACHMENTS: Pictures

cc: Andrew White – EnviroLink (electronic copy)
Don Feller – EnviroLink (electronic copy)
Michelle Pharr – Backup ORC (electronic copy)

Laserfiche



Figure 1. Unpermitted discharge (February 13, 2024)



Figure 2. Unpermitted pipe for discharge of wastewater (February 13, 2024)



Figure 3. WWTP (February 13, 2024).



Figure 4. Clarifier tank (February 13, 2024).



Figure 5. Clarifier tank (February 13, 2024).



Figure 6. WWTP (February 13, 2024).



Figure 7. Unpermitted discharge, discharging wastewater (February 21, 2024)



Figure 8. Ponded wastewater from unpermitted discharge (February 21, 2024).



Figure 9. Storage structure with observed rack line along top of berm and past indication of overflow (February 21, 2024).



Figure 10. Unpermitted discharge (February 21, 2024)



Figure 11. Inoperable blower units (February 21, 2024).



Figure 12. Clarifier tank (February 21, 2024).



Figure 13. Clarifier tank (February 21, 2024).



Figure 14. WWTP (February 21, 2024).



Figure 15. WWTP (February 21, 2024).

Compliance Inspection Report

Expiration: 10/31/30 Owner: Currituck Water and Sewer LLC **Permit: WQ0004696** Effective: 08/15/23 SOC: Effective: **Expiration:** Facility: Carolina Village WWTP 491 Nw Backwoods Rd County: Currituck Region: Washington Moyock NC 27958 Contact Person: Matthew Gauss Title: Phone: **Directions to Facility:** Take SR 1227 from Moyock (W). First SR on the right (~3.5 miles) is SR 1218, turn Right (N). Mobile Home Park is ~1.5 miles on the Right. Path to access WWTP and Disposal facilities is ~.25 miles S of community entrance. Path is unmarked. System Classifications: WW3, SI, **Primary ORC:** Certification: Phone: Secondary ORC(s): On-Site Representative(s): **Related Permits:** Inspection Date: 02/21/2024 Entry Time 11:00AM Exit Time: 05:15PM Phone: 252-946-6481 Ext.357 Primary Inspector: David L May Secondary Inspector(s): Robert E Bullock Sara Selby Reason for Inspection: Routine Inspection Type: Compliance Evaluation Permit Inspection Type: High Rate Infiltration **Facility Status:** ☐ Compliant Not Compliant **Question Areas:** Treatment Flow Measurement-Effluent Treatment Flow Measurement-Influent Miscellaneous Questions **Treatment** Treatment Barscreen Treatment Flow Measurement-Water Use Records **Treatment Filters** Record Keeping **Treatment Lagoons** Treatment Activated Sludge Treatment Sludge Storage/Treatment End Use-Irrigation **Treatment Clarifiers Treatment Disinfection End Use-Infiltration Treatment Flow Measurement** Treatment Return pumps Storage Standby Power

(See attachment summary)

Permit: WQ0004696 Owner - Facility: Currituck Water and Sewer LLC

Inspection Date: 02/21/2024 Inspection Type : Compliance Evaluation Reason for Visit: Routine

Inspection Summary:

DWR staff David May, Robbie Bullock, and Sara Selby conducted an inspection at Carolina Village on February 21, 2024. NC Utilities Commission Public Staff Chuck Junis and Mike Franklin were present. Michelle Pharr (Back-Up operator) was present on-site. David Pharr (Operator), and Andrew White and Don Feller representing Currituck Water and Sewer joined by cell phone. Faciltiy property as a whole was overgrown and unmaintained, including the 2.8 MG infiltration basin, the new partially constructed high rate spray beds, and the roughed in equalization/5 day upset basin. The WWTP was observed to be in a "septic condition." The plant appeared non-operational and unmaintained. Tankage and clarifier were full of solids and sludge. Blower units were inoperable (one of two units completely off-line, the second unit would run with a manual overide, while sqealing and smoking). Operator stated the system was operational the night before. No chlorine tablets. Flow meter determined to be non-functional for an extended period prior to the inspection and more recently brought on-line in November 2023. Reported flow rates on monitoring records for several months based on estimates. The basin receiving effluent appears to have experienced an overflow at some time in the past based on an observed rack line at the same elevation as the low point on the dike wall. The basin receiving effluent was draining back into the structure where effluent would normally be directed to a disposal area (off-line 2.8 MG infiltration basin in the more recent past). An unpermitted and unnapproved direct discharge had been placed into service with wastewater being discharged through a pipe placed through the fence at the back of the WWTP. The operator stated the pipe/discharge had been placed into service 5 days prior to the inspection. Wastewater from the discharge was ponded and running off to surface waters. The discharge pipe was removed prior to conclusion of the inspection. Operator log book was not available. Operators indicated 12,000 - 16,000 gallons of sludge had been hauled by Island Septage to Elizabeth City, however, sludge managment records were not available. A pump truck was located in front of the WWTP with a green hose extending from the WWTP to the area where the truck was parked. Non-operational condition of the WWTP and implemented discharge was not reported to DWR in accordance with teh permit. DWR staff understood that the truck is used to maintain the collection system pump stations with wastewater being transferred to the WWTP. Collection system pump stations were inspected. Pump stations are in various states of disrepair with non-engineered components and designs set-up to allow for some level of operational service. All access covers/lids were open to allow for plumbed "bypasses" to operate with exposed above ground piping and wiring present at all pump stations. Green hoses are located at several pump stations for connections to pump trucks. Posted phone numbers on signs to call in case of emergencies are inoperable, out of service, or misdirected. Ensure audible and visual alarms are functional, and posted signage references correct contact numbers in case of emergencies.

Permit: WQ0004696 Owner - Facility: Currituck Water and Sewer LLC

Inspection Date: 02/21/2024

Inspection Type: Compliance Evaluation

<u>Type</u>		Yes No NA NE
Reuse (Qualit	y)	
Infiltration System		
Lagoon Spray	, LR	
Activated Sluc	dge Spray, LR	
Single Family	Spray, LR	
Activated Sluc	dge Spray, HR	
Activated Sluc	dge Drip, LR	
Recycle/Reus	ee e	
Single Family	Drip	
Treatment		Yes No NA NE
	t facilities consistent with those outlined in the current permit?	
Do all treatment units appear to be operational? (if no, note below.)		
	2.8 mg infiltration basin and sludge holding/transfer pond have not been aband Construction of the new high-rate infiltration spray beds, related groundwater I 32,620 gallon settling pond, 636,117 gallon equilization/five day upset basin at has not started or has not been completed. There is no functional and permitt wastewater disposal at the facility. A direct discharge was noted during the inswastewater being directly pumped and discharged through a pipe running through the rear fo the facility. The WWTP was non-operational and in a septic condition motors and units were non-operational. Sludge and solids accumulation were WWTP tanks. The clarifier was full of solids. Chlorine tablets were not present the tertiary filters flowed black water/product when placed into operation. When were manually turned on, a piping failure occurred.	owering system, and new WWTP and means of spection with ough the fence at an. Blower anoted in all ant for disinfection.
	low Measurement-Influent	Yes No NA NE
	calibrated annually?	
Is flowmeter operating properly?		
Does flowmeter monitor continuously?		
Does flowmeter record flow?		
	Does flowmeter appear to monitor accurately?	
Comment:		
Treatment F	low Measurement-Water Use Records	Yes No NA NE
Is water use metered?		
Are the daily average values properly calculated?		
Comment:		
Treatment F	low Measurement-Effluent	Yes No NA NE
Is flowmeter calibrated annually?		

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Inspection Date: 02/21/2024

Inspection Type: Compliance Evaluation

Is flowmeter operating properly?	
Does flowmeter monitor continuously?	
Does flowmeter record flow?	
Does flowmeter appear to monitor accurately?	
Comment:	
Standby Power	Yes No NA NE
Is automatically activated standby power available?	
Is generator tested weekly by interrupting primary power source?	
Is generator operable?	
Does generator have adequate fuel?	
Comment: Generator is inoperable.	
<u>Treatment Barscreen</u>	Yes No NA NE
Is it free of excessive debris?	
Is disposal of screenings in compliance?	
Are the bars spaced properly?	
Is the unit in good condition?	
Comment: No barscreen present. Wastewater dumps directly into the WWTP.	
Treatment Activated Sludge	Yes No NA NE
Is the aeration mechanism operable?	
Is the aeration basin thoroughly mixed?	
Is the aeration equipment easily accessed?	
Is Dissolved Oxygen adequate?	
Are Settleometer results acceptable?	
Is activated sludge an acceptable color?	
Comment: Blower units were non-operational. The plant was septic.	
<u>Treatment Clarifiers</u>	Yes No NA NE
Are the weirs level?	
Are the weirs free of solids and algae?	
Is the scum removal system operational?	
Is the scum removal system accessible?	
Is the sludge blanket at an acceptable level?	
Is the effluent from the clarifier free of excessive solids?	
Comment: The clarifier was full of solids, as the WWTP was observed to be in an unmaintained/condition.	<u>inoperable</u>
Treatment Return pumps	Yes No NA NF

Yes No NA NE

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Inspection Date: 02/21/2024

Inspection Type: Compliance Evaluation

Are they in place?	
Are they operational?	
Comment:	
<u>Treatment Filters</u>	Yes No NA NE
Is the filter media present?	
Is the filter media the correct size and type?	
Is the air scour operational?	
Is the scouring acceptable?	
Is the clear well free of excessive solids?	
Is the mud well free of excessive solids and filter media?	
Does backwashing frequency appear adequate?	
Comment: Tertiary filters did not appear to have been operated in the recent past. When activated, a piping failure occurred. Black water flowed for an extended period were in operation with the water not significantly clearing up.	
Treatment Sludge Storage/Treatment	Yes No NA NE
Is the aeration operational?	
Is the aeration pattern even?	
If required, are Sanitary "Ts" present in tankage?	
Comment:	
Treatment Disinfection	Yes No NA NE
Is the system working?	
Do the fecal coliform results indicate proper disinfection?	
Is there adequate detention time (>=30 minutes)?	
Is the system properly maintained?	
If gas, does the cylinder storage appear safe?	
Is the fan in the chlorine feed room and storage area operable?	
Is the chlorinator accessible?	
If tablets, are tablets present?	
Are the tablets the proper size and type?	
Is contact chamber free of sludge, solids, and growth?	
If UV, are extra UV bulbs available?	
If UV, is the UV intensity adequate?	
# Is it a dual feed system?	
Does the Stationary Source have more than 2500 lbs of Chlorine (CAS No. 7782-50-5)?	
If yes, then is there a Risk Management Plan on site?	
If yes, then what is the EPA twelve digit ID Number? (1000)	

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Inspection Date: 02/21/2024 Inspection Type : Compliance Evaluation Reason for Visit: Routine

If yes, then when was the RMP last updated? Comment: Chlorine tablets were present on-site, however, no tablets were in the chlorination system. Record Keeping Yes No NA NE Is a copy of current permit available? Are monitoring reports present: NDMR? NDAR? Are flow rates less than of permitted flow? Are flow rates less than of permitted flow? Are application rates adhered to? Is GW monitoring being conducted, if required (GW-59s submitted)? Are all samples analyzed for all required parameters? Are there any 2L GW quality violations? Is GW-59A certification form completed for facility? Is effluent sampled for same parameters as GW? Do effluent concentrations exceed GW standards? Are annual soil reports available? # Are PAN records required? # Did last soil report indicate a need for lime? If so, has it been applied? Are operational logs present? Are lab sheets available for review? Do lab sheets support data reported on NDMR? Do lab sheets support data reported on GW-59s? Are Operational and Maintenance records present? Were Operational and Maintenance records complete? Has permittee been free of public complaints in last 12 months? Is a copy of the SOC readily available? No treatment units bypassed since last inspection? Comment: Operator log book unavailable. Reported to be located at Eagle Creek WWTP. No sludge management records available. **End Use-Irrigation** Yes No NA NE Are buffers adequate? Is the cover crop type specified in permit? Is the crop cover acceptable? Is the site condition adequate? ппі

Is the site free of runoff / ponding?

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Inspection Date: 02/21/2024

Inspection Type: Compliance Evaluation

Is the acreage specified in the permit being utilized?	
Is the application equipment present?	
Is the application equipment operational?	
Is the disposal field free of limiting slopes?	
Is access restricted and/or signs posted during active site use?	
Are any supply wells within the CB?	
Are any supply wells within 250' of the CB?	
How close is the closest water supply well?	
Is municipal water available in the area?	
# Info only: Does the permit call for monitoring wells?	
Are GW monitoring wells located properly w/ respect to RB and CB?	
Are GW monitoring wells properly constructed, including screened interval?	
Are monitoring wells damaged?	
Comment:	
End Use-Infiltration	Yes No NA NE
# Is the application High Rate or Low Rate?	
Are buffers maintained?	
Are any supply wells within the CB?	
Are any supply wells within 250' of the CB?	
Is municipal water available in the area?	
Are GW monitoring wells required?	
Are GW monitoring wells located properly w/ respect to RB and CB?	
Are GW monitoring wells properly constructed, including screened interval?	
Is a usable green area maintained?	
Is the disposal site acceptable?	
Is the distribution equipment acceptable?	
Is the disposal site free of ponding?	
Is the disposal site free of breakout?	
Are the disposal sites free of solids, algae, etc.?	
Do the records show that the fields are properly maintained?	
Are the disposal sites free of vegetation?	
Do any surface water features appear to be adversely impacted by GW discharge?	
No chemicals or rototiller used to eliminate vegetation, solids, algae, etc.?	

Owner - Facility: Currituck Water and Sewer LLC Permit: WQ0004696

Inspection Type: Compliance Evaluation Inspection Date: 02/21/2024 Reason for Visit: Routine

Comment: Old infiltration basin is not being utilized. Newer partially constructed infiltration basin has not been finished, certified, or placed into service. An active discharge had been placed into use, pumping wastewater out of a pipe through the fence at the facilty. Wastewater was ponded behind the WWTP and running off-site. The operator stated that the unpermitted pipe/discharge had been placed into service five days prior to the inspection.