

**Carolina Village Wastewater Treatment Plant  
Notices of Violation & Intent to Assess Civil Penalty**

**March 2020 – February 2024**

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**Mar 26 2024**

ROY COOPER  
*Governor*  
MICHAEL S. REGAN  
*Secretary*  
S. DANIEL SMITH  
*Director*



NORTH CAROLINA  
*Environmental Quality*

**Certified Mail 7019 2970 0001 3139 7629**  
**Return Receipt Requested**

March 10, 2020

Bob Miller  
Carolina Village NC LLC  
53 East Main Street, Suite H  
Franklin, NC 27834

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

Tracking Number: NOV-2020-LV-0094  
Permit No. WQ0004696  
Carolina Village WWTP  
Currituck County

Dear Mr. Miller:

A review of the July 2019 Non-Discharge Monitoring Report (NDMR) for the subject facility revealed the violation(s) indicated below:

**Limit Exceedance Violation(s):**

Sample Location	Parameter	Date	Limit Value	Reported Value	Type of Violation
001	Nitrogen, Nitrate Total (as N) (00620)	7/31/2019	10	27.1	Monthly Average Exceeded
001	Nitrogen, Total (as N) (00600)	7/31/2019	7	28.53	Monthly Average Exceeded

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.



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Mar 26 2024

Bob Miller  
March 3, 2020  
Page 2 of 2

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) business days after receipt of this Notice. A review of your response will be considered along with any information provided on the submitted Monitoring Report(s). 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 you have any questions concerning this matter, please contact David May at (252)948-3939 or Randy Sipe at (252) 948-3849.

Sincerely,

*David May*

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

Cc: Laserfiche



ROY COOPER  
*Governor*  
MICHAEL S. REGAN  
*Secretary*  
S. DANIEL SMITH  
*Director*



NORTH CAROLINA  
*Environmental Quality*

**Certified Mail 7019 2970 0001 3139 7636**  
**Return Receipt Requested**

March 10, 2020

Bob Miller  
Carolina Village NC LLC  
53 East Main Street, Suite H  
Franklin, NC 27834

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

Tracking Number: NOV-2020-LV-0095  
Permit No. WQ0004696  
Carolina Village WWTP  
Currituck County

Dear Mr. Miller:

A review of the August 2019 Non-Discharge Monitoring Report (NDMR) for the subject facility revealed the violation(s) indicated below:

**Limit Exceedance Violation(s):**

Sample Location	Parameter	Date	Limit Value	Reported Value	Type of Violation
001	Nitrogen, Nitrate Total (as N) (00620)	8/31/2019	10	18.85	Monthly Average Exceeded
001	Nitrogen, Total (as N) (00600)	8/31/2019	7	19.32	Monthly Average Exceeded

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.



Bob Miller  
March 3, 2020  
Page 2 of 2

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) business days after receipt of this Notice. A review of your response will be considered along with any information provided on the submitted Monitoring Report(s). 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 you have any questions concerning this matter, please contact David May at (252)948-3939 or Randy Sipe at (252) 948-3849.

Sincerely,

*David May*

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

Cc: Laserfiche



ROY COOPER  
*Governor*  
MICHAEL S. REGAN  
*Secretary*  
S. DANIEL SMITH  
*Director*



NORTH CAROLINA  
*Environmental Quality*

**Certified Mail 7019 2970 0001 3139 7643**  
**Return Receipt Requested**

March 10, 2020

Bob Miller  
Carolina Village NC LLC  
53 East Main Street, Suite H  
Franklin, NC 27834

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

Tracking Number: NOV-2020-LV-0096  
Permit No. WQ0004696  
Carolina Village WWTP  
Currituck County

Dear Mr. Miller:

A review of the September 2019 Non-Discharge Monitoring Report (NDRM) for the subject facility revealed the violation(s) indicated below:

**Limit Exceedance Violation(s):**

Sample Location	Parameter	Date	Limit Value	Reported Value	Type of Violation
001	Nitrogen, Total (as N) (00600)	9/30/2019	7	12.7	Monthly Average Exceeded

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.



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Mar 26 2024

Bob Miller  
March 4, 2020  
Page 2 of 2

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) business days after receipt of this Notice. A review of your response will be considered along with any information provided on the submitted Monitoring Report(s). 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 you have any questions concerning this matter, please contact David May at (252)948-3939 or Randy Sipe at (252) 948-3849.

Sincerely,

*David May*

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

Cc: Laserfiche



ROY COOPER  
*Governor*  
MICHAEL S. REGAN  
*Secretary*  
S. DANIEL SMITH  
*Director*



NORTH CAROLINA  
*Environmental Quality*

**Certified Mail 7019 2970 0001 3139 7650**  
**Return Receipt Requested**

March 10, 2020

Bob Miller  
Carolina Village NC LLC  
53 East Main Street, Suite H  
Franklin, NC 27834

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

Tracking Number: NOV-2020-LV-0097  
Permit No. WQ0004696  
Carolina Village WWTP  
Currituck County

Dear Mr. Miller:

A review of the October 2019 Non-Discharge Monitoring Report (NDMR) for the subject facility revealed the violation(s) indicated below:

**Limit Exceedance Violation(s):**

Sample Location	Parameter	Date	Limit Value	Reported Value	Type of Violation
001	Nitrogen, Nitrate Total (as N) (00620)	10/31/2019	10	20.65	Monthly Average Exceeded
001	Nitrogen, Total (as N) (00600)	10/31/2019	7	22.1	Monthly Average Exceeded

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.



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Mar 26 2024



Bob Miller  
March 4, 2020  
Page 2 of 2

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) business days after receipt of this Notice. A review of your response will be considered along with any information provided on the submitted Monitoring Report(s). 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 you have any questions concerning this matter, please contact David May at (252)948-3939 or Randy Sipe at (252) 948-3849.

Sincerely,

*David May*

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

Cc: Lasefiche



ROY COOPER  
*Governor*  
MICHAEL S. REGAN  
*Secretary*  
S. DANIEL SMITH  
*Director*



NORTH CAROLINA  
*Environmental Quality*

**Certified Mail 7019 2970 0001 3139 7667**  
**Return Receipt Requested**

March 10, 2020

Bob Miller  
Carolina Village NC LLC  
53 East Main Street, Suite H  
Franklin, NC 27834

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

Tracking Number: NOV-2020-LV-0098  
Permit No. WQ0004696  
Carolina Village WWTP  
Currituck County

Dear Mr. Miller:

A review of the November 2019 Non-Discharge Monitoring Report (NDMR) for the subject facility revealed the violation(s) indicated below:

**Limit Exceedance Violation(s):**

Sample Location	Parameter	Date	Limit Value	Reported Value	Type of Violation
001	Nitrogen, Nitrate Total (as N) (00620)	11/30/2019	10	12.6	Monthly Average Exceeded

**Reporting Violation(s):**

Sample Location	Parameter	Date	Type of Violation
001	Nitrogen, Total (as N) (00600)	11/30/2019	Parameter Missing



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Mar 26 2024

Bob Miller  
March 4, 2020  
Page 2 of 2

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) business days after receipt of this Notice. A review of your response will be considered along with any information provided on the submitted Monitoring Report(s). 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 you have any questions concerning this matter, please contact David May at (252)948-3939 or Randy Sipe at (252) 948-3849.

Sincerely,

*David May*

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

Cc: Laserfiche



ROY COOPER  
*Governor*  
MICHAEL S. REGAN  
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S. DANIEL SMITH  
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NORTH CAROLINA  
*Environmental Quality*

**Certified Mail 7019 2970 0001 3139 8862**  
**Return Receipt Requested**

March 19, 2020

Bob Miller  
Carolina Village NC LLC  
53 East Main Street, Suite H  
Franklin, NC 27834

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

Tracking Number: NOV-2020-LM-0016  
Permit No. WQ0004696  
Carolina Village WWTP  
Currituck County

Dear Mr. Miller:

A review of the December 2019 Non-Discharge Monitoring Report (NDMR) for the subject facility revealed the violation(s) indicated below:

**Limit Exceedance Violation(s):**

Sample Location	Parameter	Date	Limit Value	Reported Value	Type of Violation
001	Nitrogen, Ammonia Total (as N) (00610)	12/31/2019	4	5.6	Monthly Average Exceeded
001	Solids, Total Suspended (00530)	12/31/2019	15	24.75	Monthly Average Exceeded

**Monitoring Violation(s):**

Sample Location	Parameter	Date	Monitoring Frequency	Type of Violation
001	Solids, Total Suspended (00530)	12/31/2019	2 X month	Frequency Violation



Bob Miller  
March 19, 2020  
Page 2 of 2

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) business days after receipt of this Notice. A review of your response will be considered along with any information provided on the submitted Monitoring Report(s). 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 have any questions concerning this matter, please contact David May at (252)948-3939 or Randy Sipe at (252) 948-3849.

Sincerely,

*David May*

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

Cc: Laserfiche



ROY COOPER  
*Governor*  
MICHAEL S. REGAN  
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S. DANIEL SMITH  
*Director*



**Certified Mail 7019 2970 0001 3139 9210**  
**Return Receipt Requested**

April 26, 2020

Bob Miller  
Carolina Village NC LLC  
53 East Main Street, Suite H  
Franklin, NC 27834

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

Tracking Number: NOV-2020-LV-0346  
Permit No. WQ0004696  
Carolina Village WWTP  
Currituck County

Dear Mr. Miller:

A review of the January 2020 Non-Discharge Monitoring Report (NDMR) for the subject facility revealed the violation(s) indicated below:

**Limit Exceedance Violation(s):**

Sample Location	Parameter	Date	Limit Value	Reported Value	Type of Violation
001	BOD, 5-Day (20 Deg. C) (00310)	1/31/2020	10	16.3	Monthly Average Exceeded
001	Flow, in conduit or thru treatment plant (50050)	1/31/2020	60,000	60,987.84	Monthly Average Exceeded
001	Nitrogen, Total (as N) (00600)	1/31/2020	7	9.88	Monthly Average Exceeded

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.



Bob Miller  
April 27, 2020  
Page 2 of 2

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) business days after receipt of this Notice. A review of your response will be considered along with any information provided on the submitted Monitoring Report(s). 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 you have any questions concerning this matter, please contact David May at (252)948-3939 or Randy Sipe at (252) 948-3849.

Sincerely,

*Robert Tankard* for

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

Cc: Laserfiche



ROY COOPER  
*Governor*  
MICHAEL S. REGAN  
*Secretary*  
S. DANIEL SMITH  
*Director*



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Mar 26 2024

**Certified Mail 7019 2970 0001 3139 9265**  
**Return Receipt Requested**

June 8, 2020

Bob Miller  
Carolina Village NC LLC  
53 East Main Street, Suite H  
Franklin, NC 27834

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

Tracking Number: NOV-2020-LV-0459  
Permit No. WQ0004696  
Carolina Village WWTP  
Currituck County

Dear Mr. Miller:

A review of the March 2020 Non-Discharge Monitoring Report (NDMR) for the subject facility revealed the violation(s) indicated below:

**Limit Exceedance Violation(s):**

Sample Location	Parameter	Date	Limit Value	Reported Value	Type of Violation
001	Flow, in conduit or thru treatment plant (50050)	3/31/2020	60,000	80,250.48	Monthly Average Exceeded
001	Nitrogen, Nitrate Total (as N) (00620)	3/31/2020	10	11.3	Monthly Average Exceeded
001	Nitrogen, Total (as N) (00600)	3/31/2020	7	44.18	Monthly Average Exceeded

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.





Bob Miller  
June 8, 2020  
Page 2 of 2

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Mar 26 2024

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) business days after receipt of this Notice. A review of your response will be considered along with any information provided on the submitted Monitoring Report(s). 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 you have any questions concerning this matter, please contact David May at (252)948-3939 or Randy Sipe at (252) 948-3849.

Sincerely,

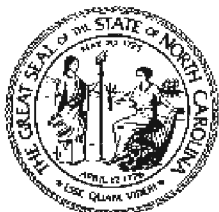
*David May*

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

Cc: Laserfiche



ROY COOPER  
*Governor*  
MICHAEL S. REGAN  
*Secretary*  
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*Director*



NORTH CAROLINA  
*Environmental Quality*

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Mar 26 2024

**Certified Mail 7019 2970 0001 3139 9272**  
**Return Receipt Requested**

June 8, 2020

Bob Miller  
Carolina Village NC LLC  
53 East Main Street, Suite H  
Franklin, NC 27834

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

Tracking Number: NOV-2020-PC-0288  
Permit No. WQ0004696  
Carolina Village WWTP  
Currituck County

Dear Mr. Miller:

A review of the February 2020 Non-Discharge Monitoring Report (NDRM) and Non-Discharge Analysis Report (NDAR2) for the subject facility revealed the violation(s) indicated below:

**Reporting Violation(s):**

Sample Location	Parameter	Date	Type of Violation
		4/30/2020	Late/Missing NDRM
		4/30/2020	Late/Missing NDAR-2

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.



Bob Miller  
June 8, 2020  
Page 2 of 2

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) business days after receipt of this Notice. A review of your response will be considered along with any information provided on the submitted Monitoring Report(s). 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 you have any questions concerning this matter, please contact David May at (252)948-3939 or Randy Sipe at (252) 948-3849.

Sincerely,

*David May*

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

Cc: Laserfiche



ROY COOPER  
*Governor*  
MICHAEL S. REGAN  
*Secretary*  
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*Director*



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Mar 26 2024

**Certified Mail 7019 2970 0001 3139 9326**  
**Return Receipt Requested**

July 8, 2020

Bob Miller  
Carolina Village NC LLC  
53 East Main Street, Suite H  
Franklin, NC 27834

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

Tracking Number: NOV-2020-LV-0524  
Permit No. WQ0004696  
Carolina Village WWTP  
Currituck County

Dear Mr. Miller:

A review of the February 2020 Non-Discharge Monitoring Report (NDMR) for the subject facility revealed the violation(s) indicated below:

**Limit Exceedance Violation(s):**

Sample Location	Parameter	Date	Limit Value	Reported Value	Type of Violation
001	Coliform, Fecal MF, MFC Broth, 44.5 C (31616)	2/29/2020	14	26.29	Monthly Geometric Mean Exceeded
001	Flow, in conduit or thru treatment plant (50050)	2/29/2020	60,000	70,115.45	Monthly Average Exceeded
001	Nitrogen, Total (as N) (00600)	2/29/2020	7	8.54	Monthly Average Exceeded

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.



Bob Miller  
July 8, 2020  
Page 2 of 2

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) business days after receipt of this Notice. A review of your response will be considered along with any information provided on the submitted Monitoring Report(s). 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.**

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If you have any questions concerning this matter, please contact David May at (252)948-3939 or Randy Sipe at (252) 948-3849.

Sincerely,

*David May*

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

Cc: Laserfiche



ROY COOPER  
*Governor*  
MICHAEL S. REGAN  
*Secretary*  
S. DANIEL SMITH  
*Director*



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Mar 26 2024

**Certified Mail 7019 2970 0001 3139 9333**  
**Return Receipt Requested**

July 8, 2020

Bob Miller  
Carolina Village NC LLC  
53 East Main Street, Suite H  
Franklin, NC 27834

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

Tracking Number: NOV-2020-LV-0525  
Permit No. WQ0004696  
Carolina Village WWTP  
Currituck County

Dear Mr. Miller:

A review of the April 2020 Non-Discharge Monitoring Report (NDRM) for the subject facility revealed the violation(s) indicated below:

**Limit Exceedance Violation(s):**

Sample Location	Parameter	Date	Limit Value	Reported Value	Type of Violation
001	Flow, in conduit or thru treatment plant (50050)	4/30/2020	60,000	68,007.83	Monthly Average Exceeded
001	Nitrogen, Nitrate Total (as N) (00620)	4/30/2020	10	11.14	Monthly Average Exceeded
001	Nitrogen, Total (as N) (00600)	4/30/2020	7	12.45	Monthly Average Exceeded

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.



Bob Miller  
July 8, 2020  
Page 2 of 2

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Mar 26 2024

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) business days after receipt of this Notice. A review of your response will be considered along with any information provided on the submitted Monitoring Report(s). 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.**

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If you have any questions concerning this matter, please contact David May at (252)948-3939 or Randy Sipe at (252) 948-3849.

Sincerely,

*David May*

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

Cc: Laserfiche



ROY COOPER  
*Governor*  
MICHAEL S. REGAN  
*Secretary*  
S. DANIEL SMITH  
*Director*



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**Certified Mail 7019 2970 0001 3140 0503**  
**Return Receipt Requested**

August 6, 2020

Bob Miller  
Carolina Village NC LLC  
53 East Main Street, Suite H  
Franklin, NC 28734

Mar 26 2024

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

Tracking Number: NOV-2020-LV-0557  
Permit No. WQ0004696  
Carolina Village WWTP  
Currituck County

Dear Mr. Miller:

A review of the May 2020 Non-Discharge Monitoring Report (NDMR) for the subject facility revealed the violation(s) indicated below:

**Limit Exceedance Violation(s):**

Sample Location	Parameter	Date	Limit Value	Reported Value	Type of Violation
001	Coliform, Fecal MF, MFC Broth, 44.5 C (31616)	5/31/2020	14	45.83	Monthly Geometric Mean Exceeded
001	Flow, in conduit or thru treatment plant (50050)	5/31/2020	60,000	67,617.74	Monthly Average Exceeded
001	Nitrogen, Nitrate Total (as N) (00620)	5/31/2020	10	13.75	Monthly Average Exceeded
001	Nitrogen, Total (as N) (00600)	5/31/2020	7	10.63	Monthly Average Exceeded





Bob Miller  
August 3, 2020  
Page 2 of 2

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) business days after receipt of this Notice. A review of your response will be considered along with any information provided on the submitted Monitoring Report(s). 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 you have any questions concerning this matter, please contact David May at (252)948-3939 or Randy Sipe at (252) 948-3849.

Sincerely,

*David May*

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

cc: Laserfiche





NORTH CAROLINA  
Environmental Quality

ROY COOPER  
Governor  
MICHAEL S. REGAN  
Secretary  
S. DANIEL SMITH  
Director

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Mar 26 2024

**Certified Mail 7019 2970 0001 3140 0541**  
**Return Receipt Requested**

September 1, 2020

Bob Miller  
Carolina Village NC LLC  
53 East Main Street, Suite H  
Franklin, NC 28734

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

Tracking Number: NOV-2020-OP-0003  
Permit No. WQ0004696  
Carolina Village WWTP  
Currituck County

Dear Mr. Miller:

The North Carolina Division of Water Resources conducted an inspection of the Carolina Village WWTP on August 28, 2020. 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 Reconnaissance inspection was conducted by Division of Water Resources staff from the Washington Regional Office. The following violation(s) were noted during the inspection:

<b>Inspection Area</b>	<b>Description of Violation</b>
End Use-Infiltration	The 2.8 million-gallon infiltration basin (originally permitted on 10/25/06) continues to be essentially plugged with only approximately 1 foot of freeboard. This is in violation of 15A NCAC 02T. 0705(c) which requires infiltration basins to maintain a minimum of 2 feet of freeboard. This is also a violation of Condition II.1 of Permit # WQ0004696 which requires the permittee to take immediate corrective action to address failure of an infiltration feature.



Bob Miller  
September 1, 2020  
Page 2 of 2

Inspection Area	Description of Violation
End Use-Irrigation	Wastewater effluent disposal at the facility is occurring through a surface irrigation system located east of the 2.8 million-gallon infiltration basin. This irrigation system is not covered under Permit # WQ0004696, or any wastewater permit; therefore, it is in violation of North Carolina General Statute 143-215.1(a)(2) which requires all wastewater treatment and disposal systems to be permitted by the State of North Carolina.

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) business 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 you have any questions concerning this matter, please contact David May at (252)948-3939 or Randy Sipe at (252) 948-3849.

Sincerely,

*David May*

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

Cc: Laserfiche





ROY COOPER  
Governor  
MICHAEL S. REGAN  
Secretary  
S. DANIEL SMITH  
Director

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Mar 26 2024

**Certified Mail 7019 2970 0001 3140 0565**  
**Return Receipt Requested**

September 22, 2020

Bob Miller  
Carolina Village NC LLC  
53 East Main Street, Suite H  
Franklin, NC 28734

SUBJECT: **NOTICE OF VIOLATION & INTENT TO ASSESS CIVIL PENALTY**  
Tracking Number: NOV-2020-LV-0642  
Permit No. WQ0004696  
Carolina Village WWTP  
Currituck County

Dear Mr. Miller:

A review of the June 2020 Non-Discharge Monitoring Report (NDMR) for the subject facility revealed the violation(s) indicated below:

**Limit Exceedance Violation(s):**

Sample Location	Parameter	Date	Limit Value	Reported Value	Type of Violation
001	Coliform, Fecal MF, MFC Broth, 44.5 C (31616)	6/30/2020	14	34.06	Monthly Geometric Mean Exceeded
001	Flow, in conduit or thru treatment plant (50050)	6/30/2020	60,000	71,187.17	Monthly Average Exceeded
001	Nitrogen, Total (as N) (00600)	6/30/2020	7	10.65	Monthly Average Exceeded

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.



Bob Miller  
September 14, 2020  
Page 2 of 2

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) business days after receipt of this Notice. A review of your response will be considered along with any information provided on the submitted Monitoring Report(s). 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 you have any questions concerning this matter, please contact David May at (252)948-3939 or Randy Sipe at (252) 948-3849.

Sincerely,

*David May*

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

cc: Laserfiche





ROY COOPER  
 Governor  
 MICHAEL S. REGAN  
 Secretary  
 S. DANIEL SMITH  
 Director

**Certified Mail 7019 2970 0001 3140 0671**  
**Return Receipt Requested**

October 6, 2020

Bob Miller  
 Carolina Village NC LLC  
 53 East Main Street, Suite H  
 Franklin, NC 28734

SUBJECT: **NOTICE OF VIOLATION & INTENT TO ASSESS CIVIL PENALTY**  
 Tracking Number: NOV-2020-LM-0077  
 Permit No. WQ0004696  
 Carolina Village WWTP  
 Currituck County

Dear Mr. Miller:

A review of the July 2020 Non-Discharge Monitoring Report (NDRM) for the subject facility revealed the violation(s) indicated below:

**Limit Exceedance Violation(s):**

Sample Location	Parameter	Date	Limit Value	Reported Value	Type of Violation
001	Coliform, Fecal MF, MFC Broth, 44.5 C (31616)	7/31/2020	14	1,200	Monthly Geometric Mean Exceeded
001	Nitrogen, Nitrate Total (as N) (00620)	7/31/2020	10	20.75	Monthly Average Exceeded
001	Nitrogen, Total (as N) (00600)	7/31/2020	7	22	Monthly Average Exceeded

**Monitoring Violation(s):**

Sample Location	Parameter	Date	Monitoring Frequency	Type of Violation
001	BOD, 5-Day (20 Deg. C) (00310)	7/31/2020	2 X month	Frequency Violation



Bob Miller  
October 6, 2020  
Page 2 of 2

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) business days after receipt of this Notice. A review of your response will be considered along with any information provided on the submitted Monitoring Report(s). 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 you have any questions concerning this matter, please contact David May at (252)948-3939 or Randy Sipe at (252) 948-3849.

Sincerely,

*David May*

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

Cc: Laserfiche





ROY COOPER  
Governor  
MICHAEL S. REGAN  
Secretary  
S. DANIEL SMITH  
Director

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Mar 26 2024

**Certified Mail 7019 2970 0001 3140 0923**  
**Return Receipt Requested**

November 13, 2020

Bob Miller  
Carolina Village NC LLC  
53 East Main Street, Suite H  
Franklin, NC 28734

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

Tracking Number: NOV-2020-LM-0083  
Permit No. WQ0004696  
Carolina Village WWTP  
Currituck County

Dear Mr. Miller:

A review of the August 2020 Non-Discharge Monitoring Report (NDMR) for the subject facility revealed the violation(s) indicated below:

**Limit Exceedance Violation(s):**

Sample Location	Parameter	Date	Limit Value	Reported Value	Type of Violation
001	Flow, in conduit or thru treatment plant (50050)	8/31/2020	60,000	84,041.32	Monthly Average Exceeded

**Monitoring Violation(s):**

Sample Location	Parameter	Date	Monitoring Frequency	Type of Violation
001	Chlorine, Total Residual (50060)	8/8/2020	5 X week	Frequency Violation
001	pH (00400)	8/8/2020	5 X week	Frequency Violation
001	Coliform, Fecal MF, MFC Broth, 44.5 C (31616)	8/31/2020	2 X month	Frequency Violation





Bob Miller  
November 13, 2020  
Page 2 of 3

**Reporting Violation(s):**

Sample Location	Parameter	Date	Type of Violation
001	BOD, 5-Day (20 Deg. C) (00310)	8/31/2020	Parameter Missing
001	Nitrogen, Ammonia Total (as N) (00610)	8/31/2020	Parameter Missing
001	Nitrogen, Kjeldahl, Total (as N) (00625)	8/31/2020	Parameter Missing
001	Nitrogen, Nitrate Total (as N) (00620)	8/31/2020	Parameter Missing
001	Nitrogen, Total (as N) (00600)	8/31/2020	Parameter Missing
001	Phosphorus, Total (as P) (00665)	8/31/2020	Parameter Missing
001	Solids, Total Suspended (00530)	8/31/2020	Parameter Missing
001	Turbidity, HCH Turbidimeter (00076)	8/31/2020	Parameter Missing

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) business days after receipt of this Notice. A review of your response will be considered along with any information provided on the submitted Monitoring Report(s). 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.



Bob Miller  
November 13, 2020  
Page 3 of 3

If you have any questions concerning this matter, please contact David May at (252)948-3939 or Randy Sipe at (252) 948-3849.

Sincerely,

*David May*

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

Cc: Laserfiche

OFFICIAL COPY

Mar 26 2024





ROY COOPER  
Governor  
MICHAEL S. REGAN  
Secretary  
S. DANIEL SMITH  
Director

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Mar 26 2024

**Certified Mail # 7019 2970 0001 3140 0985**  
**Return Receipt Requested**

January 6, 2021

Bob Miller  
Carolina Village NC LLC  
53 East Main Street, Suite H  
Franklin, NC 28734

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

Tracking Number: NOV-2021-LV-0014  
Permit No. WQ0004696  
Carolina Village WWTP  
Currituck County

Dear Mr. Miller:

A review of the October 2020 Non-Discharge Monitoring Report (NDRM) for the subject facility revealed the violation(s) indicated below:

**Limit Exceedance Violation(s):**

Sample Location	Parameter	Date	Limit Value	Reported Value	Type of Violation
001	Nitrogen, Ammonia Total (as N) (00610)	10/31/2020	4	9.6	Monthly Average Exceeded
001	Nitrogen, Total (as N) (00600)	10/31/2020	7	21.85	Monthly Average Exceeded

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) business days after receipt of this Notice. A review of your response will be considered along with any information provided on the submitted Monitoring Report(s). 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.**

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If you have any questions concerning this matter, please contact David May at (252)948-3939 or Randy Sipe at (252) 948-3849.

Sincerely,

*David May*

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

Cc: Laserfiche





ROY COOPER  
Governor  
MICHAEL S. REGAN  
Secretary  
S. DANIEL SMITH  
Director

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Mar 26 2024

**Certified Mail 7017 3380 0001 0998 9865**  
**Return Receipt Requested**

January 27, 2021

Bob Miller  
Carolina Village NC LLC  
53 East Main Street, Suite H  
Franklin, NC 28734

**SUBJECT: NOTICE OF VIOLATION & INTENT TO ASSESS CIVIL PENALTY**  
Tracking Number: NOV-2021-LV-0060  
Permit No. WQ0004696  
Carolina Village WWTP  
Currituck County

Dear Mr. Miller:

A review of the November 2020 Non-Discharge Monitoring Report (NDRM) for the subject facility revealed the violation(s) indicated below:

**Limit Exceedance Violation(s):**

Sample Location	Parameter	Date	Limit Value	Reported Value	Type of Violation
001	Flow, in conduit or thru treatment plant (50050)	11/30/2020	60,000	72,760.23	Monthly Average Exceeded
001	Nitrogen, Ammonia Total (as N) (00610)	11/30/2020	4	6.35	Monthly Average Exceeded

**Reporting Violation(s):**

Sample Location	Parameter	Date	Type of Violation
001	Nitrogen, Total (as N) (00600)	11/30/2020	Parameter Missing



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) business days after receipt of this Notice. A review of your response will be considered along with any information provided on the submitted Monitoring Report(s). 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.**

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If you have any questions concerning this matter, please contact David May at (252)948-3939 or Randy Sipe at (252) 948-3849.

Sincerely,

*David May*

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

Cc: Laserfiche





ROY COOPER  
 Governor  
 MICHAEL S. REGAN  
 Secretary  
 S. DANIEL SMITH  
 Director

OFFICIAL COPY

Mar 26 2024

**Certified Mail 7019 2970 0001 3140 1517**  
**Return Receipt Requested**

March 1, 2021

Bob Miller  
 Carolina Village NC LLC  
 53 East Main Street, Suite H  
 Franklin, NC 28734

SUBJECT: **NOTICE OF VIOLATION & INTENT TO ASSESS CIVIL PENALTY**  
 Tracking Number: NOV-2021-LM-0011  
 Permit No. WQ0004696  
 Carolina Village WWTP  
 Currituck County

Dear Mr. Miller:

A review of the December 2020 Non-Discharge Monitoring Report (NDRM) for the subject facility revealed the violation(s) indicated below:

**Limit Exceedance Violation(s):**

Sample Location	Parameter	Date	Limit Value	Reported Value	Type of Violation
001	Flow, in conduit or thru treatment plant (50050)	12/31/2020	60,000	92,565.87	Monthly Average Exceeded
001	Nitrogen, Ammonia Total (as N) (00610)	12/31/2020	4	5.2	Monthly Average Exceeded
001	Nitrogen, Total (as N) (00600)	12/31/2020	7	8.05	Monthly Average Exceeded

**Monitoring Violation(s):**

Sample Location	Parameter	Date	Monitoring Frequency	Type of Violation
001	BOD, 5-Day (20 Deg. C) (00310)	12/31/2020	2 X month	Frequency Violation



Bob Miller  
Mach 1, 2021  
Page 2 of 2

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Mar 26 2024

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.

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If you have any questions concerning this matter, please contact David May at (252)948-3939 or Randy Sipe at (252) 948-3849.

Sincerely,

*David May*

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

Cc: Laserfiche







ROY COOPER  
Governor  
DIONNE DELLI-GATTI  
Secretary  
S. DANIEL SMITH  
Director

**Certified Mail 7020 1810 0001 5981 1105**  
**Return Receipt Requested**

April 12, 2021

Bob Miller  
Carolina Village NC LLC  
53 East Main Street, Suite H  
Franklin, NC 28734

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

Tracking Number: NOV-2021-LM-0023  
Permit No. WQ0004696  
Carolina Village WWTP  
Currituck County

Dear Mr. Miller:

A review of the January 2021 Non-Discharge Monitoring Report (NDMR) for the subject facility revealed the violation(s) indicated below:

**Limit Exceedance Violation(s):**

Sample Location	Parameter	Date	Limit Value	Reported Value	Type of Violation
001	Coliform, Fecal MF, MFC Broth, 44.5 C (31616)	1/31/2021	14	49.19	Monthly Geometric Mean Exceeded
001	Flow, in conduit or thru treatment plant (50050)	1/31/2021	60,000	132,404.16	Monthly Average Exceeded
001	Nitrogen, Ammonia Total (as N) (00610)	1/31/2021	4	5.95	Monthly Average Exceeded

**Monitoring Violation(s):**

Sample Location	Parameter	Date	Monitoring Frequency	Type of Violation
001	pH (00400)	1/2/2021	5 X week	Frequency Violation

OFFICIAL COPY

Mar 26 2024



Bob Miller  
April 12, 2021  
Page 2 of 2

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.

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Sincerely,

*David May*

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

Cc: Laserfiche





ROY COOPER  
Governor  
DIONNE DELLI-GATTI  
Secretary  
S. DANIEL SMITH  
Director

OFFICIAL COPY

Mar 26 2024

**Certified Mail 7020 1810 0001 5980 8457**  
**Return Receipt Requested**

May 17, 2021

Bob Miller  
Carolina Village NC LLC  
53 East Main Street, Suite H  
Franklin, NC 28734

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

Tracking Number: NOV-2021-LV-0374  
Permit No. WQ0004696  
Carolina Village WWTP  
Currituck County

Dear Mr. Miller:

A review of the February 2021 Non-Discharge Monitoring Report (NDMR) for the subject facility revealed the violation(s) indicated below:

**Limit Exceedance Violation(s):**

Sample Location	Parameter	Date	Limit Value	Reported Value	Type of Violation
001	Coliform, Fecal MF, MFC Broth, 44.5 C (31616)	2/28/2021	14	49.19	Monthly Geometric Mean Exceeded
001	Flow, in conduit or thru treatment plant (50050)	2/28/2021	60,000	154,451.43	Monthly Average Exceeded
001	Nitrogen, Ammonia Total (as N) (00610)	2/28/2021	4	11.85	Monthly Average Exceeded
001	Nitrogen, Total (as N) (00600)	2/28/2021	7	12.8	Monthly Average Exceeded



Bob Miller  
May 17, 2021  
Page 2 of 2

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.

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Sincerely,

*David May*

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

Cc: Laserfiche



ROY COOPER  
*Governor*  
 JOHN NICHOLSON  
*Interim Secretary*  
 S. DANIEL SMITH  
*Director*



NORTH CAROLINA  
*Environmental Quality*

**Certified Mail 7020 1810 0001 5981 2256**  
**Return Receipt Requested**

June 14, 2021

Bob Miller  
 Carolina Village NC LLC  
 53 East Main Street, Suite H  
 Franklin, NC 28734

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

Tracking Number: NOV-2021-LV-0444  
 Permit No. WQ0004696  
 Carolina Village WWTP  
 Currituck County

Dear Mr. Miller:

A review of the March 2021 Non-Discharge Monitoring Report (NDMR) for the subject facility revealed the violation(s) indicated below:

**Limit Exceedance Violation(s):**

Sample Location	Parameter	Date	Limit Value	Reported Value	Type of Violation
001	Coliform, Fecal MF, MFC Broth, 44.5 C (31616)	3/31/2021	14	18.28	Monthly Geometric Mean Exceeded
001	Flow, in conduit or thru treatment plant (50050)	3/31/2021	60,000	75,807.52	Monthly Average Exceeded

**Reporting Violation(s):**

Sample Location	Parameter	Date	Type of Violation
001	Chloride (as Cl) (00940)	3/31/2021	Parameter Missing
001	Solids, Total Dissolved- 180 Deg.C (70300)	3/31/2021	Parameter Missing



Bob Miller  
June 14, 2021  
Page 2 of 2

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) business days after receipt of this Notice. A review of your response will be considered along with any information provided on the submitted Monitoring Report(s). 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 you have any questions concerning this matter, please contact David May at (252)948-3939 or Randy Sipe at (252) 948-3849.

Sincerely,

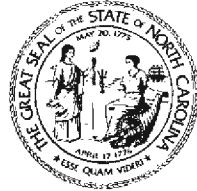
*David May*

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

Cc: Laserfiche



ROY COOPER  
*Governor*  
 JOHN NICHOLSON  
*Interim Secretary*  
 S. DANIEL SMITH  
*Director*



NORTH CAROLINA  
*Environmental Quality*

**Certified Mail 7020 1810 0001 5981 2287**  
**Return Receipt Requested**

June 18, 2021

Bob Miller  
 Carolina Village NC LLC  
 53 East Main Street, Suite H  
 Franklin, NC 28734

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

Tracking Number: NOV-2021-LM-0047  
 Permit No. WQ0004696  
 Carolina Village WWTP  
 Currituck County

Dear Mr. Miller:

A review of the April 2021 Non-Discharge Monitoring Report (NDMR) for the subject facility revealed the violation(s) indicated below:

**Limit Exceedance Violation(s):**

Sample Location	Parameter	Date	Limit Value	Reported Value	Type of Violation
001	Coliform, Fecal MF, MFC Broth, 44.5 C (31616)	4/30/2021	14	41.59	Monthly Geometric Mean Exceeded
001	Flow, in conduit or thru treatment plant (50050)	4/30/2021	60,000	71,308.37	Monthly Average Exceeded
001	Nitrogen, Total (as N) (00600)	4/30/2021	7	7.55	Monthly Average Exceeded

**Monitoring Violation(s):**

Sample Location	Parameter	Date	Monitoring Frequency	Type of Violation
001	Chlorine, Total Residual (50060)	4/17/2021	5 X week	Frequency Violation
001	pH (00400)	4/17/2021	5 X week	Frequency Violation



Bob Miller  
June 18, 2021  
Page 2 of 2

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) business days after receipt of this Notice. A review of your response will be considered along with any information provided on the submitted Monitoring Report(s). 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 you have any questions concerning this matter, please contact David May at (252)948-3939 or Randy Sipe at (252) 948-3849.

Sincerely,

*David May*

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

Cc: Laserfiche





ROY COOPER  
Governor  
ELIZABETH S. BISER  
Secretary  
S. DANIEL SMITH  
Director



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Mar 26 2024

**Certified Mail 7020 1810 0001 5981 1723**  
**Return Receipt Requested**

July 23, 2021

Bob Miller  
Carolina Village NC LLC  
53 East Main Street, Suite H  
Franklin, NC 28734

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

Tracking Number: NOV-2021-LV-0546  
Permit No. WQ0004696  
Carolina Village WWTP  
Currituck County

Dear Mr. Miller:

A review of the May 2021 Non-Discharge Monitoring Report (NDMR) for the subject facility revealed the violation(s) indicated below:

**Limit Exceedance Violation(s):**

Sample Location	Parameter	Date	Limit Value	Reported Value	Type of Violation
001	Nitrogen, Total (as N) (00600)	5/31/2021	7	9.25	Monthly Average Exceeded

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) business days after receipt of this Notice. A review of your response will be considered along with any information provided on the submitted Monitoring Report(s). 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.**



Bob Miller  
July 23, 2021  
Page 2 of 2

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 you have any questions concerning this matter, please contact David May at (252)948-3939 or Randy Sipe at (252) 948-3849.

Sincerely,

*David May*

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

Cc: Laserfiche



ROY COOPER  
*Governor*  
ELIZABETH S. BISER  
*Secretary*  
S. DANIEL SMITH  
*Director*



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Mar 26 2024

**Certified Mail 7020 1810 0001 5981 1839**  
**Return Receipt Requested**

August 12, 2021

Bob Miller  
Carolina Village NC LLC  
53 East Main Street, Suite H  
Franklin, NC 28734

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

Tracking Number: NOV-2021-OP-0006  
Permit No. WQ0004696  
Carolina Village WWTP  
Currituck County

Dear Mr. Miller:

The North Carolina Division of Water Resources conducted an inspection of the Carolina Village WWTP on July 29, 2021. 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:

<b>Inspection Area</b>	<b>Description of Violation</b>
Treatment	The EQ tank and barscreen continue to be bypassed due to the poor and unsafe condition of the EQ tank and access stairs. This is a violation of Condition III.1 of Permit No. WQ0004696 that requires the proper operation and maintenance of the wastewater treatment system. This is also a violation of Condition III. 9 of Permit No. WQ0004696, which excluded the bypassing of untreated or partially treated wastewater.
End Use-Infiltration	The 2.8-million-gallon infiltration basin (originally permitted on 10/25/06) continues to be plugged with fine sediment and solids from the WWTP and unable to adequately infiltrate effluent. This is a violation of Condition II.1 of Permit No. WQ0004696, which requires the permittee to take immediate corrective action to address failure of an infiltration feature.



Bob Miller  
August 12, 2021  
Page 2 of 3

Inspection Area	Description of Violation
Treatment Disinfection	The chlorine contact chamber had a significant buildup of solids. This is a violation of Condition III.1 of Permit No. WQ0004696 that requires the proper operation and maintenance of the wastewater treatment system.
Treatment Flow Measurement-Effluent	There was no documentation of the calibration of the effluent flow meter. This is in violation of Condition IV.3 of the Permit No. WQ0004696, which requires that flow measurement devices be calibrated at least annually and that calibration records be maintained for a period of at least 5 years.
End Use-Irrigation	Wastewater effluent continues to be disposed of through a surface irrigation system located east of the 2.8-million-gallon infiltration basin. This irrigation system is not covered under Permit No. WQ0004696, or any wastewater permit; therefore, it is in violation of North Carolina General Statutes 143-215.1(a)(2) which requires all wastewater treatment and disposal systems to be permitted by the State of North Carolina.

In addition, the issues below must also be addressed:

#### Compliance Issue(s):

- Record Keeping - The monthly reports for October 2020 and March 2021 were spot checked and it was found that there were effluent data that were miscopied from the lab reports onto the NDMRs and that daily flow data had been miscalculated from the daily operational logs. Also, samples from another facility had been erroneously included on the chain-of custody and lab report for Carolina Village.

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) business 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.



Bob Miller  
August 12, 2021  
Page 3 of 3

If you have any questions concerning this matter, please contact David May at (252)948-3939 or Randy Sipe at (252) 948-3849.

Sincerely,

*David May*

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

cc: Laserfiche

OFFICIAL COPY

Mar 26 2024



ROY COOPER  
*Governor*  
ELIZABETH S. BISER  
*Secretary*  
S. DANIEL SMITH  
*Director*



NORTH CAROLINA  
*Environmental Quality*

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Mar 26 2024

**Certified Mail 7020 1810 0001 5980 9720**  
**Return Receipt Requested**

October 25, 2021

Bob Miller  
Carolina Village NC LLC  
53 East Main Street, Suite H  
Franklin, NC 28734

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

Tracking Number: NOV-2021-PC-0525  
Permit No. WQ0004696  
Carolina Village WWTP  
Currituck County

Dear Mr. Miller:

A review of the July 2021 Non-Discharge Monitoring Report (NDRM) and Non-Discharge Analysis Report (NDAR2) for the subject facility revealed the violation(s) indicated below:

**Reporting Violation(s):**

Sample Location	Parameter	Date	Type of Violation
		9/30/2021	Late/Missing NDRM
		9/30/2021	Late/Missing NDAR-2

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.



Bob Miller  
October 25, 2021  
Page 2 of 2

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) business days after receipt of this Notice. A review of your response will be considered along with any information provided on the submitted Monitoring Report(s). 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 you have any questions concerning this matter, please contact David May at (252)948-3939 or Randy Sipe at (252) 948-3849.

Sincerely,

*David May*

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

Cc: Laserfiche



ROY COOPER  
*Governor*  
ELIZABETH S. BISER  
*Secretary*  
S. DANIEL SMITH  
*Director*



NORTH CAROLINA  
*Environmental Quality*

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Mar 26 2024

**Certified Mail 7020 1810 0001 5980 9799**  
**Return Receipt Requested**

October 27, 2021

Bob Miller  
Carolina Village NC LLC  
53 East Main Street, Suite H  
Franklin, NC 28734

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

Tracking Number: NOV-2021-LM-0100  
Permit No. WQ0004696  
Carolina Village WWTP  
Currituck County

Dear Mr. Miller:

A review of the August 2021 Non-Discharge Monitoring Report (NDMR) for the subject facility revealed the violation(s) indicated below:

**Limit Exceedance Violation(s):**

Sample Location	Parameter	Date	Limit Value	Reported Value	Type of Violation
001	Phosphorus, Total (as P) (00665)	8/31/2021	3	3.26	Monthly Average Exceeded
001	Solids, Total Suspended (00530)	8/31/2021	15	34	Monthly Average Exceeded

**Monitoring Violation(s):**

Sample Location	Parameter	Date	Monitoring Frequency	Type of Violation
001	BOD, 5-Day (20 Deg. C) (00310)	8/31/2021	2 X month	Frequency Violation





Bob Miller  
October 25, 2021  
Page 2 of 2

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) business days after receipt of this Notice. A review of your response will be considered along with any information provided on the submitted Monitoring Report(s). 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 you have any questions concerning this matter, please contact David May at (252)948-3939 or Randy Sipe at (252) 948-3849.

Sincerely,

*David May*

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

Cc: Laserfiche



ROY COOPER  
Governor  
ELIZABETH S. BISER  
Secretary  
S. DANIEL SMITH  
Director



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Mar 26 2024

**Certified Mail 7020 1810 0001 5980 9430**  
**Return Receipt Requested**

December 6, 2021

Bob Miller  
Carolina Village NC LLC  
53 East Main Street, Suite H  
Franklin, NC 28734

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

Tracking Number: NOV-2021-LV-0911  
Permit No. WQ0004696  
Carolina Village WWTP  
Currituck County

Dear Mr. Miller:

A review of the September 2021 Non-Discharge Monitoring Report (NDMR) for the subject facility revealed the violation(s) indicated below:

**Limit Exceedance Violation(s):**

Sample Location	Parameter	Date	Limit Value	Reported Value	Type of Violation
001	BOD, 5-Day (20 Deg. C) (00310)	9/30/2021	10	14.5	Monthly Average Exceeded
001	Nitrogen, Nitrate Total (as N) (00620)	9/30/2021	10	18.6	Monthly Average Exceeded
001	Nitrogen, Total (as N) (00600)	9/30/2021	7	20.25	Monthly Average Exceeded

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.



Bob Miller  
December 6, 2021  
Page 2 of 2

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) business days after receipt of this Notice. A review of your response will be considered along with any information provided on the submitted Monitoring Report(s). 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 you have any questions concerning this matter, please contact David May at (252)948-3939 or Randy Sipe at (252) 948-3849.

Sincerely,

*David May*

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

Cc: Laserfiche



ROY COOPER  
Governor  
ELIZABETH S. BISER  
Secretary  
S. DANIEL SMITH  
Director



OFFICIAL COPY

Mar 26 2024

**Certified Mail 7021 1970 0001 1325 0810**  
**Return Receipt Requested**

January 24, 2022

Bob Miller  
Carolina Village NC LLC  
53 East Main Street, Suite H  
Franklin, NC 28734

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

Tracking Number: NOV-2022-LV-0073  
Permit No. WQ0004696  
Carolina Village WWTP  
Currituck County

Dear Mr. Miller:

A review of the October 2021 Non-Discharge Monitoring Report (NDMR) for the subject facility revealed the violation(s) indicated below:

**Limit Exceedance Violation(s):**

Sample Location	Parameter	Date	Limit Value	Reported Value	Type of Violation
001	BOD, 5-Day (20 Deg. C) (00310)	10/31/2021	10	12.5	Monthly Average Exceeded
001	Coliform, Fecal MF, MFC Broth, 44.5 C (31616)	10/31/2021	14	98.38	Monthly Geometric Mean Exceeded
001	Nitrogen, Ammonia Total (as N) (00610)	10/31/2021	4	21.85	Monthly Average Exceeded
001	Nitrogen, Total (as N) (00600)	10/31/2021	7	26.15	Monthly Average Exceeded
001	Phosphorus, Total (as P) (00665)	10/31/2021	3	6.66	Monthly Average Exceeded
001	Solids, Total Suspended (00530)	10/31/2021	15	43.25	Monthly Average Exceeded



Bob Miller  
January 24, 2022  
Page 2 of 2

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) calendar days after receipt of this Notice. A review of your response will be considered along with any information provided on the submitted Monitoring Report(s). 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 you have any questions concerning this matter, please contact David May at (252)948-3939 or Randy Sipe at (252) 948-3849.

Sincerely,

*David May*

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

Cc: Laserfiche



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



**Certified Mail 7021 2720 0001 5875 5190**  
**Return Receipt Requested**

April 5, 2022

Bob Miller  
Carolina Village NC LLC  
251 Dry Valley Rd. NE, Unit S-2  
Cleveland, TN 37312-6619

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

Tracking Number: NOV-2022-LV-0228  
Permit No. WQ0004696  
Carolina Village WWTP  
Currituck County

Dear Mr. Miller:

A review of the November 2021 Non-Discharge Monitoring Report (NDMR) for the subject facility revealed the violation(s) indicated below:

**Limit Exceedance Violation(s):**

Sample Location	Parameter	Date	Limit Value	Reported Value	Type of Violation
001	BOD, 5-Day (20 Deg. C) (00310)	11/30/2021	10	188.5	Monthly Average Exceeded
001	Nitrogen, Ammonia Total (as N) (00610)	11/30/2021	4	13.55	Monthly Average Exceeded
001	Nitrogen, Nitrate Total (as N) (00620)	11/30/2021	10	27.16	Monthly Average Exceeded
001	Nitrogen, Total (as N) (00600)	11/30/2021	7	46.65	Monthly Average Exceeded
001	Phosphorus, Total (as P) (00665)	11/30/2021	3	5.26	Monthly Average Exceeded
001	Solids, Total Suspended (00530)	11/30/2021	15	65.8	Monthly Average Exceeded



**Reporting Violation(s):**

Sample Location	Parameter	Date	Type of Violation
001	Chloride (as Cl) (00940)	11/30/2021	Parameter Missing
001	Solids, Total Dissolved- 180 Deg.C (70300)	11/30/2021	Parameter Missing

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) calendar days after receipt of this Notice. A review of your response will be considered along with any information provided on the submitted Monitoring Report(s). 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 you have any questions concerning this matter, please contact David May at (252)948-3939 or Randy Sipe at (252)948-3849.

Sincerely,

*David May*

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

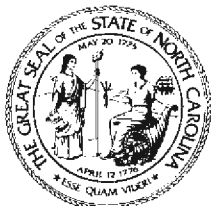
Cc: Laserfiche



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Mar 26 2024

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



NORTH CAROLINA  
*Environmental Quality*

**Certified Mail 7021 0950 0001 8685 0350**  
**Return Receipt Requested**

June 6, 2022

Bob Miller  
Carolina Village NC LLC  
251 Dry Valley Rd. NE, Unit S-2  
Cleveland, TN 37312-6619

SUBJECT: **NOTICE OF VIOLATION**  
Tracking Number: NOV-2022-PC-0308  
Permit No. WQ0004696  
Carolina Village WWTP  
Currituck County

Dear Mr. Miller:

A review of the December 2021 Non-Discharge Analysis Report (NDAR2) and Non-Discharge Monitoring Report (NDMR) for the subject facility revealed the violation(s) indicated below:

**Reporting Violation(s):**

Sample Location	Parameter	Date	Type of Violation
		3/2/2022	Late/Missing NDAR-2
		3/2/2022	Late/Missing NDMR

Remedial actions, if not already implemented, should be taken to correct any noted problems. The Division of Water Resources may pursue enforcement actions for this and any additional violations.





To prevent further action, please respond in writing to this office **within 10 calendar days** upon your receipt of this Notice of Violation regarding your plans or measures to be taken to address the indicated violations and other identified issues, if applicable.

If you have any questions concerning this matter, please contact David May at (252) 948-3939 or Randy Sipe at (252) 948-3849.

Sincerely,

*David May*

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

Cc: Rebecca Manning – Envirolink ( electronic copy)  
Laserfiche  
ent Unit - Enforcement File

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Mar 26 2024



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



**Certified Mail 7021 0950 0001 8691 2676**  
**Return Receipt Requested**

July 19, 2022

Bob Miller  
Carolina Village NC LLC  
251 Dry Valley Rd. NE, Unit S-2  
Cleveland, TN 37312-6619

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

Tracking Number: NOV-2022-LV-0480  
Permit No. WQ0004696  
Carolina Village WWTP  
Currituck County

Dear Mr. Miller:

A review of the January 2022 Non-Discharge Monitoring Report (NDMR) for the subject facility revealed the violation(s) indicated below:

**Limit Exceedance Violation(s):**

Sample Location	Parameter	Date	Limit Value	Reported Value	Type of Violation
001	BOD, 5-Day (20 Deg. C) (00310)	1/31/2022	10	54.5	Monthly Average Exceeded
001	Coliform, Fecal MF, MFC Broth, 44.5 C (31616)	1/31/2022	14	49.19	Monthly Geometric Mean Exceeded
001	Nitrogen, Ammonia Total (as N) (00610)	1/31/2022	4	12.95	Monthly Average Exceeded
001	Nitrogen, Nitrate Total (as N) (00620)	1/31/2022	10	11.8	Monthly Average Exceeded
001	Nitrogen, Total (as N) (00600)	1/31/2022	7	26.4	Monthly Average Exceeded
001	Solids, Total Suspended (00530)	1/31/2022	15	26.4	Monthly Average Exceeded



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) business days after receipt of this Notice. A review of your response will be considered along with any information provided on the submitted Monitoring Report(s). 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 you have any questions concerning this matter, please contact David May at (252)948-3939 or Randy Sipe at (252)948-3849.

Sincerely,

*David May*

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

Cc: Laserfiche



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



**Certified Mail 7021 0950 0001 8691 ~~2737~~** *2645 ORS 7/25/22*  
**Return Receipt Requested**

July 22, 2022

Bob Miller  
Carolina Village NC LLC  
251 Dry Valley Rd. NE, Unit S-2  
Cleveland, TN 37312-6619

**SUBJECT: NOTICE OF VIOLATION & INTENT TO ASSESS CIVIL PENALTY**  
Tracking Number: NOV-2022-LV-0481  
Permit No. WQ0004696  
Carolina Village WWTP  
Currituck County

Dear Mr. Miller:

A review of the February 2022 Non-Discharge Monitoring Report (NDMR) for the subject facility revealed the violation(s) indicated below:

**Limit Exceedance Violation(s):**

Sample Location	Parameter	Date	Limit Value	Reported Value	Type of Violation
001	BOD, 5-Day (20 Deg. C) (00310)	2/28/2022	10	21	Monthly Average Exceeded
001	Nitrogen, Ammonia Total (as N) (00610)	2/28/2022	4	8.45	Monthly Average Exceeded
001	Nitrogen, Total (as N) (00600)	2/28/2022	7	13.5	Monthly Average Exceeded
001	Solids, Total Suspended (00530)	2/28/2022	15	24	Monthly Average Exceeded



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) business days after receipt of this Notice. A review of your response will be considered along with any information provided on the submitted Monitoring Report(s). 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 you have any questions concerning this matter, please contact David May at (252)948-3939 or Randy Sipe at (252)948-3849.

Sincerely,

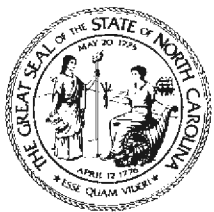
*David May*

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

Cc: Laserfiche



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



NORTH CAROLINA  
Environmental Quality

OFFICIAL COPY

Mar 26 2024

**Certified Mail 7021 0950 0001 8685 2682**  
**Return Receipt Requested**

July 27, 2022

Bob Miller  
Carolina Village NC LLC  
251 Dry Valley Rd. NE, Unit S-2  
Cleveland, TN 37312-6619

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

Tracking Number: NOV-2022-LV-0506  
Permit No. WQ0004696  
Carolina Village WWTP  
Currituck County

Dear Mr. Miller:

A review of the March 2022 Non-Discharge Monitoring Report (NDRM) for the subject facility revealed the violation(s) indicated below:

**Limit Exceedance Violation(s):**

Sample Location	Parameter	Date	Limit Value	Reported Value	Type of Violation
001	Nitrogen, Ammonia Total (as N) (00610)	3/31/2022	4	8.45	Monthly Average Exceeded
001	Nitrogen, Total (as N) (00600)	3/31/2022	7	12.15	Monthly Average Exceeded

**Reporting Violation(s):**

Sample Location	Parameter	Date	Type of Violation
001	Chloride (as Cl) (00940)	3/31/2022	Parameter Missing
001	Solids, Total Dissolved- 180 Deg.C (70300)	3/31/2022	Parameter Missing



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 information provided on the submitted Monitoring Report(s). 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 you have any questions concerning this matter, please contact David May at (252)948-3939 or Randy Sipe at (252)948-3849.

Sincerely,

*David May*

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

Cc: Laserfiche



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



**Certified Mail 7021 0950 0001 8685 2699**  
**Return Receipt Requested**

August 3, 2022

Bob Miller  
Carolina Village NC LLC  
251 Dry Valley Rd. NE, Unit S-2  
Cleveland, TN 37312-6619

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

Tracking Number: NOV-2022-LV-0523  
Permit No. WQ0004696  
Carolina Village WWTP  
Currituck County

Dear Mr. Miller:

A review of the April 2022 Non-Discharge Monitoring Report (NDMR) for the subject facility revealed the violation(s) indicated below:

**Limit Exceedance Violation(s):**

Sample Location	Parameter	Date	Limit Value	Reported Value	Type of Violation
001	Coliform, Fecal MF, MFC Broth, 44.5 C (31616)	4/30/2022	14	49.19	Monthly Geometric Mean Exceeded
001	Nitrogen, Total (as N) (00600)	4/30/2022	7	7.65	Monthly Average Exceeded

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) business days after receipt of this Notice. A review of your response will be considered along with any information provided on the submitted Monitoring Report(s). 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 you have any questions concerning this matter, please contact David May at (252)948-3939 or Randy Sipe at (252)948-3849.

Sincerely,

*David May*

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

Cc: Laserfiche



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



**Certified Mail 7021 0950 0001 8685 2712**  
**Return Receipt Requested**

August 29, 2022

Bob Miller  
Carolina Village NC LLC  
251 Dry Valley Rd. NE, Unit S-2  
Cleveland, TN 37312-6619

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

Tracking Number: NOV-2022-LV-0595  
Permit No. WQ0004696  
Carolina Village WWTP  
Currituck County

Dear Mr. Miller:

A review of the May 2022 Non-Discharge Monitoring Report (NDMR) for the subject facility revealed the violation(s) indicated below:

**Limit Exceedance Violation(s):**

Sample Location	Parameter	Date	Limit Value	Reported Value	Type of Violation
001	Coliform, Fecal MF, MFC Broth, 44.5 C (31616)	5/31/2022	14	23.41	Monthly Geometric Mean Exceeded
001	Nitrogen, Ammonia Total (as N) (00610)	5/31/2022	4	31.45	Monthly Average Exceeded
001	Nitrogen, Total (as N) (00600)	5/31/2022	7	34.2	Monthly Average Exceeded
001	Phosphorus, Total (as P) (00665)	5/31/2022	3	7.66	Monthly Average Exceeded



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) business days after receipt of this Notice. A review of your response will be considered along with any information provided on the submitted Monitoring Report(s). 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 you have any questions concerning this matter, please contact David May at (252)948-3939 or Randy Sipe at (252)948-3849.

Sincerely,

*David May*

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

Cc: Laserfiche



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



OFFICIAL COPY

Mar 26 2024

**Certified Mail 7022 1670 0000 9974 5296**  
**Return Receipt Requested**

September 16, 2022

Bob Miller  
Carolina Village NC LLC  
251 Dry Valley Rd. NE, Unit S-2  
Cleveland, TN 37312-6619

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

Tracking Number: NOV-2022-LV-0644  
Permit No. WQ0004696  
Carolina Village WWTP  
Currituck County

Dear Mr. Miller:

A review of the December 2021 Non-Discharge Monitoring Report (NDMR) for the subject facility revealed the violation(s) indicated below:

**Limit Exceedance Violation(s):**

Sample Location	Parameter	Date	Limit Value	Reported Value	Type of Violation
001	BOD, 5-Day (20 Deg. C) (00310)	12/31/2021	10	52.5	Monthly Average Exceeded
001	Coliform, Fecal MF, MFC Broth, 44.5 C (31616)	12/31/2021	14	147.58	Monthly Geometric Mean Exceeded
001	Nitrogen, Ammonia Total (as N) (00610)	12/31/2021	4	21.75	Monthly Average Exceeded
001	Nitrogen, Total (as N) (00600)	12/31/2021	7	28.9	Monthly Average Exceeded
001	Phosphorus, Total (as P) (00665)	12/31/2021	3	6.32	Monthly Average Exceeded
001	Solids, Total Suspended (00530)	12/31/2021	15	36.7	Monthly Average Exceeded



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 information provided on the submitted Monitoring Report(s). 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.**

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If you have any questions concerning this matter, please contact David May at (252)948-3939 or Randy Sipe at (252)948-3849.

Sincerely,

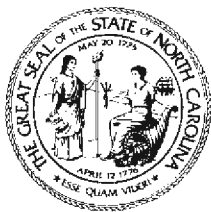
*David May*

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

Cc: Laserfiche



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



NORTH CAROLINA  
Environmental Quality

**Certified Mail 7022 1670 0000 9974 5388**  
**Return Receipt Requested**

November 2, 2022

Bob Miller  
Carolina Village NC LLC  
251 Dry Valley Rd. NE, Unit S-2  
Cleveland, TN 37312-6619

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

Tracking Number: NOV-2022-LV-0814  
Permit No. WQ0004696  
Carolina Village WWTP  
Currituck County

Dear Mr. Miller:

A review of the June 2022 Non-Discharge Monitoring Report (NDMR) for the subject facility revealed the violation(s) indicated below:

**Limit Exceedance Violation(s):**

Sample Location	Parameter	Date	Limit Value	Reported Value	Type of Violation
001	Nitrogen, Ammonia Total (as N) (00610)	6/30/2022	4	30.95	Monthly Average Exceeded
001	Nitrogen, Total (as N) (00600)	6/30/2022	7	33.6	Monthly Average Exceeded
001	Solids, Total Suspended (00530)	6/30/2022	15	16.25	Monthly Average Exceeded

**Reporting Violation(s):**

Sample Location	Parameter	Date	Type of Violation
001	Chlorine, Total Residual (50060)	6/30/2022	Parameter Missing
001	pH (00400)	6/30/2022	Parameter Missing



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 information provided on the submitted Monitoring Report(s). 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.**

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If you have any questions concerning this matter, please contact David May at (252)948-3939 or Randy Sipe at (252)948-3849.

Sincerely,

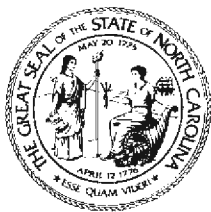
*David May*

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

Cc: Laserfiche



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



NORTH CAROLINA  
*Environmental Quality*

**Certified Mail 7021 0950 0001 8685 3856**  
**Return Receipt Requested**

November 21, 2022

Bob Miller  
Carolina Village NC LLC  
251 Dry Valley Rd. NE, Unit S-2  
Cleveland, TN 37312-6619

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

Tracking Number: NOV-2022-LV-0865  
Permit No. WQ0004696  
Carolina Village WWTP  
Currituck County

Dear Mr. Miller:

A review of the July 2022 Non-Discharge Monitoring Report (NDMR) for the subject facility revealed the violation(s) indicated below:

**Limit Exceedance Violation(s):**

Sample Location	Parameter	Date	Limit Value	Reported Value	Type of Violation
001	Nitrogen, Ammonia Total (as N) (00610)	7/31/2022	4	26.4	Monthly Average Exceeded
001	Nitrogen, Total (as N) (00600)	7/31/2022	7	31.25	Monthly Average Exceeded

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 information provided on the submitted Monitoring Report(s). 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.**

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Sincerely,

*David May*

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

Cc: Laserfiche



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



**Certified Mail 7021 0950 0001 8685 3917**  
**Return Receipt Requested**

January 10, 2023

Bob Miller  
Carolina Village NC LLC  
251 Dry Valley Rd. NE, Unit S-2  
Cleveland, TN 37312-6619

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

Tracking Number: NOV-2023-LV-0014  
Permit No. WQ0004696  
Carolina Village WWTP  
Currituck County

Dear Mr. Miller:

A review of the August 2022 Non-Discharge Monitoring Report (NDMR) for the subject facility revealed the violation(s) indicated below:

**Limit Exceedance Violation(s):**

Sample Location	Parameter	Date	Limit Value	Reported Value	Type of Violation
001	Nitrogen, Ammonia Total (as N) (00610)	8/31/2022	4	6.29	Monthly Average Exceeded
001	Nitrogen, Total (as N) (00600)	8/31/2022	7	15.9	Monthly Average Exceeded

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.



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If you have any questions concerning this matter, please contact David May at (252)948-3939 or Randy Sipe at (252)948-3849.

Sincerely,

*David May*

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

Cc: Laserfiche



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



**Certified Mail 7021 0950 0001 8685 3955**  
**Return Receipt Requested**

January 11, 2023

Bob Miller  
Carolina Village NC LLC  
251 Dry Valley Rd. NE, Unit S-2  
Cleveland, TN 37312-6619

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

Tracking Number: NOV-2023-LM-0008  
Permit No. WQ0004696  
Carolina Village WWTP  
Currituck County

Dear Mr. Miller:

A review of the September 2022 Non-Discharge Monitoring Report (NDRM) for the subject facility revealed the violation(s) indicated below:

**Limit Exceedance Violation(s):**

Sample Location	Parameter	Date	Limit Value	Reported Value	Type of Violation
001	Coliform, Fecal MF, MFC Broth, 44.5 C (31616)	9/30/2022	14	536.94	Monthly Geometric Mean Exceeded
001	Nitrogen, Nitrate Total (as N) (00620)	9/30/2022	10	12.4	Monthly Average Exceeded
001	Nitrogen, Total (as N) (00600)	9/30/2022	7	15.6	Monthly Average Exceeded
001	Phosphorus, Total (as P) (00665)	9/30/2022	3	4.79	Monthly Average Exceeded

**Monitoring Violation(s):**

Sample Location	Parameter	Date	Monitoring Frequency	Type of Violation
001	pH (00400)	9/3/2022	5 X week	Frequency Violation



**Monitoring Violation(s):**

Sample Location	Parameter	Date	Monitoring Frequency	Type of Violation
001	Chlorine, Total Residual (50060)	9/10/2022	5 X week	Frequency Violation
001	pH (00400)	9/10/2022	5 X week	Frequency Violation

**Other Violation(s):**

Type of Violation	Date	Violation Description
Permit conditions violation	9/30/2022	It was noted on the NDMR that the effluent flow meter did not operate for the entire month. This is a violation of Conditions III.1, IV.3, and IV.13 of Permit No. WQ0004696. Condition III.1 requires the permittee to properly operate and maintain the facility. Condition IV.3 requires that flow through the facility be continuously monitored and that a flow measurement device be maintained. Condition IV.13 requires the permittee to notify the regional office of any process unit failure within 24 hours.

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) business days after receipt of this Notice. A review of your response will be considered along with any information provided on the submitted Monitoring Report(s). 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.**

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If you have any questions concerning this matter, please contact David May at (252)948-3939 or Randy Sipe at (252)948-3849.

Sincerely,

*David May*

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

Cc: Laserfiche



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Mar 26 2024

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



**Certified Mail 7021 0950 0001 8685 3962**  
**Return Receipt Requested**

January 11, 2023

Bob Miller  
 Carolina Village NC LLC  
 251 Dry Valley Rd. NE, Unit S-2  
 Cleveland, TN 37312-6619

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

Tracking Number: NOV-2023-LM-0009  
 Permit No. WQ0004696  
 Carolina Village WWTP  
 Currituck County

Dear Miller:

A review of the October 2022 Non-Discharge Monitoring Report (NDMR) for the subject facility revealed the violation(s) indicated below:

**Limit Exceedance Violation(s):**

Sample Location	Parameter	Date	Limit Value	Reported Value	Type of Violation
001	Coliform, Fecal MF, MFC Broth, 44.5 C (31616)	10/31/2022	14	19.62	Monthly Geometric Mean Exceeded
001	Nitrogen, Total (as N) (00600)	10/31/2022	7	9.1	Monthly Average Exceeded
001	Phosphorus, Total (as P) (00665)	10/31/2022	3	4.8	Monthly Average Exceeded

**Monitoring Violation(s):**

Sample Location	Parameter	Date	Monitoring Frequency	Type of Violation
001	Chlorine, Total Residual (50060)	10/22/2022	5 X week	Frequency Violation
001	pH (00400)	10/22/2022	5 X week	Frequency Violation



**Other Violation(s):**

Type of Violation	Date	Violation Description
Permit conditions violation	10/31/2022	It was noted on the NDMR that the effluent flow meter did not operate for the entire month. This is a violation of Conditions III.1, IV.3, and IV.13 of Permit No. WQ0004696. Condition III.1 requires the permittee to properly operate and maintain the facility. Condition IV.3 requires that flow through the facility be continuously monitored and that a flow measurement device be maintained. Condition IV.13 requires the permittee to notify the regional office of any process unit failure within 24 hours.

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) business days after receipt of this Notice. A review of your response will be considered along with any information provided on the submitted Monitoring Report(s). 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 you have any questions concerning this matter, please contact David May at (252)948-3939 or Randy Sipe at (252)948-3849.

Sincerely,

*David May*

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

Cc: Laserfiche



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



**Certified Mail 7022 1670 0000 9974 8211**  
**Return Receipt Requested**

October 19, 2023

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

SUBJECT: **NOTICE OF VIOLATION**  
Tracking Number: NOV-2023-MV-0183  
Permit No. WQ0004696  
Carolina Village WWTP  
Currituck County

Dear Mr. Myers:

A review of the August 2023 Non-Discharge Monitoring Report (NDMR) for the subject facility revealed the violation(s) indicated below:

**Monitoring Violation(s):**

Sample Location	Parameter	Date	Monitoring Frequency	Type of Violation
001	Chlorine, Total Residual (50060)	8/5/2023	5 X week	Frequency Violation
001	pH (00400)	8/5/2023	5 X week	Frequency Violation

Remedial actions, if not already implemented, should be taken to correct any noted problems. The Division of Water Resources may pursue enforcement actions for this and any additional violations. 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 (SOC).





If you have any questions concerning this matter, please contact Robert Tankard at (252) 948-3921 or Randy Sipe at (252) 948-3849.

Sincerely,

*Robert Tankard*

Robert Tankard, Assistant Regional Supervisor  
Water Quality Regional Operations Section  
Washington Regional Office  
Division of Water Resources, NCDEQ

Cc: Andrew White - Envirolink (electronic copy)  
Daniel Sears - Envirolink (electronic copy)  
David Pharr – ORC (electronic copy)  
Michelle Pharr - Backup ORC (electronic copy)  
Laserfiche



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



**Certified Mail # 7022 1670 0000 9974 9003**  
**Return Receipt Requested**

February 5, 2024

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

**SUBJECT: NOTICE OF VIOLATION**  
Tracking Number: NOV-2024-PC-0096  
Permit No. WQ0004696  
Carolina Village WWTP  
Currituck County

Dear Mr. Myers:

A review of the September 2023 Non-Discharge Monitoring Report (NDMR) for the subject facility revealed the violation(s) indicated below:

**Reporting Violation(s):**

Sample Location	Parameter	Date	Type of Violation
		11/30/2023	Late/Missing NDMR.
		11/30/2023	Late/Missing NDAR-2

Remedial actions, if not already implemented, should be taken to correct any noted problems. The Division of Water Resources may pursue enforcement actions for this and any additional violations. 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 (SOC).



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Mar 26 2024

If you have any questions concerning this matter or to apply for an SOC, please contact Robert Tankard (252) 948-3921 or Victoria Herdt (252) 948-3844 of the Washington Regional Office.

Sincerely,

*Robert Tankard*

Robert Tankard, Assistant Regional Supervisor  
Water Quality Regional Operations Section  
Washington Regional Office  
Division of Water Resources, NCDEQ

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Mar 26 2024





NORTH CAROLINA  
Environmental Quality

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

**Certified Mail # 7022 1670 0000 9974 4893**  
**Return Receipt Requested**

February 6, 2024

Michael Myers, President Vice  
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-LV-0120  
Permit No. WQ0004696  
Carolina Village WWTP  
Currituck County

Dear Mr. Myers:

A review of the November 2023 Non-Discharge Monitoring Report (NDRM) for the subject facility revealed the violation(s) indicated below:

**Limit Exceedance Violation(s):**

Sample Location	Parameter	Date	Limit Value	Reported Value	Type of Violation
001	Nitrogen, Ammonia Total (as N) (00610)	11/30/2023	4	4.33	Monthly Average Exceeded
001	Nitrogen, Total (as N) (00600)	11/30/2023	7	8.6	Monthly Average Exceeded

**Reporting Violation(s):**

Sample Location	Parameter	Date	Type of Violation
003	Oxygen, Dissolved (DO) (00300)	11/30/2023	Parameter Missing
003	pH (00400)	11/30/2023	Parameter Missing
004	Oxygen, Dissolved (DO) (00300)	11/30/2023	Parameter Missing
004	pH (00400)	11/30/2023	Parameter Missing



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Mar 26 2024

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) business days after receipt of this Notice. A review of your response will be considered along with any information provided on the submitted Monitoring Report(s). 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.

**Reminder:** Pursuant to Permit Condition 11 in Section 4, the Permittee is required to verbally notify the Regional Office as soon as possible, not to exceed 24 hours, from first knowledge of any non-compliance at the facility including limit violations, bypasses of, or failure of a treatment unit. A written report may be required within 5 days if directed by Division staff. Prior notice should be given for anticipated or potential problems due to planned maintenance activities, taking units off-line, etc.

If you have any questions concerning this matter or to apply for an SOC, please contact Robert Tankard (252) 948-3921 or Victoria Herdt (252) 949-3844 of the Washington Regional Office.

Sincerely,

*Robert Tankard*

Robert Tankard, Assistant Regional Supervisor  
Water Quality Regional Operations Section  
Washington Regional Office  
Division of Water Resources, NCDEQ

Cc: Laserfiche



**Carolina Village Wastewater Treatment Plant  
Civil Penalty Assessments**

**July 2020 – April 2023**

**OFFICIAL COPY**

**Mar 26 2024**

**DIVISION OF WATER RESOURCES - CIVIL PENALTY ASSESSMENT**

**Violator:** Carolina Village NC LLC  
**Facility Name:** Carolina Village WWTP  
**Permit Number:** WQ0004696  
**County:** Currituck  
**Case Number:** LV-2020-0199

**ASSESSMENT FACTORS**

- 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;**

Unknown

The existing WWTP has not been capable of meeting effluent limits since 2015 when the permit was modified at the permittee's request to reflect proposed upgrades to the treatment and disposal system. The permittee has yet to perform the proposed upgrades to the WWTP to remedy the situation. *OLM 07-23-2020*

- 2) **The duration and gravity of the violation;**

Significant

The existing WWTP has not been capable of meeting effluent limits since 2015 when the permit was modified at the permittee's request to reflect proposed upgrades to the treatment and disposal system. *OLM*

- 3) **The effect on ground or surface water quantity or quality or on air quality;**

Unknown

The existing WWTP has not been capable of meeting effluent limits since 2015 when the permit was modified at the permittee's request to reflect proposed upgrades to the treatment and disposal system. The permittee has yet to perform the proposed upgrades to the WWTP to remedy the situation. *OLM*

- 4) **The cost of rectifying the damage;**

Unknown *OLM*

- 5) **The amount of money saved by noncompliance;**

Significant - *money has been saved by not upgrading the facility and operating the WWTP to meet standards.*

Costs would be related to consulting engineering to supervise the construction of a new WWTP; and, a contractor to construct a new WWTP.

- 6) **Whether the violation was committed willfully or intentionally;**

Unknown *OLM*

The permittee has known of the need to upgrade the WWTP since they took ownership of the facility in 2013 but has not yet taken any substantive actions to perform any upgrades.

- 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**

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The permittee took ownership of the WWTP in early 2013, and was made aware of the need to modify the WWTP, and that the permit expired in January 2015, but did not take action until December 2014 when a permit renewal and modification application was submitted. Since that time the permittee has not taken any substantive action to perform any upgrades to the WWTP.

OLM

8) The cost to the State of the enforcement procedures.

\$45.29

OLM

07-23-2020

Date

*David May*

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

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Mar 26 2024



ROY COOPER  
*Governor*  
MICHAEL S. REGAN  
*Secretary*  
S. DANIEL SMITH  
*Director*



**Certified Mail 7019 2970 0001 3139 9340**  
**Return Receipt Requested**

July 23, 2020

Bob Miller  
Carolina Village NC LLC  
53 East Main Street, Suite H  
Franklin, NC 28734

SUBJECT: Notice of Violation and Assessment of Civil Penalty  
for Violations of Non-discharge Permit No. WQ0004696  
Carolina Village NC LLC  
Carolina Village WWTP  
Case No. LV-2020-0199  
Currituck County

Dear Permittee:

This letter transmits a Notice of Violation and assessment of civil penalty in the amount of \$295.29 (\$250.00 civil penalty + \$45.29 enforcement costs) against Carolina Village NC LLC.

This assessment is based upon the following facts: a review has been conducted of the Non-Discharge Monitoring Report (NDRM) submitted by Carolina Village NC LLC for the month of September 2019. This review has shown the subject facility to be in violation of the limitations and/or monitoring requirements found in Non-discharge Permit No. WQ0004696. The violations, which occurred in September 2019, are summarized in Attachment A to this letter.

Based upon the above facts, I conclude as a matter of law that Carolina Village NC LLC violated the terms, conditions or requirements of Non-discharge Permit No. WQ0004696 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  
252-848-6481

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Mar 26 2024

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 Carolina Village NC LLC:

<u>\$250.00</u>	1 of 1 violations of the Permit Monthly Average for <b>Nitrogen, Total (as N)</b> per the limits established in Permit No. WQ0004696
<u>\$250.00</u>	<b>TOTAL CIVIL PENALTY</b>
<u>\$45.29</u>	Enforcement Costs
<u>\$295.29</u>	<b>TOTAL AMOUNT DUE</b>

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:

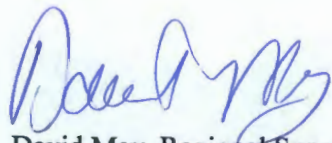
Mr. William F. Lane, General Counsel  
Department of Environmental Quality  
1601 Mail Service Center  
Raleigh, North Carolina 27699-1601

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 Dwight Sipe with the Division of Water Resources staff of the Washington Regional Office at () - or via email at [Randy.Sipe@ncdenr.gov](mailto:Randy.Sipe@ncdenr.gov).

Sincerely,



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

ATTACHMENTS

Cc: Laserfiche

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Mar 26 2024

**JUSTIFICATION FOR REMISSION REQUEST**

**Case Number:** LV-2020-0199  
**Assessed Party:** Carolina Village NC LLC  
**Permit No.:** WQ0004696

**County:** Currituck

**Amount Assessed:** \$295.29

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:**

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Mar 26 2024

STATE OF NORTH CAROLINA

DEPARTMENT OF ENVIRONMENTAL QUALITY

COUNTY OF CURRITUCK

IN THE MATTER OF ASSESSMENT )  
OF CIVIL PENALTIES AGAINST )

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

**Carolina Village NC LLC )  
Carolina Village WWTP )**

PERMIT NO. WQ0004696 )

**CASE NO. LV-2020-0199**

Having been assessed civil penalties totaling \$295.29 for violation(s) as set forth in the assessment document of the Division of Water Resources dated July 23, 2020, 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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MAR 26 2024

**ATTACHMENT A**

**Carolina Village NC LLC**

**CASE NUMBER: LV-2020-0199**

**PERMIT: WQ0004696**

**REGION: Washington**

**FACILITY: Carolina Village WWTP**

**COUNTY: Currituck**

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**LIMIT VIOLATION(S)**

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**SAMPLE LOCATION: PPI001**

<b>Violation Date</b>	<b>Report Month/Yr</b>	<b>Parameter</b>	<b>Frequency</b>	<b>Unit of Measure</b>	<b>Limit Value</b>	<b>Calculated Value</b>	<b>% Over Limit</b>	<b>Violation Type</b>	<b>Penalty Amount</b>
9/30/2019	9-2019	Nitrogen, Total (as N)	2 X month	mg/l	7	12.7	81.4	Monthly Average Exceeded	\$250.00

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Mar 26 2024

**DIVISION OF WATER RESOURCES - CIVIL PENALTY ASSESSMENT**

**Violator:** Carolina Village NC LLC  
**Facility Name:** Carolina Village WWTP  
**Permit Number:** WQ0004696  
**County:** Currituck  
**Case Number:** LV-2020-0201

**ASSESSMENT FACTORS**

- 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;**

Unknown

The existing WWTP has not been capable of meeting effluent limits since 2015 when the permit was modified at the permittee's request to reflect proposed upgrades to the treatment and disposal system. The permittee has yet to perform the proposed upgrades to the WWTP to remedy the situation.

- 2) **The duration and gravity of the violation;** *OLM*

Significant

The existing WWTP has not been capable of meeting effluent limits since 2015 when the permit was modified at the permittee's request to reflect proposed upgrades to the treatment and disposal system.

- 3) **The effect on ground or surface water quantity or quality or on air quality;** *OLM*

Unknown

The existing WWTP has not been capable of meeting effluent limits since 2015 when the permit was modified at the permittee's request to reflect proposed upgrades to the treatment and disposal system. The permittee has yet to perform the proposed upgrades to the WWTP to remedy the situation.

- 4) **The cost of rectifying the damage;** *OLM*

Unknown

- 5) **The amount of money saved by noncompliance;** *OLM*

Significant

Costs would be related to consulting engineering to supervise the construction of a new WWTP; and, a contractor to construct a new WWTP.

- 6) **Whether the violation was committed willfully or intentionally;** *OLM*

Unknown

The permittee has known of the need to upgrade the WWTP since they took ownership of the facility in 2013 but has not yet taken any substantive actions to perform any upgrades.

- 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**

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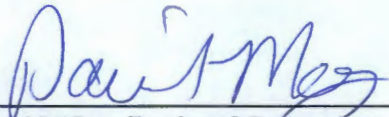


The permittee took ownership of the WWTP in early 2013, and was made aware of the need to modify the WWTP, and that the permit expired in January 2015, but did not take action until December 2014 when a permit renewal and modification application was submitted. Since that time the permittee has not taken any substantive action to perform any upgrades to the WWTP.

8) **The cost to the State of the enforcement procedures.**

\$45.29

07-30-2020  
Date

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

OFFICIAL COPY

Mar 26 2024

ROY COOPER  
*Governor*  
MICHAEL S. REGAN  
*Secretary*  
S. DANIEL SMITH  
*Director*



**Certified Mail 7019 2970 0001 3140 0480**  
**Return Receipt Requested**

July 30, 2020

Bob Miller  
Carolina Village NC LLC  
53 East Main Street, Suite H  
Franklin, NC 28734

SUBJECT: Notice of Violation and Assessment of Civil Penalty  
for Violations of Non-discharge Permit No. WQ0004696  
Carolina Village NC LLC  
Carolina Village WWTP  
Case No. LV-2020-0201  
Currituck County

Dear Mr. Miller:

This letter transmits a Notice of Violation and assessment of civil penalty in the amount of \$545.29 (\$500.00 civil penalty + \$45.29 enforcement costs) against Carolina Village NC LLC.

This assessment is based upon the following facts: a review has been conducted of the Non-Discharge Monitoring Report (NDMR) submitted by Carolina Village NC LLC for the month of October 2019. This review has shown the subject facility to be in violation of the limitations and/or monitoring requirements found in Non-discharge Permit No. WQ0004696. The violations, which occurred in October 2019, are summarized in Attachment A to this letter.

Based upon the above facts, I conclude as a matter of law that Carolina Village NC LLC violated the terms, conditions or requirements of Non-discharge Permit No. WQ0004696 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  
252-846-6481

OFFICIAL COPY

Mar 26 2024

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 Carolina Village NC LLC:

- \$250.00    1 of 1 violations of the Permit Monthly Average for **Nitrogen, Nitrate Total (as N)** per the limits established in Permit No. WQ0004696
  
- \$250.00    1 of 1 violations of the Permit Monthly Average for **Nitrogen, Total (as N)** per the limits established in Permit No. WQ0004696
  
- \$500.00    **TOTAL CIVIL PENALTY**
- \$45.29    Enforcement Costs
- \$545.29    **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:

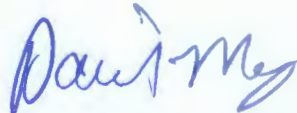
Mr. William F. Lane, General Counsel  
Department of Environmental Quality  
1601 Mail Service Center  
Raleigh, North Carolina 27699-1601

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 Dwight Sipe with the Division of Water Resources staff of the Washington Regional Office at () - or via email at [Randy.Sipe@ncdenr.gov](mailto:Randy.Sipe@ncdenr.gov).

Sincerely,



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

ATTACHMENTS

Cc: Laserfiche  
e

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Mar 26 2024

**JUSTIFICATION FOR REMISSION REQUEST**

**Case Number:** LV-2020-0201  
**Assessed Party:** Carolina Village NC LLC  
**Permit No.:** WQ0004696

**County:** Currituck

**Amount Assessed:** \$545.29

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:**

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Mar 26 2024

STATE OF NORTH CAROLINA  
COUNTY OF CURRITUCK

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF ASSESSMENT  
OF CIVIL PENALTIES AGAINST

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

**Carolina Village NC LLC**  
**Carolina Village WWTP**

PERMIT NO. WQ0004696

) **CASE NO. LV-2020-0201**

Having been assessed civil penalties totaling \$545.29 for violation(s) as set forth in the assessment document of the Division of Water Resources dated July 30, 2020, 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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Mar 26 2024

**ATTACHMENT A**

**Carolina Village NC LLC**

**CASE NUMBER: LV-2020-0201**

**PERMIT: WQ0004696**

**REGION: Washington**

**FACILITY: Carolina Village WWTP**

**COUNTY: Currituck**

**LIMIT VIOLATION(S)**

**SAMPLE LOCATION: PPI001**

Violation Date	Report Month/Yr	Parameter	Frequency	Unit of Measure	Limit Value	Calculated Value	% Over Limit	Violation Type	Penalty Amount
10/31/2019	10-2019	Nitrogen, Nitrate Total (as N)	2 X month	mg/l	10	20.65	106.5	Monthly Average Exceeded	\$250.00
10/31/2019	10-2019	Nitrogen, Total (as N)	2 X month	mg/l	7	22.1	215.7	Monthly Average Exceeded	\$250.00

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Mar 26 2024



**DIVISION OF WATER RESOURCES - CIVIL PENALTY ASSESSMENT**

**Violator:** Carolina Village NC LLC  
**Facility Name:** Carolina Village WWTP  
**Permit Number:** WQ0004696  
**County:** Currituck  
**Case Number:** LV-2020-0220

**ASSESSMENT FACTORS**

- 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;**

Unknown

The existing WWTP has not been capable of meeting effluent limits since 2015 when the permit was modified at the permittee's request to reflect proposed upgrades to the treatment and disposal system. The permittee has yet to perform the proposed upgrades to the WWTP to remedy the situation.

- 2) The duration and gravity of the violation;**

Significant

The existing WWTP has not been capable of meeting effluent limits since 2015 when the permit was modified at the permittee's request to reflect proposed upgrades to the treatment and disposal system.

- 3) The effect on ground or surface water quantity or quality or on air quality;**

Unknown

The existing WWTP has not been capable of meeting effluent limits since 2015 when the permit was modified at the permittee's request to reflect proposed upgrades to the treatment and disposal system. The permittee has yet to perform the proposed upgrades to the WWTP to remedy the situation.

- 4) The cost of rectifying the damage;**

Unknown

- 5) The amount of money saved by noncompliance;**

Significant

Costs would be related to consulting engineering to supervise the construction of a new WWTP; and, a contractor to construct a new WWTP.

- 6) Whether the violation was committed willfully or intentionally;**

Unknown

The permittee has known of the need to upgrade the WWTP since they took ownership of the facility in 2013 but has not yet taken any substantive actions to perform any upgrades.

- 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**

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Mar 26 2024

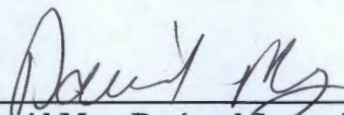
The permittee took ownership of the WWTP in early 2013, and was made aware of the need to modify the WWTP and that the permit expired in January 2015, but did not take action until December 2014 when a permit renewal and modification application was submitted. Since that time the permittee has not taken any substantive action to perform any upgrades to the WWTP.

8) **The cost to the State of the enforcement procedures.**

\$45.29

08-19-20

**Date**



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

ROY COOPER  
Governor  
MICHAEL S. REGAN  
Secretary  
S. DANIEL SMITH  
Director



**Certified Mail 7019 2970 0001 3140 0527**  
**Return Receipt Requested**

August 19, 2020

Bob Miller  
Carolina Village NC LLC  
53 East Main Street, Suite H  
Franklin, NC 28734

**SUBJECT:** Notice of Violation and Assessment of Civil Penalty  
for Violations of Non-discharge Permit No. WQ0004696  
Carolina Village NC LLC  
Carolina Village WWTP  
Case No. LV-2020-0220  
Currituck County

Dear Mr. Miller:

This letter transmits a Notice of Violation and assessment of civil penalty in the amount of \$670.29 (\$625.00 civil penalty + \$45.29 enforcement costs) against Carolina Village NC LLC.

This assessment is based upon the following facts: a review has been conducted of the Non-Discharge Monitoring Report (NDMR) submitted by Carolina Village NC LLC for the month of November 2019. This review has shown the subject facility to be in violation of the limitations and/or monitoring requirements found in Non-discharge Permit No. WQ0004696. The violations, which occurred in November 2019, are summarized in Attachment A to this letter.

Based upon the above facts, I conclude as a matter of law that Carolina Village NC LLC violated the terms, conditions or requirements of Non-discharge Permit No. WQ0004696 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 | 843 Washington Square Mall | Washington, North Carolina 27889  
252-948-6481

OFFICIAL COPY

Mar 26 2024

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 Carolina Village NC LLC:

<u>\$312.50</u>	1 of 1 violations of the Permit Monthly Average for <b>Nitrogen, Nitrate Total (as N)</b> per the limits established in Permit No. WQ0004696
<u>\$312.50</u>	For 1 of the 1 failures to submit monitoring reports or portions of monitoring reports in violation of Permit No. WQ0004696.
<u>\$625.00</u>	<b>TOTAL CIVIL PENALTY</b>
<u>\$45.29</u>	Enforcement Costs
<u>\$670.29</u>	<b>TOTAL AMOUNT DUE</b>

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:

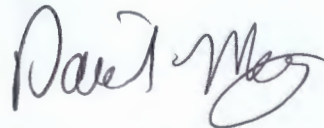
Mr. William F. Lane, General Counsel  
Department of Environmental Quality  
1601 Mail Service Center  
Raleigh, North Carolina 27699-1601

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 Randy Sipe with the Division of Water Resources staff of the Washington Regional Office at (252)948-3849 or via email at [randy.sipe@ncdenr.gov](mailto:randy.sipe@ncdenr.gov).

Sincerely,



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

ATTACHMENTS

Cc: Laserfiche

**ATTACHMENT A**

**Carolina Village NC LLC**

**CASE NUMBER: LV-2020-0220**

**PERMIT: WQ0004696**

**REGION: Washington**

**FACILITY: Carolina Village WWTP**

**COUNTY: Currituck**

**LIMIT VIOLATION(S)**

**SAMPLE LOCATION: PPI001**

Violation Date	Report Month/Yr	Parameter	Frequency	Unit of Measure	Limit Value	Calculated Value	% Over Limit	Violation Type	Penalty Amount
11/30/2019	11-2019	Nitrogen, Nitrate Total (as N)	2 X month	mg/l	10	12.6	26.0	Monthly Average Exceeded	\$312.50

**REPORTING VIOLATION(S)**

**SAMPLE LOCATION: PPI001**

Violation Date	Report Month/Yr	Parameter	Frequency	Unit of Measure	Limit Value	Calculated Value	% Over Limit	Violation Type	Penalty Amount
11/30/2019	11-2019	Nitrogen, Total (as N)	2 X month	mg/l				Parameter Missing	\$312.50

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Mar 26 2024

**JUSTIFICATION FOR REMISSION REQUEST**

**Case Number:** LV-2020-0220  
**Assessed Party:** Carolina Village NC LLC  
**Permit No.:** WQ0004696

**County:** Currituck

**Amount Assessed:** \$670.29

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:**

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Mar 26 2024



STATE OF NORTH CAROLINA

DEPARTMENT OF ENVIRONMENTAL QUALITY

COUNTY OF CURRITUCK

IN THE MATTER OF ASSESSMENT  
OF CIVIL PENALTIES AGAINST

**Carolina Village NC LLC**  
**Carolina Village WWTP**

PERMIT NO. WQ0004696

)  
)  
)  
)  
)  
)  
)

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

**CASE NO. LV-2020-0220**

Having been assessed civil penalties totaling \$670.29 for violation(s) as set forth in the assessment document of the Division of Water Resources dated August 19, 2020, 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

\_\_\_\_\_

OFFICIAL COPY  
Mar 26 2024



ROY COOPER  
*Governor*  
MICHAEL S. REGAN  
*Secretary*  
S. DANIEL SMITH  
*Director*

OFFICIAL COPY

Mar 26 2024

**Certified Mail 7019 2970 0001 3140 0558**  
**Return Receipt Requested**

September 8, 2020

Bob Miller  
Carolina Village NC LLC  
53 East Main Street, Suite H  
Franklin, NC 28734

SUBJECT: Notice of Violation and Assessment of Civil Penalty  
for Violations of Non-discharge Permit No. WQ0004696  
Carolina Village NC LLC  
Carolina Village WWTP  
Case No. LM-2020-0031  
Currituck County

Dear Mr. Miller:

This letter transmits a Notice of Violation and assessment of civil penalty in the amount of \$982.79 (\$937.50 civil penalty + \$45.29 enforcement costs) against Carolina Village NC LLC.

This assessment is based upon the following facts: a review has been conducted of the Non-Discharge Monitoring Report (NDMR) submitted by Carolina Village NC LLC for the month of December 2019. This review has shown the subject facility to be in violation of the limitations and/or monitoring requirements found in Non-discharge Permit No. WQ0004696. The violations, which occurred in December 2019, are summarized in Attachment A to this letter.

Based upon the above facts, I conclude as a matter of law that Carolina Village NC LLC violated the terms, conditions or requirements of Non-discharge Permit No. WQ0004696 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 Environment & Natural Resources | Division of Water Resources  
Westington Regional Office | 943 Westington Square Mall | Westington, North Carolina 27889  
252-946-6481

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 Carolina Village NC LLC:

\$312.50	1 of 1 violations of the Permit Monthly Average for <b>Nitrogen, Ammonia Total (as N)</b> per the limits established in Permit No. WQ0004696
\$312.50	1 of 1 violations of the Permit Monthly Average for <b>Solids, Total Suspended</b> per the limits established in Permit No. WQ0004696
\$312.50	for 1 of the 1 failures to properly monitor <b>Solids, Total Suspended</b> in violation of Permit No. WQ0004696.
\$937.50	<b>TOTAL CIVIL PENALTY</b>
\$45.29	Enforcement Costs
\$982.79	<b>TOTAL AMOUNT DUE</b>

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 Randy Sipe with the Division of Water Resources staff of the Washington Regional Office at (252)948-3849 or via email at [randy.sipe@ncdenr.gov](mailto:randy.sipe@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

**JUSTIFICATION FOR REMISSION REQUEST**

**Case Number:** LM-2020-0031 **County:** Currituck  
**Assessed Party:** Carolina Village NC LLC  
**Permit No.:** WQ0004696 **Amount Assessed:** \$982.79

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 CURRITUCK

IN THE MATTER OF ASSESSMENT )  
OF CIVIL PENALTIES AGAINST )

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

**Carolina Village NC LLC** )  
**Carolina Village WWTP** )

PERMIT NO. WQ0004696 )

**CASE NO. LM-2020-0031**

Having been assessed civil penalties totaling \$982.79 for violation(s) as set forth in the assessment document of the Division of Water Resources dated September 8, 2020, 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

This the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
SIGNATURE

ADDRESS

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

TELEPHONE

\_\_\_\_\_

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Mar 26 2024

**ATTACHMENT A**

**Carolina Village NC LLC**

**CASE NUMBER: LM-2020-0031**

**PERMIT: WQ0004696**

**REGION: Washington**

**FACILITY: Carolina Village WWTP**

**COUNTY: Currituck**

**LIMIT VIOLATION(S)**

**SAMPLE LOCATION: PPI001**

Violation Date	Report Month/Yr	Parameter	Frequency	Unit of Measure	Limit Value	Calculated Value	% Over Limit	Violation Type	Penalty Amount
12/31/2019	12-2019	Nitrogen, Ammonia Total (as N)	2 X month	mg/l	4	5.6	40.0	Monthly Average Exceeded	\$312.50
12/31/2019	12-2019	Solids, Total Suspended	2 X month	mg/l	15	24.75	65.0	Monthly Average Exceeded	\$312.50

**MONITORING VIOLATION(S)**

**SAMPLE LOCATION: PPI001**

Violation Date	Report Month/Yr	Parameter	Frequency	Unit of Measure	Limit Value	Calculated Value	% Over Limit	Violation Type	Penalty Amount
12/31/2019	12-2019	Solids, Total Suspended	2 X month	mg/l				Frequency Violation	\$312.50

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Mar 26 2024



**DIVISION OF WATER RESOURCES - CIVIL PENALTY ASSESSMENT**

**Violator:** Carolina Village NC LLC

**Facility Name:** Carolina Village WWTP

**Permit Number:** WQ0004696

**County:** Currituck

**Case Number:** OP-2020-0001

**ASSESSMENT FACTORS**

- 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;**

Unknown,

The permittee has known of the ongoing issues with the wastewater disposal system at the facility since they purchased it in June 2013 and has not performed any substantive actions to address them. The continued operation of the spray irrigation system, which was originally meant to only be a temporary, interim measure, may be adversely impacting surface water and groundwater quality through persistent ponding and potential runoff. Elevated liquid levels in the plugged infiltration system may result in overflows and impacts to surface water quality.

- 2) The duration and gravity of the violation;**

Significant,

It was determined that the infiltration basin was plugged in 2009 and “interim” surface irrigation has been going on at the facility since 2010.

- 3) The effect on ground or surface water quantity or quality or on air quality;**

Unknown,

The permittee has known of the ongoing issues with the wastewater disposal system at the facility since they purchased it in June 2013 and has not performed any substantive actions to address them. The continued operation of the spray irrigation system, which was originally meant to only be a temporary, interim measure, may be adversely impacting surface water and groundwater quality through persistent ponding and potential runoff. Elevated liquid levels in the plugged infiltration system may result in overflows and impacts to surface water quality.

- 4) The cost of rectifying the damage;**

Unknown,

The costs would be related to construction of the new treatment and disposal system proposed in the current permit.

- 5) The amount of money saved by noncompliance;**

Significant, the cost to construct a new wastewater treatment and disposal system is estimated in the hundreds of thousand dollars range.

- 6) Whether the violation was committed willfully or intentionally;**

WaRO does not believe the violations were willfully or intentionally committed.

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Mar 26 2024

- 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**

The facility was under SOCs from 2015 until the end of 2019 but the permittee failed to take any substantive actions to address the issues with the wastewater disposal system or any other equipment or operational issues. The facility remains chronically out of compliance with permit conditions and effluent limits

- 8) **The cost to the State of the enforcement procedures.**

**\$69.53**

09/28/2020

**Date**

*David May*

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

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Mar 26 2024

ROY COOPER  
*Governor*

MICHAEL S. REGAN  
*Secretary*

S. DANIEL SMITH  
*Director*



NORTH CAROLINA  
*Environmental Quality*

**Certified Mail 7019 2970 0001 3140 0633**  
**Return Receipt Requested**

September 28, 2020

Bob Miller  
Carolina Village NC LLC  
53 East Main Street, Suite H  
Franklin, NC 28734

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. WQ0004696  
Carolina Village NC LLC  
Carolina Village WWTP  
Case No. OP-2020-0001  
Currituck County

Dear Mr. Miller:

This letter transmits a Notice of Violation and assessment of civil penalty in the amount of \$1,569.53 (\$1,500.00 civil penalty + \$69.53 enforcement costs) against Carolina Village NC LLC.

This assessment is based upon the following facts: an inspection of the Carolina Village WWTP was conducted on August 28, 2020. 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. This inspection has shown the subject facility to be in violation of the conditions and limitations found in Non-discharge Permit No. WQ0004696. 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 Carolina Village NC LLC violated the terms, conditions or requirements of Non-discharge Permit No. WQ0004696 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 27389  
252-946-6481

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Mar 26 2024

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 Carolina Village NC LLC:

\$1,500.00 For 2 of the 2 violations of the conditions and limitations specified in Permit No. WQ0004696.

\$1,500.00 **TOTAL CIVIL PENALTY**

\$69.53 Enforcement Costs

\$1,569.53 **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 Randy Sipe with the Division of Water Resources staff of the Washington Regional Office at (25)948-3849 or via email at [randy.sipe@ncdenr.gov](mailto:randy.sipe@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

OFFICIAL COPY

Mar 26 2024

**JUSTIFICATION FOR REMISSION REQUEST**

**Case Number:** OP-2020-0001

**County:** Currituck

**Assessed Party:** Carolina Village NC LLC

**Permit No.:** WQ0004696

**Amount Assessed:** \$1,569.53

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 CURRITUCK

IN THE MATTER OF ASSESSMENT  
OF CIVIL PENALTIES AGAINST

**Carolina Village NC LLC**

**Carolina Village WWTP**

PERMIT NO. WQ0004696

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

) **CASE NO. OP-2020-0001**

Having been assessed civil penalties totaling \$1,569.53 for violation(s) as set forth in the assessment document of the Division of Water Resources dated September 28, 2020, 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

\_\_\_\_\_

OFFICIAL COPY

Mar 26 2024



**ATTACHMENT A**

**Carolina Village NC LLC**

**CASE NUMBER: OP-2020-0001**

**PERMIT NO:** WQ0004696

**REGION:** Washington

**FACILITY:** Carolina Village WWTP

**COUNTY:** Currituck

<b>VIOLATION DATE</b>	<b>AREA</b>	<b>VIOLATION TYPE</b>	<b>VIOLATION DESCRIPTION</b>	<b>PENALTY AMOUNT</b>
8/28/2020	End Use-Irrigation	Operating without a permit	Wastewater effluent disposal at the facility is occurring through a surface irrigation system located east of the 2.8 million-gallon infiltration basin. This irrigation system is not covered under Permit # WQ0004696, or any wastewater permit; therefore, it is in violation of North Carolina General Statue 143-215.1(a)(2) which requires all wastewater treatment and disposal systems to be permitted by the State of North Carolina.	\$1,000.00
8/28/2020	End Use-Infiltration	Permit conditions violation	The 2.8million-gallon infiltration basin (originally permitted on 10/25/06) continues to be essentially plugged with only approximately 1 foot of freeboard. This is in violation of 15A NCAC 02T. 0705(c) which requires infiltration basins to maintain a minimum of 2 feet of freeboard. This is also a violation of Condition II.1 of Permit # WQ0004696 which requires the permittee to take immediate corrective action to address failure of an infiltration feature.	\$500.00

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Mar 26 2024

**DIVISION OF WATER RESOURCES - CIVIL PENALTY ASSESSMENT**

**Violator:** Carolina Village NC LLC  
**Facility Name:** Carolina Village WWTP  
**Permit Number:** WQ0004696  
**County:** Currituck  
**Case Number:** LV-2020-0282

**ASSESSMENT FACTORS**

- 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;**

Unknown

The existing WWTP has not been capable of meeting effluent limits since 2015 when the permit was modified at the permittee's request to reflect proposed upgrades to the treatment and disposal system. The permittee has yet to perform the proposed upgrades to the WWTP to remedy the situation.

- 2) The duration and gravity of the violation;**

Significant

The existing WWTP has not been capable of meeting effluent limits since 2015 when the permit was modified at the permittee's request to reflect proposed upgrades to the treatment and disposal system.

- 3) The effect on ground or surface water quantity or quality or on air quality;**

Unknown

The existing WWTP has not been capable of meeting effluent limits since 2015 when the permit was modified at the permittee's request to reflect proposed upgrades to the treatment and disposal system. The permittee has yet to perform the proposed upgrades to the WWTP to remedy the situation.

- 4) The cost of rectifying the damage;**

Unknown

- 5) The amount of money saved by noncompliance;**

Significant

Costs would be related to consulting engineering to supervise the construction of a new WWTP; and, a contractor to construct a new WWTP.

- 6) Whether the violation was committed willfully or intentionally;**

Unknown

The permittee has known of the need to upgrade the WWTP since they took ownership of the facility in 2013 but has not yet taken any substantive actions to perform any upgrades.

**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**

The permittee took ownership of the WWTP in early 2013, and was made aware of the need to modify the WWTP, and that the permit expired in January 2015, but did not take action until December 2014 when a permit renewal and modification application was submitted. Since that time the permittee has not taken any substantive action to perform any upgrades to the WWTP.

**8) The cost to the State of the enforcement procedures.**

**\$46.35**

10/2/2020

**Date**

*David May*

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

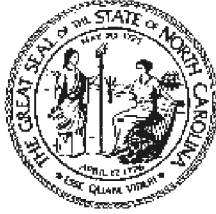
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Mar 26 2024

ROY COOPER  
*Governor*

MICHAEL S. REGAN  
*Secretary*

S. DANIEL SMITH  
*Director*



NORTH CAROLINA  
*Environmental Quality*

**Certified Mail 7019 2970 0001 3140 0640**  
**Return Receipt Requested**

October 02, 2020

Bob Miller  
Carolina Village NC LLC  
53 East Main Street, Suite H  
Franklin, NC 28734

SUBJECT: Notice of Violation and Assessment of Civil Penalty  
for Violations of Non-discharge Permit No. WQ0004696  
Carolina Village NC LLC  
Carolina Village WWTP  
Case No. LV-2020-0282  
Currituck County

Dear Mr. Miller:

This letter transmits a Notice of Violation and assessment of civil penalty in the amount of \$671.35 (\$625.00 civil penalty + \$46.35 enforcement costs) against Carolina Village NC LLC.

This assessment is based upon the following facts: a review has been conducted of the Non-Discharge Monitoring Report (NDMR) submitted by Carolina Village NC LLC for the month of January 2020. This review has shown the subject facility to be in violation of the limitations and/or monitoring requirements found in Non-discharge Permit No. WQ0004696. The violations, which occurred in January 2020, are summarized in Attachment A to this letter.

Based upon the above facts, I conclude as a matter of law that Carolina Village NC LLC violated the terms, conditions or requirements of Non-discharge Permit No. WQ0004696 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 Environment & Natural Quality | Division of Water Resources  
Washington Regional Office | 943 Washington Square Mall | Washington, North Carolina 27889  
252-846-8481

OFFICIAL COPY

Mar 26 2024

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 Carolina Village NC LLC:

<u>\$312.50</u>	<u>1</u> of 1 violations of the Permit Monthly Average for <b><u>BOD, 5-Day (20 Deg. C)</u></b> per the limits established in Permit No. WQ0004696
<u>\$0.00</u>	<u>0</u> of 1 violations of the Permit Monthly Average for <b><u>Flow, in conduit or thru treatment plant</u></b> per the limits established in Permit No. WQ0004696
<u>\$312.50</u>	<u>1</u> of 1 violations of the Permit Monthly Average for <b><u>Nitrogen, Total (as N)</u></b> per the limits established in Permit No. WQ0004696
<u>\$625.00</u>	<b>TOTAL CIVIL PENALTY</b>
<u>\$46.35</u>	Enforcement Costs
<u>\$671.35</u>	<b>TOTAL AMOUNT DUE</b>

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 Randy Sipe with the Division of Water Resources staff of the Washington Regional Office at (252)948-3849 or via email at [randy.sipe@ncdenr.gov](mailto:randy.sipe@ncdenr.gov).

Sincerely,



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

ATTACHMENTS

Cc: Laserfiche

**JUSTIFICATION FOR REMISSION REQUEST**

**Case Number:** LV-2020-0282 **County:** Currituck  
**Assessed Party:** Carolina Village NC LLC  
**Permit No.:** WQ0004696 **Amount Assessed:** \$671.35

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:**

OFFICIAL COPY  
Mar 26 2024



STATE OF NORTH CAROLINA

DEPARTMENT OF ENVIRONMENTAL QUALITY

COUNTY OF CURRITUCK

IN THE MATTER OF ASSESSMENT )  
OF CIVIL PENALTIES AGAINST )

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

**Carolina Village NC LLC** )  
**Carolina Village WWTP** )

PERMIT NO. WQ0004696 )

**CASE NO. LV-2020-0282**

Having been assessed civil penalties totaling \$671.35 for violation(s) as set forth in the assessment document of the Division of Water Resources dated October 2, 2020, 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

\_\_\_\_\_

OFFICIAL COPY

Mar 26 2024

**ATTACHMENT A**

**Carolina Village NC LLC**

**CASE NUMBER: LV-2020-0282**

**PERMIT: WQ0004696**

**REGION: Washington**

**FACILITY: Carolina Village WWTP**

**COUNTY: Currituck**

**LIMIT VIOLATION(S)**

**SAMPLE LOCATION: PPI001**

Violation Date	Report Month/Yr	Parameter	Frequency	Unit of Measure	Limit Value	Calculated Value	% Over Limit	Violation Type	Penalty Amount
1/31/2020	1-2020	BOD, 5-Day (20 Deg. C)	2 X month	mg/l	10	16.3	63.0	Monthly Average Exceeded	\$312.50
1/31/2020	1-2020	Flow, in conduit or thru treatment plant	Continuous	gpd	60000	60,987.84	1.6	Monthly Average Exceeded	\$0.00
1/31/2020	1-2020	Nitrogen, Total (as N)	2 X month	mg/l	7	9.88	41.1	Monthly Average Exceeded	\$312.50

**OFFICIAL COPY**

**Mar 26 2024**

ROY COOPER  
Governor  
MICHAEL S. REGAN  
Secretary  
S. DANIEL SMITH  
Director



**Certified Mail 7019 2970 0001 3140 0725**  
**Return Receipt Requested**

October 15, 2020

Bob Miller  
Carolina Village NC LLC  
53 East Main Street, Suite H  
Franklin, NC 28734

SUBJECT: Notice of Violation and Assessment of Civil Penalty  
for Violations of Non-discharge Permit No. WQ0004696  
Carolina Village NC LLC  
Carolina Village WWTP  
Case No. LV-2020-0297  
Currituck County

Dear Mr. Miller:

This letter transmits a Notice of Violation and assessment of civil penalty in the amount of \$1,046.35 (\$1,000.00 civil penalty + \$46.35 enforcement costs) against Carolina Village NC LLC.

This assessment is based upon the following facts: a review has been conducted of the Non-Discharge Monitoring Report (NDRM) submitted by Carolina Village NC LLC for the month of February 2020. This review has shown the subject facility to be in violation of the limitations and/or monitoring requirements found in Non-discharge Permit No. WQ0004696. The violations, which occurred in February 2020, are summarized in Attachment A to this letter.

Based upon the above facts, I conclude as a matter of law that Carolina Village NC LLC violated the terms, conditions or requirements of Non-discharge Permit No. WQ0004696 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 27688  
252-646-6481

OFFICIAL COPY

Mar 26 2024

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 Carolina Village NC LLC:

<u>\$250.00</u>	<u>1</u> of 1 violations of the Permit Monthly Average for <b><u>Flow, in conduit or thru treatment plant</u></b> per the limits established in Permit No. WQ0004696
<u>\$375.00</u>	<u>1</u> of 1 violations of the Permit Monthly Average for <b><u>Nitrogen, Total (as N)</u></b> per the limits established in Permit No. WQ0004696
<u>\$375.00</u>	<u>1</u> of 1 violations of the Permit Monthly Geometric Mean for <b><u>Coliform, Fecal MF, MFC Broth, 44.5 C</u></b> per the limits established in Permit No. WQ0004696
<u>\$1,000.00</u>	<b>TOTAL CIVIL PENALTY</b>
<u>\$46.35</u>	Enforcement Costs
<u>\$1,046.35</u>	<b>TOTAL AMOUNT DUE</b>

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:

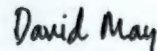
Mr. William F. Lane, General Counsel  
Department of Environmental Quality  
1601 Mail Service Center  
Raleigh, North Carolina 27699-1601

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 Randy Sipe with the Division of Water Resources staff of the Washington Regional Office at (252)948-3849 or via email at [randy.sipe@ncdenr.gov](mailto:randy.sipe@ncdenr.gov).

Sincerely,



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

ATTACHMENTS

Cc: Lasefiche

**JUSTIFICATION FOR REMISSION REQUEST**

**Case Number:** LV-2020-0297  
**Assessed Party:** Carolina Village NC LLC  
**Permit No.:** WQ0004696

**County:** Currituck

**Amount Assessed:** \$1,046.35

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 CURRITUCK

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF ASSESSMENT  
OF CIVIL PENALTIES AGAINST

**Carolina Village NC LLC**  
**Carolina Village WWTP**

PERMIT NO. WQ0004696

)  
)  
)  
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)  
)

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

**CASE NO. LV-2020-0297**

Having been assessed civil penalties totaling \$1,046.35 for violation(s) as set forth in the assessment document of the Division of Water Resources dated October 15, 2020, 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  
\_\_\_\_\_

OFFICIAL COPY  
Mar 26 2024



**ATTACHMENT A**

**Carolina Village NC LLC**

**CASE NUMBER: LV-2020-0297**

**PERMIT: WQ0004696**

**REGION: Washington**

**FACILITY: Carolina Village WWTP**

**COUNTY: Currituck**

**LIMIT VIOLATION(S)**

**SAMPLE LOCATION: PPI001**

<b>Violation Date</b>	<b>Report Month/Yr</b>	<b>Parameter</b>	<b>Frequency</b>	<b>Unit of Measure</b>	<b>Limit Value</b>	<b>Calculated Value</b>	<b>% Over Limit</b>	<b>Violation Type</b>	<b>Penalty Amount</b>
2/29/2020	2-2020	Coliform, Fecal MF, MFC Broth, 44.5 C	2 X month	#/100ml	14	26.29	87.8	Monthly Geometric Mean Exceeded	\$375.00
2/29/2020	2-2020	Flow, in conduit or thru treatment plant	Continuous	gpd	60000	70,115.45	16.9	Monthly Average Exceeded	\$250.00
2/29/2020	2-2020	Nitrogen, Total (as N)	2 X month	mg/l	7	8.54	22.0	Monthly Average Exceeded	\$375.00

OFFICIAL COPY

Mar 26 2024

**DIVISION OF WATER RESOURCES - CIVIL PENALTY ASSESSMENT**

**Violator:** Carolina Village NC LLC  
**Facility Name:** Carolina Village WWTP  
**Permit Number:** WQ0004696  
**County:** Currituck  
**Case Number:** LV-2020-0336

**ASSESSMENT FACTORS**

- 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;**

Unknown

The existing WWTP has not been capable of meeting effluent limits since 2015 when the permit was modified at the permittee's request to reflect proposed upgrades to the treatment and disposal system. The permittee has yet to perform the proposed upgrades to the WWTP to remedy the situation.

- 2) The duration and gravity of the violation;**

Significant

The existing WWTP has not been capable of meeting effluent limits since 2015 when the permit was modified at the permittee's request to reflect proposed upgrades to the treatment and disposal system.

- 3) The effect on ground or surface water quantity or quality or on air quality;**

Unknown

The existing WWTP has not been capable of meeting effluent limits since 2015 when the permit was modified at the permittee's request to reflect proposed upgrades to the treatment and disposal system. The permittee has yet to perform the proposed upgrades to the WWTP to remedy the situation.

- 4) The cost of rectifying the damage;**

Unknown

- 5) The amount of money saved by noncompliance;**

Significant

Costs would be related to consulting engineering to supervise the construction of a new WWTP; and, a contractor to construct a new WWTP.

- 6) Whether the violation was committed willfully or intentionally;**

Unknown

The permittee has known of the need to upgrade the WWTP since they took ownership of the facility in 2013 but has not yet taken any substantive actions to perform any upgrades.

**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**

The permittee took ownership of the WWTP in early 2013, and was made aware of the need to modify the WWTP, and that the permit expired in January 2015, but did not take action until December 2014 when a permit renewal and modification application was submitted. Since that time the permittee has not taken any substantive action to perform any upgrades to the WWTP.

**8) The cost to the State of the enforcement procedures.**

**\$46.35**

11/13/2020

**Date**

*David May*

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

OFFICIAL COPY

Mar 26 2024



ROY COOPER  
*Governor*  
MICHAEL S. REGAN  
*Secretary*  
S. DANIEL SMITH  
*Director*

OFFICIAL COPY

Mar 26 2024

**Certified Mail 7019 2970 0001 3140 0916**  
**Return Receipt Requested**

November 13, 2020

Bob Miller  
Carolina Village NC LLC  
53 East Main Street, Suite H  
Franklin, NC 28734

SUBJECT: Notice of Violation and Assessment of Civil Penalty  
for Violations of Non-discharge Permit No. WQ0004696  
Carolina Village NC LLC  
Carolina Village WWTP  
Case No. LV-2020-0336  
Currituck County

Dear Mr. Miller:

This letter transmits a Notice of Violation and assessment of civil penalty in the amount of \$671.35 (\$625.00 civil penalty + \$46.35 enforcement costs) against Carolina Village NC LLC.

This assessment is based upon the following facts: a review has been conducted of the Non-Discharge Monitoring Report (NDR) submitted by Carolina Village NC LLC for the month of March 2020. This review has shown the subject facility to be in violation of the limitations and/or monitoring requirements found in Non-discharge Permit No. WQ0004696. The violations, which occurred in March 2020, are summarized in Attachment A to this letter.

Based upon the above facts, I conclude as a matter of law that Carolina Village NC LLC violated the terms, conditions or requirements of Non-discharge Permit No. WQ0004696 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 Environment & Quality | Division of Water Resources  
Washington Regional Office | 943 Washington Square, Mail Stop 1000 | Washington, North Carolina 27889  
252-946-6431

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 Carolina Village NC LLC:

<u>\$250.00</u>	<u>1</u> of 1 violations of the Permit Monthly Average for <b><u>Flow, in conduit or thru treatment plant</u></b> per the limits established in Permit No. WQ0004696
<u>\$0.00</u>	<u>0</u> of 1 violations of the Permit Monthly Average for <b><u>Nitrogen, Nitrate Total (as N)</u></b> per the limits established in Permit No. WQ0004696
<u>\$375.00</u>	<u>1</u> of 1 violations of the Permit Monthly Average for <b><u>Nitrogen, Total (as N)</u></b> per the limits established in Permit No. WQ0004696
<u>\$625.00</u>	<b>TOTAL CIVIL PENALTY</b>
<u>\$46.35</u>	Enforcement Costs
<u>\$671.35</u>	<b>TOTAL AMOUNT DUE</b>

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 Randy Sipe with the Division of Water Resources staff of the Washington Regional Office at (252)948-3849 or via email at [Randy.Sipe@ncdenr.gov](mailto:Randy.Sipe@ncdenr.gov).

Sincerely,



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

ATTACHMENTS

Cc: Laserfiche

**JUSTIFICATION FOR REMISSION REQUEST**

**Case Number:** LV-2020-0336 **County:** Currituck  
**Assessed Party:** Carolina Village NC LLC  
**Permit No.:** WQ0004696 **Amount Assessed:** \$671.35

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 CURRITUCK

IN THE MATTER OF ASSESSMENT  
OF CIVIL PENALTIES AGAINST

**Carolina Village NC LLC**  
**Carolina Village WWTP**

PERMIT NO. WQ0004696

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

) **CASE NO. LV-2020-0336**

Having been assessed civil penalties totaling \$671.35 for violation(s) as set forth in the assessment document of the Division of Water Resources dated November 13, 2020, 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

\_\_\_\_\_

OFFICIAL COPY

Mar 26 2024

**ATTACHMENT A**

**Carolina Village NC LLC**

**CASE NUMBER: LV-2020-0336**

**PERMIT: WQ0004696**

**REGION: Washington**

**FACILITY: Carolina Village WWTP**

**COUNTY: Currituck**

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**LIMIT VIOLATION(S)**

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**SAMPLE LOCATION: PPI001**

<b>Violation Date</b>	<b>Report Month/Yr</b>	<b>Parameter</b>	<b>Frequency</b>	<b>Unit of Measure</b>	<b>Limit Value</b>	<b>Calculated Value</b>	<b>% Over Limit</b>	<b>Violation Type</b>	<b>Penalty Amount</b>
3/31/2020	3-2020	Flow, in conduit or thru treatment plant	Continuous	gpd	60000	80,250.48	33.8	Monthly Average Exceeded	\$250.00
3/31/2020	3-2020	Nitrogen, Nitrate Total (as N)	2 X month	mg/l	10	11.3	13.0	Monthly Average Exceeded	\$0.00
3/31/2020	3-2020	Nitrogen, Total (as N)	2 X month	mg/l	7	44.18	531.1	Monthly Average Exceeded	\$375.00

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**Mar 26 2024**

**DIVISION OF WATER RESOURCES - CIVIL PENALTY ASSESSMENT**

**Violator:** Carolina Village NC LLC

**Facility Name:** Carolina Village WWTP

**Permit Number:** WQ0004696

**County:** Currituck

**Case Number:** LV-2020-0361

**ASSESSMENT FACTORS**

- 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;**

Unknown

The existing WWTP has not been capable of meeting effluent limits since 2015 when the permit was modified at the permittee's request to reflect proposed upgrades to the treatment and disposal system. The permittee has yet to perform the proposed upgrades to the WWTP to remedy the situation.

- 2) The duration and gravity of the violation;**

Significant

The existing WWTP has not been capable of meeting effluent limits since 2015 when the permit was modified at the permittee's request to reflect proposed upgrades to the treatment and disposal system.

- 3) The effect on ground or surface water quantity or quality or on air quality;**

Unknown

The existing WWTP has not been capable of meeting effluent limits since 2015 when the permit was modified at the permittee's request to reflect proposed upgrades to the treatment and disposal system. The permittee has yet to perform the proposed upgrades to the WWTP to remedy the situation.

- 4) The cost of rectifying the damage;**

Unknown

- 5) The amount of money saved by noncompliance;**

Significant

Costs would be related to consulting engineering to supervise the construction of a new WWTP; and, a contractor to construct a new WWTP.

- 6) Whether the violation was committed willfully or intentionally;**

Unknown

The permittee has known of the need to upgrade the WWTP since they took ownership of the facility in 2013 but has not yet taken any substantive actions to perform any upgrades.

- 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**

The permittee took ownership of the WWTP in early 2013 and was made aware of the need to modify the WWTP, and that the permit expired in January 2015, but did not take action until December 2014 when a permit renewal and modification application was submitted. Since that time the permittee has not taken any substantive action to perform any upgrades to the WWTP.

- 8) **The cost to the State of the enforcement procedures.**

**\$46.35**

December 11, 2020

**Date**

*David May*

---

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

OFFICIAL COPY

Mar 26 2024



ROY COOPER  
Governor  
MICHAEL S. REGAN  
Secretary  
S. DANIEL SMITH  
Director

**Certified Mail 7019 2970 0001 3140 0954**  
**Return Receipt Requested**

December 11, 2020

Bob Miller  
Carolina Village NC LLC  
53 East Main Street, Suite H  
Franklin, NC 28734

SUBJECT: Notice of Violation and Assessment of Civil Penalty  
for Violations of Non-discharge Permit No. WQ0004696  
Carolina Village NC LLC  
Carolina Village WWTP  
Case No. LV-2020-0361  
Currituck County

Dear Mr. Miller:

This letter transmits a Notice of Violation and assessment of civil penalty in the amount of \$671.35 (\$625.00 civil penalty + \$46.35 enforcement costs) against Carolina Village NC LLC.

This assessment is based upon the following facts: a review has been conducted of the Non-Discharge Monitoring Report (NDRM) submitted by Carolina Village NC LLC for the month of April 2020. This review has shown the subject facility to be in violation of the limitations and/or monitoring requirements found in Non-discharge Permit No. WQ0004696. The violations, which occurred in April 2020, are summarized in Attachment A to this letter.

Based upon the above facts, I conclude as a matter of law that Carolina Village NC LLC violated the terms, conditions or requirements of Non-discharge Permit No. WQ0004696 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

OFFICIAL COPY

Mar 26 2024

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 Carolina Village NC LLC:

<u>\$250.00</u>	<u>1</u> of 1 violations of the Permit Monthly Average for <b><u>Flow, in conduit or thru treatment plant</u></b> per the limits established in Permit No. WQ0004696
<u>\$0.00</u>	<u>0</u> of 1 violations of the Permit Monthly Average for <b><u>Nitrogen, Nitrate Total (as N)</u></b> per the limits established in Permit No. WQ0004696
<u>\$375.00</u>	<u>1</u> of 1 violations of the Permit Monthly Average for <b><u>Nitrogen, Total (as N)</u></b> per the limits established in Permit No. WQ0004696
<u>\$625.00</u>	<b>TOTAL CIVIL PENALTY</b>
<u>\$46.35</u>	Enforcement Costs
<u>\$671.35</u>	<b>TOTAL AMOUNT DUE</b>

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 Randy Sipe with the Division of Water Resources staff of the Washington Regional Office at (252)948-3849 or via email at [randy.sipe@ncdenr.gov](mailto:randy.sipe@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



**JUSTIFICATION FOR REMISSION REQUEST**

**Case Number:** LV-2020-0361 **County:** Currituck  
**Assessed Party:** Carolina Village NC LLC  
**Permit No.:** WQ0004696 **Amount Assessed:** \$671.35

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 CURRITUCK

IN THE MATTER OF ASSESSMENT  
OF CIVIL PENALTIES AGAINST

**Carolina Village NC LLC**  
**Carolina Village WWTP**

PERMIT NO. WQ0004696

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

) **CASE NO. LV-2020-0361**

Having been assessed civil penalties totaling \$671.35 for violation(s) as set forth in the assessment document of the Division of Water Resources dated December 11, 2020, 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

\_\_\_\_\_

OFFICIAL COPY

Mar 26 2024

**ATTACHMENT A**

**Carolina Village NC LLC**

**CASE NUMBER: LV-2020-0361**

**PERMIT: WQ0004696**

**REGION: Washington**

**FACILITY: Carolina Village WWTP**

**COUNTY: Currituck**

---

**LIMIT VIOLATION(S)**

---

**SAMPLE LOCATION:PPI001**

<b>Violation Date</b>	<b>Report Month/Yr</b>	<b>Parameter</b>	<b>Frequency</b>	<b>Unit of Measure</b>	<b>Limit Value</b>	<b>Calculated Value</b>	<b>% Over Limit</b>	<b>Violation Type</b>	<b>Penalty Amount</b>
4/30/2020	4-2020	Flow, in conduit or thru treatment plant	Continuous	gpd	60000	68,007.83	13.3	Monthly Average Exceeded	\$250.00
4/30/2020	4-2020	Nitrogen, Nitrate Total (as N)	2 X month	mg/l	10	11.14	11.4	Monthly Average Exceeded	\$0.00
4/30/2020	4-2020	Nitrogen, Total (as N)	2 X month	mg/l	7	12.45	77.9	Monthly Average Exceeded	\$375.00

**OFFICIAL COPY**

**Mar 26 2024**

**DIVISION OF WATER RESOURCES - CIVIL PENALTY ASSESSMENT**

**Violator:** Carolina Village NC LLC

**Facility Name:** Carolina Village WWTP

**Permit Number:** WQ0004696

**County:** Currituck

**Case Number:** LV-2021-0002

**ASSESSMENT FACTORS**

- 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;**

Unknown

The existing WWTP has not been capable of meeting effluent limits since 2015 when the permit was modified at the permittee's request to reflect proposed upgrades to the treatment and disposal system. The permittee has yet to perform the proposed upgrades to the WWTP to remedy the situation.

- 2) The duration and gravity of the violation;**

Significant

The existing WWTP has not been capable of meeting effluent limits since 2015 when the permit was modified at the permittee's request to reflect proposed upgrades to the treatment and disposal system.

- 3) The effect on ground or surface water quantity or quality or on air quality;**

Unknown

The existing WWTP has not been capable of meeting effluent limits since 2015 when the permit was modified at the permittee's request to reflect proposed upgrades to the treatment and disposal system. The permittee has yet to perform the proposed upgrades to the WWTP to remedy the situation.

- 4) The cost of rectifying the damage;**

Unknown

- 5) The amount of money saved by noncompliance;**

Significant

Costs would be related to consulting engineering to supervise the construction of a new WWTP; and, a contractor to construct a new WWTP.

- 6) Whether the violation was committed willfully or intentionally;**

Unknown

The permittee has known of the need to upgrade the WWTP since they took ownership of the facility in 2013 but has not yet taken any substantive actions to perform any upgrades.

**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**

The permittee took ownership of the WWTP in early 2013 and was made aware of the need to modify the WWTP, and that the permit expired in January 2015, but did not take action until December 2014 when a permit renewal and modification application was submitted. Since that time the permittee has not taken any substantive action to perform any upgrades to the WWTP.

**8) The cost to the State of the enforcement procedures.**

**\$46.35**

1/6/2021

**Date**

*David May*

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

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Mar 26 2024



ROY COOPER  
Governor  
MICHAEL S. REGAN  
Secretary  
S. DANIEL SMITH  
Director

**Certified Mail 7019 2970 0001 3140 0978**  
**Return Receipt Requested**

January 06, 2021

Bob Miller  
Carolina Village NC LLC  
53 East Main Street, Suite H  
Franklin, NC 28734

SUBJECT: Notice of Violation and Assessment of Civil Penalty  
for Violations of Non-discharge Permit No. WQ0004696  
Carolina Village NC LLC  
Carolina Village WWTP  
Case No. LV-2021-0002  
Currituck County

Dear Mr. Miller:

This letter transmits a Notice of Violation and assessment of civil penalty in the amount of \$1,421.35 (\$1,375.00 civil penalty + \$46.35 enforcement costs) against Carolina Village NC LLC.

This assessment is based upon the following facts: a review has been conducted of the Non-Discharge Monitoring Report (NDRM) submitted by Carolina Village NC LLC for the month of May 2020. This review has shown the subject facility to be in violation of the limitations and/or monitoring requirements found in Non-discharge Permit No. WQ0004696. The violations, which occurred in May 2020, are summarized in Attachment A to this letter.

Based upon the above facts, I conclude as a matter of law that Carolina Village NC LLC violated the terms, conditions or requirements of Non-discharge Permit No. WQ0004696 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

OFFICIAL COPY

Mar 26 2024

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 Carolina Village NC LLC:

<u>\$250.00</u>	1 of 1 violations of the Permit Monthly Average for <b><u>Flow, in conduit or thru treatment plant</u></b> per the limits established in Permit No. WQ0004696
<u>\$375.00</u>	1 of 1 violations of the Permit Monthly Average for <b><u>Nitrogen, Nitrate Total (as N)</u></b> per the limits established in Permit No. WQ0004696
<u>\$375.00</u>	1 of 1 violations of the Permit Monthly Average for <b><u>Nitrogen, Total (as N)</u></b> per the limits established in Permit No. WQ0004696
<u>\$375.00</u>	1 of 1 violations of the Permit Monthly Geometric Mean for <b><u>Coliform, Fecal MF, MFC Broth, 44.5 C</u></b> per the limits established in Permit No. WQ0004696
<u>\$1,375.00</u>	<b>TOTAL CIVIL PENALTY</b>
<u>\$46.35</u>	Enforcement Costs
<u>\$1,421.35</u>	<b>TOTAL AMOUNT DUE</b>

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 Randy Sipe with the Division of Water Resources staff of the Washington Regional Office at (252)948-3849 or via email at [randy.sipe@ncdenr.gov](mailto:randy.sipe@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

**JUSTIFICATION FOR REMISSION REQUEST**

**Case Number:** LV-2021-0002 **County:** Currituck  
**Assessed Party:** Carolina Village NC LLC  
**Permit No.:** WQ0004696 **Amount Assessed:** \$1,421.35

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 CURRITUCK

IN THE MATTER OF ASSESSMENT  
OF CIVIL PENALTIES AGAINST

**Carolina Village NC LLC**  
**Carolina Village WWTP**

PERMIT NO. WQ0004696

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

) **CASE NO. LV-2021-0002**

Having been assessed civil penalties totaling \$1,421.35 for violation(s) as set forth in the assessment document of the Division of Water Resources dated January 6, 2021, 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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Mar 26 2024

**ATTACHMENT A**

**Carolina Village NC LLC**

**CASE NUMBER: LV-2021-0002**

**PERMIT: WQ0004696**

**REGION: Washington**

**FACILITY: Carolina Village WWTP**

**COUNTY: Currituck**

**LIMIT VIOLATION(S)**

**SAMPLE LOCATION: PPI001**

Violation Date	Report Month/Yr	Parameter	Frequency	Unit of Measure	Limit Value	Calculated Value	% Over Limit	Violation Type	Penalty Amount
5/31/2020	5-2020	Coliform, Fecal MF, MFC Broth, 44.5 C	2 X month	#/100ml	14	45.83	227.3	Monthly Geometric Mean Exceeded	\$375.00
5/31/2020	5-2020	Flow, in conduit or thru treatment plant	Continuous	gpd	60000	67,617.74	12.7	Monthly Average Exceeded	\$250.00
5/31/2020	5-2020	Nitrogen, Nitrate Total (as N)	2 X month	mg/l	10	13.75	37.5	Monthly Average Exceeded	\$375.00
5/31/2020	5-2020	Nitrogen, Total (as N)	2 X month	mg/l	7	10.63	51.9	Monthly Average Exceeded	\$375.00

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**Mar 26 2024**

**DIVISION OF WATER RESOURCES - CIVIL PENALTY ASSESSMENT**

**Violator:** Carolina Village NC LLC

**Facility Name:** Carolina Village WWTP

**Permit Number:** WQ0004696

**County:** Currituck

**Case Number:** LV-2021-0024

**ASSESSMENT FACTORS**

- 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;**

Unknown

The existing WWTP has not been capable of meeting effluent limits since 2015 when the permit was modified at the permittee's request to reflect proposed upgrades to the treatment and disposal system. The permittee has yet to perform the proposed upgrades to the WWTP to remedy the situation.

- 2) The duration and gravity of the violation;**

Significant

The existing WWTP has not been capable of meeting effluent limits since 2015 when the permit was modified at the permittee's request to reflect proposed upgrades to the treatment and disposal system.

- 3) The effect on ground or surface water quantity or quality or on air quality;**

Unknown

The existing WWTP has not been capable of meeting effluent limits since 2015 when the permit was modified at the permittee's request to reflect proposed upgrades to the treatment and disposal system. The permittee has yet to perform the proposed upgrades to the WWTP to remedy the situation.

- 4) The cost of rectifying the damage;**

Unknown

- 5) The amount of money saved by noncompliance;**

Significant

Costs would be related to consulting engineering to supervise the construction of a new WWTP; and, a contractor to construct a new WWTP.

- 6) Whether the violation was committed willfully or intentionally;**

Unknown

The permittee has known of the need to upgrade the WWTP since they took ownership of the facility in 2013 but has not yet taken any substantive actions to perform any upgrades.

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Mar 26 2024

**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**

The permittee took ownership of the WWTP in early 2013 and was made aware of the need to modify the WWTP, and that the permit expired in January 2015, but did not take action until December 2014 when a permit renewal and modification application was submitted. Since that time the permittee has not taken any substantive action to perform any upgrades to the WWTP.

**8) The cost to the State of the enforcement procedures.**

**\$46.35**

1/27/2021

**Date**

*David May*

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

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Mar 26 2024



ROY COOPER  
Governor  
MICHAEL S. REGAN  
Secretary  
S. DANIEL SMITH  
Director

**Certified Mail 7017 3380 0001 0998 9872**  
**Return Receipt Requested**

January 27, 2021

Bob Miller  
Carolina Village NC LLC  
53 East Main Street, Suite H  
Franklin, NC 28734

**SUBJECT:** Notice of Violation and Assessment of Civil Penalty  
for Violations of Non-discharge Permit No. WQ0004696  
Carolina Village NC LLC  
Carolina Village WWTP  
Case No. LV-2021-0024  
Currituck County

Dear Mr. Miller:

This letter transmits a Notice of Violation and assessment of civil penalty in the amount of \$1,232.35 (\$1,186.00 civil penalty + \$46.35 enforcement costs) against Carolina Village NC LLC.

This assessment is based upon the following facts: a review has been conducted of the Non-Discharge Monitoring Report (NDRM) submitted by Carolina Village NC LLC for the month of June 2020. This review has shown the subject facility to be in violation of the limitations and/or monitoring requirements found in Non-discharge Permit No. WQ0004696. The violations, which occurred in June 2020, are summarized in Attachment A to this letter.

Based upon the above facts, I conclude as a matter of law that Carolina Village NC LLC violated the terms, conditions or requirements of Non-discharge Permit No. WQ0004696 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 Environment & Natural Resources | Division of Water Resources  
Westington Regional Office | 943 Westington Square Mall | Westington, North Carolina 27889  
252-946-6431

OFFICIAL COPY

Mar 26 2024

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 Carolina Village NC LLC:

<u>\$250.00</u>	<u>1</u> of 1 violations of the Permit Monthly Average for <b><u>Flow, in conduit or thru treatment plant</u></b> per the limits established in Permit No. WQ0004696
<u>\$468.00</u>	<u>1</u> of 1 violations of the Permit Monthly Average for <b><u>Nitrogen, Total (as N)</u></b> per the limits established in Permit No. WQ0004696
<u>\$468.00</u>	<u>1</u> of 1 violations of the Permit Monthly Geometric Mean for <b><u>Coliform, Fecal MF, MFC Broth, 44.5 C</u></b> per the limits established in Permit No. WQ0004696
<u>\$1,186.00</u>	<b>TOTAL CIVIL PENALTY</b>
<u>\$46.35</u>	Enforcement Costs
<u>\$1,232.35</u>	<b>TOTAL AMOUNT DUE</b>

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 Randy Sipe with the Division of Water Resources staff of the Washington Regional Office at (252)948-3849 or via email at [randy.sipe@ncdenr.gov](mailto:randy.sipe@ncdenr.gov).

Sincerely,



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

ATTACHMENTS

Cc: Laserfiche

**JUSTIFICATION FOR REMISSION REQUEST**

**Case Number:** LV-2021-0024 **County:** Currituck  
**Assessed Party:** Carolina Village NC LLC  
**Permit No.:** WQ0004696 **Amount Assessed:** \$1,232.35

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 CURRITUCK

IN THE MATTER OF ASSESSMENT )  
OF CIVIL PENALTIES AGAINST )

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

**Carolina Village NC LLC** )  
**Carolina Village WWTP** )

PERMIT NO. WQ0004696 )

**CASE NO. LV-2021-0024**

Having been assessed civil penalties totaling \$1,232.35 for violation(s) as set forth in the assessment document of the Division of Water Resources dated January 27, 2021, 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

\_\_\_\_\_

OFFICIAL COPY

Mar 26 2024

**ATTACHMENT A**

**Carolina Village NC LLC**

**CASE NUMBER: LV-2021-0024**

**PERMIT: WQ0004696**

**REGION: Washington**

**FACILITY: Carolina Village WWTP**

**COUNTY: Currituck**

**LIMIT VIOLATION(S)**

**SAMPLE LOCATION: PPI001**

Violation Date	Report Month/Yr	Parameter	Frequency	Unit of Measure	Limit Value	Calculated Value	% Over Limit	Violation Type	Penalty Amount
6/30/2020	6-2020	Coliform, Fecal MF, MFC Broth, 44.5 C	2 X month	#/100ml	14	34.06	143.3	Monthly Geometric Mean Exceeded	\$468.00
6/30/2020	6-2020	Flow, in conduit or thru treatment plant	Continuous	gpd	60000	71,187.17	18.6	Monthly Average Exceeded	\$250.00
6/30/2020	6-2020	Nitrogen, Total (as N)	2 X month	mg/l	7	10.65	52.1	Monthly Average Exceeded	\$468.00

**OFFICIAL COPY**

**Mar 26 2024**

**DIVISION OF WATER RESOURCES - CIVIL PENALTY ASSESSMENT**

**Violator:** Carolina Village NC LLC

**Facility Name:** Carolina Village WWTP

**Permit Number:** WQ0004696

**County:** Currituck

**Case Number:** LM-2021-0005

**ASSESSMENT FACTORS**

- 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;**

Unknown

The existing WWTP has not been capable of meeting effluent limits since 2015 when the permit was modified at the permittee's request to reflect proposed upgrades to the treatment and disposal system. The permittee has yet to perform the proposed upgrades to the WWTP to remedy the situation.

- 2) The duration and gravity of the violation;**

Significant

The existing WWTP has not been capable of meeting effluent limits since 2015 when the permit was modified at the permittee's request to reflect proposed upgrades to the treatment and disposal system.

- 3) The effect on ground or surface water quantity or quality or on air quality;**

Unknown

The existing WWTP has not been capable of meeting effluent limits since 2015 when the permit was modified at the permittee's request to reflect proposed upgrades to the treatment and disposal system. The permittee has yet to perform the proposed upgrades to the WWTP to remedy the situation.

- 4) The cost of rectifying the damage;**

Unknown

- 5) The amount of money saved by noncompliance;**

Significant

Costs would be related to consulting engineering to supervise the construction of a new WWTP; and, a contractor to construct a new WWTP.

- 6) Whether the violation was committed willfully or intentionally;**

Unknown

The permittee has known of the need to upgrade the WWTP since they took ownership of the facility in 2013 but has not yet taken any substantive actions to perform any upgrades.

**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**

The permittee took ownership of the WWTP in early 2013 and was made aware of the need to modify the WWTP, and that the permit expired in January 2015, but did not take action until December 2014 when a permit renewal and modification application was submitted. Since that time the permittee has not taken any substantive action to perform any upgrades to the WWTP.

**8) The cost to the State of the enforcement procedures.**

**\$46.35**

2/18/2021

**Date**

*David May*

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

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Mar 26 2024



ROY COOPER  
Governor  
MICHAEL S. REGAN  
Secretary  
S. DANIEL SMITH  
Director

**Certified Mail 7019 2970 0001 3140 1500**  
**Return Receipt Requested**

February 18, 2021

Bob Miller  
Carolina Village NC LLC  
53 East Main Street, Suite H  
Franklin, NC 28734

SUBJECT: Notice of Violation and Assessment of Civil Penalty  
for Violations of Non-discharge Permit No. WQ0004696  
Carolina Village NC LLC  
Carolina Village WWTP  
Case No. LM-2021-0005  
Currituck County

Dear Mr. Miller:

This letter transmits a Notice of Violation and assessment of civil penalty in the amount of \$1,450.35 (\$1,404.00 civil penalty + \$46.35 enforcement costs) against Carolina Village NC LLC.

This assessment is based upon the following facts: a review has been conducted of the Non-Discharge Monitoring Report (NDRM) submitted by Carolina Village NC LLC for the month of July 2020. This review has shown the subject facility to be in violation of the limitations and/or monitoring requirements found in Non-discharge Permit No. WQ0004696. The violations, which occurred in July 2020, are summarized in Attachment A to this letter.

Based upon the above facts, I conclude as a matter of law that Carolina Village NC LLC violated the terms, conditions or requirements of Non-discharge Permit No. WQ0004696 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 Environment & Natural Quality | Division of Water Resources  
Washington Regional Office | 943 Washington Square Mall | Washington, North Carolina 27889  
252-946-6481

OFFICIAL COPY

Mar 26 2024



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 Carolina Village NC LLC:

<u>\$468.00</u>	<u>1</u> of <u>1</u> violations of the Permit Monthly Average for <b><u>Nitrogen, Nitrate Total (as N)</u></b> per the limits established in Permit No. WQ0004696
<u>\$468.00</u>	<u>1</u> of <u>1</u> violations of the Permit Monthly Average for <b><u>Nitrogen, Total (as N)</u></b> per the limits established in Permit No. WQ0004696
<u>\$468.00</u>	<u>1</u> of <u>1</u> violations of the Permit Monthly Geometric Mean for <b><u>Coliform, Fecal MF, MFC Broth, 44.5 C</u></b> per the limits established in Permit No. WQ0004696
<u>\$0.00</u>	for <u>0</u> of the <u>1</u> failures to properly monitor <b><u>BOD, 5-Day (20 Deg. C)</u></b> in violation of Permit No. WQ0004696.
<u>\$1,404.00</u>	<b>TOTAL CIVIL PENALTY</b>
<u>\$46.35</u>	Enforcement Costs
<u>\$1,450.35</u>	<b>TOTAL AMOUNT DUE</b>

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 Randy Sipe with the Division of Water Resources staff of the Washington Regional Office at (252)948-3849 or via email at [randy.sipe@ncdenr.gov](mailto:randy.sipe@ncdenr.gov).

Sincerely,



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

ATTACHMENTS

Cc: Laserfiche

**JUSTIFICATION FOR REMISSION REQUEST**

**Case Number:** LM-2021-0005 **County:** Currituck  
**Assessed Party:** Carolina Village NC LLC  
**Permit No.:** WQ0004696 **Amount Assessed:** \$1,450.35

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 CURRITUCK

IN THE MATTER OF ASSESSMENT )  
OF CIVIL PENALTIES AGAINST )

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

**Carolina Village NC LLC** )  
**Carolina Village WWTP** )

PERMIT NO. WQ0004696 )

**CASE NO. LM-2021-0005**

Having been assessed civil penalties totaling \$1,450.35 for violation(s) as set forth in the assessment document of the Division of Water Resources dated February 18, 2021, 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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Mar 26 2024

**ATTACHMENT A**

**Carolina Village NC LLC**

**CASE NUMBER: LM-2021-0005**

**PERMIT: WQ0004696**

**REGION: Washington**

**FACILITY: Carolina Village WWTP**

**COUNTY: Currituck**

**LIMIT VIOLATION(S)**

**SAMPLE LOCATION: PPI001**

Violation Date	Report Month/Yr	Parameter	Frequency	Unit of Measure	Limit Value	Calculated Value	% Over Limit	Violation Type	Penalty Amount
7/31/2020	7-2020	Coliform, Fecal MF, MFC Broth, 44.5 C	2 X month	#/100ml	14	1,200	8,471.4	Monthly Geometric Mean Exceeded	\$468.00
7/31/2020	7-2020	Nitrogen, Nitrate Total (as N)	2 X month	mg/l	10	20.75	107.5	Monthly Average Exceeded	\$468.00
7/31/2020	7-2020	Nitrogen, Total (as N)	2 X month	mg/l	7	22	214.3	Monthly Average Exceeded	\$468.00

**MONITORING VIOLATION(S)**

**SAMPLE LOCATION: PPI001**

Violation Date	Report Month/Yr	Parameter	Frequency	Unit of Measure	Limit Value	Calculated Value	% Over Limit	Violation Type	Penalty Amount
7/31/2020	7-2020	BOD, 5-Day (20 Deg. C)	2 X month	mg/l				Frequency Violation	\$0.00

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Mar 26 2024

**DIVISION OF WATER RESOURCES - CIVIL PENALTY ASSESSMENT**

**Violator:** Carolina Village NC LLC

**Facility Name:** Carolina Village WWTP

**Permit Number:** WQ0004696

**County:** Currituck

**Case Number:** LM-2021-0008

**ASSESSMENT FACTORS**

- 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;**

Unknown

The existing WWTP has not been capable of meeting effluent limits since 2015 when the permit was modified at the permittee's request to reflect proposed upgrades to the treatment and disposal system. The permittee has yet to perform the proposed upgrades to the WWTP to remedy the situation.

- 2) The duration and gravity of the violation;**

Significant

The existing WWTP has not been capable of meeting effluent limits since 2015 when the permit was modified at the permittee's request to reflect proposed upgrades to the treatment and disposal system.

- 3) The effect on ground or surface water quantity or quality or on air quality;**

Unknown

The existing WWTP has not been capable of meeting effluent limits since 2015 when the permit was modified at the permittee's request to reflect proposed upgrades to the treatment and disposal system. The permittee has yet to perform the proposed upgrades to the WWTP to remedy the situation.

- 4) The cost of rectifying the damage;**

Unknown

- 5) The amount of money saved by noncompliance;**

Significant

Costs would be related to consulting engineering to supervise the construction of a new WWTP; and, a contractor to construct a new WWTP.

- 6) Whether the violation was committed willfully or intentionally;**

Unknown

The permittee has known of the need to upgrade the WWTP since they took ownership of the facility in 2013 but has not yet taken any substantive actions to perform any upgrades.

**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**

The permittee took ownership of the WWTP in early 2013 and was made aware of the need to modify the WWTP, and that the permit expired in January 2015, but did not take action until December 2014 when a permit renewal and modification application was submitted. Since that time the permittee has not taken any substantive action to perform any upgrades to the WWTP.

**8) The cost to the State of the enforcement procedures.**

**\$46.35**

March 2, 2021

**Date**

*David May*

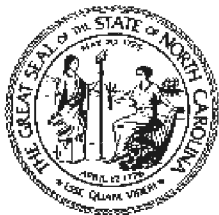
**David May, Regional Supervisor  
Water Quality Regional Operations Section  
Washington Regional Office  
Division of Water Resources, NCDEQ**

OFFICIAL COPY

Mar 26 2024



ROY COOPER  
*Governor*  
MICHAEL S. REGAN  
*Secretary*  
S. DANIEL SMITH  
*Director*



NORTH CAROLINA  
*Environmental Quality*

**Certified Mail 7019 2970 0001 3140 1548**  
**Return Receipt Requested**

March 02, 2021

Bob Miller  
Carolina Village NC LLC  
53 East Main Street, Suite H  
Franklin, NC 28734

SUBJECT: Notice of Violation and Assessment of Civil Penalty  
for Violations of Non-discharge Permit No. WQ0004696  
Carolina Village NC LLC  
Carolina Village WWTP  
Case No. LM-2021-0008  
Currituck County

Dear Mr. Miller:

This letter transmits a Notice of Violation and assessment of civil penalty in the amount of \$1,196.35 (\$1,150.00 civil penalty + \$46.35 enforcement costs) against Carolina Village NC LLC.

This assessment is based upon the following facts: a review has been conducted of the Non-Discharge Monitoring Report (NDMR) submitted by Carolina Village NC LLC for the month of August 2020. This review has shown the subject facility to be in violation of the limitations and/or monitoring requirements found in Non-discharge Permit No. WQ0004696. The violations, which occurred in August 2020, are summarized in Attachment A to this letter.

Based upon the above facts, I conclude as a matter of law that Carolina Village NC LLC violated the terms, conditions or requirements of Non-discharge Permit No. WQ0004696 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 27589  
252-846-8481

OFFICIAL COPY

Mar 26 2024

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 Carolina Village NC LLC:

<u>\$250.00</u>	<u>1</u> of <u>1</u> violations of the Permit Monthly Average for <b><u>Flow, in conduit or thru treatment plant</u></b> per the limits established in Permit No. WQ0004696
<u>\$50.00</u>	for <u>1</u> of the <u>1</u> failures to properly monitor <b><u>Chlorine, Total Residual</u></b> in violation of Permit No. WQ0004696.
<u>\$100.00</u>	for <u>1</u> of the <u>1</u> failures to properly monitor <b><u>Coliform, Fecal MF, MFC Broth, 44.5 C</u></b> in violation of Permit No. WQ0004696.
<u>\$100.00</u>	for <u>1</u> of the <u>1</u> failures to properly monitor <b><u>pH</u></b> in violation of Permit No. WQ0004696.
<u>\$100.00</u>	For <u>1</u> of the <u>1</u> failures to submit monitoring reports or portions of monitoring reports in violation of Permit No. WQ0004696.
<u>\$100.00</u>	For <u>1</u> of the <u>1</u> failures to submit monitoring reports or portions of monitoring reports in violation of Permit No. WQ0004696.
<u>\$50.00</u>	For <u>1</u> of the <u>1</u> failures to submit monitoring reports or portions of monitoring reports in violation of Permit No. WQ0004696.
<u>\$100.00</u>	For <u>1</u> of the <u>1</u> failures to submit monitoring reports or portions of monitoring reports in violation of Permit No. WQ0004696.
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<u>\$100.00</u>	For <u>1</u> of the <u>1</u> failures to submit monitoring reports or portions of monitoring reports in violation of Permit No. WQ0004696.
<u>\$0.00</u>	For <u>0</u> of the <u>1</u> failures to submit monitoring reports or portions of monitoring reports in violation of Permit No. WQ0004696.
<u>\$1,150.00</u>	<b>TOTAL CIVIL PENALTY</b>
<u>\$46.35</u>	Enforcement Costs
<u>\$1,196.35</u>	<b>TOTAL AMOUNT DUE</b>

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 Randy Sipe with the Division of Water Resources staff of the Washington Regional Office at (252)948-3849 or via email at [randy.sipe@ncdenr.gov](mailto:randy.sipe@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

**JUSTIFICATION FOR REMISSION REQUEST**

**Case Number:** LM-2021-0008 **County:** Currituck  
**Assessed Party:** Carolina Village NC LLC  
**Permit No.:** WQ0004696 **Amount Assessed:** \$1,196.35

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 CURRITUCK

IN THE MATTER OF ASSESSMENT )  
OF CIVIL PENALTIES AGAINST )

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

**Carolina Village NC LLC** )  
**Carolina Village WWTP** )

PERMIT NO. WQ0004696 )

**CASE NO. LM-2021-0008**

Having been assessed civil penalties totaling \$1,196.35 for violation(s) as set forth in the assessment document of the Division of Water Resources dated March 2, 2021, 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

\_\_\_\_\_

OFFICIAL COPY

Mar 26 2024

**ATTACHMENT A**

**Carolina Village NC LLC**

**CASE NUMBER: LM-2021-0008**

**PERMIT: WQ0004696**

**FACILITY: Carolina Village WWTP**

**REGION: Washington**

**COUNTY: Currituck**

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**Mar 26 2024**



**LIMIT VIOLATION(S)**

**SAMPLE LOCATION: PPI001**

Violation Date	Report Month/Yr	Parameter	Frequency	Unit of Measure	Limit Value	Calculated Value	% Over Limit	Violation Type	Penalty Amount
8/31/2020	8-2020	Flow, in conduit or thru treatment plant	Continuous	gpd	60000	84,041.32	40.1	Monthly Average Exceeded	\$250.00

**MONITORING VIOLATION(S)**

**SAMPLE LOCATION: PPI001**

Violation Date	Report Month/Yr	Parameter	Frequency	Unit of Measure	Limit Value	Calculated Value	% Over Limit	Violation Type	Penalty Amount
8/8/2020	8-2020	Chlorine, Total Residual	5 X week	mg/l				Frequency Violation	\$50.00
8/31/2020	8-2020	Coliform, Fecal MF, MFC Broth, 44.5 C	2 X month	#/100ml				Frequency Violation	\$100.00
8/8/2020	8-2020	pH	5 X week	su				Frequency Violation	\$100.00

**REPORTING VIOLATION(S)**

**SAMPLE LOCATION: PPI001**

Violation Date	Report Month/Yr	Parameter	Frequency	Unit of Measure	Limit Value	Calculated Value	% Over Limit	Violation Type	Penalty Amount
8/31/2020	8-2020	BOD, 5-Day (20 Deg. C)	2 X month	mg/l				Parameter Missing	\$100.00
8/31/2020	8-2020	Nitrogen, Ammonia Total (as N)	2 X month	mg/l				Parameter Missing	\$100.00
8/31/2020	8-2020	Nitrogen, Kjeldahl, Total (as N)	2 X month	mg/l				Parameter Missing	\$50.00
8/31/2020	8-2020	Nitrogen, Nitrate Total (as N)	2 X month	mg/l				Parameter Missing	\$100.00
8/31/2020	8-2020	Nitrogen, Total (as N)	2 X month	mg/l				Parameter Missing	\$100.00
8/31/2020	8-2020	Phosphorus, Total (as P)	2 X month	mg/l				Parameter Missing	\$100.00
8/31/2020	8-2020	Solids, Total Suspended	2 X month	mg/l				Parameter Missing	\$100.00
8/31/2020	8-2020	Turbidity, HCH Turbidimeter	Continuous	ntu				Parameter Missing	\$0.00

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Mar 26 2024

**DIVISION OF WATER RESOURCES - CIVIL PENALTY ASSESSMENT**

**Violator:** Carolina Village NC LLC

**Facility Name:** Carolina Village WWTP

**Permit Number:** WQ0004696

**County:** Currituck

**Case Number:** LV-2021-0065

**ASSESSMENT FACTORS**

- 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;**

Unknown

The existing WWTP has not been capable of meeting effluent limits since 2015 when the permit was modified at the permittee's request to reflect proposed upgrades to the treatment and disposal system. The permittee has yet to perform the proposed upgrades to the WWTP to remedy the situation.

- 2) The duration and gravity of the violation;**

Significant

The existing WWTP has not been capable of meeting effluent limits since 2015 when the permit was modified at the permittee's request to reflect proposed upgrades to the treatment and disposal system.

- 3) The effect on ground or surface water quantity or quality or on air quality;**

Unknown

The existing WWTP has not been capable of meeting effluent limits since 2015 when the permit was modified at the permittee's request to reflect proposed upgrades to the treatment and disposal system. The permittee has yet to perform the proposed upgrades to the WWTP to remedy the situation.

- 4) The cost of rectifying the damage;**

Unknown

- 5) The amount of money saved by noncompliance;**

Significant

Costs would be related to consulting engineering to supervise the construction of a new WWTP; and, a contractor to construct a new WWTP.

- 6) Whether the violation was committed willfully or intentionally;**

Unknown

The permittee has known of the need to upgrade the WWTP since they took ownership of the facility in 2013 but has not yet taken any substantive actions to perform any upgrades.

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Mar 26 2024

**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**

The permittee took ownership of the WWTP in early 2013 and was made aware of the need to modify the WWTP, and that the permit expired in January 2015, but did not take action until December 2014 when a permit renewal and modification application was submitted. Since that time the permittee has not taken any substantive action to perform any upgrades to the WWTP.

**8) The cost to the State of the enforcement procedures.**

**\$46.35**

03/16/2021

**Date**

*David May*

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

OFFICIAL COPY

Mar 26 2024



ROY COOPER  
Governor  
MICHAEL S. REGAN  
Secretary  
S. DANIEL SMITH  
Director

**Certified Mail 7020 1810 0001 5981 1204**  
**Return Receipt Requested**

March 16, 2021

Bob Miller  
Carolina Village NC LLC  
53 East Main Street, Suite H  
Franklin, NC 28734

SUBJECT: Notice of Violation and Assessment of Civil Penalty  
for Violations of Non-discharge Permit No. WQ0004696  
Carolina Village NC LLC  
Carolina Village WWTP  
Case No. LV-2021-0065  
Currituck County

Dear Mr. Miller:

This letter transmits a Notice of Violation and assessment of civil penalty in the amount of \$982.35 (\$936.00 civil penalty + \$46.35 enforcement costs) against Carolina Village NC LLC.

This assessment is based upon the following facts: a review has been conducted of the Non-Discharge Monitoring Report (NDR) submitted by Carolina Village NC LLC for the month of October 2020. This review has shown the subject facility to be in violation of the limitations and/or monitoring requirements found in Non-discharge Permit No. WQ0004696. The violations, which occurred in October 2020, are summarized in Attachment A to this letter.

Based upon the above facts, I conclude as a matter of law that Carolina Village NC LLC violated the terms, conditions or requirements of Non-discharge Permit No. WQ0004696 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 Environment & Natural Resources | Division of Water Resources  
Westington Regional Office | 943 Westington Square Mall | Westington, North Carolina 27889  
252-946-6431

OFFICIAL COPY

Mar 26 2024

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 Carolina Village NC LLC:

<u>\$468.00</u>	<u>1</u> of 1 violations of the Permit Monthly Average for <b><u>Nitrogen, Ammonia Total (as N)</u></b> per the limits established in Permit No. WQ0004696
<u>\$468.00</u>	<u>1</u> of 1 violations of the Permit Monthly Average for <b><u>Nitrogen, Total (as N)</u></b> per the limits established in Permit No. WQ0004696
<u>\$936.00</u>	<b>TOTAL CIVIL PENALTY</b>
<u>\$46.35</u>	Enforcement Costs
<u>\$982.35</u>	<b>TOTAL AMOUNT DUE</b>

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 Randy Sipe with the Division of Water Resources staff of the Washington Regional Office at (252)948-3849 or via email at [randy.sipe@ncdenr.gov](mailto:randy.sipe@ncdenr.gov).

Sincerely,



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

ATTACHMENTS

Cc: Laserfiche

**JUSTIFICATION FOR REMISSION REQUEST**

**Case Number:** LV-2021-0065 **County:** Currituck  
**Assessed Party:** Carolina Village NC LLC  
**Permit No.:** WQ0004696 **Amount Assessed:** \$982.35

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 CURRITUCK

IN THE MATTER OF ASSESSMENT )  
OF CIVIL PENALTIES AGAINST )

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

**Carolina Village NC LLC** )  
**Carolina Village WWTP** )

PERMIT NO. WQ0004696 )

**CASE NO. LV-2021-0065**

Having been assessed civil penalties totaling \$982.35 for violation(s) as set forth in the assessment document of the Division of Water Resources dated March 16, 2021, 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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Mar 26 2024

**ATTACHMENT A**

**Carolina Village NC LLC**

**CASE NUMBER: LV-2021-0065**

**PERMIT: WQ0004696**

**REGION: Washington**

**FACILITY: Carolina Village WWTP**

**COUNTY: Currituck**

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**LIMIT VIOLATION(S)**

---

**SAMPLE LOCATION: PPI001**

<b>Violation Date</b>	<b>Report Month/Yr</b>	<b>Parameter</b>	<b>Frequency</b>	<b>Unit of Measure</b>	<b>Limit Value</b>	<b>Calculated Value</b>	<b>% Over Limit</b>	<b>Violation Type</b>	<b>Penalty Amount</b>
10/31/2020	10-2020	Nitrogen, Ammonia Total (as N)	2 X month	mg/l	4	9.6	140.0	Monthly Average Exceeded	\$468.00
10/31/2020	10-2020	Nitrogen, Total (as N)	2 X month	mg/l	7	21.85	212.1	Monthly Average Exceeded	\$468.00

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**Mar 26 2024**

**DIVISION OF WATER RESOURCES - CIVIL PENALTY ASSESSMENT**

**Violator:** Carolina Village NC LLC

**Facility Name:** Carolina Village WWTP

**Permit Number:** WQ0004696

**County:** Currituck

**Case Number:** LV-2021-0107

**ASSESSMENT FACTORS**

- 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;**

Unknown

The existing WWTP has not been capable of meeting effluent limits since 2015 when the permit was modified at the permittee's request to reflect proposed upgrades to the treatment and disposal system. The permittee has yet to perform the proposed upgrades to the WWTP to remedy the situation.

- 2) The duration and gravity of the violation;**

Significant

The existing WWTP has not been capable of meeting effluent limits since 2015 when the permit was modified at the permittee's request to reflect proposed upgrades to the treatment and disposal system.

- 3) The effect on ground or surface water quantity or quality or on air quality;**

Unknown

The existing WWTP has not been capable of meeting effluent limits since 2015 when the permit was modified at the permittee's request to reflect proposed upgrades to the treatment and disposal system. The permittee has yet to perform the proposed upgrades to the WWTP to remedy the situation.

- 4) The cost of rectifying the damage;**

Unknown

- 5) The amount of money saved by noncompliance;**

Significant

Costs would be related to consulting engineering to supervise the construction of a new WWTP; and, a contractor to construct a new WWTP.

- 6) Whether the violation was committed willfully or intentionally;**

Unknown

The permittee has known of the need to upgrade the WWTP since they took ownership of the facility in 2013 but has not yet taken any substantive actions to perform any upgrades.

**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**

The permittee took ownership of the WWTP in early 2013 and was made aware of the need to modify the WWTP, and that the permit expired in January 2015, but did not take action until December 2014 when a permit renewal and modification application was submitted. Since that time the permittee has not taken any substantive action to perform any upgrades to the WWTP.

**8) The cost to the State of the enforcement procedures.**

**\$46.35**

4/19/2021

**Date**

*David May*

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



ROY COOPER  
*Governor*  
DIONNE DELLI-GATTI  
*Secretary*  
S. DANIEL SMITH  
*Director*

**Certified Mail 7020 1810 0001 5981 1129**  
**Return Receipt Requested**

April 19, 2021

Bob Miller  
Carolina Village NC LLC  
53 East Main Street, Suite H  
Franklin, NC 28734

**SUBJECT:** Notice of Violation and Assessment of Civil Penalty  
for Violations of Non-discharge Permit No. WQ0004696  
Carolina Village NC LLC  
Carolina Village WWTP  
Case No. LV-2021-0107  
Currituck County

Dear Mr. Miller:

This letter transmits a Notice of Violation and assessment of civil penalty in the amount of \$864.35 (\$818.00 civil penalty + \$46.35 enforcement costs) against Carolina Village NC LLC.

This assessment is based upon the following facts: a review has been conducted of the Non-Discharge Monitoring Report (NDMR) submitted by Carolina Village NC LLC for the month of November 2020. This review has shown the subject facility to be in violation of the limitations and/or monitoring requirements found in Non-discharge Permit No. WQ0004696. The violations, which occurred in November 2020, are summarized in Attachment A to this letter.

Based upon the above facts, I conclude as a matter of law that Carolina Village NC LLC violated the terms, conditions or requirements of Non-discharge Permit No. WQ0004696 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 - 443 Washington Square Mall 1 - Washington, North Carolina 27689  
252-946-6448

OFFICIAL COPY

Mar 26 2024

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 Carolina Village NC LLC:

<u>\$250.00</u>	<u>1</u> of 1 violations of the Permit Monthly Average for <b><u>Flow, in conduit or thru treatment plant</u></b> per the limits established in Permit No. WQ0004696
<u>\$468.00</u>	<u>1</u> of 1 violations of the Permit Monthly Average for <b><u>Nitrogen, Ammonia Total (as N)</u></b> per the limits established in Permit No. WQ0004696
<u>\$100.00</u>	For <u>1</u> of the <u>1</u> failures to submit monitoring reports or portions of monitoring reports in violation of Permit No. WQ0004696.
<u>\$818.00</u>	<b>TOTAL CIVIL PENALTY</b>
<u>\$46.35</u>	Enforcement Costs
<u>\$864.35</u>	<b>TOTAL AMOUNT DUE</b>

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 Randy Sipe with the Division of Water Resources staff of the Washington Regional Office at (252)948-3849 or via email at [randy.sipe@ncdenr.gov](mailto:randy.sipe@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



**JUSTIFICATION FOR REMISSION REQUEST**

**Case Number:** LV-2021-0107 **County:** Currituck  
**Assessed Party:** Carolina Village NC LLC  
**Permit No.:** WQ0004696 **Amount Assessed:** \$864.35

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 CURRITUCK

IN THE MATTER OF ASSESSMENT )  
OF CIVIL PENALTIES AGAINST )

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

**Carolina Village NC LLC** )  
**Carolina Village WWTP** )

PERMIT NO. WQ0004696 )

**CASE NO. LV-2021-0107**

Having been assessed civil penalties totaling \$864.35 for violation(s) as set forth in the assessment document of the Division of Water Resources dated April 19, 2021, 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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Mar 26 2024

**ATTACHMENT A**

**Carolina Village NC LLC**

**CASE NUMBER: LV-2021-0107**

**PERMIT: WQ0004696**

**REGION: Washington**

**FACILITY: Carolina Village WWTP**

**COUNTY: Currituck**

**LIMIT VIOLATION(S)**

**SAMPLE LOCATION: PPI001**

Violation Date	Report Month/Yr	Parameter	Frequency	Unit of Measure	Limit Value	Calculated Value	% Over Limit	Violation Type	Penalty Amount
11/30/2020	11-2020	Flow, in conduit or thru treatment plant	Continuous	gpd	60000	72,760.23	21.3	Monthly Average Exceeded	\$250.00
11/30/2020	11-2020	Nitrogen, Ammonia Total (as N)	2 X month	mg/l	4	6.35	58.8	Monthly Average Exceeded	\$468.00

**REPORTING VIOLATION(S)**

**SAMPLE LOCATION: PPI001**

Violation Date	Report Month/Yr	Parameter	Frequency	Unit of Measure	Limit Value	Calculated Value	% Over Limit	Violation Type	Penalty Amount
11/30/2020	11-2020	Nitrogen, Total (as N)	2 X month	mg/l				Parameter Missing	\$100.00

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Mar 26 2024

**DIVISION OF WATER RESOURCES - CIVIL PENALTY ASSESSMENT**

**Violator:** Carolina Village NC LLC

**Facility Name:** Carolina Village WWTP

**Permit Number:** WQ0004696

**County:** Currituck

**Case Number:** LM-2021-0016

**ASSESSMENT FACTORS**

- 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;**

Unknown

The existing WWTP has not been capable of meeting effluent limits since 2015 when the permit was modified at the permittee's request to reflect proposed upgrades to the treatment and disposal system. The permittee has yet to perform the proposed upgrades to the WWTP to remedy the situation.

- 2) The duration and gravity of the violation;**

Significant

The existing WWTP has not been capable of meeting effluent limits since 2015 when the permit was modified at the permittee's request to reflect proposed upgrades to the treatment and disposal system.

- 3) The effect on ground or surface water quantity or quality or on air quality;**

Unknown

The existing WWTP has not been capable of meeting effluent limits since 2015 when the permit was modified at the permittee's request to reflect proposed upgrades to the treatment and disposal system. The permittee has yet to perform the proposed upgrades to the WWTP to remedy the situation.

- 4) The cost of rectifying the damage;**

Unknown

- 5) The amount of money saved by noncompliance;**

Significant

Costs would be related to consulting engineering to supervise the construction of a new WWTP; and, a contractor to construct a new WWTP.

- 6) Whether the violation was committed willfully or intentionally;**

Unknown

The permittee has known of the need to upgrade the WWTP since they took ownership of the facility in 2013 but has not yet taken any substantive actions to perform any upgrades.

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Mar 26 2024

**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**

The permittee took ownership of the WWTP in early 2013 and was made aware of the need to modify the WWTP, and that the permit expired in January 2015, but did not take action until December 2014 when a permit renewal and modification application was submitted. Since that time the permittee has not taken any substantive action to perform any upgrades to the WWTP.

**8) The cost to the State of the enforcement procedures.**

**\$46.35**

5/14/2021

**Date**

*David May*

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



ROY COOPER  
*Governor*  
DIONNE DELLI-GATTI  
*Secretary*  
S. DANIEL SMITH  
*Director*

**Certified Mail 7020 1810 0001 5980 8440**  
**Return Receipt Requested**

May 14, 2021

Bob Miller  
Carolina Village NC LLC  
53 East Main Street, Suite H  
Franklin, NC 28734

**SUBJECT:** Notice of Violation and Assessment of Civil Penalty  
for Violations of Non-discharge Permit No. WQ0004696  
Carolina Village NC LLC  
Carolina Village WWTP  
Case No. LM-2021-0016  
Currituck County

Dear Mr. Miller:

This letter transmits a Notice of Violation and assessment of civil penalty in the amount of \$1,316.35 (\$1,270.00 civil penalty + \$46.35 enforcement costs) against Carolina Village NC LLC.

This assessment is based upon the following facts: a review has been conducted of the Non-Discharge Monitoring Report (NDR) submitted by Carolina Village NC LLC for the month of December 2020. This review has shown the subject facility to be in violation of the limitations and/or monitoring requirements found in Non-discharge Permit No. WQ0004696. The violations, which occurred in December 2020, are summarized in Attachment A to this letter.

Based upon the above facts, I conclude as a matter of law that Carolina Village NC LLC violated the terms, conditions or requirements of Non-discharge Permit No. WQ0004696 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 - 443 Washington Square Mall 1 - Washington, North Carolina 27884  
252-946-6448

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Mar 26 2024

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 Carolina Village NC LLC:

\$585.00	1 of 1 violations of the Permit Monthly Average for <b>Flow, in conduit or thru treatment plant</b> per the limits established in Permit No. WQ0004696
\$585.00	1 of 1 violations of the Permit Monthly Average for <b>Nitrogen, Ammonia Total (as N)</b> per the limits established in Permit No. WQ0004696
\$0.00	0 of 1 violations of the Permit Monthly Average for <b>Nitrogen, Total (as N)</b> per the limits established in Permit No. WQ0004696
\$100.00	for 1 of the 1 failures to properly monitor <b>BOD, 5-Day (20 Deg. C)</b> in violation of Permit No. WQ0004696.
\$1,270.00	<b>TOTAL CIVIL PENALTY</b>
\$46.35	Enforcement Costs
\$1,316.35	<b>TOTAL AMOUNT DUE</b>

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 Randy Sipe with the Division of Water Resources staff of the Washington Regional Office at (252)948-3849 or via email at [randy.sipe@ncdenr.gov](mailto:randy.sipe@ncdenr.gov).

Sincerely,



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

ATTACHMENTS

Cc: Laserfiche

**JUSTIFICATION FOR REMISSION REQUEST**

**Case Number:** LM-2021-0016 **County:** Currituck  
**Assessed Party:** Carolina Village NC LLC  
**Permit No.:** WQ0004696 **Amount Assessed:** \$1,316.35

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 CURRITUCK

IN THE MATTER OF ASSESSMENT )  
OF CIVIL PENALTIES AGAINST )

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

**Carolina Village NC LLC** )  
**Carolina Village WWTP** )

PERMIT NO. WQ0004696 )

**CASE NO. LM-2021-0016**

Having been assessed civil penalties totaling \$1,316.35 for violation(s) as set forth in the assessment document of the Division of Water Resources dated May 14, 2021, 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

\_\_\_\_\_

OFFICIAL COPY

Mar 26 2024

**ATTACHMENT A**

**Carolina Village NC LLC**

**CASE NUMBER: LM-2021-0016**

**PERMIT: WQ0004696**

**REGION: Washington**

**FACILITY: Carolina Village WWTP**

**COUNTY: Currituck**

**LIMIT VIOLATION(S)**

**SAMPLE LOCATION: PPI001**

Violation Date	Report Month/Yr	Parameter	Frequency	Unit of Measure	Limit Value	Calculated Value	% Over Limit	Violation Type	Penalty Amount
12/31/2020	12-2020	Flow, in conduit or thru treatment plant	Continuous	gpd	60000	92,565.87	54.3	Monthly Average Exceeded	\$585.00
12/31/2020	12-2020	Nitrogen, Ammonia Total (as N)	2 X month	mg/l	4	5.2	30.0	Monthly Average Exceeded	\$585.00
12/31/2020	12-2020	Nitrogen, Total (as N)	2 X month	mg/l	7	8.05	15.0	Monthly Average Exceeded	\$0.00

**MONITORING VIOLATION(S)**

**SAMPLE LOCATION: PPI001**

Violation Date	Report Month/Yr	Parameter	Frequency	Unit of Measure	Limit Value	Calculated Value	% Over Limit	Violation Type	Penalty Amount
12/31/2020	12-2020	BOD, 5-Day (20 Deg. C)	2 X month	mg/l				Frequency Violation	\$100.00

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Mar 26 2024

**DIVISION OF WATER RESOURCES - CIVIL PENALTY ASSESSMENT**

**Violator:** Carolina Village NC LLC

**Facility Name:** Carolina Village WWTP

**Permit Number:** WQ0004696

**County:** Currituck

**Case Number:** LV-2021-0166

**ASSESSMENT FACTORS**

- 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;**

Unknown

The existing WWTP has not been capable of meeting effluent limits since 2015 when the permit was modified at the permittee's request to reflect proposed upgrades to the treatment and disposal system. The permittee has yet to perform the proposed upgrades to the WWTP to remedy the situation.

- 2) The duration and gravity of the violation;**

Significant

The existing WWTP has not been capable of meeting effluent limits since 2015 when the permit was modified at the permittee's request to reflect proposed upgrades to the treatment and disposal system.

- 3) The effect on ground or surface water quantity or quality or on air quality;**

Unknown

The existing WWTP has not been capable of meeting effluent limits since 2015 when the permit was modified at the permittee's request to reflect proposed upgrades to the treatment and disposal system. The permittee has yet to perform the proposed upgrades to the WWTP to remedy the situation.

- 4) The cost of rectifying the damage;**

Unknown

- 5) The amount of money saved by noncompliance;**

Significant

Costs would be related to consulting engineering to supervise the construction of a new WWTP; and, a contractor to construct a new WWTP.

- 6) Whether the violation was committed willfully or intentionally;**

Unknown

The permittee has known of the need to upgrade the WWTP since they took ownership of the facility in 2013 but has not yet taken any substantive actions to perform any upgrades.

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Mar 26 2024

**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**

The permittee took ownership of the WWTP in early 2013 and was made aware of the need to modify the WWTP, and that the permit expired in January 2015, but did not take action until December 2014 when a permit renewal and modification application was submitted. Since that time the permittee has not taken any substantive action to perform any upgrades to the WWTP.

**8) The cost to the State of the enforcement procedures.**

**\$46.35**

6/25/2021

Date

*David May*

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

ROY COOPER  
*Governor*  
JOHN NICHOLSON  
*Interim Secretary*  
S. DANIEL SMITH  
*Director*



**Certified Mail 7020 1810 0001 5981 2294**  
**Return Receipt Requested**

June 25, 2021

Bob Miller  
Carolina Village NC LLC  
53 East Main Street, Suite H  
Franklin, NC 28734

SUBJECT: Notice of Violation and Assessment of Civil Penalty  
for Violations of Non-discharge Permit No. WQ0004696  
Carolina Village NC LLC  
Carolina Village WWTP  
Case No. LV-2021-0166  
Currituck County

Dear Mr. Miller:

This letter transmits a Notice of Violation and assessment of civil penalty in the amount of \$1,801.35 (\$1,755.00 civil penalty + \$46.35 enforcement costs) against Carolina Village NC LLC.

This assessment is based upon the following facts: a review has been conducted of the Non-Discharge Monitoring Report (NDRM) submitted by Carolina Village NC LLC for the month of January 2021. This review has shown the subject facility to be in violation of the limitations and/or monitoring requirements found in Non-discharge Permit No. WQ0004696. The violations, which occurred in January 2021, are summarized in Attachment A to this letter.

Based upon the above facts, I conclude as a matter of law that Carolina Village NC LLC violated the terms, conditions or requirements of Non-discharge Permit No. WQ0004696 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 • 1403 Washington Square Mall • Washington, North Carolina 27789  
252.746.6481

OFFICIAL COPY

Mar 26 2024

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 Carolina Village NC LLC:

\$585.00	1 of 1 violations of the Permit Monthly Average for <b><u>Flow, in conduit or thru treatment plant</u></b> per the limits established in Permit No. WQ0004696
\$585.00	1 of 1 violations of the Permit Monthly Average for <b><u>Nitrogen, Ammonia Total (as N)</u></b> per the limits established in Permit No. WQ0004696
\$585.00	1 of 1 violations of the Permit Monthly Geometric Mean for <b><u>Coliform, Fecal MF, MFC Broth, 44.5 C</u></b> per the limits established in Permit No. WQ0004696
\$1,755.00	<b>TOTAL CIVIL PENALTY</b>
\$46.35	Enforcement Costs
\$1,801.35	<b>TOTAL AMOUNT DUE</b>

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 Randy Sipe with the Division of Water Resources staff of the Washington Regional Office at (252)948-3849 or via email at [randy.sipe@ncdenr.gov](mailto:randy.sipe@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

**JUSTIFICATION FOR REMISSION REQUEST**

**Case Number:** LV-2021-0166 **County:** Currituck  
**Assessed Party:** Carolina Village NC LLC  
**Permit No.:** WQ0004696 **Amount Assessed:** \$1,801.35

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 CURRITUCK

IN THE MATTER OF ASSESSMENT )  
OF CIVIL PENALTIES AGAINST )

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

**Carolina Village NC LLC** )  
**Carolina Village WWTP** )

PERMIT NO. WQ0004696 )

**CASE NO. LV-2021-0166**

Having been assessed civil penalties totaling \$1,801.35 for violation(s) as set forth in the assessment document of the Division of Water Resources dated June 25, 2021, 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

\_\_\_\_\_

OFFICIAL COPY

Mar 26 2024

**ATTACHMENT A**

**Carolina Village NC LLC**

**CASE NUMBER: LV-2021-0166**

**PERMIT: WQ0004696**

**REGION: Washington**

**FACILITY: Carolina Village WWTP**

**COUNTY: Currituck**

**LIMIT VIOLATION(S)**

**SAMPLE LOCATION: PPI001**

Violation Date	Report Month/Yr	Parameter	Frequency	Unit of Measure	Limit Value	Calculated Value	% Over Limit	Violation Type	Penalty Amount
1/31/2021	1-2021	Coliform, Fecal MF, MFC Broth, 44.5 C	2 X month	#/100ml	14	49.19	251.4	Monthly Geometric Mean Exceeded	\$585.00
1/31/2021	1-2021	Flow, in conduit or thru treatment plant	Continuous	gpd	60000	132,404.16	120.7	Monthly Average Exceeded	\$585.00
1/31/2021	1-2021	Nitrogen, Ammonia Total (as N)	2 X month	mg/l	4	5.95	48.7	Monthly Average Exceeded	\$585.00

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**Mar 26 2024**

**DIVISION OF WATER RESOURCES - CIVIL PENALTY ASSESSMENT**

**Violator:** Carolina Village NC LLC

**Facility Name:** Carolina Village WWTP

**Permit Number:** WQ0004696

**County:** Currituck

**Case Number:** LV-2021-0203

**ASSESSMENT FACTORS**

- 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;**

Unknown

The existing WWTP has not been capable of meeting effluent limits since 2015 when the permit was modified at the permittee's request to reflect proposed upgrades to the treatment and disposal system. The permittee has yet to perform the proposed upgrades to the WWTP to remedy the situation.

- 2) The duration and gravity of the violation;**

Significant

The existing WWTP has not been capable of meeting effluent limits since 2015 when the permit was modified at the permittee's request to reflect proposed upgrades to the treatment and disposal system.

- 3) The effect on ground or surface water quantity or quality or on air quality;**

Unknown

The existing WWTP has not been capable of meeting effluent limits since 2015 when the permit was modified at the permittee's request to reflect proposed upgrades to the treatment and disposal system. The permittee has yet to perform the proposed upgrades to the WWTP to remedy the situation.

- 4) The cost of rectifying the damage;**

Unknown

- 5) The amount of money saved by noncompliance;**

Significant

Costs would be related to consulting engineering to supervise the construction of a new WWTP; and, a contractor to construct a new WWTP.

- 6) Whether the violation was committed willfully or intentionally;**

Unknown

The permittee has known of the need to upgrade the WWTP since they took ownership of the facility in 2013 but has not yet taken any substantive actions to perform any upgrades.

**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**

The permittee took ownership of the WWTP in early 2013 and was made aware of the need to modify the WWTP, and that the permit expired in January 2015, but did not take action until December 2014 when a permit renewal and modification application was submitted. Since that time the permittee has not taken any substantive action to perform any upgrades to the WWTP.

**8) The cost to the State of the enforcement procedures.**

**\$46.35**

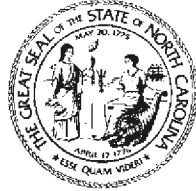
7/22/2021

**Date**

*David May*

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

ROY COOPER  
*Governor*  
ELIZABETH S. BISER  
*Secretary*  
S. DANIEL SMITH  
*Director*



NORTH CAROLINA  
*Environmental Quality*

**Certified Mail 7020 1810 0001 5981 1631**  
**Return Receipt Requested**

July 22, 2021

Bob Miller  
Carolina Village NC LLC  
53 East Main Street, Suite H  
Franklin, NC 28734

SUBJECT: Notice of Violation and Assessment of Civil Penalty  
for Violations of Non-discharge Permit No. WQ0004696  
Carolina Village NC LLC  
Carolina Village WWTP  
Case No. LV-2021-0203  
Currituck County

Dear Mr. Miller:

This letter transmits a Notice of Violation and assessment of civil penalty in the amount of \$2,446.35 (\$2,400.00 civil penalty + \$46.35 enforcement costs) against Carolina Village NC LLC.

This assessment is based upon the following facts: a review has been conducted of the Non-Discharge Monitoring Report (NDMR) submitted by Carolina Village NC LLC for the month of February 2021. This review has shown the subject facility to be in violation of the limitations and/or monitoring requirements found in Non-discharge Permit No. WQ0004696. The violations, which occurred in February 2021, are summarized in Attachment A to this letter.

Based upon the above facts, I conclude as a matter of law that Carolina Village NC LLC violated the terms, conditions or requirements of Non-discharge Permit No. WQ0004696 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

OFFICIAL COPY

Mar 26 2024



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 Carolina Village NC LLC:

\$600.00	1 of 1 violations of the Permit Monthly Average for <u>Flow, in conduit or thru treatment plant</u> per the limits established in Permit No. WQ0004696
\$600.00	1 of 1 violations of the Permit Monthly Average for <u>Nitrogen, Ammonia Total (as N)</u> per the limits established in Permit No. WQ0004696
\$600.00	1 of 1 violations of the Permit Monthly Average for <u>Nitrogen, Total (as N)</u> per the limits established in Permit No. WQ0004696
\$600.00	1 of 1 violations of the Permit Monthly Geometric Mean for <u>Coliform, Fecal MF, MFC Broth, 44.5 C</u> per the limits established in Permit No. WQ0004696
<b>\$2,400.00</b>	<b>TOTAL CIVIL PENALTY</b>
\$46.35	Enforcement Costs
<b>\$2,446.35</b>	<b>TOTAL AMOUNT DUE</b>

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 Randy Sipe with the Division of Water Resources staff of the Washington Regional Office at (252)948-3849 or via email at [randy.sipe@ncdenr.gov](mailto:randy.sipe@ncdenr.gov).

Sincerely,



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

ATTACHMENTS

Cc: Laserfiche

**JUSTIFICATION FOR REMISSION REQUEST**

**Case Number:** LV-2021-0203 **County:** Currituck  
**Assessed Party:** Carolina Village NC LLC  
**Permit No.:** WQ0004696 **Amount Assessed:** \$2,446.35

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 CURRITUCK

IN THE MATTER OF ASSESSMENT )  
OF CIVIL PENALTIES AGAINST )

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

**Carolina Village NC LLC** )  
**Carolina Village WWTP** )

PERMIT NO. WQ0004696 )

**CASE NO. LV-2021-0203**

Having been assessed civil penalties totaling \$2,446.35 for violation(s) as set forth in the assessment document of the Division of Water Resources dated July 22, 2021, 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

\_\_\_\_\_

OFFICIAL COPY

Mar 26 2024

**ATTACHMENT A**

**Carolina Village NC LLC**

**CASE NUMBER: LV-2021-0203**

**PERMIT: WQ0004696**

**REGION: Washington**

**FACILITY: Carolina Village WWTP**

**COUNTY: Currituck**

**LIMIT VIOLATION(S)**

**SAMPLE LOCATION:PPI001**

Violation Date	Report Month/Yr	Parameter	Frequency	Unit of Measure	Limit Value	Calculated Value	% Over Limit	Violation Type	Penalty Amount
2/28/2021	2-2021	Coliform, Fecal MF, MFC Broth, 44.5 C	2 X month	#/100ml	14	49.19	251.4	Monthly Geometric Mean Exceeded	\$600.00
2/28/2021	2-2021	Flow, in conduit or thru treatment plant	Continuous	gpd	60000	154,451.43	157.4	Monthly Average Exceeded	\$600.00
2/28/2021	2-2021	Nitrogen, Ammonia Total (as N)	2 X month	mg/l	4	11.85	196.3	Monthly Average Exceeded	\$600.00
2/28/2021	2-2021	Nitrogen, Total (as N)	2 X month	mg/l	7	12.8	82.9	Monthly Average Exceeded	\$600.00

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**Mar 26 2024**

**DIVISION OF WATER RESOURCES - CIVIL PENALTY ASSESSMENT**

**Violator:** Carolina Village NC LLC

**Facility Name:** Carolina Village WWTP

**Permit Number:** WQ0004696

**County:** Currituck

**Case Number:** LV-2021-0236

**ASSESSMENT FACTORS**

- 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;**

Unknown

The existing WWTP has not been capable of meeting effluent limits since 2015 when the permit was modified at the permittee's request to reflect proposed upgrades to the treatment and disposal system. The permittee has yet to perform the proposed upgrades to the WWTP to remedy the situation.

- 2) The duration and gravity of the violation;**

Significant

The existing WWTP has not been capable of meeting effluent limits since 2015 when the permit was modified at the permittee's request to reflect proposed upgrades to the treatment and disposal system.

- 3) The effect on ground or surface water quantity or quality or on air quality;**

Unknown

The existing WWTP has not been capable of meeting effluent limits since 2015 when the permit was modified at the permittee's request to reflect proposed upgrades to the treatment and disposal system. The permittee has yet to perform the proposed upgrades to the WWTP to remedy the situation.

- 4) The cost of rectifying the damage;**

Unknown

- 5) The amount of money saved by noncompliance;**

Significant

Costs would be related to consulting engineering to supervise the construction of a new WWTP; and, a contractor to construct a new WWTP.

- 6) Whether the violation was committed willfully or intentionally;**

Unknown

The permittee has known of the need to upgrade the WWTP since they took ownership of the facility in 2013 but has not yet taken any substantive actions to perform any upgrades.

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Mar 26 2024

**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**

The permittee took ownership of the WWTP in early 2013 and was made aware of the need to modify the WWTP, and that the permit expired in January 2015, but did not take action until December 2014 when a permit renewal and modification application was submitted. Since that time the permittee has not taken any substantive action to perform any upgrades to the WWTP.

**8) The cost to the State of the enforcement procedures.**

**\$46.35**

8/24/2021

Date

*David May*

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

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Mar 26 2024



ROY COOPER  
*Governor*  
ELIZABETH S. BISER  
*Secretary*  
S. DANIEL SMITH  
*Director*



**Certified Mail 7020 1810 0001 5980 9270**  
**Return Receipt Requested**

August 23, 2021

Bob Miller  
Carolina Village NC LLC  
53 East Main Street, Suite H  
Franklin, NC 28734

SUBJECT: Notice of Violation and Assessment of Civil Penalty  
for Violations of Non-discharge Permit No. WQ0004696  
Carolina Village NC LLC  
Carolina Village WWTP  
Case No. LV-2021-0236  
Currituck County

Dear Permittee:

This letter transmits a Notice of Violation and assessment of civil penalty in the amount of \$1,346.35 (\$1,300.00 civil penalty + \$46.35 enforcement costs) against Carolina Village NC LLC.

This assessment is based upon the following facts: a review has been conducted of the Non-Discharge Monitoring Report (NDRM) submitted by Carolina Village NC LLC for the month of March 2021. This review has shown the subject facility to be in violation of the limitations and/or monitoring requirements found in Non-discharge Permit No. WQ0004696. The violations, which occurred in March 2021, are summarized in Attachment A to this letter.

Based upon the above facts, I conclude as a matter of law that Carolina Village NC LLC violated the terms, conditions or requirements of Non-discharge Permit No. WQ0004696 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).



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 Carolina Village NC LLC:

<u>\$600.00</u>	<u>1</u> of 1 violations of the Permit Monthly Average for <b><u>Flow, in conduit or thru treatment plant</u></b> per the limits established in Permit No. WQ0004696
<u>\$600.00</u>	<u>1</u> of 1 violations of the Permit Monthly Geometric Mean for <b><u>Coliform, Fecal MF, MFC Broth, 44.5 C</u></b> per the limits established in Permit No. WQ0004696
<u>\$50.00</u>	For <u>1</u> of the <u>1</u> failures to submit monitoring reports or portions of monitoring reports in violation of Permit No. WQ0004696.
<u>\$50.00</u>	For <u>1</u> of the <u>1</u> failures to submit monitoring reports or portions of monitoring reports in violation of Permit No. WQ0004696.
<u>\$1,300.00</u>	<b>TOTAL CIVIL PENALTY</b>
<u>\$46.35</u>	Enforcement Costs
<u>\$1,346.35</u>	<b>TOTAL AMOUNT DUE</b>

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 Randy Sipe with the Division of Water Resources staff of the Washington Regional Office at (252)948-3849 or via email at [Randy.Sipe@ncdenr.gov](mailto:Randy.Sipe@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

**JUSTIFICATION FOR REMISSION REQUEST**

**Case Number:** LV-2021-0236 **County:** Currituck  
**Assessed Party:** Carolina Village NC LLC  
**Permit No.:** WQ0004696 **Amount Assessed:** \$1,346.35

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 CURRITUCK

IN THE MATTER OF ASSESSMENT  
OF CIVIL PENALTIES AGAINST

**Carolina Village NC LLC**  
**Carolina Village WWTP**

PERMIT NO. WQ0004696

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

) **CASE NO. LV-2021-0236**

Having been assessed civil penalties totaling \$1,346.35 for violation(s) as set forth in the assessment document of the Division of Water Resources dated August 23, 2021, 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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Mar 26 2024

**ATTACHMENT A**

**Carolina Village NC LLC**

**CASE NUMBER: LV-2021-0236**

**PERMIT: WQ0004696**

**REGION: Washington**

**FACILITY: Carolina Village WWTP**

**COUNTY: Currituck**

**LIMIT VIOLATION(S)**

**SAMPLE LOCATION: PPI001**

Violation Date	Report Month/Yr	Parameter	Frequency	Unit of Measure	Limit Value	Calculated Value	% Over Limit	Violation Type	Penalty Amount
3/31/2021	3-2021	Coliform, Fecal MF, MFC Broth, 44.5 C	2 X month	#/100ml	14	18.28	30.5	Monthly Geometric Mean Exceeded	\$600.00
3/31/2021	3-2021	Flow, in conduit or thru treatment plant	Continuous	gpd	60000	75,807.52	26.3	Monthly Average Exceeded	\$600.00

**REPORTING VIOLATION(S)**

**SAMPLE LOCATION:**

Violation Date	Report Month/Yr	Parameter	Frequency	Unit of Measure	Limit Value	Calculated Value	% Over Limit	Violation Type	Penalty Amount
3/31/2021	3-2021	Chloride (as Cl)	3 X year	mg/l				Parameter Missing	\$50.00
3/31/2021	3-2021	Solids, Total Dissolved- 180 Deg.C	3 X year	mg/l				Parameter Missing	\$50.00

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Mar 26 2024

**DIVISION OF WATER RESOURCES - CIVIL PENALTY ASSESSMENT**

**Violator:** Carolina Village NC LLC

**Facility Name:** Carolina Village WWTP

**Permit Number:** WQ0004696

**County:** Currituck

**Case Number:** LM-2021-0030

**ASSESSMENT FACTORS**

- 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;**

Unknown

The existing WWTP has not been capable of meeting effluent limits since 2015 when the permit was modified at the permittee's request to reflect proposed upgrades to the treatment and disposal system. The permittee has yet to perform the proposed upgrades to the WWTP to remedy the situation.

- 2) The duration and gravity of the violation;**

Significant

The existing WWTP has not been capable of meeting effluent limits since 2015 when the permit was modified at the permittee's request to reflect proposed upgrades to the treatment and disposal system.

- 3) The effect on ground or surface water quantity or quality or on air quality;**

Unknown

The existing WWTP has not been capable of meeting effluent limits since 2015 when the permit was modified at the permittee's request to reflect proposed upgrades to the treatment and disposal system. The permittee has yet to perform the proposed upgrades to the WWTP to remedy the situation.

- 4) The cost of rectifying the damage;**

Unknown

- 5) The amount of money saved by noncompliance;**

Significant

Costs would be related to consulting engineering to supervise the construction of a new WWTP; and, a contractor to construct a new WWTP.

- 6) Whether the violation was committed willfully or intentionally;**

Unknown

The permittee has known of the need to upgrade the WWTP since they took ownership of the facility in 2013 but has not yet taken any substantive actions to perform any upgrades.



**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**

The permittee took ownership of the WWTP in early 2013 and was made aware of the need to modify the WWTP, and that the permit expired in January 2015, but did not take action until December 2014 when a permit renewal and modification application was submitted. Since that time the permittee has not taken any substantive action to perform any upgrades to the WWTP.

**8) The cost to the State of the enforcement procedures.**

**\$46.35**

9/13/2021

**Date**

*David May*

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



ROY COOPER  
*Governor*  
ELIZABETH S. BISER  
*Secretary*  
S. DANIEL SMITH  
*Director*

**Certified Mail 7020 1810 0001 5980 9515**  
**Return Receipt Requested**

September 13, 2021

Bob Miller  
Carolina Village NC LLC  
53 East Main Street, Suite H  
Franklin, NC 28734

**SUBJECT:** Notice of Violation and Assessment of Civil Penalty  
for Violations of Non-discharge Permit No. WQ0004696  
Carolina Village NC LLC  
Carolina Village WWTP  
Case No. LM-2021-0030  
Currituck County

Dear Mr. Miller:

This letter transmits a Notice of Violation and assessment of civil penalty in the amount of \$1,346.35 (\$1,300.00 civil penalty + \$46.35 enforcement costs) against Carolina Village NC LLC.

This assessment is based upon the following facts: a review has been conducted of the Non-Discharge Monitoring Report (NDRM) submitted by Carolina Village NC LLC for the month of April 2021. This review has shown the subject facility to be in violation of the limitations and/or monitoring requirements found in Non-discharge Permit No. WQ0004696. The violations, which occurred in April 2021, are summarized in Attachment A to this letter.

Based upon the above facts, I conclude as a matter of law that Carolina Village NC LLC violated the terms, conditions or requirements of Non-discharge Permit No. WQ0004696 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 27689  
252 946 6481

OFFICIAL COPY

Mar 26 2024

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 Carolina Village NC LLC:

<u>\$600.00</u>	<u>1</u> of 1 violations of the Permit Monthly Average for <b><u>Flow, in conduit or thru treatment plant</u></b> per the limits established in Permit No. WQ0004696
<u>\$0.00</u>	<u>0</u> of 1 violations of the Permit Monthly Average for <b><u>Nitrogen, Total (as N)</u></b> per the limits established in Permit No. WQ0004696
<u>\$600.00</u>	<u>1</u> of 1 violations of the Permit Monthly Geometric Mean for <b><u>Coliform, Fecal MF, MFC Broth, 44.5 C</u></b> per the limits established in Permit No. WQ0004696
<u>\$50.00</u>	for <u>1</u> of the <u>1</u> failures to properly monitor <b><u>Chlorine, Total Residual</u></b> in violation of Permit No. WQ0004696.
<u>\$50.00</u>	for <u>1</u> of the <u>1</u> failures to properly monitor <b><u>pH</u></b> in violation of Permit No. WQ0004696.
<u>\$1,300.00</u>	<b>TOTAL CIVIL PENALTY</b>
<u>\$46.35</u>	Enforcement Costs
<u>\$1,346.35</u>	<b>TOTAL AMOUNT DUE</b>

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 Randy Sipe with the Division of Water Resources staff of the Washington Regional Office at (252)948-3849 or via email at Randy.Sipe@ncdenr.gov.

Sincerely,



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

ATTACHMENTS

Cc: Laserfiche

**JUSTIFICATION FOR REMISSION REQUEST**

**Case Number:** LM-2021-0030 **County:** Currituck  
**Assessed Party:** Carolina Village NC LLC  
**Permit No.:** WQ0004696 **Amount Assessed:** \$1,346.35

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 CURRITUCK

IN THE MATTER OF ASSESSMENT  
OF CIVIL PENALTIES AGAINST

**Carolina Village NC LLC**  
**Carolina Village WWTP**

PERMIT NO. WQ0004696

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

) **CASE NO. LM-2021-0030**

Having been assessed civil penalties totaling \$1,346.35 for violation(s) as set forth in the assessment document of the Division of Water Resources dated September 13, 2021, 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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Mar 26 2024



**ATTACHMENT A**

**Carolina Village NC LLC**

**CASE NUMBER: LM-2021-0030**

**PERMIT: WQ0004696**

**REGION: Washington**

**FACILITY: Carolina Village WWTP**

**COUNTY: Currituck**

**LIMIT VIOLATION(S)**

**SAMPLE LOCATION: PPI001**

Violation Date	Report Month/Yr	Parameter	Frequency	Unit of Measure	Limit Value	Calculated Value	% Over Limit	Violation Type	Penalty Amount
4/30/2021	4-2021	Coliform, Fecal MF, MFC Broth, 44.5 C	2 X month	#/100ml	14	41.59	197.1	Monthly Geometric Mean Exceeded	\$600.00
4/30/2021	4-2021	Flow, in conduit or thru treatment plant	Continuous	gpd	60000	71,308.37	18.8	Monthly Average Exceeded	\$600.00
4/30/2021	4-2021	Nitrogen, Total (as N)	2 X month	mg/l	7	7.55	7.9	Monthly Average Exceeded	\$0.00

**MONITORING VIOLATION(S)**

**SAMPLE LOCATION: PPI001**

Violation Date	Report Month/Yr	Parameter	Frequency	Unit of Measure	Limit Value	Calculated Value	% Over Limit	Violation Type	Penalty Amount
4/17/2021	4-2021	Chlorine, Total Residual	5 X week	mg/l				Frequency Violation	\$50.00
4/17/2021	4-2021	pH	5 X week	su				Frequency Violation	\$50.00

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Mar 26 2024

**DIVISION OF WATER RESOURCES - CIVIL PENALTY ASSESSMENT**

**Violator:** Carolina Village NC LLC

**Facility Name:** Carolina Village WWTP

**Permit Number:** WQ0004696

**County:** Currituck

**Case Number:** OP-2021-0001

**ASSESSMENT FACTORS**

- 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;**

Unknown,

The permittee has known of the ongoing issues with the wastewater treatment and disposal system at the facility since they purchased it in June 2013 and has not performed any substantive actions to address them. The continued operation of the spray irrigation system, which was originally meant to only be a temporary, interim measure, may be adversely impacting surface water and groundwater quality through persistent ponding and potential runoff. The continued lack of proper maintenance of the treatment system may be affecting its ability to properly operate.

- 2) The duration and gravity of the violation;**

Significant,

It was determined that the infiltration basin was plugged in 2009 and “interim” surface irrigation has been going on at the facility since 2010. The maintenance issues at the treatment system has been known since the permittee purchased the facility in 2013.

- 3) The effect on ground or surface water quantity or quality or on air quality;**

Unknown,

The permittee has known of the ongoing issues with the wastewater treatment and disposal system at the facility since they purchased it in June 2013 and has not performed any substantive actions to address them. The continued operation of the spray irrigation system, which was originally meant to only be a temporary, interim measure, may be adversely impacting surface water and groundwater quality through persistent ponding and potential runoff. The continued lack of proper maintenance of the treatment system may be affecting its ability to properly operate.

- 4) The cost of rectifying the damage;**

Unknown,

The costs would be related to construction of the new treatment and disposal system proposed in the current permit.

- 5) The amount of money saved by noncompliance;**

Unknown,

- 6) Whether the violation was committed willfully or intentionally;**

WaRO does not believe the violations were willfully or intentionally committed.

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Mar 26 2024

- 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**

The facility was under SOCs from 2015 until the end of 2019 but the permittee failed to take any substantive actions to address the issues with the wastewater disposal system or any other equipment or operational issues. The facility remains chronically out of compliance with permit conditions and effluent limits.

- 8) **The cost to the State of the enforcement procedures.**

**\$46.35**

9/22/2021

**Date**

*David May*

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

ROY COOPER  
*Governor*  
ELIZABETH S. BISER  
*Secretary*  
S. DANIEL SMITH  
*Director*



**Certified Mail 7020 1810 0001 5980 9706**  
**Return Receipt Requested**

September 22, 2021

Bob Miller  
Carolina Village NC LLC  
53 East Main Street, Suite H  
Franklin, NC 28734

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. WQ0004696  
Carolina Village NC LLC  
Carolina Village WWTP  
Case No. OP-2021-0001  
Currituck County

Dear Mr. Miller:

This letter transmits a Notice of Violation and assessment of civil penalty in the amount of \$8,546.35 (\$8,500.00 civil penalty + \$46.35 enforcement costs) against Carolina Village NC LLC.

This assessment is based upon the following facts: an inspection of the Carolina Village WWTP was conducted on July 29, 2021. 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. This inspection has shown the subject facility to be in violation of the conditions and limitations found in Non-discharge Permit No. WQ0004696. 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 Carolina Village NC LLC violated the terms, conditions or requirements of Non-discharge Permit No. WQ0004696 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).



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 Carolina Village NC LLC:

\$8,500.00 For 4 of the 5 violations of the conditions and limitations specified in Permit No. WQ0004696.

\$8,500.00 **TOTAL CIVIL PENALTY**

\$46.35 Enforcement Costs

\$8,546.35 **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 Randy Sipe with the Division of Water Resources staff of the Washington Regional Office at (252)948-3849 or via email at [randy.sipe@ncdenr.gov](mailto:randy.sipe@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



**JUSTIFICATION FOR REMISSION REQUEST**

**Case Number:** OP-2021-0001  
**Assessed Party:** Carolina Village NC LLC  
**Permit No.:** WQ0004696

**County:** Currituck

**Amount Assessed:** \$8,546.35

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 CURRITUCK

IN THE MATTER OF ASSESSMENT  
OF CIVIL PENALTIES AGAINST

**Carolina Village NC LLC**  
**Carolina Village WWTP**

PERMIT NO. WQ0004696

)  
)  
)  
)  
)  
)  
)

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

**CASE NO. OP-2021-0001**

Having been assessed civil penalties totaling \$8,546.35 for violation(s) as set forth in the assessment document of the Division of Water Resources dated September 22, 2021, 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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Mar 26 2024

**ATTACHMENT A**

**Carolina Village NC LLC**

**CASE NUMBER: OP-2021-0001**

**PERMIT NO:** WQ0004696

**REGION:** Washington

**FACILITY:** Carolina Village WWTP

**COUNTY:** Currituck

<b>VIOLATION DATE</b>	<b>AREA</b>	<b>VIOLATION TYPE</b>	<b>VIOLATION DESCRIPTION</b>	<b>PENALTY AMOUNT</b>
7/29/2021	End Use-Irrigation	Operating without a permit	Wastewater effluent continues to be disposed of through a surface irrigation system located east of the 2.8 million gallon infiltration basin. This irrigation system is not covered under Permit No. WQ0004696, or any wastewater permit therefore, it is in violation of North Carolina General Statutes 143-215.1(a) (2) which requires all wastewater treatment and disposal systems to be permitted by the State of North Carolina.	\$5,000.00
7/29/2021	Treatment	Violation detected during inspection	At the existing WWTP, the EQ tank and barscreen continue to be bypassed due to the poor and unsafe condition of the EQ tank and access stairs. This is a violation of Condition III.1 of Permit No. WQ0004696 that requires the proper operation and maintenance of the wastewater treatment system. This is also a violation of Condition III. 9 of Permit No. WQ0004696, which excluded the bypassing of untreated or partially treated wastewater.	\$2,000.00
7/29/2021	End Use-Infiltration	Violation detected during inspection	The 2.8 million gallon infiltration basin (originally permitted on 10/25/06) continues to be plugged with fine sediment and solids from the WWTP and unable to adequately infiltrate the effluent produced by the WWTP. This is a violation of Condition II.1 of Permit No. WQ0004696 which requires the permittee to take immediate corrective action to address failure of a infiltration feature.	\$1,000.00
7/29/2021	Treatment Disinfection	Violation detected during inspection	The chlorine contact chamber had a significant buildup of solids. This is a violation of Condition III.1 of Permit No. WQ0004696 that requires the proper operation and maintenance of the wastewater treatment system.	\$500.00
7/29/2021	Treatment Flow Measurement-Effluent	Violation detected during inspection	There was no documentation of the calibration of the effluent flow meter. This is in violation of Condition IV.3 of the Permit No. WQ0004696, which requires that flow measurement devices be calibrated at least annually and that calibration records be maintained for a period of at least 5 years.	\$0.00

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Mar 26 2024



**DIVISION OF WATER RESOURCES - CIVIL PENALTY ASSESSMENT**

**Violator:** Carolina Village NC LLC

**Facility Name:** Carolina Village WWTP

**Permit Number:** WQ0004696

**County:** Currituck

**Case Number:** LV-2021-0300

**ASSESSMENT FACTORS**

- 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;**

Unknown

The existing WWTP has not been capable of meeting effluent limits since 2015 when the permit was modified at the permittee's request to reflect proposed upgrades to the treatment and disposal system. The permittee has yet to perform the proposed upgrades to the WWTP to remedy the situation.

- 2) The duration and gravity of the violation;**

Significant

The existing WWTP has not been capable of meeting effluent limits since 2015 when the permit was modified at the permittee's request to reflect proposed upgrades to the treatment and disposal system.

- 3) The effect on ground or surface water quantity or quality or on air quality;**

Unknown

The existing WWTP has not been capable of meeting effluent limits since 2015 when the permit was modified at the permittee's request to reflect proposed upgrades to the treatment and disposal system. The permittee has yet to perform the proposed upgrades to the WWTP to remedy the situation.

- 4) The cost of rectifying the damage;**

Unknown

- 5) The amount of money saved by noncompliance;**

Significant

Costs would be related to consulting engineering to supervise the construction of a new WWTP; and, a contractor to construct a new WWTP.

- 6) Whether the violation was committed willfully or intentionally;**

Unknown

The permittee has known of the need to upgrade the WWTP since they took ownership of the facility in 2013 but has not yet taken any substantive actions to perform any upgrades.

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Mar 26 2024

**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**

The permittee took ownership of the WWTP in early 2013 and was made aware of the need to modify the WWTP, and that the permit expired in January 2015, but did not take action until December 2014 when a permit renewal and modification application was submitted. Since that time the permittee has not taken any substantive action to perform any upgrades to the WWTP.

**8) The cost to the State of the enforcement procedures.**

**\$46.35**

10/26/2021

**Date**

*David May*

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

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Mar 26 2024

ROY COOPER  
*Governor*  
ELIZABETH S. BISER  
*Secretary*  
S. DANIEL SMITH  
*Director*



**Certified Mail 7020 1810 0001 5980 9348**  
**Return Receipt Requested**

October 26, 2021

Bob Miller  
Carolina Village NC LLC  
53 East Main Street, Suite H  
Franklin, NC 28734

SUBJECT: Notice of Violation and Assessment of Civil Penalty  
for Violations of Non-discharge Permit No. WQ0004696  
Carolina Village NC LLC  
Carolina Village WWTP  
Case No. LV-2021-0300  
Currituck County

Dear Mr. Miller:

This letter transmits a Notice of Violation and assessment of civil penalty in the amount of \$646.35 (\$600.00 civil penalty + \$46.35 enforcement costs) against Carolina Village NC LLC.

This assessment is based upon the following facts: a review has been conducted of the Non-Discharge Monitoring Report (NDRM) submitted by Carolina Village NC LLC for the month of May 2021. This review has shown the subject facility to be in violation of the limitations and/or monitoring requirements found in Non-discharge Permit No. WQ0004696. The violations, which occurred in May 2021, are summarized in Attachment A to this letter.

Based upon the above facts, I conclude as a matter of law that Carolina Village NC LLC violated the terms, conditions or requirements of Non-discharge Permit No. WQ0004696 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).



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 Carolina Village NC LLC:

\$600.00    1 of 1 violations of the Permit Monthly Average for **Nitrogen, Total (as N)** per the limits established in Permit No. WQ0004696

\$600.00    **TOTAL CIVIL PENALTY**

\$46.35    Enforcement Costs

\$646.35    **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 Randy Sipe with the Division of Water Resources staff of the Washington Regional Office at (252)948-3849 or via email at [Randy.Sipe@ncdenr.gov](mailto:Randy.Sipe@ncdenr.gov).

Sincerely,



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

ATTACHMENTS

Cc: Laserfiche

**JUSTIFICATION FOR REMISSION REQUEST**

**Case Number:** LV-2021-0300  
**Assessed Party:** Carolina Village NC LLC  
**Permit No.:** WQ0004696

**County:** Currituck

**Amount Assessed:** \$646.35

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 CURRITUCK

IN THE MATTER OF ASSESSMENT )  
OF CIVIL PENALTIES AGAINST )

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

**Carolina Village NC LLC** )  
**Carolina Village WWTP** )

PERMIT NO. WQ0004696 )

**CASE NO. LV-2021-0300**

Having been assessed civil penalties totaling \$646.35 for violation(s) as set forth in the assessment document of the Division of Water Resources dated October 26, 2021, 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

\_\_\_\_\_

OFFICIAL COPY

Mar 26 2024

**ATTACHMENT A**

**Carolina Village NC LLC**

**CASE NUMBER: LV-2021-0300**

**PERMIT: WQ0004696**

**REGION: Washington**

**FACILITY: Carolina Village WWTP**

**COUNTY: Currituck**

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**LIMIT VIOLATION(S)**

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**SAMPLE LOCATION: PPI001**

<b>Violation Date</b>	<b>Report Month/Yr</b>	<b>Parameter</b>	<b>Frequency</b>	<b>Unit of Measure</b>	<b>Limit Value</b>	<b>Calculated Value</b>	<b>% Over Limit</b>	<b>Violation Type</b>	<b>Penalty Amount</b>
5/31/2021	5-2021	Nitrogen, Total (as N)	2 X month	mg/l	7	9.25	32.1	Monthly Average Exceeded	\$600.00

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Mar 26 2024

**DIVISION OF WATER RESOURCES - CIVIL PENALTY ASSESSMENT**

**Violator:** Carolina Village NC LLC  
**Facility Name:** Carolina Village WWTP  
**Permit Number:** WQ0004696  
**County:** Currituck  
**Case Number:** PC-2021-0062

**ASSESSMENT FACTORS**

- 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;**

Unknown

The existing WWTP has not been capable of meeting effluent limits since 2015 when the permit was modified at the permittee's request to reflect proposed upgrades to the treatment and disposal system. The permittee has yet to perform the proposed upgrades to the WWTP to remedy the situation.

- 2) The duration and gravity of the violation;**

Significant

The existing WWTP has not been capable of meeting effluent limits since 2015 when the permit was modified at the permittee's request to reflect proposed upgrades to the treatment and disposal system.

- 3) The effect on ground or surface water quantity or quality or on air quality;**

Unknown

The existing WWTP has not been capable of meeting effluent limits since 2015 when the permit was modified at the permittee's request to reflect proposed upgrades to the treatment and disposal system. The permittee has yet to perform the proposed upgrades to the WWTP to remedy the situation.

- 4) The cost of rectifying the damage;**

Unknown

- 5) The amount of money saved by noncompliance;**

Significant

Costs would be related to consulting engineering to supervise the construction of a new WWTP; and, a contractor to construct a new WWTP.

- 6) Whether the violation was committed willfully or intentionally;**

Unknown

The permittee has known of the need to upgrade the WWTP since they took ownership of the facility in 2013 but has not yet taken any substantive actions to perform any upgrades.

**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**

The permittee took ownership of the WWTP in early 2013 and was made aware of the need to modify the WWTP, and that the permit expired in January 2015, but did not take action until December 2014 when a permit renewal and modification application was submitted. Since that time the permittee has not taken any substantive action to perform any upgrades to the WWTP.

**8) The cost to the State of the enforcement procedures.**

**\$46.35**

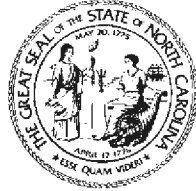
12/20/2021

**Date**

*David May*

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

ROY COOPER  
*Governor*  
ELIZABETH S. BISER  
*Secretary*  
S. DANIEL SMITH  
*Director*



NORTH CAROLINA  
*Environmental Quality*

**Certified Mail 7021 1970 0001 1325 0407**  
**Return Receipt Requested**

December 20, 2021

Bob Miller  
Carolina Village NC LLC  
53 East Main Street, Suite H  
Franklin, NC 28734

SUBJECT: Notice of Violation and Assessment of Civil Penalty  
for Violations of Non-discharge Permit No. WQ0004696  
Carolina Village NC LLC  
Carolina Village WWTP  
Case No. PC-2021-0062  
Currituck County

Dear Mr. Miller:

This letter transmits a Notice of Violation and assessment of civil penalty in the amount of \$1,046.35 (\$1,000.00 civil penalty + \$46.35 enforcement costs) against Carolina Village NC LLC.

This assessment is based upon the following facts: a review has been conducted of the Non-Discharge Monitoring Report (NDMR) and Non-Discharge Analysis Report (NDAR2) submitted by Carolina Village NC LLC for the month of July 2021. This review has shown the subject facility to be in violation of the limitations and/or monitoring requirements found in Non-discharge Permit No. WQ0004696. The violations, which occurred in July 2021, are summarized in Attachment A to this letter.

Based upon the above facts, I conclude as a matter of law that Carolina Village NC LLC violated the terms, conditions or requirements of Non-discharge Permit No. WQ0004696 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).





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 Carolina Village NC LLC:

\$500.00 For 1 of the 1 failures to submit monitoring reports or portions of monitoring reports in violation of Permit No. WQ0004696.

\$500.00 For 1 of the 1 failures to submit monitoring reports or portions of monitoring reports in violation of Permit No. WQ0004696.

\$1,000.00 **TOTAL CIVIL PENALTY**

\$46.35 Enforcement Costs

\$1,046.35 **TOTAL AMOUNT DUE**

\$1,000.00 **TOTAL CIVIL PENALTY**

\$46.35 Enforcement Costs

\$1,046.35 **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 Randy Sipe with the Division of Water Resources staff of the Washington Regional Office at (252)948-3849 or via email at [Randy.Sipe@ncdenr.gov](mailto:Randy.Sipe@ncdenr.gov).

Sincerely,



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

ATTACHMENTS

Cc: Laserfiche

**JUSTIFICATION FOR REMISSION REQUEST**

**Case Number:** PC-2021-0062 **County:** Currituck  
**Assessed Party:** Carolina Village NC LLC  
**Permit No.:** WQ0004696 **Amount Assessed:** \$1,046.35

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 CURRITUCK

IN THE MATTER OF ASSESSMENT )  
OF CIVIL PENALTIES AGAINST )

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

**Carolina Village NC LLC** )  
**Carolina Village WWTP** )

PERMIT NO. WQ0004696 )

**CASE NO. PC-2021-0062**

Having been assessed civil penalties totaling \$1,046.35 for violation(s) as set forth in the assessment document of the Division of Water Resources dated December 20, 2021, 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

\_\_\_\_\_

OFFICIAL COPY

Mar 26 2024

**ATTACHMENT A**

**Carolina Village NC LLC**

**CASE NUMBER: PC-2021-0062**

**PERMIT: WQ0004696**

**REGION: Washington**

**FACILITY: Carolina Village WWTP**

**COUNTY: Currituck**

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**REPORTING VIOLATION(S)**

---

**SAMPLE LOCATION: Not applicable**

<b>Violation Date</b>	<b>Report Month/Yr</b>	<b>Parameter</b>	<b>Frequency</b>	<b>Unit of Measure</b>	<b>Limit Value</b>	<b>Calculated Value</b>	<b>% Over Limit</b>	<b>Violation Type</b>	<b>Penalty Amount</b>
8/31/2021	7-2021							Late/Missing NDMR	\$500.00
8/31/2021	7-2021							Late/Missing NDAR-2	\$500.00

---

**OFFICIAL COPY**

**Mar 26 2024**

**DIVISION OF WATER RESOURCES - CIVIL PENALTY ASSESSMENT**

**Violator:** Carolina Village NC LLC

**Facility Name:** Carolina Village WWTP

**Permit Number:** WQ0004696

**County:** Currituck

**Case Number:** LM-2022-0002

**ASSESSMENT FACTORS**

- 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;**

Unknown

The existing WWTP has not been capable of meeting effluent limits since 2015 when the permit was modified at the permittee's request to reflect proposed upgrades to the treatment and disposal system. The permittee has yet to perform the proposed upgrades to the WWTP to remedy the situation.

- 2) The duration and gravity of the violation;**

Significant

The existing WWTP has not been capable of meeting effluent limits since 2015 when the permit was modified at the permittee's request to reflect proposed upgrades to the treatment and disposal system.

- 3) The effect on ground or surface water quantity or quality or on air quality;**

Unknown

The existing WWTP has not been capable of meeting effluent limits since 2015 when the permit was modified at the permittee's request to reflect proposed upgrades to the treatment and disposal system. The permittee has yet to perform the proposed upgrades to the WWTP to remedy the situation.

- 4) The cost of rectifying the damage;**

Unknown

- 5) The amount of money saved by noncompliance;**

Significant

Costs would be related to consulting engineering to supervise the construction of a new WWTP; and, a contractor to construct a new WWTP.

- 6) Whether the violation was committed willfully or intentionally;**

Unknown

The permittee has known of the need to upgrade the WWTP since they took ownership of the facility in 2013 but has not yet taken any substantive actions to perform any upgrades.

**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**

The permittee took ownership of the WWTP in early 2013 and was made aware of the need to modify the WWTP, and that the permit expired in January 2015, but did not take action until December 2014 when a permit renewal and modification application was submitted. Since that time the permittee has not taken any substantive action to perform any upgrades to the WWTP.

**8) The cost to the State of the enforcement procedures.**

**\$46.35**

1-7-2022

**Date**

*David May*

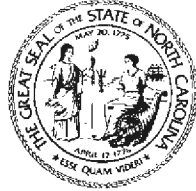
**David May, Regional Supervisor  
Water Quality Regional Operations Section  
Washington Regional Office  
Division of Water Resources, NCDEQ**

OFFICIAL COPY

Mar 26 2024



ROY COOPER  
*Governor*  
ELIZABETH S. BISER  
*Secretary*  
S. DANIEL SMITH  
*Director*



NORTH CAROLINA  
*Environmental Quality*

**Certified Mail 7021 1970 0001 1325 0445**  
**Return Receipt Requested**

January 07, 2022

Bob Miller  
Carolina Village NC LLC  
53 East Main Street, Suite H  
Franklin, NC 28734

SUBJECT: Notice of Violation and Assessment of Civil Penalty  
for Violations of Non-discharge Permit No. WQ0004696  
Carolina Village NC LLC  
Carolina Village WWTP  
Case No. LM-2022-0002  
Currituck County

Dear Mr. Miller:

This letter transmits a Notice of Violation and assessment of civil penalty in the amount of \$1,346.35 (\$1,300.00 civil penalty + \$46.35 enforcement costs) against Carolina Village NC LLC.

This assessment is based upon the following facts: a review has been conducted of the Non-Discharge Monitoring Report (NDMR) submitted by Carolina Village NC LLC for the month of August 2021. This review has shown the subject facility to be in violation of the limitations and/or monitoring requirements found in Non-discharge Permit No. WQ0004696. The violations, which occurred in August 2021, are summarized in Attachment A to this letter.

Based upon the above facts, I conclude as a matter of law that Carolina Village NC LLC violated the terms, conditions or requirements of Non-discharge Permit No. WQ0004696 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

OFFICIAL COPY

Mar 26 2024

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 Carolina Village NC LLC:

\$600.00	1 of 1 violations of the Permit Monthly Average for <b>Phosphorus, Total (as P)</b> per the limits established in Permit No. WQ0004696
\$600.00	1 of 1 violations of the Permit Monthly Average for <b>Solids, Total Suspended</b> per the limits established in Permit No. WQ0004696
\$100.00	for 1 of the 1 failures to properly monitor <b>BOD, 5-Day (20 Deg. C)</b> in violation of Permit No. WQ0004696.
\$1,300.00	<b>TOTAL CIVIL PENALTY</b>
\$46.35	Enforcement Costs
\$1,346.35	<b>TOTAL AMOUNT DUE</b>

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 Randy Sipe with the Division of Water Resources staff of the Washington Regional Office at (252)948-3849 or via email at [Randy.Sipe@ncdenr.gov](mailto:Randy.Sipe@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

**JUSTIFICATION FOR REMISSION REQUEST**

**Case Number:** LM-2022-0002 **County:** Currituck  
**Assessed Party:** Carolina Village NC LLC  
**Permit No.:** WQ0004696 **Amount Assessed:** \$1,346.35

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 CURRITUCK

IN THE MATTER OF ASSESSMENT )  
OF CIVIL PENALTIES AGAINST )

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

**Carolina Village NC LLC** )  
**Carolina Village WWTP** )

PERMIT NO. WQ0004696 )

**CASE NO. LM-2022-0002**

Having been assessed civil penalties totaling \$1,346.35 for violation(s) as set forth in the assessment document of the Division of Water Resources dated January 7, 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

\_\_\_\_\_

OFFICIAL COPY

Mar 26 2024

**ATTACHMENT A**

**Carolina Village NC LLC**

**CASE NUMBER: LM-2022-0002**

**PERMIT: WQ0004696**

**REGION: Washington**

**FACILITY: Carolina Village WWTP**

**COUNTY: Currituck**

**LIMIT VIOLATION(S)**

**SAMPLE LOCATION: PPI001**

Violation Date	Report Month/Yr	Parameter	Frequency	Unit of Measure	Limit Value	Calculated Value	% Over Limit	Violation Type	Penalty Amount
8/31/2021	8-2021	Phosphorus, Total (as P)	2 X month	mg/l	3	3.26	8.8	Monthly Average Exceeded	\$600.00
8/31/2021	8-2021	Solids, Total Suspended	2 X month	mg/l	15	34	126.7	Monthly Average Exceeded	\$600.00

**MONITORING VIOLATION(S)**

**SAMPLE LOCATION: PPI001**

Violation Date	Report Month/Yr	Parameter	Frequency	Unit of Measure	Limit Value	Calculated Value	% Over Limit	Violation Type	Penalty Amount
8/31/2021	8-2021	BOD, 5-Day (20 Deg. C)	2 X month	mg/l				Frequency Violation	\$100.00

OFFICIAL COPY

Mar 26 2024

**DIVISION OF WATER RESOURCES - CIVIL PENALTY ASSESSMENT**

**Violator:** Carolina Village NC LLC

**Facility Name:** Carolina Village WWTP

**Permit Number:** WQ0004696

**County:** Currituck

**Case Number:** LV-2022-0045

**ASSESSMENT FACTORS**

- 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;**

Unknown

The existing WWTP has not been capable of meeting effluent limits since 2015 when the permit was modified at the permittee's request to reflect proposed upgrades to the treatment and disposal system. The permittee has yet to perform the proposed upgrades to the WWTP to remedy the situation.

- 2) The duration and gravity of the violation;**

Significant

The existing WWTP has not been capable of meeting effluent limits since 2015 when the permit was modified at the permittee's request to reflect proposed upgrades to the treatment and disposal system.

- 3) The effect on ground or surface water quantity or quality or on air quality;**

Unknown

The existing WWTP has not been capable of meeting effluent limits since 2015 when the permit was modified at the permittee's request to reflect proposed upgrades to the treatment and disposal system. The permittee has yet to perform the proposed upgrades to the WWTP to remedy the situation.

- 4) The cost of rectifying the damage;**

Unknown

- 5) The amount of money saved by noncompliance;**

Significant

Costs would be related to consulting engineering to supervise the construction of a new WWTP; and, a contractor to construct a new WWTP.

- 6) Whether the violation was committed willfully or intentionally;**

Unknown

The permittee has known of the need to upgrade the WWTP since they took ownership of the facility in 2013 but has not yet taken any substantive actions to perform any upgrades.



**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**

The permittee took ownership of the WWTP in early 2013 and was made aware of the need to modify the WWTP, and that the permit expired in January 2015, but did not take action until December 2014 when a permit renewal and modification application was submitted. Since that time the permittee has not taken any substantive action to perform any upgrades to the WWTP.

**8) The cost to the State of the enforcement procedures.**

**\$46.35**

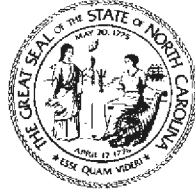
2/15/2022

**Date**

*David May*

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

ROY COOPER  
*Governor*  
ELIZABETH S. BISER  
*Secretary*  
S. DANIEL SMITH  
*Director*



NORTH CAROLINA  
*Environmental Quality*

**Certified Mail 7021 0350 00004418 3701**  
**Return Receipt Requested**

February 15, 2022

Bob Miller  
Carolina Village NC LLC  
53 East Main Street, Suite H  
Franklin, NC 28734

SUBJECT: Notice of Violation and Assessment of Civil Penalty  
for Violations of Non-discharge Permit No. WQ0004696  
Carolina Village NC LLC  
Carolina Village WWTP  
Case No. LV-2022-0045  
Currituck County

Dear Mr. Miller:

This letter transmits a Notice of Violation and assessment of civil penalty in the amount of \$1,846.35 (\$1,800.00 civil penalty + \$46.35 enforcement costs) against Carolina Village NC LLC.

This assessment is based upon the following facts: a review has been conducted of the Non-Discharge Monitoring Report (NDMR) submitted by Carolina Village NC LLC for the month of September 2021. This review has shown the subject facility to be in violation of the limitations and/or monitoring requirements found in Non-discharge Permit No. WQ0004696. The violations, which occurred in September 2021, are summarized in Attachment A to this letter.

Based upon the above facts, I conclude as a matter of law that Carolina Village NC LLC violated the terms, conditions or requirements of Non-discharge Permit No. WQ0004696 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

OFFICIAL COPY

Mar 26 2024

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 Carolina Village NC LLC:

\$600.00	1 of 1 violations of the Permit Monthly Average for <b>BOD, 5-Day (20 Deg. C)</b> per the limits established in Permit No. WQ0004696
\$600.00	1 of 1 violations of the Permit Monthly Average for <b>Nitrogen, Nitrate Total (as N)</b> per the limits established in Permit No. WQ0004696
\$600.00	1 of 1 violations of the Permit Monthly Average for <b>Nitrogen, Total (as N)</b> per the limits established in Permit No. WQ0004696
\$1,800.00	<b>TOTAL CIVIL PENALTY</b>
\$46.35	Enforcement Costs
\$1,846.35	<b>TOTAL AMOUNT DUE</b>

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 Randy Sipe with the Division of Water Resources staff of the Washington Regional Office at (252)948-3849 or via email at [Randy.Sipe@ncdenr.gov](mailto:Randy.Sipe@ncdenr.gov).

Sincerely,



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

ATTACHMENTS

Cc: Laserfiche

**JUSTIFICATION FOR REMISSION REQUEST**

**Case Number:** LV-2022-0045  
**Assessed Party:** Carolina Village NC LLC  
**Permit No.:** WQ0004696

**County:** Currituck

**Amount Assessed:** \$1,846.35

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 CURRITUCK

IN THE MATTER OF ASSESSMENT )  
OF CIVIL PENALTIES AGAINST )

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

**Carolina Village NC LLC** )  
**Carolina Village WWTP** )

PERMIT NO. WQ0004696 )

**CASE NO. LV-2022-0045**

Having been assessed civil penalties totaling \$1,846.35 for violation(s) as set forth in the assessment document of the Division of Water Resources dated February 15, 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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Mar 26 2024

**ATTACHMENT A**

**Carolina Village NC LLC**

**CASE NUMBER: LV-2022-0045**

**PERMIT: WQ0004696**

**REGION: Washington**

**FACILITY: Carolina Village WWTP**

**COUNTY: Currituck**

**LIMIT VIOLATION(S)**

**SAMPLE LOCATION: PPIU001**

Violation Date	Report Month/Yr	Parameter	Frequency	Unit of Measure	Limit Value	Calculated Value	% Over Limit	Violation Type	Penalty Amount
9/30/2021	9-2021	BOD, 5-Day (20 Deg. C)	2 X month	mg/l	10	14.5	45.0	Monthly Average Exceeded	\$600.00
9/30/2021	9-2021	Nitrogen, Nitrate Total (as N)	2 X month	mg/l	10	18.6	86.0	Monthly Average Exceeded	\$600.00
9/30/2021	9-2021	Nitrogen, Total (as N)	2 X month	mg/l	7	20.25	189.3	Monthly Average Exceeded	\$600.00

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**Mar 26 2024**



**DIVISION OF WATER RESOURCES - CIVIL PENALTY ASSESSMENT**

**Violator:** Carolina Village NC LLC

**Facility Name:** Carolina Village WWTP

**Permit Number:** WQ0004696

**County:** Currituck

**Case Number:** LV-2022-0108

**ASSESSMENT FACTORS**

- 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;**

Unknown

The existing WWTP has not been capable of meeting effluent limits since 2015 when the permit was modified at the permittee's request to reflect proposed upgrades to the treatment and disposal system. The permittee has yet to perform the proposed upgrades to the WWTP to remedy the situation.

- 2) The duration and gravity of the violation;**

Significant

The existing WWTP has not been capable of meeting effluent limits since 2015 when the permit was modified at the permittee's request to reflect proposed upgrades to the treatment and disposal system.

- 3) The effect on ground or surface water quantity or quality or on air quality;**

Unknown

The existing WWTP has not been capable of meeting effluent limits since 2015 when the permit was modified at the permittee's request to reflect proposed upgrades to the treatment and disposal system. The permittee has yet to perform the proposed upgrades to the WWTP to remedy the situation.

- 4) The cost of rectifying the damage;**

Unknown

- 5) The amount of money saved by noncompliance;**

Significant

Costs would be related to consulting engineering to supervise the construction of a new WWTP; and, a contractor to construct a new WWTP.

- 6) Whether the violation was committed willfully or intentionally;**

Unknown

The permittee has known of the need to upgrade the WWTP since they took ownership of the facility in 2013 but has not yet taken any substantive actions to perform any upgrades.

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Mar 26 2024

**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**

The permittee took ownership of the WWTP in early 2013 and was made aware of the need to modify the WWTP, and that the permit expired in January 2015, but did not take action until December 2014 when a permit renewal and modification application was submitted. Since that time the permittee has not taken any substantive action to perform any upgrades to the WWTP.

**8) The cost to the State of the enforcement procedures.**

**\$53.06**

4/27/2022

**Date**

*David May*

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

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



**Certified Mail 7021 0350 0000 4420 0880**  
**Return Receipt Requested**

April 27, 2022

Bob Miller  
Carolina Village NC LLC  
251 Dry Valley Road NE, Unit S-2  
Cleveland, TN 37312-6619

**SUBJECT:** Notice of Violation and Assessment of Civil Penalty  
for Violations of Non-discharge Permit No. WQ0004696  
Carolina Village NC LLC  
Carolina Village WWTP  
Case No. LV-2022-0108  
Currituck County

Dear Mr. Miller:

This letter transmits a Notice of Violation and assessment of civil penalty in the amount of \$3,653.06 (\$3,600.00 civil penalty + \$53.06 enforcement costs) against Carolina Village NC LLC.

This assessment is based upon the following facts: a review has been conducted of the Non-Discharge Monitoring Report (NDMR) submitted by Carolina Village NC LLC for the month of October 2021. This review has shown the subject facility to be in violation of the limitations and/or monitoring requirements found in Non-discharge Permit No. WQ0004696. The violations, which occurred in October 2021, are summarized in Attachment A to this letter.

Based upon the above facts, I conclude as a matter of law that Carolina Village NC LLC violated the terms, conditions or requirements of Non-discharge Permit No. WQ0004696 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

OFFICIAL COPY

Mar 26 2024

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 Carolina Village NC LLC:

<u>\$600.00</u>	<u>1</u> of 1 violations of the Permit Monthly Average for <b><u>BOD, 5-Day (20 Deg. C)</u></b> per the limits established in Permit No. WQ0004696
<u>\$600.00</u>	<u>1</u> of 1 violations of the Permit Monthly Average for <b><u>Nitrogen, Ammonia Total (as N)</u></b> per the limits established in Permit No. WQ0004696
<u>\$600.00</u>	<u>1</u> of 1 violations of the Permit Monthly Average for <b><u>Nitrogen, Total (as N)</u></b> per the limits established in Permit No. WQ0004696
<u>\$600.00</u>	<u>1</u> of 1 violations of the Permit Monthly Average for <b><u>Phosphorus, Total (as P)</u></b> per the limits established in Permit No. WQ0004696
<u>\$600.00</u>	<u>1</u> of 1 violations of the Permit Monthly Average for <b><u>Solids, Total Suspended</u></b> per the limits established in Permit No. WQ0004696
<u>\$600.00</u>	<u>1</u> of 1 violations of the Permit Monthly Geometric Mean for <b><u>Coliform, Fecal MF, MFC Broth, 44.5 C</u></b> per the limits established in Permit No. WQ0004696
<u>\$3,600.00</u>	<b>TOTAL CIVIL PENALTY</b>
<u>\$53.06</u>	Enforcement Costs
<u>\$3,653.06</u>	<b>TOTAL AMOUNT DUE</b>

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 Randy Sipe with the Division of Water Resources staff of the Washington Regional Office at (252)948-3849 or via email at Randy.Sipe@ncdenr.gov.

Sincerely,



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

ATTACHMENTS

Cc: Laserfiche

**JUSTIFICATION FOR REMISSION REQUEST**

**Case Number:** LV-2022-0108  
**Assessed Party:** Carolina Village NC LLC  
**Permit No.:** WQ0004696

**County:** Currituck

**Amount Assessed:** \$3,653.06

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 CURRITUCK

IN THE MATTER OF ASSESSMENT )  
OF CIVIL PENALTIES AGAINST )

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

**Carolina Village NC LLC** )  
**Carolina Village WWTP** )

PERMIT NO. WQ0004696 )

**CASE NO. LV-2022-0108**

Having been assessed civil penalties totaling \$3,653.06 for violation(s) as set forth in the assessment document of the Division of Water Resources dated April 27, 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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Mar 26 2024

**ATTACHMENT A**

**Carolina Village NC LLC**

**CASE NUMBER: LV-2022-0108**

**PERMIT: WQ0004696**

**REGION: Washington**

**FACILITY: Carolina Village WWTP**

**COUNTY: Currituck**

**LIMIT VIOLATION(S)**

**SAMPLE LOCATION: PPI001**

Violation Date	Report Month/Yr	Parameter	Frequency	Unit of Measure	Limit Value	Calculated Value	% Over Limit	Violation Type	Penalty Amount
10/31/2021	10-2021	BOD, 5-Day (20 Deg. C)	2 X month	mg/l	10	12.5	25.0	Monthly Average Exceeded	\$600.00
10/31/2021	10-2021	Coliform, Fecal MF, MFC Broth, 44.5 C	2 X month	#/100ml	14	98.38	602.7	Monthly Geometric Mean Exceeded	\$600.00
10/31/2021	10-2021	Nitrogen, Ammonia Total (as N)	2 X month	mg/l	4	21.85	446.3	Monthly Average Exceeded	\$600.00
10/31/2021	10-2021	Nitrogen, Total (as N)	2 X month	mg/l	7	26.15	273.6	Monthly Average Exceeded	\$600.00
10/31/2021	10-2021	Phosphorus, Total (as P)	2 X month	mg/l	3	6.66	122.0	Monthly Average Exceeded	\$600.00
10/31/2021	10-2021	Solids, Total Suspended	2 X month	mg/l	15	43.25	188.3	Monthly Average Exceeded	\$600.00

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Mar 26 2024

**DIVISION OF WATER RESOURCES - CIVIL PENALTY ASSESSMENT**

**Violator:** Carolina Village NC LLC

**Facility Name:** Carolina Village WWTP

**Permit Number:** WQ0004696

**County:** Currituck

**Case Number:** LV-2022-0132

**ASSESSMENT FACTORS**

- 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;**

Unknown

The existing WWTP has not been capable of meeting effluent limits since 2015 when the permit was modified at the permittee's request to reflect proposed upgrades to the treatment and disposal system. The permittee has yet to perform the proposed upgrades to the WWTP to remedy the situation.

- 2) The duration and gravity of the violation;**

Significant

The existing WWTP has not been capable of meeting effluent limits since 2015 when the permit was modified at the permittee's request to reflect proposed upgrades to the treatment and disposal system.

- 3) The effect on ground or surface water quantity or quality or on air quality;**

Unknown

The existing WWTP has not been capable of meeting effluent limits since 2015 when the permit was modified at the permittee's request to reflect proposed upgrades to the treatment and disposal system. The permittee has yet to perform the proposed upgrades to the WWTP to remedy the situation.

- 4) The cost of rectifying the damage;**

Unknown

- 5) The amount of money saved by noncompliance;**

Significant

Costs would be related to consulting engineering to supervise the construction of a new WWTP; and, a contractor to construct a new WWTP.

- 6) Whether the violation was committed willfully or intentionally;**

Unknown

The permittee has known of the need to upgrade the WWTP since they took ownership of the facility in 2013 but has not yet taken any substantive actions to perform any upgrades.

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Mar 26 2024

**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**

The permittee took ownership of the WWTP in early 2013 and was made aware of the need to modify the WWTP, and that the permit expired in January 2015, but did not take action until December 2014 when a permit renewal and modification application was submitted. Since that time the permittee has not taken any substantive action to perform any upgrades to the WWTP.

**8) The cost to the State of the enforcement procedures.**

**\$53.06**

5/11/2022

Date

*David May*

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

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Mar 26 2024

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



**Certified Mail 7021 0350 0000 4420 0927**  
**Return Receipt Requested**

May 11, 2022

Bob Miller  
Carolina Village NC LLC  
251 Dry Valley Road NE, Unit S-2  
Cleveland, TN 37312-6619

**SUBJECT:** Notice of Violation and Assessment of Civil Penalty  
for Violations of Non-discharge Permit No. WQ0004696  
Carolina Village NC LLC  
Carolina Village WWTP  
Case No. LV-2022-0132  
Currituck County

Dear Mr. Miller:

This letter transmits a Notice of Violation and assessment of civil penalty in the amount of \$3,753.06 (\$3,700.00 civil penalty + \$53.06 enforcement costs) against Carolina Village NC LLC.

This assessment is based upon the following facts: a review has been conducted of the Non-Discharge Monitoring Report (NDMR) submitted by Carolina Village NC LLC for the month of November 2021. This review has shown the subject facility to be in violation of the limitations and/or monitoring requirements found in Non-discharge Permit No. WQ0004696. The violations, which occurred in November 2021, are summarized in Attachment A to this letter.

Based upon the above facts, I conclude as a matter of law that Carolina Village NC LLC violated the terms, conditions or requirements of Non-discharge Permit No. WQ0004696 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

OFFICIAL COPY

Mar 26 2024

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 Carolina Village NC LLC:

<u>\$600.00</u>	<u>1</u> of 1 violations of the Permit Monthly Average for <b><u>BOD, 5-Day (20 Deg. C)</u></b> per the limits established in Permit No. WQ0004696
<u>\$600.00</u>	<u>1</u> of 1 violations of the Permit Monthly Average for <b><u>Nitrogen, Ammonia Total (as N)</u></b> per the limits established in Permit No. WQ0004696
<u>\$600.00</u>	<u>1</u> of 1 violations of the Permit Monthly Average for <b><u>Nitrogen, Nitrate Total (as N)</u></b> per the limits established in Permit No. WQ0004696
<u>\$600.00</u>	<u>1</u> of 1 violations of the Permit Monthly Average for <b><u>Nitrogen, Total (as N)</u></b> per the limits established in Permit No. WQ0004696
<u>\$600.00</u>	<u>1</u> of 1 violations of the Permit Monthly Average for <b><u>Phosphorus, Total (as P)</u></b> per the limits established in Permit No. WQ0004696
<u>\$600.00</u>	<u>1</u> of 1 violations of the Permit Monthly Average for <b><u>Solids, Total Suspended</u></b> per the limits established in Permit No. WQ0004696
<u>\$50.00</u>	For <u>1</u> of the <u>1</u> failures to submit monitoring reports or portions of monitoring reports in violation of Permit No. WQ0004696.
<u>\$50.00</u>	For <u>1</u> of the <u>1</u> failures to submit monitoring reports or portions of monitoring reports in violation of Permit No. WQ0004696.
<u>\$3,700.00</u>	<b>TOTAL CIVIL PENALTY</b>
<u>\$53.06</u>	Enforcement Costs
<u>\$3,753.06</u>	<b>TOTAL AMOUNT DUE</b>

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 Randy Sipe with the Division of Water Resources staff of the Washington Regional Office at (252)948-3849 or via email at Randy.Sipe@ncdenr.gov.

Sincerely,



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

ATTACHMENTS

Cc: Laserfiche

**JUSTIFICATION FOR REMISSION REQUEST**

**Case Number:** LV-2022-0132  
**Assessed Party:** Carolina Village NC LLC  
**Permit No.:** WQ0004696

**County:** Currituck

**Amount Assessed:** \$3,753.06

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 CURRITUCK

IN THE MATTER OF ASSESSMENT )  
OF CIVIL PENALTIES AGAINST )

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

**Carolina Village NC LLC** )  
**Carolina Village WWTP** )

PERMIT NO. WQ0004696 )

**CASE NO. LV-2022-0132**

Having been assessed civil penalties totaling \$3,753.06 for violation(s) as set forth in the assessment document of the Division of Water Resources dated May 11,2022, 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

\_\_\_\_\_

OFFICIAL COPY

Mar 26 2024

**ATTACHMENT A**

**Carolina Village NC LLC**

**CASE NUMBER: LV-2022-0132**

**PERMIT: WQ0004696**

**REGION: Washington**

**FACILITY: Carolina Village WWTP**

**COUNTY: Currituck**

**LIMIT VIOLATION(S)**

**SAMPLE LOCATION: PPI001**

Violation Date	Report Month/Yr	Parameter	Frequency	Unit of Measure	Limit Value	Calculated Value	% Over Limit	Violation Type	Penalty Amount
11/30/2021	11-2021	BOD, 5-Day (20 Deg. C)	2 X month	mg/l	10	188.5	1,785.0	Monthly Average Exceeded	\$600.00
11/30/2021	11-2021	Nitrogen, Ammonia Total (as N)	2 X month	mg/l	4	13.55	238.8	Monthly Average Exceeded	\$600.00
11/30/2021	11-2021	Nitrogen, Nitrate Total (as N)	2 X month	mg/l	10	27.16	171.6	Monthly Average Exceeded	\$600.00
11/30/2021	11-2021	Nitrogen, Total (as N)	2 X month	mg/l	7	46.65	566.4	Monthly Average Exceeded	\$600.00
11/30/2021	11-2021	Phosphorus, Total (as P)	2 X month	mg/l	3	5.26	75.5	Monthly Average Exceeded	\$600.00
11/30/2021	11-2021	Solids, Total Suspended	2 X month	mg/l	15	65.8	338.7	Monthly Average Exceeded	\$600.00

**REPORTING VIOLATION(S)**

**SAMPLE LOCATION: PPI001**

Violation Date	Report Month/Yr	Parameter	Frequency	Unit of Measure	Limit Value	Calculated Value	% Over Limit	Violation Type	Penalty Amount
11/30/2021	11-2021	Chloride (as Cl)	3 X year	mg/l				Parameter Missing	\$50.00
11/30/2021	11-2021	Solids, Total Dissolved- 180 Deg.C	3 X year	mg/l				Parameter Missing	\$50.00

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Mar 26 2024

**DIVISION OF WATER RESOURCES - CIVIL PENALTY ASSESSMENT**

**Violator:** Carolina Village NC LLC

**Facility Name:** Carolina Village WWTP

**Permit Number:** WQ0004696

**County:** Currituck

**Case Number:** LV-2022-0230

**ASSESSMENT FACTORS**

- 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;**

Unknown

The existing WWTP has not been capable of meeting effluent limits since 2015 when the permit was modified at the permittee's request to reflect proposed upgrades to the treatment and disposal system. The permittee has yet to perform the proposed upgrades to the WWTP to remedy the situation.

- 2) The duration and gravity of the violation;**

Significant

The existing WWTP has not been capable of meeting effluent limits since 2015 when the permit was modified at the permittee's request to reflect proposed upgrades to the treatment and disposal system.

- 3) The effect on ground or surface water quantity or quality or on air quality;**

Unknown

The existing WWTP has not been capable of meeting effluent limits since 2015 when the permit was modified at the permittee's request to reflect proposed upgrades to the treatment and disposal system. The permittee has yet to perform the proposed upgrades to the WWTP to remedy the situation.

- 4) The cost of rectifying the damage;**

Unknown

- 5) The amount of money saved by noncompliance;**

Significant

Costs would be related to consulting engineering to supervise the construction of a new WWTP; and, a contractor to construct a new WWTP.

- 6) Whether the violation was committed willfully or intentionally;**

Unknown

The permittee has known of the need to upgrade the WWTP since they took ownership of the facility in 2013 but has not yet taken any substantive actions to perform any upgrades.

**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**

The permittee took ownership of the WWTP in early 2013 and was made aware of the need to modify the WWTP, and that the permit expired in January 2015, but did not take action until December 2014 when a permit renewal and modification application was submitted. Since that time the permittee has not taken any substantive action to perform any upgrades to the WWTP.

**8) The cost to the State of the enforcement procedures.**

**\$53.06**

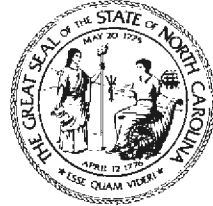
9/7/2022

**Date**

*David May*

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

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



NORTH CAROLINA  
*Environmental Quality*

**Certified Mail 7022 1670 0000 9974 5104**  
**Return Receipt Requested**

September 07, 2022

Bob Miller  
Carolina Village NC LLC  
251 Dry Valley Road NE, Unit S-2  
Cleveland, TN 37312-6619

SUBJECT: Notice of Violation and Assessment of Civil Penalty  
for Violations of Non-discharge Permit No. WQ0004696  
Carolina Village NC LLC  
Carolina Village WWTP  
Case No. LV-2022-0230  
Currituck County

Dear Mr. Miller:

This letter transmits a Notice of Violation and assessment of civil penalty in the amount of \$3,653.06 (\$3,600.00 civil penalty + \$53.06 enforcement costs) against Carolina Village NC LLC.

This assessment is based upon the following facts: a review has been conducted of the Non-Discharge Monitoring Report (NDMR) submitted by Carolina Village NC LLC for the month of January 2022. This review has shown the subject facility to be in violation of the limitations and/or monitoring requirements found in Non-discharge Permit No. WQ0004696. The violations, which occurred in January 2022, are summarized in Attachment A to this letter.

Based upon the above facts, I conclude as a matter of law that Carolina Village NC LLC violated the terms, conditions or requirements of Non-discharge Permit No. WQ0004696 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

OFFICIAL COPY

Mar 26 2024

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 Carolina Village NC LLC:

<u>\$600.00</u>	<u>1</u> of 1 violations of the Permit Monthly Average for <b><u>BOD, 5-Day (20 Deg. C)</u></b> per the limits established in Permit No. WQ0004696
<u>\$600.00</u>	<u>1</u> of 1 violations of the Permit Monthly Average for <b><u>Nitrogen, Ammonia Total (as N)</u></b> per the limits established in Permit No. WQ0004696
<u>\$600.00</u>	<u>1</u> of 1 violations of the Permit Monthly Average for <b><u>Nitrogen, Nitrate Total (as N)</u></b> per the limits established in Permit No. WQ0004696
<u>\$600.00</u>	<u>1</u> of 1 violations of the Permit Monthly Average for <b><u>Nitrogen, Total (as N)</u></b> per the limits established in Permit No. WQ0004696
<u>\$600.00</u>	<u>1</u> of 1 violations of the Permit Monthly Average for <b><u>Solids, Total Suspended</u></b> per the limits established in Permit No. WQ0004696
<u>\$600.00</u>	<u>1</u> of 1 violations of the Permit Monthly Geometric Mean for <b><u>Coliform, Fecal MF, MFC Broth, 44.5 C</u></b> per the limits established in Permit No. WQ0004696
<u>\$3,600.00</u>	<b>TOTAL CIVIL PENALTY</b>
<u>\$53.06</u>	Enforcement Costs
<u>\$3,653.06</u>	<b>TOTAL AMOUNT DUE</b>

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 Randy Sipe with the Division of Water Resources staff of the Washington  
Regional Office at (252)948-3849 or via email at Randy.Sipe@ncdenr.gov. Page 317 of 424

Sincerely,

*David May*

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

ATTACHMENTS

Cc: Laserfiche

**JUSTIFICATION FOR REMISSION REQUEST**

**Case Number:** LV-2022-0230  
**Assessed Party:** Carolina Village NC LLC  
**Permit No.:** WQ0004696

**County:** Currituck

**Amount Assessed:** \$3,653.06

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 CURRITUCK

IN THE MATTER OF ASSESSMENT )  
OF CIVIL PENALTIES AGAINST )

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

**Carolina Village NC LLC** )  
**Carolina Village WWTP** )

PERMIT NO. WQ0004696 )

**CASE NO. LV-2022-0230**

Having been assessed civil penalties totaling \$3,653.06 for violation(s) as set forth in the assessment document of the Division of Water Resources dated September 7, 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

\_\_\_\_\_

OFFICIAL COPY

Mar 26 2024

**ATTACHMENT A**

**Carolina Village NC LLC**

**CASE NUMBER: LV-2022-0230**

**PERMIT: WQ0004696**

**REGION: Washington**

**FACILITY: Carolina Village WWTP**

**COUNTY: Currituck**

**LIMIT VIOLATION(S)**

**SAMPLE LOCATION: PPI001**

Violation Date	Report Month/Yr	Parameter	Frequency	Unit of Measure	Limit Value	Calculated Value	% Over Limit	Violation Type	Penalty Amount
1/31/2022	1-2022	BOD, 5-Day (20 Deg. C)	2 X month	mg/l	10	54.5	445.0	Monthly Average Exceeded	\$600.00
1/31/2022	1-2022	Coliform, Fecal MF, MFC Broth, 44.5 C	2 X month	#/100ml	14	49.19	251.4	Monthly Geometric Mean Exceeded	\$600.00
1/31/2022	1-2022	Nitrogen, Ammonia Total (as N)	2 X month	mg/l	4	12.95	223.8	Monthly Average Exceeded	\$600.00
1/31/2022	1-2022	Nitrogen, Nitrate Total (as N)	2 X month	mg/l	10	11.8	18.0	Monthly Average Exceeded	\$600.00
1/31/2022	1-2022	Nitrogen, Total (as N)	2 X month	mg/l	7	26.4	277.1	Monthly Average Exceeded	\$600.00
1/31/2022	1-2022	Solids, Total Suspended	2 X month	mg/l	15	26.4	76.0	Monthly Average Exceeded	\$600.00

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Mar 26 2024

**DIVISION OF WATER RESOURCES - CIVIL PENALTY ASSESSMENT**

**Violator:** Carolina Village NC LLC

**Facility Name:** Carolina Village WWTP

**Permit Number:** WQ0004696

**County:** Currituck

**Case Number:** LV-2022-0248

**ASSESSMENT FACTORS**

- 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;**

Unknown

The existing WWTP has not been capable of meeting effluent limits since 2015 when the permit was modified at the permittee's request to reflect proposed upgrades to the treatment and disposal system. The permittee has yet to perform the proposed upgrades to the WWTP to remedy the situation.

- 2) The duration and gravity of the violation;**

Significant

The existing WWTP has not been capable of meeting effluent limits since 2015 when the permit was modified at the permittee's request to reflect proposed upgrades to the treatment and disposal system.

- 3) The effect on ground or surface water quantity or quality or on air quality;**

Unknown

The existing WWTP has not been capable of meeting effluent limits since 2015 when the permit was modified at the permittee's request to reflect proposed upgrades to the treatment and disposal system. The permittee has yet to perform the proposed upgrades to the WWTP to remedy the situation.

- 4) The cost of rectifying the damage;**

Unknown

- 5) The amount of money saved by noncompliance;**

Significant

Costs would be related to consulting engineering to supervise the construction of a new WWTP; and, a contractor to construct a new WWTP.

- 6) Whether the violation was committed willfully or intentionally;**

Unknown

The permittee has known of the need to upgrade the WWTP since they took ownership of the facility in 2013 but has not yet taken any substantive actions to perform any upgrades.

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Mar 26 2024

**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**

The permittee took ownership of the WWTP in early 2013 and was made aware of the need to modify the WWTP, and that the permit expired in January 2015, but did not take action until December 2014 when a permit renewal and modification application was submitted. Since that time the permittee has not taken any substantive action to perform any upgrades to the WWTP.

**8) The cost to the State of the enforcement procedures.**

**\$53.06**

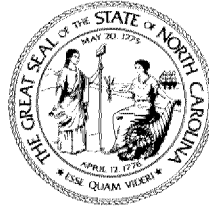
9/21/2022

Date

*David May*

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





NORTH CAROLINA  
*Environmental Quality*

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

**Certified Mail 7022 1670 0000 9974 5319**  
**Return Receipt Requested**

September 21, 2022

Bob Miller  
Carolina Village NC LLC  
251 Dry Valley Road NE, Unit S-2  
Cleveland, TN 37312-6619

**SUBJECT:** Notice of Violation and Assessment of Civil Penalty  
for Violations of Non-discharge Permit No. WQ0004696  
Carolina Village NC LLC  
Carolina Village WWTP  
Case No. LV-2022-0248  
Currituck County

Dear Mr. Miller:

This letter transmits a Notice of Violation and assessment of civil penalty in the amount of \$2,453.06 (\$2,400.00 civil penalty + \$53.06 enforcement costs) against Carolina Village NC LLC.

This assessment is based upon the following facts: a review has been conducted of the Non-Discharge Monitoring Report (NDMR) submitted by Carolina Village NC LLC for the month of February 2022. This review has shown the subject facility to be in violation of the limitations and/or monitoring requirements found in Non-discharge Permit No. WQ0004696. The violations, which occurred in February 2022, are summarized in Attachment A to this letter.

Based upon the above facts, I conclude as a matter of law that Carolina Village NC LLC violated the terms, conditions or requirements of Non-discharge Permit No. WQ0004696 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 27589  
252.946.6481

OFFICIAL COPY

Mar 26 2024

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 Carolina Village NC LLC:

<u>\$600.00</u>	<u>1</u> of 1 violations of the Permit Monthly Average for <b><u>BOD, 5-Day (20 Deg. C)</u></b> per the limits established in Permit No. WQ0004696
<u>\$600.00</u>	<u>1</u> of 1 violations of the Permit Monthly Average for <b><u>Nitrogen, Ammonia Total (as N)</u></b> per the limits established in Permit No. WQ0004696
<u>\$600.00</u>	<u>1</u> of 1 violations of the Permit Monthly Average for <b><u>Nitrogen, Total (as N)</u></b> per the limits established in Permit No. WQ0004696
<u>\$600.00</u>	<u>1</u> of 1 violations of the Permit Monthly Average for <b><u>Solids, Total Suspended</u></b> per the limits established in Permit No. WQ0004696
<u>\$2,400.00</u>	<b>TOTAL CIVIL PENALTY</b>
<u>\$53.06</u>	Enforcement Costs
<u>\$2,453.06</u>	<b>TOTAL AMOUNT DUE</b>

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 Randy Sipe with the Division of Water Resources staff of the Washington Regional Office at (252)948-3849 or via email at [Randy.Sipe@ncdenr.gov](mailto:Randy.Sipe@ncdenr.gov).

Sincerely,



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

ATTACHMENTS

Cc: Laserfiche

**JUSTIFICATION FOR REMISSION REQUEST**

**Case Number:** LV-2022-0248  
**Assessed Party:** Carolina Village NC LLC  
**Permit No.:** WQ0004696

**County:** Currituck

**Amount Assessed:** \$2,453.06

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 CURRITUCK

IN THE MATTER OF ASSESSMENT  
OF CIVIL PENALTIES AGAINST

**Carolina Village NC LLC**  
**Carolina Village WWTP**

PERMIT NO. WQ0004696

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

) **CASE NO. LV-2022-0248**

Having been assessed civil penalties totaling \$2,453.06 for violation(s) as set forth in the assessment document of the Division of Water Resources dated September 21, 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

\_\_\_\_\_

OFFICIAL COPY

Mar 26 2024

**ATTACHMENT A**

**Carolina Village NC LLC**

**CASE NUMBER: LV-2022-0248**

**PERMIT: WQ0004696**

**REGION: Washington**

**FACILITY: Carolina Village WWTP**

**COUNTY: Currituck**

**LIMIT VIOLATION(S)**

**SAMPLE LOCATION: PPI001**

Violation Date	Report Month/Yr	Parameter	Frequency	Unit of Measure	Limit Value	Calculated Value	% Over Limit	Violation Type	Penalty Amount
2/28/2022	2-2022	BOD, 5-Day (20 Deg. C)	2 X month	mg/l	10	21	110.0	Monthly Average Exceeded	\$600.00
2/28/2022	2-2022	Nitrogen, Ammonia Total (as N)	2 X month	mg/l	4	8.45	111.2	Monthly Average Exceeded	\$600.00
2/28/2022	2-2022	Nitrogen, Total (as N)	2 X month	mg/l	7	13.5	92.9	Monthly Average Exceeded	\$600.00
2/28/2022	2-2022	Solids, Total Suspended	2 X month	mg/l	15	24	60.0	Monthly Average Exceeded	\$600.00

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**Mar 26 2024**

**DIVISION OF WATER RESOURCES - CIVIL PENALTY ASSESSMENT**

**Violator:** Carolina Village NC LLC

**Facility Name:** Carolina Village WWTP

**Permit Number:** WQ0004696

**County:** Currituck

**Case Number:** LV-2022-0286

**ASSESSMENT FACTORS**

- 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;**

Unknown

The existing WWTP has not been capable of meeting effluent limits since 2015 when the permit was modified at the permittee's request to reflect proposed upgrades to the treatment and disposal system. The permittee has yet to perform the proposed upgrades to the WWTP to remedy the situation.

- 2) The duration and gravity of the violation;**

Significant

The existing WWTP has not been capable of meeting effluent limits since 2015 when the permit was modified at the permittee's request to reflect proposed upgrades to the treatment and disposal system.

- 3) The effect on ground or surface water quantity or quality or on air quality;**

Unknown

The existing WWTP has not been capable of meeting effluent limits since 2015 when the permit was modified at the permittee's request to reflect proposed upgrades to the treatment and disposal system. The permittee has yet to perform the proposed upgrades to the WWTP to remedy the situation.

- 4) The cost of rectifying the damage;**

Unknown

- 5) The amount of money saved by noncompliance;**

Significant

Costs would be related to consulting engineering to supervise the construction of a new WWTP; and, a contractor to construct a new WWTP.

- 6) Whether the violation was committed willfully or intentionally;**

Unknown

The permittee has known of the need to upgrade the WWTP since they took ownership of the facility in 2013 but has not yet taken any substantive actions to perform any upgrades.

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Mar 26 2024



**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**

The permittee took ownership of the WWTP in early 2013 and was made aware of the need to modify the WWTP, and that the permit expired in January 2015, but did not take action until December 2014 when a permit renewal and modification application was submitted. Since that time the permittee has not taken any substantive action to perform any upgrades to the WWTP.

**8) The cost to the State of the enforcement procedures.**

**\$53.06**

10/31/2022

**Date**

*David May*

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

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



**Certified Mail 7022 1670 0000 9974 5395**  
**Return Receipt Requested**

October 31, 2022

Bob Miller  
Carolina Village NC LLC  
251 Dry Valley Road NE, Unit S-2  
Cleveland, TN 37312-6619

SUBJECT: Notice of Violation and Assessment of Civil Penalty  
for Violations of Non-discharge Permit No. WQ0004696  
Carolina Village NC LLC  
Carolina Village WWTP  
Case No. LV-2022-0286  
Currituck County

Dear Mr. Miller:

This letter transmits a Notice of Violation and assessment of civil penalty in the amount of \$1,353.06 (\$1,300.00 civil penalty + \$53.06 enforcement costs) against Carolina Village NC LLC.

This assessment is based upon the following facts: a review has been conducted of the Non-Discharge Monitoring Report (NDMR) submitted by Carolina Village NC LLC for the month of March 2022. This review has shown the subject facility to be in violation of the limitations and/or monitoring requirements found in Non-discharge Permit No. WQ0004696. The violations, which occurred in March 2022, are summarized in Attachment A to this letter.

Based upon the above facts, I conclude as a matter of law that Carolina Village NC LLC violated the terms, conditions or requirements of Non-discharge Permit No. WQ0004696 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).



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 Carolina Village NC LLC:

<u>\$600.00</u>	<u>1</u> of 1 violations of the Permit Monthly Average for <b><u>Nitrogen, Ammonia Total (as N)</u></b> per the limits established in Permit No. WQ0004696
<u>\$600.00</u>	<u>1</u> of 1 violations of the Permit Monthly Average for <b><u>Nitrogen, Total (as N)</u></b> per the limits established in Permit No. WQ0004696
<u>\$50.00</u>	For <u>1</u> of the <u>1</u> failures to submit monitoring reports or portions of monitoring reports in violation of Permit No. WQ0004696.
<u>\$50.00</u>	For <u>1</u> of the <u>1</u> failures to submit monitoring reports or portions of monitoring reports in violation of Permit No. WQ0004696.
<u>\$1,300.00</u>	<b>TOTAL CIVIL PENALTY</b>
<u>\$53.06</u>	Enforcement Costs
<u>\$1,353.06</u>	<b>TOTAL AMOUNT DUE</b>

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 Randy Sipe with the Division of Water Resources staff of the Washington Regional Office at (252)948-3849 or via email at [Randy.Sipe@ncdenr.gov](mailto:Randy.Sipe@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

**JUSTIFICATION FOR REMISSION REQUEST**

**Case Number:** LV-2022-0286  
**Assessed Party:** Carolina Village NC LLC  
**Permit No.:** WQ0004696

**County:** Currituck

**Amount Assessed:** \$1,353.06

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 CURRITUCK

IN THE MATTER OF ASSESSMENT )  
OF CIVIL PENALTIES AGAINST )

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

**Carolina Village NC LLC** )  
**Carolina Village WWTP** )

PERMIT NO. WQ0004696 )

**CASE NO. LV-2022-0286**

Having been assessed civil penalties totaling \$1,353.06 for violation(s) as set forth in the assessment document of the Division of Water Resources dated October 31, 2022, the undersigned, desiring to seek remission of the civil penalty, does hereby waive theright 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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Mar 26 2024

**ATTACHMENT A**

**Carolina Village NC LLC**

**CASE NUMBER: LV-2022-0286**

**PERMIT: WQ0004696**

**REGION: Washington**

**FACILITY: Carolina Village WWTP**

**COUNTY: Currituck**

**LIMIT VIOLATION(S)**

**SAMPLE LOCATION: PPI001**

Violation Date	Report Month/Yr	Parameter	Frequency	Unit of Measure	Limit Value	Calculated Value	% Over Limit	Violation Type	Penalty Amount
3/31/2022	3-2022	Nitrogen, Ammonia Total (as N)	2 X month	mg/l	4	8.45	111.2	Monthly Average Exceeded	\$600.00
3/31/2022	3-2022	Nitrogen, Total (as N)	2 X month	mg/l	7	12.15	73.6	Monthly Average Exceeded	\$600.00

**REPORTING VIOLATION(S)**

**SAMPLE LOCATION:**

Violation Date	Report Month/Yr	Parameter	Frequency	Unit of Measure	Limit Value	Calculated Value	% Over Limit	Violation Type	Penalty Amount
3/31/2022	3-2022	Chloride (as Cl)	3 X year	mg/l				Parameter Missing	\$50.00
3/31/2022	3-2022	Solids, Total Dissolved- 180 Deg.C	3 X year	mg/l				Parameter Missing	\$50.00

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Mar 26 2024



**DIVISION OF WATER RESOURCES - CIVIL PENALTY ASSESSMENT**

**Violator:** Carolina Village NC LLC

**Facility Name:** Carolina Village WWTP

**Permit Number:** WQ0004696

**County:** Currituck

**Case Number:** LV-2022-0287

**ASSESSMENT FACTORS**

- 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;**

Unknown

The existing WWTP has not been capable of meeting effluent limits since 2015 when the permit was modified at the permittee's request to reflect proposed upgrades to the treatment and disposal system. The permittee has yet to perform the proposed upgrades to the WWTP to remedy the situation.

- 2) The duration and gravity of the violation;**

Significant

The existing WWTP has not been capable of meeting effluent limits since 2015 when the permit was modified at the permittee's request to reflect proposed upgrades to the treatment and disposal system.

- 3) The effect on ground or surface water quantity or quality or on air quality;**

Unknown

The existing WWTP has not been capable of meeting effluent limits since 2015 when the permit was modified at the permittee's request to reflect proposed upgrades to the treatment and disposal system. The permittee has yet to perform the proposed upgrades to the WWTP to remedy the situation.

- 4) The cost of rectifying the damage;**

Unknown

- 5) The amount of money saved by noncompliance;**

Significant

Costs would be related to consulting engineering to supervise the construction of a new WWTP; and, a contractor to construct a new WWTP.

- 6) Whether the violation was committed willfully or intentionally;**

Unknown

The permittee has known of the need to upgrade the WWTP since they took ownership of the facility in 2013 but has not yet taken any substantive actions to perform any upgrades.

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Mar 26 2024

**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**

The permittee took ownership of the WWTP in early 2013 and was made aware of the need to modify the WWTP, and that the permit expired in January 2015, but did not take action until December 2014 when a permit renewal and modification application was submitted. Since that time the permittee has not taken any substantive action to perform any upgrades to the WWTP.

**8) The cost to the State of the enforcement procedures.**

**\$53.06**

11/01/2022

**Date**

*David May*

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

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Mar 26 2024

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



**Certified Mail 7022 1670 0000 9974 5418**  
**Return Receipt Requested**

November 01, 2022

Bob Miller  
Carolina Village NC LLC  
251 Dry Valley Road NE, Unit S-2  
Cleveland, TN 37312-6619

SUBJECT: Notice of Violation and Assessment of Civil Penalty  
for Violations of Non-discharge Permit No. WQ0004696  
Carolina Village NC LLC  
Carolina Village WWTP  
Case No. LV-2022-0287  
Currituck County

Dear Mr. Miller:

This letter transmits a Notice of Violation and assessment of civil penalty in the amount of \$3,653.06 (\$3,600.00 civil penalty + \$53.06 enforcement costs) against Carolina Village NC LLC.

This assessment is based upon the following facts: a review has been conducted of the Non-Discharge Monitoring Report (NDR) submitted by Carolina Village NC LLC for the month of December 2021. This review has shown the subject facility to be in violation of the limitations and/or monitoring requirements found in Non-discharge Permit No. WQ0004696. The violations, which occurred in December 2021, are summarized in Attachment A to this letter.

Based upon the above facts, I conclude as a matter of law that Carolina Village NC LLC violated the terms, conditions or requirements of Non-discharge Permit No. WQ0004696 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).



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 Carolina Village NC LLC:

<u>\$600.00</u>	<u>1</u> of 1 violations of the Permit Monthly Average for <b><u>BOD, 5-Day (20 Deg. C)</u></b> per the limits established in Permit No. WQ0004696
<u>\$600.00</u>	<u>1</u> of 1 violations of the Permit Monthly Average for <b><u>Nitrogen, Ammonia Total (as N)</u></b> per the limits established in Permit No. WQ0004696
<u>\$600.00</u>	<u>1</u> of 1 violations of the Permit Monthly Average for <b><u>Nitrogen, Total (as N)</u></b> per the limits established in Permit No. WQ0004696
<u>\$600.00</u>	<u>1</u> of 1 violations of the Permit Monthly Average for <b><u>Phosphorus, Total (as P)</u></b> per the limits established in Permit No. WQ0004696
<u>\$600.00</u>	<u>1</u> of 1 violations of the Permit Monthly Average for <b><u>Solids, Total Suspended</u></b> per the limits established in Permit No. WQ0004696
<u>\$600.00</u>	<u>1</u> of 1 violations of the Permit Monthly Geometric Mean for <b><u>Coliform, Fecal MF, MFC Broth, 44.5 C</u></b> per the limits established in Permit No. WQ0004696
<u>\$3,600.00</u>	<b>TOTAL CIVIL PENALTY</b>
<u>\$53.06</u>	Enforcement Costs
<u>\$3,653.06</u>	<b>TOTAL AMOUNT DUE</b>

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 Randy Sipe with the Division of Water Resources staff of the Washington Regional Office at (252)948-3849 or via email at Randy.Sipe@ncdenr.gov.

Sincerely,



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

ATTACHMENTS

Cc: Laserfiche

**JUSTIFICATION FOR REMISSION REQUEST**

**Case Number:** LV-2022-0287 **County:** Currituck  
**Assessed Party:** Carolina Village NC LLC  
**Permit No.:** WQ0004696 **Amount Assessed:** \$3,653.06

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 CURRITUCK

IN THE MATTER OF ASSESSMENT )  
OF CIVIL PENALTIES AGAINST )

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

**Carolina Village NC LLC** )  
**Carolina Village WWTP** )

PERMIT NO. WQ0004696 )

**CASE NO. LV-2022-0287**

Having been assessed civil penalties totaling \$3,653.06 for violation(s) as set forth in the assessment document of the Division of Water Resources dated November 1, 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  
\_\_\_\_\_

OFFICIAL COPY

Mar 26 2024

**ATTACHMENT A**

**Carolina Village NC LLC**

**CASE NUMBER: LV-2022-0287**

**PERMIT: WQ0004696**

**REGION: Washington**

**FACILITY: Carolina Village WWTP**

**COUNTY: Currituck**

**LIMIT VIOLATION(S)**

**SAMPLE LOCATION: PPI001**

Violation Date	Report Month/Yr	Parameter	Frequency	Unit of Measure	Limit Value	Calculated Value	% Over Limit	Violation Type	Penalty Amount
12/31/2021	12-2021	BOD, 5-Day (20 Deg. C)	2 X month	mg/l	10	52.5	425.0	Monthly Average Exceeded	\$600.00
12/31/2021	12-2021	Coliform, Fecal MF, MFC Broth, 44.5 C	2 X month	#/100ml	14	147.58	954.1	Monthly Geometric Mean Exceeded	\$600.00
12/31/2021	12-2021	Nitrogen, Ammonia Total (as N)	2 X month	mg/l	4	21.75	443.8	Monthly Average Exceeded	\$600.00
12/31/2021	12-2021	Nitrogen, Total (as N)	2 X month	mg/l	7	28.9	312.9	Monthly Average Exceeded	\$600.00
12/31/2021	12-2021	Phosphorus, Total (as P)	2 X month	mg/l	3	6.32	110.5	Monthly Average Exceeded	\$600.00
12/31/2021	12-2021	Solids, Total Suspended	2 X month	mg/l	15	36.7	144.7	Monthly Average Exceeded	\$600.00

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Mar 26 2024

**DIVISION OF WATER RESOURCES - CIVIL PENALTY ASSESSMENT**

**Violator:** Carolina Village NC LLC

**Facility Name:** Carolina Village WWTP

**Permit Number:** WQ0004696

**County:** Currituck

**Case Number:** LV-2023-0020

**ASSESSMENT FACTORS**

- 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;**

Unknown

The existing WWTP has not been capable of meeting effluent limits since 2015 when the permit was modified at the permittee's request to reflect proposed upgrades to the treatment and disposal system. The permittee has yet to perform the proposed upgrades to the WWTP to remedy the situation.

- 2) The duration and gravity of the violation;**

Significant

The existing WWTP has not been capable of meeting effluent limits since 2015 when the permit was modified at the permittee's request to reflect proposed upgrades to the treatment and disposal system.

- 3) The effect on ground or surface water quantity or quality or on air quality;**

Unknown

The existing WWTP has not been capable of meeting effluent limits since 2015 when the permit was modified at the permittee's request to reflect proposed upgrades to the treatment and disposal system. The permittee has yet to perform the proposed upgrades to the WWTP to remedy the situation.

- 4) The cost of rectifying the damage;**

Unknown

- 5) The amount of money saved by noncompliance;**

Significant

Costs would be related to consulting engineering to supervise the construction of a new WWTP and a contractor to construct a new WWTP.

- 6) Whether the violation was committed willfully or intentionally;**

Unknown

The permittee has known of the need to upgrade the WWTP since they took ownership of the facility in 2013 but has not yet taken any substantive actions to perform any upgrades.

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Mar 26 2024

**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**

The permittee took ownership of the WWTP in early 2013 and was made aware of the need to modify the WWTP, and that the permit expired in January 2015, but did not take action until December 2014 when a permit renewal and modification application was submitted. Since that time the permittee has not taken any substantive action to perform any upgrades to the WWTP.

**8) The cost to the State of the enforcement procedures.**

**\$53.06**

2/2/2023

**Date**

*David May*

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

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Mar 26 2024

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



**Certified Mail 7021 0950 0001 8685 4020**  
**Return Receipt Requested**

January 30, 2023

Bob Miller  
Carolina Village NC LLC  
251 Dry Valley Road NE, Unit S-2  
Cleveland, TN 37312-6619

**SUBJECT:** Notice of Violation and Assessment of Civil Penalty  
for Violations of Non-discharge Permit No. WQ0004696  
Carolina Village NC LLC  
Carolina Village WWTP  
Case No. LV-2023-0020  
Currituck County

Dear Mr. Miller:

This letter transmits a Notice of Violation and assessment of civil penalty in the amount of \$1,253.06 (\$1,200.00 civil penalty + \$53.06 enforcement costs) against Carolina Village NC LLC.

This assessment is based upon the following facts: a review has been conducted of the Non-Discharge Monitoring Report (NDMR) submitted by Carolina Village NC LLC for the month of April 2022. This review has shown the subject facility to be in violation of the limitations and/or monitoring requirements found in Non-discharge Permit No. WQ0004696. The violations, which occurred in April 2022, are summarized in Attachment A to this letter.

Based upon the above facts, I conclude as a matter of law that Carolina Village NC LLC violated the terms, conditions or requirements of Non-discharge Permit No. WQ0004696 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

OFFICIAL COPY

Mar 26 2024

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 Carolina Village NC LLC:

\$600.00    1 of 1 violations of the Permit Monthly Average for **Nitrogen, Total (as N)** per the limits established in Permit No. WQ0004696

\$600.00    1 of 1 violations of the Permit Monthly Geometric Mean for **Coliform, Fecal MF, MFC Broth, 44.5 C** per the limits established in Permit No. WQ0004696

\$1,200.00    **TOTAL CIVIL PENALTY**

\$53.06    Enforcement Costs

\$1,253.06    **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 Randy Sipe with the Division of Water Resources staff of the Washington Regional Office at (252)948-3849 or via email at [Randy.Sipe@ncdenr.gov](mailto:Randy.Sipe@ncdenr.gov).

Sincerely,



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

ATTACHMENTS

Cc: Laserfiche



**JUSTIFICATION FOR REMISSION REQUEST**

**Case Number:** LV-2023-0020  
**Assessed Party:** Carolina Village NC LLC  
**Permit No.:** WQ0004696

**County:** Currituck

**Amount Assessed:** \$1,253.06

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:**

OFFICIAL COPY  
Mar 26 2024

STATE OF NORTH CAROLINA

DEPARTMENT OF ENVIRONMENTAL QUALITY

COUNTY OF CURRITUCK

IN THE MATTER OF ASSESSMENT  
OF CIVIL PENALTIES AGAINST

**Carolina Village NC LLC**

**Carolina Village WWTP**

PERMIT NO. WQ0004696

)  
)  
)  
)  
)  
)  
)

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

**CASE NO. LV-2023-0020**

Having been assessed civil penalties totaling \$1,253.06 for violation(s) as set forth in the assessment document of the Division of Water Resources dated January 30, 2023, 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

\_\_\_\_\_

OFFICIAL COPY

Mar 26 2024

**ATTACHMENT A**

**Carolina Village NC LLC**

**CASE NUMBER: LV-2023-0020**

**PERMIT: WQ0004696**

**REGION: Washington**

**FACILITY: Carolina Village WWTP**

**COUNTY: Currituck**

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**LIMIT VIOLATION(S)**

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**SAMPLE LOCATION: PPI001**

<b>Violation Date</b>	<b>Report Month/Yr</b>	<b>Parameter</b>	<b>Frequency</b>	<b>Unit of Measure</b>	<b>Limit Value</b>	<b>Calculated Value</b>	<b>% Over Limit</b>	<b>Violation Type</b>	<b>Penalty Amount</b>
4/30/2022	4-2022	Coliform, Fecal MF, MFC Broth, 44.5 C	2 X month	#/100ml	14	49.19	251.4	Monthly Geometric Mean Exceeded	\$600.00
4/30/2022	4-2022	Nitrogen, Total (as N)	2 X month	mg/l	7	7.65	9.3	Monthly Average Exceeded	\$600.00

---

**OFFICIAL COPY**

**Mar 26 2024**

**DIVISION OF WATER RESOURCES - CIVIL PENALTY ASSESSMENT**

**Violator:** Carolina Village NC LLC

**Facility Name:** Carolina Village WWTP

**Permit Number:** WQ0004696

**County:** Currituck

**Case Number:** LV-2023-0030

**ASSESSMENT FACTORS**

- 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;**

Unknown

The existing WWTP has not been capable of meeting effluent limits since 2015 when the permit was modified at the permittee's request to reflect proposed upgrades to the treatment and disposal system. The permittee has yet to perform the proposed upgrades to the WWTP to remedy the situation.

- 2) The duration and gravity of the violation;**

Significant

The existing WWTP has not been capable of meeting effluent limits since 2015 when the permit was modified at the permittee's request to reflect proposed upgrades to the treatment and disposal system.

- 3) The effect on ground or surface water quantity or quality or on air quality;**

Unknown

The existing WWTP has not been capable of meeting effluent limits since 2015 when the permit was modified at the permittee's request to reflect proposed upgrades to the treatment and disposal system. The permittee has yet to perform the proposed upgrades to the WWTP to remedy the situation.

- 4) The cost of rectifying the damage;**

Unknown

- 5) The amount of money saved by noncompliance;**

Significant

Costs would be related to consulting engineering to supervise the construction of a new WWTP and a contractor to construct a new WWTP.

- 6) Whether the violation was committed willfully or intentionally;**

Unknown

The permittee has known of the need to upgrade the WWTP since they took ownership of the facility in 2013 but has not yet taken any substantive actions to perform any upgrades.

**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**

The permittee took ownership of the WWTP in early 2013 and was made aware of the need to modify the WWTP, and that the permit expired in January 2015, but did not take action until December 2014 when a permit renewal and modification application was submitted. Since that time the permittee has not taken any substantive action to perform any upgrades to the WWTP.

**8) The cost to the State of the enforcement procedures.**

**\$51.90**

2/2/2023

**Date**

*David May*

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

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



**Certified Mail 7021 0950 0001 8685 4068**  
**Return Receipt Requested**

February 02, 2023

Bob Miller  
Carolina Village NC LLC  
251 Dry Valley Road NE, Unit S-2  
Cleveland, TN 37312-6619

SUBJECT: Notice of Violation and Assessment of Civil Penalty  
for Violations of Non-discharge Permit No. WQ0004696  
Carolina Village NC LLC  
Carolina Village WWTP  
Case No. LV-2023-0030  
Currituck County

Dear Mr. Miller:

This letter transmits a Notice of Violation and assessment of civil penalty in the amount of \$2,451.90 (\$2,400.00 civil penalty + \$51.90 enforcement costs) against Carolina Village NC LLC.

This assessment is based upon the following facts: a review has been conducted of the Non-Discharge Monitoring Report (NDMR) submitted by Carolina Village NC LLC for the month of May 2022. This review has shown the subject facility to be in violation of the limitations and/or monitoring requirements found in Non-discharge Permit No. WQ0004696. The violations, which occurred in May 2022, are summarized in Attachment A to this letter.

Based upon the above facts, I conclude as a matter of law that Carolina Village NC LLC violated the terms, conditions or requirements of Non-discharge Permit No. WQ0004696 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 27689  
252.946.6481

OFFICIAL COPY

Mar 26 2024

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 Carolina Village NC LLC:

<u>\$600.00</u>	<u>1</u> of 1 violations of the Permit Monthly Average for <b><u>Nitrogen, Ammonia Total (as N)</u></b> per the limits established in Permit No. WQ0004696
<u>\$600.00</u>	<u>1</u> of 1 violations of the Permit Monthly Average for <b><u>Nitrogen, Total (as N)</u></b> per the limits established in Permit No. WQ0004696
<u>\$600.00</u>	<u>1</u> of 1 violations of the Permit Monthly Average for <b><u>Phosphorus, Total (as P)</u></b> per the limits established in Permit No. WQ0004696
<u>\$600.00</u>	<u>1</u> of 1 violations of the Permit Monthly Geometric Mean for <b><u>Coliform, Fecal MF, MFC Broth, 44.5 C</u></b> per the limits established in Permit No. WQ0004696
<u>\$2,400.00</u>	<b>TOTAL CIVIL PENALTY</b>
<u>\$51.90</u>	Enforcement Costs
<u>\$2,451.90</u>	<b>TOTAL AMOUNT DUE</b>

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 Randy Sipe with the Division of Water Resources staff of the Washington Regional Office at (252)948-3849 or via email at [Randy.Sipe@ncdenr.gov](mailto:Randy.Sipe@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

**JUSTIFICATION FOR REMISSION REQUEST**

**Case Number:** LV-2023-0030  
**Assessed Party:** Carolina Village NC LLC  
**Permit No.:** WQ0004696

**County:** Currituck

**Amount Assessed:** \$2,451.90

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 CURRITUCK

IN THE MATTER OF ASSESSMENT  
OF CIVIL PENALTIES AGAINST

**Carolina Village NC LLC**  
**Carolina Village WWTP**

PERMIT NO. WQ0004696

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

) **CASE NO. LV-2023-0030**

Having been assessed civil penalties totaling \$2,451.90 for violation(s) as set forth in the assessment document of the Division of Water Resources dated February 2, 2023, 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

\_\_\_\_\_

OFFICIAL COPY

Mar 26 2024

**ATTACHMENT A**

**Carolina Village NC LLC**

**CASE NUMBER: LV-2023-0030**

**PERMIT: WQ0004696**

**REGION: Washington**

**FACILITY: Carolina Village WWTP**

**COUNTY: Currituck**

**LIMIT VIOLATION(S)**

**SAMPLE LOCATION: PPI001**

Violation Date	Report Month/Yr	Parameter	Frequency	Unit of Measure	Limit Value	Calculated Value	% Over Limit	Violation Type	Penalty Amount
5/31/2022	5-2022	Coliform, Fecal MF, MFC Broth, 44.5 C	2 X month	#/100ml	14	23.41	67.2	Monthly Geometric Mean Exceeded	\$600.00
5/31/2022	5-2022	Nitrogen, Ammonia Total (as N)	2 X month	mg/l	4	31.45	686.3	Monthly Average Exceeded	\$600.00
5/31/2022	5-2022	Nitrogen, Total (as N)	2 X month	mg/l	7	34.2	388.6	Monthly Average Exceeded	\$600.00
5/31/2022	5-2022	Phosphorus, Total (as P)	2 X month	mg/l	3	7.66	155.5	Monthly Average Exceeded	\$600.00

**OFFICIAL COPY**

**Mar 26 2024**

**DIVISION OF WATER RESOURCES - CIVIL PENALTY ASSESSMENT**

**Violator:** Carolina Village NC LLC  
**Facility Name:** Carolina Village WWTP  
**Permit Number:** WQ0004696  
**County:** Currituck  
**Case Number:** LV-2023-0056

**ASSESSMENT FACTORS**

- 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;**

Unknown

The existing WWTP has not been capable of meeting effluent limits since 2015 when the permit was modified at the permittee's request to reflect proposed upgrades to the treatment and disposal system. The permittee has yet to perform the proposed upgrades to the WWTP to remedy the situation.

- 2) The duration and gravity of the violation;**

Significant

The existing WWTP has not been capable of meeting effluent limits since 2015 when the permit was modified at the permittee's request to reflect proposed upgrades to the treatment and disposal system.

- 3) The effect on ground or surface water quantity or quality or on air quality;**

Unknown

The existing WWTP has not been capable of meeting effluent limits since 2015 when the permit was modified at the permittee's request to reflect proposed upgrades to the treatment and disposal system. The permittee has yet to perform the proposed upgrades to the WWTP to remedy the situation.

- 4) The cost of rectifying the damage;**

Unknown

- 5) The amount of money saved by noncompliance;**

Significant

Costs would be related to consulting engineering to supervise the construction of a new WWTP and a contractor to construct a new WWTP.

- 6) Whether the violation was committed willfully or intentionally;**

Unknown

The permittee has known of the need to upgrade the WWTP since they took ownership of the facility in 2013 but has not yet taken any substantive actions to perform any upgrades.

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Mar 26 2024

**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**

The permittee took ownership of the WWTP in early 2013 and was made aware of the need to modify the WWTP, and that the permit expired in January 2015, but did not take action until December 2014 when a permit renewal and modification application was submitted. Since that time the permittee has not taken any substantive action to perform any upgrades to the WWTP.

**8) The cost to the State of the enforcement procedures.**

**\$146.94**

2-15-2023

**Date**

*David May*

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



NORTH CAROLINA  
Environmental Quality

ROY COOPER  
Governor

ELIZABETH S. BISER  
Secretary

RICHARD E. ROGERS, JR.  
Director

7021 0950 0001 8685 4198

Certified Mail ~~7021 0950 0001 8685 4112~~ *SECOND ATTEMPT*  
Return Receipt Requested

February 15, 2023

Bob Miller  
Carolina Village NC LLC  
251 Dry Valley Road NE, Unit S-2  
Cleveland, TN 37312-6619

SUBJECT: Notice of Violation and Assessment of Civil Penalty  
for Violations of Non-discharge Permit No. WQ0004696  
Carolina Village NC LLC  
Carolina Village WWTP  
Case No. LV-2023-0056  
Currituck County

Dear Mr. Miller:

This letter transmits a Notice of Violation and assessment of civil penalty in the amount of \$2,046.94 (\$1,900.00 civil penalty + \$146.94 enforcement costs) against Carolina Village NC LLC.

This assessment is based upon the following facts: a review has been conducted of the Non-Discharge Monitoring Report (NDMR) submitted by Carolina Village NC LLC for the month of June 2022. This review has shown the subject facility to be in violation of the limitations and/or monitoring requirements found in Non-discharge Permit No. WQ0004696. The violations, which occurred in June 2022, are summarized in Attachment A to this letter.

Based upon the above facts, I conclude as a matter of law that Carolina Village NC LLC violated the terms, conditions or requirements of Non-discharge Permit No. WQ0004696 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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Mar 26 2024

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 Carolina Village NC LLC:

<u>\$600.00</u>	<u>1</u> of 1 violations of the Permit Monthly Average for <b><u>Nitrogen, Ammonia Total (as N)</u></b> per the limits established in Permit No. WQ0004696
<u>\$600.00</u>	<u>1</u> of 1 violations of the Permit Monthly Average for <b><u>Nitrogen, Total (as N)</u></b> per the limits established in Permit No. WQ0004696
<u>\$600.00</u>	<u>1</u> of 1 violations of the Permit Monthly Average for <b><u>Solids, Total Suspended</u></b> per the limits established in Permit No. WQ0004696
<u>\$50.00</u>	For <u>1</u> of the <u>1</u> failures to submit monitoring reports or portions of monitoring reports in violation of Permit No. WQ0004696.
<u>\$50.00</u>	For <u>1</u> of the <u>1</u> failures to submit monitoring reports or portions of monitoring reports in violation of Permit No. WQ0004696.
<u>\$1,900.00</u>	<b>TOTAL CIVIL PENALTY</b>
<u>\$146.94</u>	Enforcement Costs
<u>\$2,046.94</u>	<b>TOTAL AMOUNT DUE</b>

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 Randy Sipe with the Division of Water Resources staff of the Washington Regional Office at (252)948-3849 or via email at Randy.Sipe@ncdenr.gov.

Sincerely,



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

ATTACHMENTS

Cc: Laserfiche

**JUSTIFICATION FOR REMISSION REQUEST**

**Case Number:** LV-2023-0056  
**Assessed Party:** Carolina Village NC LLC  
**Permit No.:** WQ0004696

**County:** Currituck

**Amount Assessed:** \$2,046.94

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 CURRITUCK

IN THE MATTER OF ASSESSMENT )  
OF CIVIL PENALTIES AGAINST )  
  
Carolina Village NC LLC )  
Carolina Village WWTP )  
  
PERMIT NO. WQ0004696 )

**WAIVER OF RIGHT TO AN  
ADMINISTRATIVE HEARING AND  
STIPULATION OF FACTS**  
  
**CASE NO. LV-2023-0056**

Having been assessed civil penalties totaling \$2,046.94 for violation(s) as set forth in the assessment document of the Division of Water Resources dated February 15, 2023, 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

\_\_\_\_\_

OFFICIAL COPY

Mar 26 2024

**ATTACHMENT A**

**Carolina Village NC LLC**

**CASE NUMBER: LV-2023-0056**

**PERMIT: WQ0004696**

**REGION: Washington**

**FACILITY: Carolina Village WWTP**

**COUNTY: Currituck**

**LIMIT VIOLATION(S)**

**SAMPLE LOCATION: PPI001**

Violation Date	Report Month/Yr	Parameter	Frequency	Unit of Measure	Limit Value	Calculated Value	% Over Limit	Violation Type	Penalty Amount
6/30/2022	6-2022	Nitrogen, Ammonia Total (as N)	2 X month	mg/l	4	30.95	673.8	Monthly Average Exceeded	\$600.00
6/30/2022	6-2022	Nitrogen, Total (as N)	2 X month	mg/l	7	33.6	380.0	Monthly Average Exceeded	\$600.00
6/30/2022	6-2022	Solids, Total Suspended	2 X month	mg/l	15	16.25	8.3	Monthly Average Exceeded	\$600.00

**REPORTING VIOLATION(S)**

**SAMPLE LOCATION: PPI001**

Violation Date	Report Month/Yr	Parameter	Frequency	Unit of Measure	Limit Value	Calculated Value	% Over Limit	Violation Type	Penalty Amount
6/30/2022	6-2022	Chlorine, Total Residual	5 X week	mg/l				Parameter Missing	\$50.00
6/30/2022	6-2022	pH	5 X week	su				Parameter Missing	\$50.00

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Mar 26 2024

**DIVISION OF WATER RESOURCES - CIVIL PENALTY ASSESSMENT**

**Violator:** Carolina Village NC LLC  
**Facility Name:** Carolina Village WWTP  
**Permit Number:** WQ0004696  
**County:** Currituck  
**Case Number:** LV-2023-0100

**ASSESSMENT FACTORS**

- 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;**

Unknown

The existing WWTP has not been capable of meeting effluent limits since 2015 when the permit was modified at the permittee's request to reflect proposed upgrades to the treatment and disposal system. The permittee has yet to perform the proposed upgrades to the WWTP to remedy the situation.

- 2) The duration and gravity of the violation;**

Significant

The existing WWTP has not been capable of meeting effluent limits since 2015 when the permit was modified at the permittee's request to reflect proposed upgrades to the treatment and disposal system.

- 3) The effect on ground or surface water quantity or quality or on air quality;**

Unknown

The existing WWTP has not been capable of meeting effluent limits since 2015 when the permit was modified at the permittee's request to reflect proposed upgrades to the treatment and disposal system. The permittee has yet to perform the proposed upgrades to the WWTP to remedy the situation.

- 4) The cost of rectifying the damage;**

Unknown

- 5) The amount of money saved by noncompliance;**

Significant

Costs would be related to consulting engineering to supervise the construction of a new WWTP and a contractor to construct a new WWTP.

- 6) Whether the violation was committed willfully or intentionally;**

Unknown

The permittee has known of the need to upgrade the WWTP since they took ownership of the facility in 2013 but has not yet taken any substantive actions to perform any upgrades.

- 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**

The permittee took ownership of the WWTP in early 2013 and was made aware of the need to modify the WWTP, and that the permit expired in January 2015, but did not take action until December 2014 when a permit renewal and modification application was submitted. Since that time the permittee has not taken any substantive action to perform any upgrades to the WWTP.

- 8) **The cost to the State of the enforcement procedures.**

**\$146.94**

3/27/2023

\_\_\_\_\_  
Date

*David May*

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



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



7022 1670 0000 9974 3520  
Certified Mail 7021 0950 0001 8685 4143 - SECOND ATTEMPT  
Return Receipt Requested

March 27, 2023

Bob Miller  
Carolina Village NC LLC  
251 Dry Valley Road NE, Unit S-2  
Cleveland, TN 37312-6619

SUBJECT: Notice of Violation and Assessment of Civil Penalty  
for Violations of Non-discharge Permit No. WQ0004696  
Carolina Village NC LLC  
Carolina Village WWTP  
Case No. LV-2023-0100  
Currituck County

Dear Mr. Miller:

This letter transmits a Notice of Violation and assessment of civil penalty in the amount of \$1,346.94 (\$1,200.00 civil penalty + \$146.94 enforcement costs) against Carolina Village NC LLC.

This assessment is based upon the following facts: a review has been conducted of the Non-Discharge Monitoring Report (NDR) submitted by Carolina Village NC LLC for the month of July 2022. This review has shown the subject facility to be in violation of the limitations and/or monitoring requirements found in Non-discharge Permit No. WQ0004696. The violations, which occurred in July 2022, are summarized in Attachment A to this letter.

Based upon the above facts, I conclude as a matter of law that Carolina Village NC LLC violated the terms, conditions or requirements of Non-discharge Permit No. WQ0004696 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).



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 Carolina Village NC LLC:

<u>\$600.00</u>	<u>1</u> of 1 violations of the Permit Monthly Average for <b><u>Nitrogen, Ammonia Total (as N)</u></b> per the limits established in Permit No. WQ0004696
<u>\$600.00</u>	<u>1</u> of 1 violations of the Permit Monthly Average for <b><u>Nitrogen, Total (as N)</u></b> per the limits established in Permit No. WQ0004696
<u>\$1,200.00</u>	<b>TOTAL CIVIL PENALTY</b>
<u>\$146.94</u>	Enforcement Costs
<u>\$1,346.94</u>	<b>TOTAL AMOUNT DUE</b>

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 Randy Sipe with the Division of Water Resources staff of the Washington Regional Office at (252)948-3849 or via email at Randy.Sipe@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

**JUSTIFICATION FOR REMISSION REQUEST**

**Case Number:** LV-2023-0100 **County:** Currituck  
**Assessed Party:** Carolina Village NC LLC  
**Permit No.:** WQ0004696 **Amount Assessed:** \$1,346.94

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 CURRITUCK

IN THE MATTER OF ASSESSMENT  
OF CIVIL PENALTIES AGAINST

**Carolina Village NC LLC**  
**Carolina Village WWTP**

PERMIT NO. WQ0004696

)  
)  
)  
)  
)  
)  
)

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

**CASE NO. LV-2023-0100**

Having been assessed civil penalties totaling \$1,346.94 for violation(s) as set forth in the assessment document of the Division of Water Resources dated March 27, 2023, 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

\_\_\_\_\_

OFFICIAL COPY

Mar 26 2024

**ATTACHMENT A**

**Carolina Village NC LLC**

**CASE NUMBER: LV-2023-0100**

**PERMIT: WQ0004696**

**REGION: Washington**

**FACILITY: Carolina Village WWTP**

**COUNTY: Currituck**

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**LIMIT VIOLATION(S)**

---

**SAMPLE LOCATION: PPI001**

<b>Violation Date</b>	<b>Report Month/Yr</b>	<b>Parameter</b>	<b>Frequency</b>	<b>Unit of Measure</b>	<b>Limit Value</b>	<b>Calculated Value</b>	<b>% Over Limit</b>	<b>Violation Type</b>	<b>Penalty Amount</b>
7/31/2022	7-2022	Nitrogen, Ammonia Total (as N)	2 X month	mg/l	4	26.4	560.0	Monthly Average Exceeded	\$600.00
7/31/2022	7-2022	Nitrogen, Total (as N)	2 X month	mg/l	7	31.25	346.4	Monthly Average Exceeded	\$600.00

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**DIVISION OF WATER RESOURCES - CIVIL PENALTY ASSESSMENT**

**Violator:** Carolina Village NC LLC

**Facility Name:** Carolina Village WWTP

**Permit Number:** WQ0004696

**County:** Currituck

**Case Number:** LV-2023-0113

**ASSESSMENT FACTORS**

- 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;**

Unknown

The existing WWTP has not been capable of meeting effluent limits since 2015 when the permit was modified at the permittee's request to reflect proposed upgrades to the treatment and disposal system. The permittee has yet to perform the proposed upgrades to the WWTP to remedy the situation.

- 2) The duration and gravity of the violation;**

Significant

The existing WWTP has not been capable of meeting effluent limits since 2015 when the permit was modified at the permittee's request to reflect proposed upgrades to the treatment and disposal system.

- 3) The effect on ground or surface water quantity or quality or on air quality;**

Unknown

The existing WWTP has not been capable of meeting effluent limits since 2015 when the permit was modified at the permittee's request to reflect proposed upgrades to the treatment and disposal system. The permittee has yet to perform the proposed upgrades to the WWTP to remedy the situation.

- 4) The cost of rectifying the damage;**

Unknown

- 5) The amount of money saved by noncompliance;**

Significant

Costs would be related to consulting engineering to supervise the construction of a new WWTP and a contractor to construct a new WWTP.

- 6) Whether the violation was committed willfully or intentionally;**

Unknown

The permittee has known of the need to upgrade the WWTP since they took ownership of the facility in 2013 but has not yet taken any substantive actions to perform any upgrades.

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**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**

The permittee took ownership of the WWTP in early 2013 and was made aware of the need to modify the WWTP, and that the permit expired in January 2015, but did not take action until December 2014 when a permit renewal and modification application was submitted. Since that time the permittee has not taken any substantive action to perform any upgrades to the WWTP.

**8) The cost to the State of the enforcement procedures.**

**\$146.94**

4/18/2023

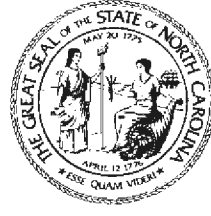
**Date**

*David May*

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

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Mar 26 2024



NORTH CAROLINA  
*Environmental Quality*

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

**Certified Mail 7021 0950 0001 8685 4204**  
**Return Receipt Requested**

April 18, 2023

Bob Miller  
Carolina Village NC LLC  
251 Dry Valley Road NE, Unit S-2  
Cleveland, TN 37312-6619

SUBJECT: Notice of Violation and Assessment of Civil Penalty  
for Violations of Non-discharge Permit No. WQ0004696  
Carolina Village NC LLC  
Carolina Village WWTP  
Case No. LV-2023-0113  
Currituck County

Dear Mr. Miller:

This letter transmits a Notice of Violation and assessment of civil penalty in the amount of \$1,346.94 (\$1,200.00 civil penalty + \$146.94 enforcement costs) against Carolina Village NC LLC.

This assessment is based upon the following facts: a review has been conducted of the Non-Discharge Monitoring Report (NDMR) submitted by Carolina Village NC LLC for the month of August 2022. This review has shown the subject facility to be in violation of the limitations and/or monitoring requirements found in Non-discharge Permit No. WQ0004696. The violations, which occurred in August 2022, are summarized in Attachment A to this letter.

Based upon the above facts, I conclude as a matter of law that Carolina Village NC LLC violated the terms, conditions or requirements of Non-discharge Permit No. WQ0004696 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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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 Carolina Village NC LLC:

\$600.00    1 of 1 violations of the Permit Monthly Average for **Nitrogen, Ammonia Total (as N)** per the limits established in Permit No. WQ0004696

\$600.00    1 of 1 violations of the Permit Monthly Average for **Nitrogen, Total (as N)** per the limits established in Permit No. WQ0004696

\$1,200.00    **TOTAL CIVIL PENALTY**

\$146.94    Enforcement Costs

\$1,346.94    **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 Randy Sipe with the Division of Water Resources staff of the Washington Regional Office at (252)948-3849 or via email at [Randy.Sipe@ncdenr.gov](mailto:Randy.Sipe@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

**JUSTIFICATION FOR REMISSION REQUEST**

**Case Number:** LV-2023-0113  
**Assessed Party:** Carolina Village NC LLC  
**Permit No.:** WQ0004696

**County:** Currituck

**Amount Assessed:** \$1,346.94

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 CURRITUCK

IN THE MATTER OF ASSESSMENT )  
OF CIVIL PENALTIES AGAINST )

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

**Carolina Village NC LLC** )  
**Carolina Village WWTP** )

PERMIT NO. WQ0004696 )

**CASE NO. LV-2023-0113**

Having been assessed civil penalties totaling \$1,346.94 for violation(s) as set forth in the assessment document of the Division of Water Resources dated April 18, 2023, 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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Mar 26 2024

**ATTACHMENT A**

**Carolina Village NC LLC**

**CASE NUMBER: LV-2023-0113**

**PERMIT: WQ0004696**

**REGION: Washington**

**FACILITY: Carolina Village WWTP**

**COUNTY: Currituck**

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**LIMIT VIOLATION(S)**

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**SAMPLE LOCATION: PPI001**

<b>Violation Date</b>	<b>Report Month/Yr</b>	<b>Parameter</b>	<b>Frequency</b>	<b>Unit of Measure</b>	<b>Limit Value</b>	<b>Calculated Value</b>	<b>% Over Limit</b>	<b>Violation Type</b>	<b>Penalty Amount</b>
8/31/2022	8-2022	Nitrogen, Ammonia Total (as N)	2 X month	mg/l	4	6.29	57.3	Monthly Average Exceeded	\$600.00
8/31/2022	8-2022	Nitrogen, Total (as N)	2 X month	mg/l	7	15.9	127.1	Monthly Average Exceeded	\$600.00

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**Mar 26 2024**