

STATE OF NORTH CAROLINA

NORTH CAROLINA  
DEPARTMENT OF ENVIRONMENT AND  
NATURAL RESOURCES

COUNTY Of CURRITUCK

FILE NO. PC-2010-0108

IN THE MATTER OF:	)	FINDINGS AND DECISION AND
EAGLE CREEK WWTP	)	ASSESSMENT OF CIVIL PENALTIES
	)	
	)	
FOR VIOLATIONS OF:	)	
	)	
Permit No.WQ0014306	)	
and N.C.G.S. 143-215.1	)	

Acting pursuant to North Carolina General Statutes (N.C.G.S.) 143-215.6(A) and the delegation provided by the Secretary of the Department of Environment and Natural Resources, I, Collin Sullins, Director of the Division of Water Quality (DWQ), make the following:

I. FINDINGS OF FACT:

- A. Sandler Utilities at Mill Run, LLC (hereinafter referred to as the Permittee), is a municipality organized and existing under the laws of the State of North Carolina. The Permittee operates a 175,000 GPD wastewater treatment plant and reclaimed water utilization facility near Moyock, North Carolina, Currituck County.
- B. The Eagle Creek facility consists of a 89,782 (total) gallon influent flow-equalization basin with dual 243-GPM pumps and a single 310 CFM blower, a manually-cleaned bar screen, a flow splitter box, two 225,000 gallon aeration basins with one basin consisting of a 50,000 gallon section and a 175,000 gallon section, one 148,250-gallon clarifier and one 28,220 gallon clarifier, one 27,000 gallon aerated sludge holding tank, two 1,000 CFM blowers, one 15 cell travelling bridge filter with a total area of 135 square feet and all associated piping, valves and appurtenances and the reclaimed water spray irrigation consists of a 7.431 MG wet weather storage and irrigation pond and approximately 112.25 acres of irrigation area and a 5.5 MG infiltration pond.
- C. The Permittee was issued Permit No. WQ0014306 on November 13, 2009 with an expiration date of September 30, 2015 .
- D. On June 23, 2010, DWQ staff inspected the Eagle Creek wwtp facility. During the inspection, it was determined that violations of Permit No. WQ0014306 were present.
- E. Permit Condition I, Schedules, 1. requires the installation of instrumentation to accurately measure and record wastewater disposed on the four different zones (fairways, greens, trees, and driving range). The facility did not have the needed instrumentation needed to record the date and time of irrigation of each zone, volume of wastewater irrigated on each zone, the zone irrigated, the length of time irrigated, and cumulative loadings. The facility was discharging treated effluent to the irrigation pond which was being sprayed on the four different zones.

- F. Permit Condition I, Schedules, 1. requires the installation of a weather station if the irrigation is performed automatically. The weather station would be linked to the instrumentation which will automatically shut off the irrigation during inclement weather. A weather station had not been installed when the facility was inspected on June 23, 2010.
- G. Permit condition III, Operation and Maintenance Requirements, 8. Requires signage every 100 feet around the infiltration pond and reclaimed water pond and around the perimeter of the golf course and a sign in the club house in plain sight. An alternate of this shall be to notify the residents of Eagle Creek by letter on an annual basis notifying them of the activities performed on the golf course. Signage or notification to the residents has not been performed at the time of the inspection
- H. Permit condition III, Operation and Maintenance Requirements, 1., requires the facility to be properly maintained and operated at all times and permit condition III, Operation and Maintenance Requirements, 17., requires the wastewater shall go to the infiltration when the wastewater does not meet limits of fecal Coliform and turbidity. The valves were wired incorrectly and the waste water was going to the irrigation pond when it was supposed to be going to the infiltration pond.
- I. Staff costs and expenses associated with detecting the violations, defining their nature and extent and bringing enforcement action totaled \$425.16.

Based upon the above Findings of Fact, I make the following:

## II. CONCLUSIONS OF LAW:

- A. The Permittee is a "person" within the meaning of N.C.G.S. 143-215.6(A) pursuant to N.C.G.S. 143-212(4).
- B. Permit No. WQ0014306 is required by N.C.G.S. 143-215.1. This permit was issued to Sandler Utilities at Mill Run, LLC on November 13, 2009 and expires September 30, 2014.
- C. The Permittee violated N.C.G.S. 143-215.1 and Permit No. WQ0014306 to the manner and extent as described in Permit Condition III.1, above when it failed to maintain and properly operate the facility.
- D. The Permittee violated N.C.G.S. 143-215.1 and Permit No. WQ0014306 to the manner and extent as described in Permit Condition I.1, above when it failed to install instrumentation that would produce data which includes date and time of irrigation of each zone, volume of wastewater irrigated, zone irrigated, length of irrigation and cumulative loading.
- E. The Permittee violated N.C.G.S. 143-215.1 and Permit No. WQ0014306 to the manner and extent as described in Permit Condition I.1, above when it failed to install a weather station which would automatically shut off the irrigation system during inclement weather.



- F. The Permittee violated N.C.G.S. 143-215.1 and Permit No. WQ0014306 to the manner and extent as described in Permit Condition III.17, above when it failed to install signs around the perimeter of the golf course, irrigation pond, infiltration pond and in the golf club house notifying the residents of the golf course activities.
- G. General Statute 143-215.6A(a)(2) provides that a civil penalty of not more than \$25,000.00 per violation may be assessed against a person who violates or fails to act in accordance with the terms, conditions, or requirements of a permit required by N.C.G.S. 143-215.1.
- H. General Statute 143-215.3(a)(9) provides that the reasonable costs of any investigation, inspection or monitoring survey may be assessed against a person who violates any regulations, standards, or limitations adopted by the Environmental Management Commission or violates any terms or conditions of any permit issued pursuant to N.C.G.S. 143-215.1, or special order or other document issued pursuant to N.C.G.S. 143-215.2.

Based upon the above Findings of Fact and Conclusions of Law, I make the following:

### III. DECISIONS

Pursuant to N.C.G.S. 143-215.6A in determining the amount of the penalty, I have taken into account the Findings of Fact and Conclusions of Law and considered all the factors listed in N.C.G.S. 143B-282.1.

Accordingly, Currituck County shall be, and hereby is, assessed a civil penalty of:

- |                    |                                                                                                                                                                                                                                                                                              |
|--------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| \$ <u>1,000.00</u> | for <u>1</u> violation(s) of N.C.G.S. 143-215.1 and Permit No. WQ0014306 by failing to maintain and properly operate the facility, in accordance with the referenced permit on June 23, 2010.                                                                                                |
| \$ <u>750.00</u>   | for <u>1</u> violation(s) of N.C.G.S. 143-215.1 and Permit No. WQ0014306 by failing to install instrumentation that would produce data which includes date and time of irrigation of each zone, volume of wastewater irrigated, zone irrigated, length of irrigation and cumulative loading. |
| \$ <u>500.00</u>   | for <u>1</u> violation(s) of N.C.G.S. 143-215.1 and Permit No. WQ0014306 by failing to install a weather station which would automatically shut off the irrigation system during inclement weather.                                                                                          |
| \$ <u>500.00</u>   | for <u>1</u> violation(s) of N.C.G.S. 143-215.1 and Permit No. WQ0014306 by failing to install signs around the perimeter of the golf course, irrigation pond, infiltration pond and in the golf club house notifying the residents of the golf course activities.                           |
| \$ <u>2,750.00</u> | <b>TOTAL CIVIL PENALTY</b>                                                                                                                                                                                                                                                                   |

\$ 425.16 Investigation costs assessed

\$ 3,175.16 **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.

IV. NOTICE:

I reserve the right to assess civil penalties and investigative costs for any continuing violations occurring after the assessment period indicated above. Each day of a continuing violation may be considered a separate violation subject to a maximum \$25,000.00 per day penalty. Civil penalties and investigative cost may be assessed for any other rules and statutes for which penalties have not yet been assessed.

V. TRANSMITTAL:

These Findings of Fact, Conclusions of Law and Decision shall be transmitted to the County in accordance with N.C.G.S. 143-215.6(A)(d).

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
Coleen Sullins, Director  
Division of Water Quality

STATE OF NORTH CAROLINA

NORTH CAROLINA  
DEPARTMENT OF ENVIRONMENT AND  
NATURAL RESOURCES

COUNTY Of CURRITUCK

FILE NO. PC-2011-0013

IN THE MATTER OF:	)	FINDINGS AND DECISION AND
EAGLE CREEK WWTP	)	ASSESSMENT OF CIVIL PENALTIES
	)	
	)	
FOR VIOLATIONS OF:	)	
	)	
Permit No.WQ0014306	)	
and N.C.G.S. 143-215.1	)	

Acting pursuant to North Carolina General Statutes (N.C.G.S.) 143-215.6(A) and the delegation provided by the Secretary of the Department of Environment and Natural Resources, I, Collin Sullins, Director of the Division of Water Quality (DWQ), make the following:

I. FINDINGS OF FACT:

- A. Sandler Utilities at Mill Run, LLC (hereinafter referred to as the Permittee), is a municipality organized and existing under the laws of the State of North Carolina. The Permittee operates a 175,000 GPD wastewater treatment plant and reclaimed water utilization facility near Moyock, North Carolina, Currituck County.
- B. The Eagle Creek facility consists of a 89,782 (total) gallon influent flow-equalization basin with dual 243-GPM pumps and a single 310 CFM blower, a manually-cleaned bar screen, a flow splitter box, two 225,000 gallon aeration basins with one basin consisting of a 50,000 gallon section and a 175,000 gallon section, one 148,250-gallon clarifier and one 28,220 gallon clarifier, one 27,000 gallon aerated sludge holding tank, two 1,000 CFM blowers, one 15 cell travelling bridge filter with a total area of 135 square feet and all associated piping, valves and appurtenances and the reclaimed water spray irrigation consists of a 7,431 MG wet weather storage and irrigation pond and approximately 112.25 acres of irrigation area and a 5.5 MG infiltration pond.
- C. The Permittee was issued Permit No. WQ0014306 on November 13, 2009 with an expiration date of September 30, 2014.
- D. On January 18, 2011, DWQ staff inspected the Eagle Creek wwtp facility. During the inspection, it was determined that violations of Permit No. WQ0014306 were present.
- E. Permit Condition I, Schedules, 1. requires the installation of a weather station if the irrigation is performed automatically. The weather station would be linked to the instrumentation which will automatically shut off the irrigation during inclement weather. A weather station had not been installed when the facility was inspected on January 18, 2011.

- F. Permit condition III, Operation and Maintenance Requirements, 8. Requires signage every 100 feet around the infiltration pond and reclaimed water pond and around the perimeter of the golf course and a sign in the club house in plain sight. An alternate of this shall be to notify the residents of Eagle Creek by letter on an annual basis notifying them of the activities performed on the golf course. Signage or notification to the residents has not been performed at the time of the inspection
- G. Staff costs and expenses associated with detecting the violations, defining their nature and extent and bringing enforcement action totaled \$282.80.

Based upon the above Findings of Fact, I make the following:

## II. CONCLUSIONS OF LAW:

- A. The Permittee is a "person" within the meaning of N.C.G.S. 143-215.6(A) pursuant to N.C.G.S. 143-212(4).
- B. Permit No. WQ0014306 is required by N.C.G.S. 143-215.1. This permit was issued to Sandler Utilities at Mill Run, LLC on November 13, 2009 and expires September 30, 2014.
- C. The Permittee violated N.C.G.S. 143-215.1 and Permit No. WQ0014306 to the manner and extent as described in Permit Condition III.1, above when it failed to maintain and properly operate the facility.
- D. The Permittee violated N.C.G.S. 143-215.1 and Permit No. WQ0014306 to the manner and extent as described in Permit Condition I.1, above when it failed to install a weather station which would automatically shut off the irrigation system during inclement weather.
- E. The Permittee violated N.C.G.S. 143-215.1 and Permit No. WQ0014306 to the manner and extent as described in Permit Condition III.17, above when it failed to install signs around the perimeter of the golf course, irrigation pond, infiltration pond and in the golf club house notifying the residents of the golf course activities.
- F. General Statute 143-215.6A(a)(2) provides that a civil penalty of not more than \$25,000.00 per violation may be assessed against a person who violates or fails to act in accordance with the terms, conditions, or requirements of a permit required by N.C.G.S. 143-215.1.
- G. General Statute 143-215.3(a)(9) provides that the reasonable costs of any investigation, inspection or monitoring survey may be assessed against a person who violates any regulations, standards, or limitations adopted by the Environmental Management Commission or violates any terms or conditions of any permit issued pursuant to N.C.G.S. 143-215.1, or special order or other document issued pursuant to N.C.G.S. 143-215.2.

Based upon the above Findings of Fact and Conclusions of Law, I make the following:

### III. DECISIONS

Pursuant to N.C.G.S. 143-215.6A in determining the amount of the penalty, I have taken into account the Findings of Fact and Conclusions of Law and considered all the factors listed in N.C.G.S. 143B-282.1.

Accordingly, Sandler Utilities at Mill Run, LLC, shall be, and hereby is, assessed a civil penalty of:

\$ <u>600.00</u>	for <u>1</u> violation(s) of N.C.G.S. 143-215.1 and Permit No. WQ0014306 by failing to install a weather station which would automatically shut off the irrigation system during inclement weather.
\$ <u>600.00</u>	for <u>1</u> violation(s) of N.C.G.S. 143-215.1 and Permit No. WQ0014306 by failing to install signs around the perimeter of the golf course, irrigation pond, infiltration pond and in the golf club house notifying the residents of the golf course activities.
\$ <u>1,200.00</u>	<b>TOTAL CIVIL PENALTY</b>
\$ <u>282.80</u>	Investigation costs assessed
\$ <u>1,482.80</u>	<b><u>TOTAL AMOUNT DUE</u></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.

IV. NOTICE:

I reserve the right to assess civil penalties and investigative costs for any continuing violations occurring after the assessment period indicated above. Each day of a continuing violation may be considered a separate violation subject to a maximum \$25,000.00 per day penalty. Civil penalties and investigative cost may be assessed for any other rules and statutes for which penalties have not yet been assessed.

V. TRANSMITTAL:

These Findings of Fact, Conclusions of Law and Decision shall be transmitted to the Sandler Utilities at Mill Run, LLC, in accordance with N.C.G.S. 143-215.6(A)(d).

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(Date)

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Coleen Sullins, Director  
Division of Water Quality





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



MAY AND TANKARD EXHIBIT 6

February 11, 2022

Mr. Raymond Gottlieb, Manager  
Sandler Utilities at Mill Run, LLC  
448 Viking Drive, Suite 220  
Virginia Beach, Virginia 23452

RE: WWTP Operational Compliance Status & Future Extension of Sewer Service  
Eagle Creek WWTP  
Permit No. WQ0014306  
Currituck County

Dear Mr. Gottlieb:

Review of available monitoring data and on-site inspection findings have identified continued operational performance issues for the Eagle Creek Wastewater Treatment Plant that have existed over a period of several months. Consequently, the Division of Water Resources has issued several Notices of Violation (NOVs) and Civil Penalty Assessments (CPAs) in response to non-compliance with Non-Discharge Reclaimed Water Permit No. WQ0014306. Such NOVs and CPAs are referenced in provided attachments.

Please note, both past and any continued chronic WWTP facility non-compliance, whether failure to satisfy performance monitoring limits or operational conditions, may jeopardize the Division's ability to support approval of future sewer line extension projects that would direct new wastewater flow to the Eagle Creek WWTP. In addition, chronic facility non-compliance may also result in establishment of a sewer moratorium prohibiting further sewer extensions and connections while in affect.

The Division welcomes dialogue related to resolution of any outstanding Eagle Creek WWTP operational performance concerns, along with any facility improvements that may be necessary to allow the plant to perform properly.



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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Mr. Gottlieb  
February 11, 2022  
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Please contact me at [david.may@ncdenr.gov](mailto:david.may@ncdenr.gov) or 252-948-3939 if there are any questions or additional information is needed.

Sincerely,

*David May*

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

Attachments: Eagle Creek NOV List 2020 – 2021  
Eagle Creek Enforcement (CPA) List 2020 - 2021

cc: Brittney Willis – Sandler Utilities (via e-mail)  
Mike Myers – EnviroLink (via e-mail)  
Michael Montebello – NC DWR Municipal Permitting Unit



North Carolina Department of Environmental Quality | Division of Water Resources  
Washington Regional Office | 943 Washington Square Mall | Washington, North Carolina 27889  
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## Attachment I - NOV List 2020 - 2021

NOV Case Number	Owner - Facility - Location	Permit Number	Incident	Incident Start Date	Inspection Date	Monitoring Report	NOV Sent
NOV-2021-PC-0236	Sandler Utilities at Mill Run L L C - Eagle Creek WWTP	WQ0014306				9-2020	04/26/2021
NOV-2020-PC-0389	Sandler Utilities at Mill Run L L C - Eagle Creek WWTP	WQ0014306			08/19/2020		08/31/2020
NOV-2020-LV-0756	Sandler Utilities at Mill Run L L C - Eagle Creek WWTP	WQ0014306				7-2020	10/15/2020
NOV-2021-PC-0235	Sandler Utilities at Mill Run L L C - Eagle Creek WWTP	WQ0014306				8-2020	04/26/2021
NOV-2021-LM-0027	Sandler Utilities at Mill Run L L C - Eagle Creek WWTP	WQ0014306				10-2020	04/26/2021
NOV-2021-LM-0028	Sandler Utilities at Mill Run L L C - Eagle Creek WWTP	WQ0014306				12-2020	04/26/2021
NOV-2021-LM-0029	Sandler Utilities at Mill Run L L C - Eagle Creek WWTP	WQ0014306				1-2021	04/26/2021
NOV-2021-LV-0275	Sandler Utilities at Mill Run L L C - Eagle Creek WWTP	WQ0014306				2-2021	04/26/2021
NOV-2021-PC-0237	Sandler Utilities at Mill Run L L C - Eagle Creek WWTP	WQ0014306				11-2020	04/26/2021
NOV-2021-LV-0744	Sandler Utilities at Mill Run L L C - Eagle Creek WWTP	WQ0014306				3-2020	10/13/2021
NOV-2021-LV-0745	Sandler Utilities at Mill Run L L C - Eagle Creek WWTP	WQ0014306				11-2020	10/13/2021
NOV-2021-LV-0746	Sandler Utilities at Mill Run L L C - Eagle Creek WWTP	WQ0014306				3-2021	10/13/2021
NOV-2021-LV-0747	Sandler Utilities at Mill Run L L C - Eagle Creek WWTP	WQ0014306				7-2020	10/13/2021
NOV-2021-LV-0748	Sandler Utilities at Mill Run L L C - Eagle Creek WWTP	WQ0014306				4-2021	10/13/2021
NOV-2021-LV-0749	Sandler Utilities at Mill Run L L C - Eagle Creek WWTP	WQ0014306				5-2021	10/13/2021
NOV-2021-LV-0750	Sandler Utilities at Mill Run L L C - Eagle Creek WWTP	WQ0014306				6-2021	10/13/2021
NOV-2021-LV-0751	Sandler Utilities at Mill Run L L C - Eagle Creek WWTP	WQ0014306				7-2021	10/13/2021
NOV-2022-PC-0009	Sandler Utilities at Mill Run L L C - Eagle Creek WWTP	WQ0014306	202102275	11/29/2021			01/10/2022
NOV-2022-PC-0010	Sandler Utilities at Mill Run L L C - Eagle Creek WWTP	WQ0014306	202102276	12/10/2021			01/10/2022

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**Attachment II - Enforcment Cases 2020 - 2021**

Penalty Case Number	Owner - Facility	Permit Number	Violation Month	Notice Issued	Total Penalties
LV-2021-0099	Sandler Utilities at Mill Run L L C - Eagle Creek WWTP	WQ0014306	7-2020	4/6/21	\$757.82
PC-2021-0036	Sandler Utilities at Mill Run L L C - Eagle Creek WWTP	WQ0014306	11-2020	7/30/21	\$558.82
LM-2021-0024	Sandler Utilities at Mill Run L L C - Eagle Creek WWTP	WQ0014306	10-2020	8/2/21	\$1,108.82
LM-2021-0025	Sandler Utilities at Mill Run L L C - Eagle Creek WWTP	WQ0014306	12-2020	8/2/21	\$4,808.82
LM-2021-0027	Sandler Utilities at Mill Run L L C - Eagle Creek WWTP	WQ0014306	1-2021	8/2/21	\$6,658.81
LV-2021-0211	Sandler Utilities at Mill Run L L C - Eagle Creek WWTP	WQ0014306	2-2021	8/2/21	\$6,308.81
LV-2021-0358	Sandler Utilities at Mill Run L L C - Eagle Creek WWTP	WQ0014306	7-2021	12/8/21	\$758.82
LV-2021-0350	Sandler Utilities at Mill Run L L C - Eagle Creek WWTP	WQ0014306	3-2020	12/9/21	\$1,058.82
LV-2021-0351	Sandler Utilities at Mill Run L L C - Eagle Creek WWTP	WQ0014306	7-2020	12/9/21	\$1,058.82
LV-2021-0352	Sandler Utilities at Mill Run L L C - Eagle Creek WWTP	WQ0014306	11-2020	12/9/21	\$1,058.82
LV-2021-0353	Sandler Utilities at Mill Run L L C - Eagle Creek WWTP	WQ0014306	3-2021	12/9/21	\$7,408.82
LV-2021-0354	Sandler Utilities at Mill Run L L C - Eagle Creek WWTP	WQ0014306	4-2021	12/9/21	\$8,958.82
LV-2021-0355	Sandler Utilities at Mill Run L L C - Eagle Creek WWTP	WQ0014306	5-2021	12/9/21	\$9,208.82
LV-2021-0356	Sandler Utilities at Mill Run L L C - Eagle Creek WWTP	WQ0014306	6-2021	12/9/21	\$8,108.82





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



CERTIFIED MAIL #: 7019 2970 0001 3140 0138  
RETURN RECEIPT REQUESTED

October 07, 2020

Mr. Raymond Gottlieb  
Sandler Utilities at Mill Run, LLC  
448 Viking Dr Ste 200  
Virginia Beach, VA 23452

SUBJECT: **NOTICE OF VIOLATION / NOTICE OF INTENT TO ENFORCE**  
**Tracking Number: NOV-2020-DV-0449**  
Collection System Operation and Sanitary Sewer Overflows: September - October 2020  
Collection System Permit No. WQCS00290  
Eagle Creek Subdivision Collection System  
Currituck County

Dear Mr. Gottlieb:

The Washington Regional Office received complaints beginning September 29, 2020 indicating that the Eagle Creek collection system was not operating and Sanitary Sewer Overflows (SSOs) were ongoing. Subsequent follow-up and investigation confirmed failure of the collection system and lack of active and functional sewer service to individual households throughout Eagle Creek. The vacuum pumps, which enable the collection system to operate, remained inoperable or partially operable for an extended time period. All of the collection system, substantial parts of the collection system, and/or parts of the collection system have remained off-line for several days. A substantial number of individual household residences have continued without functional sanitary sewer service for several days following the time when vacuum pump operation was fully restored. Such situation is attributed to vacuum system components located at individual residences throughout the development remaining inoperable. As of October 7, 2020, a substantial number of houses and customers remain without functional sewer service. Sewer overflows and spills have been noted at locations throughout the development. Such spills and overflows are attributed to failure to promptly restore sewer service, in addition to initial failure of vacuum pumps. The regional office was not notified by the permittee of the incident.

Findings indicate violations of permit conditions stipulated in the subject permit and North Carolina G.S. 143-215.1. Violations include, among others, failing to effectively manage, maintain, and operate the subject collection system so that there are no SSOs to the land or surface waters and making an outlet to waters of the State for purposes of G.S. 143-215.1(a)(1), for which a permit is required.



North Carolina Department of Environmental Quality | Division of Water Resources  
Washington Regional Office | 943 Washington Square Mall | Washington, North Carolina 27889  
252-946-8481

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Specific incident cited in the subject report include the following:

Incident Number	Start Date	Duration (Mins)	Location	Cause	Total Vol (Gals)	Total Vol Surface Water (Gals)	DWR Action
2020027369/27/2020 Violation			Complete system failure				OtherNotice of

Specific Permit Condition Violations Include:

- I. Performance Standards 2. The wastewater system shall be effectively managed, maintained and operated at all times so there is no SSO to land or surface waters, nor any contamination of groundwater. In the event the wastewater collection system fails to perform satisfactorily, including creation of nuisance conditions, the permittee shall take immediate corrective actions, including actions that may be required by the Division of Water Quality (Division), such as the construction of additional replacement sewer lines and/or equipment.

The wastewater collection system remained completely off-line or partially off-line for several days due to vacuum pump failure. After reactivation of pumps, customers have remained without active sewer service for 9 or more days, with ongoing disruptions in sewer service continuing as of October 7, 2020.

- II. 11. In the event of an SSO or blockage within the wastewater collection system, the Permittee shall restore the system operation, remove visible solids and paper, sanitize any ground area and restore surroundings.

Households and customers have remained without sewer service for 9 or more days, with service disruptions continuing. System operation has not been restored in a manner that provides operable service connections for customers.

- IV Monitoring and Reporting Requirements, 2. The permittee shall verbally report to a Division of Water Quality staff member at the Washington Regional Office, at telephone number 252-946-6481 as soon as possible, but in no case more than 24 hours following the occurrence or first knowledge of the occurrence of either of the following: a. Any SSO and/or spill over 1,000 gallons; or b. Any SSO and/or spill, regardless of volume, that reaches surface waters.

Spills and overflows have been referenced throughout the community. Notification was not provided to the regional office reporting spills nor the system performance problems.

Performance Standards in the permit also call for the sewage and wastewater collected by the system to be treated in the Sandler Utilities Wastewater Treatment Facility (WQ0014306) prior to





being disposed into the reuse system. All wastewater generated in the development during the subject incident has not been conveyed to the treatment facility, due to spills and overflows.

Remedial actions, if not already implemented, should be taken to correct the above noncompliance. Please submit a written response to this Notice of Violation. Your response is to be received by the regional office within 10-business days following receipt of this violation. Please include any additional documentation that you may feel is relevant about this incident in the response. Among items you may wish to provide, please include a timeline of events, actions taken to address ongoing needs referencing associated event dates, sewer service restoration efforts, and reasons for the prolonged timeframe for restoring vacuum pump operation and household service. The submittal will be considered in determining whether the Division will assess a civil penalty for the cited violations.

Please note, subsequent Notices, including enforcement actions, may also be issued for the Eagle Creek Collection system based on any new information that becomes available as related to system oversight, management, and/or operation.

If you have any questions, please do not hesitate to contact Sarah Toppen with the Water Quality Regional Operations Section in the Washington Regional Office at 252-946-6481 or via email at Sarah.Toppen@ncdenr.gov .

Sincerely,

*David May*

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

cc: NC Utilities Commission – Public Staff  
Albemarle Regional Health Services  
Eagle Creek HOA  
Laserfiche



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



**CERTIFIED MAIL #: 7019 2970 0001 3139 9715**  
**RETURN RECEIPT REQUESTED**

November 23, 2020

Mr. Raymond Gottlieb  
Sandler Utilities at Mill Run, LLC  
448 Viking Dr Ste 200  
Virginia Beach, VA 23452

**SUBJECT: NOTICE OF VIOLATION / NOTICE OF INTENT TO ENFORCE**

**Tracking Number: NOV-2020-DV-0501**

Collection System Operation and Sanitary Sewer Overflows: October 26- November 5, 2020

Collection System Permit No. WQCS00290

Eagle Creek Subdivision Collection System

Currituck County

Dear Mr. Gottlieb:

The Washington Regional Office received complaints beginning October 26, 2020 indicating that the Eagle Creek collection system was not operating and Sanitary Sewer Overflows (SSOs) were ongoing. The high water alarm malfunctioned and caused the water to overflow and flooded both vacuum pumps. An investigation confirmed failure of the collection system and lack of active and functional sewer service to individual households throughout Eagle Creek. The vacuum pumps, which enable the collection system to operate, remained inoperable or partially operable for an extended time period. All of the collection system, substantial parts of the collection system, and/or parts of the collection system remained off-line for several days. A substantial number of individual household residences continued without functional sanitary sewer service for several days following the time when vacuum pump operation was fully restored. Such situation where households lacked functional sewer service is attributed to vacuum system components located at individual residences throughout the development remaining inoperable for a period of time after operation of the vacuum pumps were restored. A substantial number of houses and customers remained without functional sewer service through November 5, 2020. Sewer overflows and spills have been noted at locations throughout the development. Such spills and overflows are attributed to failure to promptly restore sewer service, in addition to initial failure of vacuum pumps. The regional office was not notified by the permittee of the incident.

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Mar 02 2022

Findings indicate violations of permit conditions stipulated in the subject permit and North Carolina G.S. 143-215.1. Violations include, among others, failing to effectively manage, maintain, and operate the subject collection system so that there are no SSOs to the land or surface waters and making an outlet to waters of the State for purposes of G.S. 143-215.1(a)(1), for which a permit is required.

Specific incident cited in the subject report include the following:

Incident Number	Incident Date	Start Duration (Mins) Location	Cause	Vol Water (Gals)	Total Vol (Gals)	DWR Action
202003116	10/26/20	Complete system failure	Other			Notice of Violation

Specific Permit Condition Violations Include:

- I. Performance Standards 2. The wastewater system shall be effectively managed, maintained and operated at all times so there is no SSO to land or surface waters, nor any contamination of groundwater. In the event the wastewater collection system fails to perform satisfactorily, including creation of nuisance conditions, the permittee shall take immediate corrective actions, including actions that may be required by the Division of Water Quality (Division), such as the construction of additional replacement sewer lines and/or equipment.

The wastewater collection system remained completely off-line or partially off-line for several days due to vacuum pump failure. After reactivation of pumps, customers have remained without active sewer service for approximately 11 days.

- II. 11. In the event of an SSO or blockage within the wastewater collection system, the Permittee shall restore the system operation, remove visible solids and paper, sanitize any ground area and restore surroundings.

Households and customers remained without sewer service from the initial timeframe related to failure of the vacuum pump(s), with service disruptions continuing until individual sewer service was restored at households. System operation was not restored in a manner that provides operable service connections for customers.

- IV Monitoring and Reporting Requirements, 2. The permittee shall verbally report to a Division of Water Quality staff member at the Washington Regional Office, at telephone number 252-946-6481

as soon as possible, but in no case more than 24 hours following the occurrence or first knowledge of the occurrence of either of the following: a. Any SSO and/or spill over 1,000 gallons; or b. Any SSO and/or spill, regardless of volume, that reaches surface waters.

Spills and overflows have been referenced throughout the community. Notification was not provided to the regional office reporting spills nor the system performance problems.

4. II. Operation and Maintenance Requirements, 6. For each pump station without pump reliability, at least one fully operational spare pump capable of pumping peak flow shall be maintained on hand.

Replacement vacuum pumps were not readily available and on hand when vacuum pumps were damaged when water was pulled into them due to high water levels in the primary collection tank and failure of the alarm system.

5. Discharging without a valid permit (North Carolina G.S. 143-215.1.)

Issues were noted with the collection system resulting in discharge of wastewater from components of the collection system (pits, vent pipes, etc.) to either the land surface and/or surface waters.

Performance Standards in the permit also call for the sewage and wastewater collected by the system to be treated in the Sandler Utilities Wastewater Treatment Facility (WQ0014306) prior to being disposed into the reuse system. All wastewater generated in the development during the subject incident has not been conveyed to the treatment facility, due to spills and overflows.

Remedial actions, if not already implemented, should be taken to correct the above noncompliance. Please submit a written response to this Notice of Violation. Your response is to be received by the regional office **within 10-business days** following receipt of this violation. Please include any additional documentation that you may feel is relevant about this incident in the response. Among items to provide with your response, please include a detailed timeline of events, actions taken to address ongoing needs referencing associated event dates, sewer service restoration efforts, reasons for the prolonged timeframe for restoring vacuum pump operation and household service, remedial actions taken to prevent re-occurrence of future collection system failure, remedial actions taken to address any spills to land surface or surface waters, and a list of damages to any houses or structures associated with the referenced collection system failure incident. The submittal will be considered in determining whether the Division will assess a civil penalty for the cited violations.

Based on re-occurring failures of the collection system, an engineering evaluation shall be completed for the system. The evaluation should identify problem areas and deficiencies within the system as a whole with recommendations made to improve system reliability. A preliminary report summarizing findings and recommendations from your engineering evaluation and analysis shall be submitted **within 60 days** of receipt of this Notice.

Please note, subsequent Notices, including enforcement actions, may also be issued for the Eagle Creek Collection system based on any new information that becomes available as related to system oversight, management, and/or operation.

If you have any questions, please do not hesitate to contact Sarah Toppen with the Water Quality Regional Operations Section in the Washington Regional Office at 252-946-6481 or via email at Sarah.Toppen@ncdenr.gov .

Sincerely,

*David May*

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

cc: NC Utilities Commission – Public Staff  
Albemarle Regional Health Services  
Eagle Creek HOA  
Laserfiche

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



**CERTIFIED MAIL #: 7019 2970 0001 3139 9906**  
**RETURN RECEIPT REQUESTED**

December 16, 2020

Mr. Raymond Gottlieb  
Sandler Utilities at Mill Run, LLC  
448 Viking Dr Ste 200  
Virginia Beach, VA 23452

**SUBJECT: NOTICE OF VIOLATION**

**Tracking Number: NOV-2020-DV-0525**

Collection System Operation and Overflows: November 11 - November 16, 2020

Collection System Permit No. WQCS00290

Eagle Creek Subdivision Collection System

Currituck County

Dear Mr. Gottlieb:

The Washington Regional Office received complaints from residents starting on November 13, 2020 indicating the Eagle Creek collection system was not operating and their pits and candy canes were overflowing. Enviro Link stated that the issues started on November 11, 2020 and that they were aware of the problems. During this period, there was a storm event that moved through the area. An investigation on November 14, 2020 confirmed failure of the collection system and lack of active and functional sewer service to individual households throughout portions of Eagle Creek. A substantial number of individual household residences continued without functional sanitary sewer service for several days due to the incident. A substantial number of houses and customers remained without functional sewer service through November 16, 2020. Sewer overflows and spills resulting from the incident have been noted at locations throughout the development.

Findings indicate violations of permit conditions stipulated in the subject permit and North Carolina G.S. 143-215.1. Violations include, among others, failing to effectively manage, maintain, and operate the subject collection system so that there are no SSOs to the land or surface waters and making an outlet to waters of the State for purposes of G.S. 143-215.1(a)(1), for which a permit is required.

Specific incident details cited in the subject report include the following:

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Mar 02 2022



Incident Number	Incident Date	Start Duration (Mins)	Location	Cause	Vol Water (Gals)	Total Vol (Gals)	DWR Action
202003124	11/11/20		System failure	Other			Notice of Violation

Specific Permit Condition Violations Include:

1. I. Performance Standards 2. The wastewater system shall be effectively managed, maintained and operated at all times so there is no SSO to land or surface waters, nor any contamination of groundwater. In the event the wastewater collection system fails to perform satisfactorily, including creation of nuisance conditions, the permittee shall take immediate corrective actions, including actions that may be required by the Division of Water Resources (Division), such as the construction of additional replacement sewer lines and/or equipment.

The wastewater collection system remained off-line or partially off-line for several days. Customers remained without active sewer service for several days. Sewer overflows occurred within the collection system from pits and vent pipes or other collection system components.

2. II. 11. In the event of an SSO or blockage within the wastewater collection system, the Permittee shall restore the system operation, remove visible solids and paper, sanitize any ground area and restore surroundings.

Households and customers remained without sewer service until individual pits were restored at households. System operation was not restored in a manner that provides operable service connections for customers.

3. IV. Monitoring and Reporting Requirements, 2. The permittee shall verbally report to a Division of Water Quality staff member at the Washington Regional Office, at telephone number 252-946-6481 as soon as possible, but in no case more than 24 hours following the occurrence or first knowledge of the occurrence of either of the following: a. Any SSO and/or spill over 1,000 gallons; or b. Any SSO and/or spill, regardless of volume, that reaches surface waters.

Spills and overflows have been referenced throughout the community. Notification was not provided to the regional office reporting spills nor the system performance problems.



4. Discharging without a valid permit (North Carolina G.S. 143-215.1.)

Issues were noted with the collection system resulting in discharge of wastewater from components of the collection system (pits, vent pipes, etc.) to either the land surface and/or surface waters.

Performance Standards in the permit also call for the sewage and wastewater collected by the system to be treated in the Sandler Utilities Wastewater Treatment Facility (WQ0014306) prior to being disposed into the reuse system. All wastewater generated in the development during the subject incident has not been conveyed to the treatment facility, due to spills and overflows.

Remedial actions, if not already implemented, should be taken to correct the above noncompliance. Please submit a written response to this Notice of Violation. Your response is to be received by the regional office **within 10-business days** following receipt of this violation. Please include any additional documentation that you may feel is relevant about this incident in the response. Among items to provide with your response, please include a detailed timeline of events, actions taken to address ongoing needs referencing associated event dates, sewer service restoration efforts, reasons for the prolonged timeframe for restoring the system and household service, remedial actions taken to prevent re-occurrence of future collection system failure, remedial actions taken to address any spills to land surface or surface waters, and a list of damages to any houses or structures associated with the referenced collection system failure incident. The submittal will be considered in determining whether the Division will assess a civil penalty for the cited violations.

Based on re-occurring failures of the collection system, an engineering evaluation shall be completed for the system. The evaluation should identify problem areas and deficiencies within the system with recommendations made to improve system reliability. A preliminary report summarizing findings and recommendations from your engineering evaluation and analysis shall be submitted **within 60 days** of the prior Notice received November 30, 2020.

Please note, subsequent Notices, including enforcement actions, may also be issued for the Eagle Creek Collection system based on any new information that becomes available as related to system oversight, management, and/or operation.

If you have any questions, please do not hesitate to contact Sarah Toppen with the Water Quality Regional Operations Section in the Washington Regional Office at 252-946-6481 or via email at Sarah.Toppen@ncdenr.gov .

Sincerely,

*David May*

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

cc: NC Utilities Commission – Public Staff  
Albemarle Regional Health Services  
Eagle Creek HOA  
Laserfiche

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



CERTIFIED MAIL #: 7019 2970 0001 3139 9913  
RETURN RECEIPT REQUESTED

January 14, 2021

Mr. Raymond Gottlieb  
Sandler Utilities at Mill Run, LLC  
448 Viking Dr Ste 200  
Virginia Beach, VA 23452

**SUBJECT: NOTICE OF VIOLATION/ NOTICE OF INTENT TO ENFORCE**  
**Tracking Number: NOV-2021-PC-0011**  
Collection System Operation and Overflows: November 20-November 25, 2020  
Collection System Permit No. WQCS00290  
Eagle Creek Subdivision Collection System  
Currituck County

Dear Mr. Gottlieb:

The Washington Regional Office received complaints from residents starting on November 20, 2020 indicating the Eagle Creek collection system was not operating or that at least part of the system was not functioning properly. It was confirmed that vacuum leaks were causing issues and that technicians were working on correcting the problems. There were vacuum leaks in the system throughout this time which made the collection system inoperable or partially operable. It was stated that some pits needed new controllers and valves. A number of houses remained without functional sewer service or sporadic sewer service through November 25, 2020.

Findings indicate violations of permit conditions stipulated in the subject permit and North Carolina G.S. 143-215.1. Violations include, among others, failing to effectively manage, maintain, and operate the subject collection system so that there are no SSOs to the land or surface waters and making an outlet to waters of the State for purposes of G.S. 143-215.1(a)(1), for which a permit is required.

Specific incident cited in the subject report include the following:



North Carolina Department of Environmental Quality | Division of Water Resources  
Washington Regional Office | 943 Washington Square Mall | Washington, North Carolina 27889  
252-846-6481

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Mar 02 2022



Incident Number	Incident Date	Start Duration (Mins)	Location	Cause	Vol Water (Gals)	Total Vol (Gals)	DWR Action
202003488	11/20/20			Complete/Partial System failure		Other	NOV/NOVRI

Specific Permit Condition Violations Include:

- I. Performance Standards 2. The wastewater system shall be effectively managed, maintained and operated at all times so there is no SSO to land or surface waters, nor any contamination of groundwater. In the event the wastewater collection system fails to perform satisfactorily, including creation of nuisance conditions, the permittee shall take immediate corrective actions, including actions that may be required by the Division of Water Quality (Division), such as the construction of additional replacement sewer lines and/or equipment.

The wastewater collection system remained off-line or partially off-line for several days due to vacuum leaks and pits needing controller/valves.

- II. 11. In the event of an SSO or blockage within the wastewater collection system, the Permittee shall restore the system operation, remove visible solids and paper, sanitize any ground area and restore surroundings.

Households and customers remained without sewer service until individual pits were restored at households. System operation was not restored in a manner that provides operable service connections for customers.

- IV. Monitoring and Reporting Requirements, 2. The permittee shall verbally report to a Division of Water Quality staff member at the Washington Regional Office, at telephone number 252-946-6481 as soon as possible, but in no case more than 24 hours following the occurrence or first knowledge of the occurrence of either of the following: a. Any SSO and/or spill over 1,000 gallons; or b. Any SSO and/or spill, regardless of volume, that reaches surface waters.

Spills and overflows have been referenced throughout parts of the community. Notification was not provided to the regional office reporting spills nor the system performance problems.



#### 4. Discharging without a valid permit (North Carolina G.S. 143-215.1.)

Issues were noted with the collection system resulting in discharge of wastewater from components of the collection system (pits, vent pipes, etc.) to either the land surface and/or surface waters.

Performance Standards in the permit also call for the sewage and wastewater collected by the system to be treated in the Sandler Utilities Wastewater Treatment Facility (WQ0014306) prior to being disposed into the reuse system. All wastewater generated in the development during the subject incident has not been conveyed to the treatment facility, due to spills and overflows.

Remedial actions, if not already implemented, should be taken to correct the above noncompliance. Please submit a written response to this Notice of Violation. Your response is to be received by the regional office **within 10-business days** following receipt of this violation. Please include any additional documentation that you may feel is relevant about this incident in the response. Among items to provide with your response, please include a detailed timeline of events, actions taken to address ongoing needs referencing associated event dates, sewer service restoration efforts, reasons for the prolonged timeframe for restoring the system and household service, remedial actions taken to prevent re-occurrence of future collection system failure, remedial actions taken to address any spills to land surface or surface waters, and a list of damages to any houses or structures associated with the referenced collection system failure incident. The submittal will be considered in determining whether the Division will assess a civil penalty for the cited violations.

Based on re-occurring failures of the collection system, an engineering evaluation shall be completed for the system. The evaluation should identify problem areas and deficiencies within the system with recommendations made to improve system reliability. A preliminary report summarizing findings and recommendations from your engineering evaluation and analysis shall be submitted **within 60 days** of the Notice received November 30, 2020.

Please note, subsequent Notices, including enforcement actions, may also be issued for the Eagle Creek Collection system based on any new information that becomes available as related to system oversight, management, and/or operation.



If you have any questions, please do not hesitate to contact Sarah Toppen with the Water Quality Regional Operations Section in the Washington Regional Office at 252-946-6481 or via email at Sarah.Toppen@ncdenr.gov .

Sincerely,

*David May*

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

cc: NC Utilities Commission – Public Staff  
Albemarle Regional Health Services  
Eagle Creek HOA  
Laserfiche



North Carolina Department of Environmental Quality | Division of Water Resources  
Washington Regional Office | 943 Washington Square Mall | Washington, North Carolina 27889  
252-946-6481



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



**Certified Mail # 7020 1810 0001 5980 9577**  
**Return Receipt Requested**

October 15, 2021

Mr. Raymond Gottlieb  
Sandler Utilities at Mill Run, LLC  
448 Viking Dr Ste 200  
Virginia Beach, VA 23452

**SUBJECT: NOTICE OF VIOLATION/ NOTICE OF INTENT TO ENFORCE**  
**Tracking Number: NOV-2021-PC-0497**

Collection System Operation and Overflows: ~October 1, 2021 - ~October 8, 2021  
Collection System Permit No. WQCS00290  
Eagle Creek Subdivision Collection System  
Currituck County

Dear Mr. Gottlieb:

The Washington Regional Office received complaints from residents starting on or about October 1, 2021, indicating the Eagle Creek collection system was not operating or that at least part of the system was not functioning properly. It was confirmed that pump issues along with vacuum leaks were causing issues and that technicians were working on correcting the problems. After the pump repair there were vacuum leaks in the system throughout this time which made the collection system inoperable or partially operable, with failed and inoperable household service connections. Several houses remained without functional sewer service or sporadic sewer service until on or about October 8, 2021.

Findings indicate violations of permit conditions stipulated in the subject permit and North Carolina G.S. 143-215.1. Violations include, among others, failing to effectively manage, maintain, and operate the subject collection system so that there are no SSOs to the land or surface waters and making an outlet to waters of the State for purposes of G.S. 143-215.1(a)(1), for which a permit is required.

Specific incident cited in the subject report include the following:

Incident Number	Incident Date	Start Duration (Mins) Location	Cause	Vol Water (Gals)	Total Vol (Gals)	DWR Action
202102004	10/1/21	Complete/Partial System Failure				NOV-NOVRI

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Mar 02 2022



Specific Permit Condition Violations Include:

1. I. Performance Standards 2. The wastewater system shall be effectively managed, maintained and operated at all times so there is no SSO to land or surface waters, nor any contamination of groundwater. In the event the wastewater collection system fails to perform satisfactorily, including creation of nuisance conditions, the permittee shall take immediate corrective actions, including actions that may be required by the Division of Water Quality (Division), such as the construction of additional replacement sewer lines and/or equipment.

The wastewater collection system remained off-line or partially off-line for several days due to vacuum leaks and pits needing controller/valves.

2. II. 11. In the event of an SSO or blockage within the wastewater collection system, the Permittee shall restore the system operation, remove visible solids and paper, sanitize any ground area and restore surroundings.

Households and customers remained without sewer service until individual pits were restored at households. System operation was not immediately restored in a manner that provides operable service connections for customers.

3. Discharging without a valid permit (North Carolina G.S. 143-215.1.)

Issues were noted with the collection system resulting in discharge of wastewater from components of the collection system (pits, vent pipes, etc.) to either the land surface and/or surface waters.

Performance Standards in the permit also call for the sewage and wastewater collected by the system to be treated in the Sandler Utilities Wastewater Treatment Facility (WQ0014306) prior to being disposed into the reuse system. All wastewater generated in the development during the subject incident has not been conveyed to the treatment facility, due to spills and overflows.

Remedial actions, if not already implemented, should be taken to correct the above noncompliance. Please submit a written response to this Notice of Violation. Your response is to be received by the regional office **within 10-business days** following receipt of this violation. Please include any additional documentation that you may feel is relevant about this incident in the response. Among items to provide with your response, please include a detailed timeline of events, a record of personnel (include their home address and minutes to the wastewater treatment plant) that worked during this incident and their shifts, actions taken to address ongoing needs referencing associated event dates, sewer service restoration efforts, reasons for the prolonged timeframe for restoring the system and household service, remedial actions taken to prevent re-occurrence of future collection system failure, remedial actions taken to address any spills to land surface or surface waters, include the location where the pumped wastewater from the pits was disposed (how and where was wastewater collected by pump trucks disposed of), and a list of damages to any houses or structures associated with the referenced collection system failure incident. The submittal will be considered in determining whether the Division will assess a civil penalty for the cited violations.

Please note, subsequent Notices, including enforcement actions, may also be issued for the Eagle Creek Collection system based on any new information that becomes available as related to system oversight, management, and/or operation.

If you have any questions, please do not hesitate to contact Sarah Toppen with the Water Quality Regional Operations Section in the Washington Regional Office at 252-946-6481 or via email at Sarah.Toppen@ncdenr.gov.

Sincerely,

*David May*

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

cc: NC Utilities Commission – Public Staff  
Albemarle Regional Health Services  
Eagle Creek HOA  
Laserfiche

ROY COOPER

Governor

ELIZABETH S. BISER

Secretary

S. DANIEL SMITH

Director



NORTH CAROLINA  
Environmental Quality

Certified Mail # 7020 1810 0001 5980 9393  
Return Receipt Requested

November 17, 2021

Mr. Raymond Gottlieb  
Sandler Utilities at Mill Run, LLC  
448 Viking Dr Ste 200  
Virginia Beach, VA 23452

SUBJECT: **NOTICE OF VIOLATION/ NOTICE OF INTENT TO ENFORCE**

**Tracking Number: NOV-2021-PC-0551**

Collection System Operation and Overflows: October 30, 2021 - ~November 9, 2021

Collection System Permit No. WQCS00290

Eagle Creek Subdivision Collection System

Currituck County

Dear Mr. Gottlieb:

The Washington Regional Office received an official email from EnviroLink stating that they were experiencing mechanical issues and looking for active leaks on October 30, 2021, the Eagle Creek collection system was not operating or at least part of the system was not functioning properly. Due to the issues a conserve water notice was sent out and technicians were working on correcting the problems. There were vacuum leaks in the system throughout this time which made the collection system inoperable or partially operable, with failed and inoperable household service connections. Several houses remained without functional sewer service or sporadic sewer service until on or about November 9, 2021. During the time period of the incident, spills and discharges of wastewater were noted and attributed to operational issues experienced within the system.

Findings indicate violations of permit conditions stipulated in the subject permit and North Carolina G.S. 143-215.1. Violations include, among others, failing to effectively manage, maintain, and operate the subject collection system so that there are no SSOs to the land or surface waters and making an outlet to waters of the State for purposes of G.S. 143-215.1(a)(1), for which a permit is required.

Specific incident cited in the subject report include the following:

Incident Number	Incident Date	Start Duration (Mins)	Location	Cause	Vol Water (Gals)	Total Vol (Gals)	DWR Action
202102107	10/30/21		Complete/Partial System Failure				NOV-NOVRI

Specific Permit Condition Violations Include:

1. I. Performance Standards 2. The wastewater system shall be effectively managed, maintained and operated at all times so there is no SSO to land or surface waters, nor any contamination of groundwater. In the event the wastewater collection system fails to perform satisfactorily, including creation of nuisance conditions, the permittee shall take immediate corrective actions, including actions that may be required by the Division of Water Quality (Division), such as the construction of additional replacement sewer lines and/or equipment.

The wastewater collection system remained off-line or partially off-line for several days due to vacuum leaks and pits needing controller/valves.

2. II. 11. In the event of an SSO or blockage within the wastewater collection system, the Permittee shall restore the system operation, remove visible solids and paper, sanitize any ground area and restore surroundings.

Households and customers remained without sewer service until individual pits were restored at households. System operation was not immediately restored in a manner that provides operable service connections for customers.

3. Discharging without a valid permit (North Carolina G.S. 143-215.1.)

Issues were noted with the collection system resulting in discharge of wastewater from components of the collection system (pits, vent pipes, etc.) to either the land surface and/or surface waters.

Performance Standards in the permit also call for the sewage and wastewater collected by the system to be treated in the Sandler Utilities Wastewater Treatment Facility (WQ0014306) prior to being disposed into the reuse system. All wastewater generated in the development during the subject incident has not been conveyed to the treatment facility, due to spills and overflows.

Remedial actions, if not already implemented, should be taken to correct the above noncompliance. Please submit a written response to this Notice of Violation. Your response is to be received by the regional office **within 10-business days** following receipt of this violation. Please include any additional documentation that you may feel is relevant about this incident in the response. Among items to provide with your response, please include a detailed timeline of events (chronology), a record of personnel (include their home address and minutes to the wastewater treatment plant) that worked during this incident and their shifts, actions taken to address ongoing needs referencing associated event dates, sewer service restoration efforts, reasons for the prolonged timeframe for restoring the system and household service, remedial actions taken to prevent re-occurrence of future collection system failure, remedial actions taken to address any spills to land surface or surface waters, include the location where the pumped wastewater from individual pits was disposed (how and where was wastewater collected by pump trucks disposed of), and a list of damages to any houses or structures associated with the referenced collection system failure incident. The submittal will be considered in determining whether the Division will assess a civil penalty for the cited violations.

Please note, subsequent Notices, including enforcement actions, may also be issued for the Eagle Creek Collection system based on any new information that becomes available as related to system oversight, management, and/or operation.

If you have any questions, please do not hesitate to contact Sarah Toppen with the Water Quality Regional Operations Section in the Washington Regional Office at 252-946-6481 or via email at [Sarah.Toppen@ncdenr.gov](mailto:Sarah.Toppen@ncdenr.gov).

Sincerely,

*David May*

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

cc: NC Utilities Commission – Public Staff  
Albemarle Regional Health Services  
Eagle Creek HOA  
Laserfiche



ROY COOPER  
Governor

ELIZABETH S. BISER  
Secretary

S. DANIEL SMITH  
Director



**Certified Mail # 7021 1970 0001 1325 0469**  
**Return Receipt Requested**

December 20, 2021

Mr. Raymond Gottlieb  
Sandler Utilities at Mill Run, LLC  
448 Viking Dr Ste 200  
Virginia Beach, VA 23452

**SUBJECT: NOTICE OF VIOLATION/ NOTICE OF INTENT TO ENFORCE**

**Tracking Number: NOV-2021-PC-0605**

Collection System Operation and Overflows: ~November 15 - ~November 17, 2021

Collection System Permit No. WQCS00290

Eagle Creek Subdivision Collection System

Currituck County

Dear Mr. Gottlieb:

The Washington Regional Office received complaints from residents starting on or about November 15, 2021, indicating the Eagle Creek collection system was not operating or that at least part of the system was not functioning properly. It was confirmed that there were electrical issues with both pumps along with vacuum leaks causing issues and that technicians were working on correcting the problems. After the pumps repair there were vacuum leaks in the system throughout this time which made the collection system inoperable or partially operable, with failed and inoperable household service connections. Several houses remained without functional sewer service or sporadic sewer service until on or about November 17, 2021.

Findings indicate violations of permit conditions stipulated in the subject permit and North Carolina G.S. 143-215.1. Violations include, among others, failing to effectively manage, maintain, and operate the subject collection system so that there are no SSOs to the land or surface waters and making an outlet to waters of the State for purposes of G.S. 143-215.1(a)(1), for which a permit is required.

Specific incident cited in the subject report include the following:

Incident Number	Incident Date	Start Duration (Mins)	Location	Cause	Vol Water (Gals)	Total Vol (Gals)	DWR Action
202102160	11/15/21		Complete/Partial System Failure				NOV-NOVRI

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Mar 02 2022

### Specific Permit Condition Violations Include:

1. I. Performance Standards 2. The wastewater system shall be effectively managed, maintained and operated at all times so there is no SSO to land or surface waters, nor any contamination of groundwater. In the event the wastewater collection system fails to perform satisfactorily, including creation of nuisance conditions, the permittee shall take immediate corrective actions, including actions that may be required by the Division of Water Quality (Division), such as the construction of additional replacement sewer lines and/or equipment.

The wastewater collection system remained off-line or partially off-line for several days due to vacuum leaks and pits needing controller/valves.

2. II. 11. In the event of an SSO or blockage within the wastewater collection system, the Permittee shall restore the system operation, remove visible solids and paper, sanitize any ground area and restore surroundings.

Households and customers remained without sewer service until individual pits were restored at households. System operation was not immediately restored in a manner that provides operable service connections for customers.

3. Discharging without a valid permit (North Carolina G.S. 143-215.1.)

Issues were noted with the collection system resulting in discharge of wastewater from components of the collection system (pits, vent pipes, etc.) to either the land surface and/or surface waters.

Performance Standards in the permit also call for the sewage and wastewater collected by the system to be treated in the Sandler Utilities Wastewater Treatment Facility (WQ0014306) prior to being disposed into the reuse system. All wastewater generated in the development during the subject incident has not been conveyed to the treatment facility, due to spills and overflows.

Remedial actions, if not already implemented, should be taken to correct the above noncompliance. Please submit a written response to this Notice of Violation. Your response is to be received by the regional office **within 10 days** following receipt of this violation. Please include any additional documentation that you may feel is relevant about this incident in the response. Among items to provide with your response, please include a detailed timeline of events, a record of personnel (include their home address and minutes to the wastewater treatment plant) that worked during this incident and their shifts, actions taken to address ongoing needs referencing associated event dates, sewer service restoration efforts, reasons for the prolonged timeframe for restoring the system and household service, remedial actions taken to prevent re-occurrence of future collection system failure, remedial actions taken to address any spills to land surface or surface waters, include the location where the pumped wastewater from the pits was disposed (how and where was wastewater collected by pump trucks disposed of), and a list of damages to any houses or structures associated with the referenced collection system failure incident. The submittal will be considered in determining whether the Division will assess a civil penalty for the cited violations.

Please note, subsequent Notices, including enforcement actions, may also be issued for the Eagle Creek Collection system based on any new information that becomes available as related to system oversight, management, and/or operation.

If you have any questions, please do not hesitate to contact Sarah Toppen with the Water Quality Regional Operations Section in the Washington Regional Office at 252-946-6481 or via email at [Sarah.Toppen@ncdenr.gov](mailto:Sarah.Toppen@ncdenr.gov).

Sincerely,

*David May*

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

cc: NC Utilities Commission – Public Staff  
Albemarle Regional Health Services  
Eagle Creek HOA  
Laserfiche



ROY COOPER  
Governor

ELIZABETH S. BISER  
Secretary

S. DANIEL SMITH  
Director



NORTH CAROLINA  
Environmental Quality

**Certified Mail # 7021 1970 0001 1325 0469**  
**Return Receipt Requested**

December 20, 2021

Mr. Raymond Gottlieb  
Sandler Utilities at Mill Run, LLC  
448 Viking Dr Ste 200  
Virginia Beach, VA 23452

**SUBJECT: NOTICE OF VIOLATION/ NOTICE OF INTENT TO ENFORCE**

**Tracking Number: NOV-2021-PC-0610**

Collection System Operation and Overflows: ~November 20 - ~November 24, 2021

Collection System Permit No. WQCS00290

Eagle Creek Subdivision Collection System

Currituck County

Dear Mr. Gottlieb:

The Washington Regional Office received complaints from residents starting on or about November 20, 2021, indicating the Eagle Creek collection system was not operating or that at least part of the system was not functioning properly. It was confirmed that there were electrical issues, and that technicians were working on correcting the problems. After the electrical issues were repaired a pump was having issues and had to be replaced, throughout this time which made the collection system inoperable or partially operable, with failed and inoperable household service connections. Several houses remained without functional sewer service or sporadic sewer service until on or about November 24, 2021.

Findings indicate violations of permit conditions stipulated in the subject permit and North Carolina G.S. 143-215.1. Violations include, among others, failing to effectively manage, maintain, and operate the subject collection system so that there are no SSOs to the land or surface waters and making an outlet to waters of the State for purposes of G.S. 143-215.1(a)(1), for which a permit is required.

Specific incident cited in the subject report include the following:

Incident Number	Incident Date	Start Duration (Mins)	Location	Cause	Vol Water (Gals)	Total Vol (Gals)	DWR Action
202102176	11/20/21			Complete/Partial System Failure			NOV-NOVRI

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Mar 02 2022

### Specific Permit Condition Violations Include:

1. I. Performance Standards 2. The wastewater system shall be effectively managed, maintained and operated at all times so there is no SSO to land or surface waters, nor any contamination of groundwater. In the event the wastewater collection system fails to perform satisfactorily, including creation of nuisance conditions, the permittee shall take immediate corrective actions, including actions that may be required by the Division of Water Quality (Division), such as the construction of additional replacement sewer lines and/or equipment.

The wastewater collection system remained off-line or partially off-line for several days due to vacuum leaks and pits needing controller/valves.

2. II. 11. In the event of an SSO or blockage within the wastewater collection system, the Permittee shall restore the system operation, remove visible solids and paper, sanitize any ground area, and restore surroundings.

Households and customers remained without sewer service until individual pits were restored at households. System operation was not immediately restored in a manner that provides operable service connections for customers.

3. Discharging without a valid permit (North Carolina G.S. 143-215.1.)

Issues were noted with the collection system resulting in discharge of wastewater from components of the collection system (pits, vent pipes, etc.) to either the land surface and/or surface waters.

Performance Standards in the permit also call for the sewage and wastewater collected by the system to be treated in the Sandler Utilities Wastewater Treatment Facility (WQ0014306) prior to being disposed into the reuse system. All wastewater generated in the development during the subject incident has not been conveyed to the treatment facility, due to spills and overflows.

Remedial actions, if not already implemented, should be taken to correct the above noncompliance. Please submit a written response to this Notice of Violation. Your response is to be received by the regional office **within 10 days** following receipt of this violation. Please include any additional documentation that you may feel is relevant about this incident in the response. Among items to provide with your response, please include a detailed timeline of events, a record of personnel (include their home address and minutes to the wastewater treatment plant) that worked during this incident and their shifts, actions taken to address ongoing needs referencing associated event dates, sewer service restoration efforts, reasons for the prolonged timeframe for restoring the system and household service, remedial actions taken to prevent re-occurrence of future collection system failure, remedial actions taken to address any spills to land surface or surface waters, include the location where the pumped wastewater from the pits was disposed (how and where was wastewater collected by pump trucks disposed of), and a list of damages to any houses or structures associated with the referenced collection system failure incident. The submittal will be considered in determining whether the Division will assess a civil penalty for the cited violations.

Please note, subsequent Notices, including enforcement actions, may also be issued for the Eagle Creek Collection system based on any new information that becomes available as related to system oversight, management, and/or operation.

If you have any questions, please do not hesitate to contact Sarah Toppen with the Water Quality Regional Operations Section in the Washington Regional Office at 252-946-6481 or via email at [Sarah.Toppen@ncdenr.gov](mailto:Sarah.Toppen@ncdenr.gov).

Sincerely,

*David May*

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

cc: NC Utilities Commission – Public Staff  
Albemarle Regional Health Services  
Eagle Creek HOA  
Laserfiche



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



**Certified Mail # 7021 1970 0001 1325 0469**  
**Return Receipt Requested**

December 20, 2021

Mr. Raymond Gottlieb  
Sandler Utilities at Mill Run, LLC  
448 Viking Dr Ste 200  
Virginia Beach, VA 23452

**SUBJECT: NOTICE OF VIOLATION/ NOTICE OF INTENT TO ENFORCE**

**Tracking Number: NOV-2021-PC-0617**

Collection System Operation and Overflows: ~December 6 - ~December 9, 2021

Collection System Permit No. WQCS00290

Eagle Creek Subdivision Collection System

Currituck County

Dear Mr. Gottlieb:

The Washington Regional Office received complaints from residents starting on or about December 6, 2021, indicating the Eagle Creek collection system was not operating or that at least part of the system was not functioning properly. It was confirmed that there were issues with leaks and service at homes, and that technicians were working on correcting the problems, which included replacing a vacuum pump throughout this time which made the collection system inoperable or partially operable, with failed and inoperable household service connections. Several houses remained without functional sewer service or sporadic sewer service until on or about December 9, 2021.

Findings indicate violations of permit conditions stipulated in the subject permit and North Carolina G.S. 143-215.1. Violations include, among others, failing to effectively manage, maintain, and operate the subject collection system so that there are no SSOs to the land or surface waters and making an outlet to waters of the State for purposes of G.S. 143-215.1(a)(1), for which a permit is required.

Specific incident cited in the subject report include the following:

Incident Number	Incident Date	Start Duration (Mins)	Location	Cause	Vol Water (Gals)	Total Vol (Gals)	DWR Action
202102245	12/6/21		Complete/Partial System Failure				NOV-NOVRI

OFFICIAL COPY

Mar 02 2022

Specific Permit Condition Violations Include:

1. I. Performance Standards 2. The wastewater system shall be effectively managed, maintained and operated at all times so there is no SSO to land or surface waters, nor any contamination of groundwater. In the event the wastewater collection system fails to perform satisfactorily, including creation of nuisance conditions, the permittee shall take immediate corrective actions, including actions that may be required by the Division of Water Quality (Division), such as the construction of additional replacement sewer lines and/or equipment.

The wastewater collection system remained off-line or partially off-line for several days due to vacuum leaks and pits needing controller/valves.

2. II. 11. In the event of an SSO or blockage within the wastewater collection system, the Permittee shall restore the system operation, remove visible solids and paper, sanitize any ground area, and restore surroundings.

Households and customers remained without sewer service until individual pits were restored at households. System operation was not immediately restored in a manner that provides operable service connections for customers.

3. Discharging without a valid permit (North Carolina G.S. 143-215.1.)

Issues were noted with the collection system resulting in discharge of wastewater from components of the collection system (pits, vent pipes, etc.) to either the land surface and/or surface waters.

Performance Standards in the permit also call for the sewage and wastewater collected by the system to be treated in the Sandler Utilities Wastewater Treatment Facility (WQ0014306) prior to being disposed into the reuse system. All wastewater generated in the development during the subject incident has not been conveyed to the treatment facility, due to spills and overflows.

Remedial actions, if not already implemented, should be taken to correct the above noncompliance. Please submit a written response to this Notice of Violation. Your response is to be received by the regional office **within 10 days** following receipt of this violation. Please include any additional documentation that you may feel is relevant about this incident in the response. Among items to provide with your response, please include a detailed timeline of events, a record of personnel (include their home address and minutes to the wastewater treatment plant) that worked during this incident and their shifts, actions taken to address ongoing needs referencing associated event dates, sewer service restoration efforts, reasons for the prolonged timeframe for restoring the system and household service, remedial actions taken to prevent re-occurrence of future collection system failure, remedial actions taken to address any spills to land surface or surface waters, include the location where the pumped wastewater from the pits was disposed (how and where was wastewater collected by pump trucks disposed of), and a list of damages to any houses or structures associated with the referenced collection system failure incident. The submittal will be considered in determining whether the Division will assess a civil penalty for the cited violations.

Please note, subsequent Notices, including enforcement actions, may also be issued for the Eagle Creek Collection system based on any new information that becomes available as related to system oversight, management, and/or operation.

If you have any questions, please do not hesitate to contact Sarah Toppen with the Water Quality Regional Operations Section in the Washington Regional Office at 252-946-6481 or via email at [Sarah.Toppen@ncdenr.gov](mailto:Sarah.Toppen@ncdenr.gov).

Sincerely,

*David May*

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

cc: NC Utilities Commission – Public Staff  
Albemarle Regional Health Services  
Eagle Creek HOA  
Laserfiche







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

December 10, 2020

CERTIFIED MAIL 7010 2780 0003 4825 8957  
RETURN RECEIPT REQUESTED

Mr. Raymond Gottlieb, Managing Partner  
Sandler Utilities at Mill Run, LLC  
448 Viking Drive; Suite 228  
Virginia Beach, VA 23452

SUBJECT: Assessment of Civil Penalties for Violations of  
Collection System Permit WQCS00209  
Sandler Utilities at Mill Run, LLC – Eagle Creek Collection System  
Case Number DV-2020-0161  
Currituck County

Dear Mr. Gottlieb:

This letter transmits notice of a civil penalty assessed against Sandler Utilities at Mill Run, LLC in the amount of \$62,517.96, including \$2,517.96 in enforcement costs.

Attached is a copy of the assessment document explaining this penalty. This action was taken under the authority vested in me pursuant to delegation provided by the Secretary of the Department of Environment and Natural Resources. Any continuing violation(s) may be the subject of a new enforcement action, including an additional penalty.

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

**1. Submit payment of the penalty:**

Payment should be made directly to the order of the Department of Environment and Natural Resources (*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:

Water Quality Permitting Section – Attention: Ms. Wren Thedford  
Division of Water Resources  
1617 Mail Service Center  
Raleigh, North Carolina 27699-1617

**OR**



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

**1. Submit payment of the penalty:**

Payment should be made directly to the order of the Department of Environment and Natural Resources (*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:

Water Quality Permitting Section – Attention: Ms. Wren Thedford  
Division of Water Resources  
1617 Mail Service Center  
Raleigh, North Carolina 27699-1617

**OR**

**2. Submit a written request for remission 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) were wrongfully applied to the detriment of the violator;
- (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 has 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 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:

Water Quality Permitting Section – Attention: Ms. Wren Thedford  
Division of Water Resources  
1617 Mail Service Center  
Raleigh, NC 27699-1617

**OR**

**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. Instructions for filing a contested case petition, as well as additional information concerning the Office of Administrative Hearings, filing fees for a contested case petition, and the appeal process may be found on the official website for the Office of Administrative Hearings at <https://www.oah.nc.gov/>. 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 original and one (1) copy of the petition must be filed with the Office of Administrative Hearings. The petition may be faxed or submitted electronically, provided the transmission meets all criteria established by the Office of Administrative Hearings (including payment of applicable fees) for a complete submittal. The mailing address for the Office of Administrative Hearings is:

Office of Administrative Hearings  
1711 New Hope Road  
Raleigh, NC 27609  
Telephone (919) 431-3000 Facsimile: (919) 431-3100

Mail or hand-deliver a **copy** of the petition to each person listed below:

Mr. William F. Lane, General Counsel  
Department of Environment and Natural Resources  
1601 Mail Service Center  
Raleigh, North Carolina 27699-1601

Mr. Bob Sledge  
DWR Wastewater Branch  
1617 Mail Service Center  
Raleigh, North Carolina 27699-1617

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 about this matter, please contact Bob Sledge at (919) 807-6302, or via email at [bob.sledge@ncdenr.gov](mailto:bob.sledge@ncdenr.gov).

Sincerely,

DocuSigned by:



8FB19B649DD2478...

Jeffrey O. Poupart, Chief  
Water Quality Permitting Section  
Division of Water Resources

Attachments

cc: Bob Sledge - Enforcement File  
ec: Washington Regional Office – WQ Regional Operations Section  
Jeff Poupart  
Mike Montebello  
Public Staff Utilities Commission – Mike Franklin





ROY COOPER  
Governor

MICHAEL S. REGAN  
Secretary

S. DANIEL SMITH  
Director



**Certified Mail # 7019 2970 0001 3140 0046**  
**Return Receipt Requested**

August 31, 2020

Raymond Gottlieb  
Sandler Utilities at Mill Run L L C  
448 Viking Dr Ste 200  
Virginia Beach, VA 23452

SUBJECT: **NOTICE OF VIOLATION**  
Tracking Number: NOV-2020-PC-0389  
Permit No. WQ0014306  
Eagle Creek WWTP  
Currituck County

Dear Mr. Gottlieb:

The North Carolina Division of Water Resources conducted an inspection of the Eagle Creek WWTP on August 19, 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. WQ0014306. A summary of the findings and comments noted during the inspection are provided in the enclosed copy of the inspection report.

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

Inspection Area	Description of Violation and Compliance Issues
End Use-Infiltration	There is an excessive amount of woody vegetation growing around the high rate infiltration pond that must be removed as soon as possible. This is a violation of permit condition II.1, III.1 and III.18.
Record Keeping	Operational logs were requested for review and were not present during inspection. This is a violation of permit condition IV.10.
Treatment Filters	The tertiary filter has been down and bypassed for 2 years according to staff during inspection. The unit was not operational during the inspection and must be fixed as soon as possible. This is a violation of permit conditions II.1, III.1, III.15 and IV.13.



In addition, the issues below must also be addressed:

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. To prevent further action, please respond in writing to this office **within 30 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.

**Reminder:** Pursuant to Permit Condition IV.13, 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 should have any questions, please do not hesitate to contact Paul Mays with the Water Quality Regional Operations Section in the Washington Regional Office at 252-948-3940.

Sincerely,

*Robert Tankard*

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

ATTACHMENTS: Compliance Evaluation Cover Letter and Report

Cc: Laserfiche



ROY COOPER  
Governor

MICHAEL S. REGAN  
Secretary

S. DANIEL SMITH  
Director



NORTH CAROLINA  
Environmental Quality

**Certified Mail # 7019 2970 0001 3140 0053**  
**Return Receipt Requested**

October 15, 2020

Raymond Gottlieb  
Sandler Utilities at Mill Run L L C  
448 Viking Dr Ste 200  
Virginia Beach, VA 23452

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

Tracking Number: NOV-2020-LV-0756  
Permit No. WQ0014306  
Eagle Creek WWTP  
Currituck County

Dear Mr. Gottlieb:

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)	7/15/2020	25	49	Daily Maximum Exceeded
001	Nitrogen, Ammonia Total (as N) (00610)	7/15/2020	6	10.9	Daily Maximum Exceeded
001	Nitrogen, Ammonia Total (as N) (00610)	7/31/2020	4	5.45	Monthly Average Exceeded



North Carolina Department of Environmental Quality | Division of Water Resources  
Washington Regional Office | 943 Washington Square Mall | Washington, North Carolina 27889  
252-946-8481

OFFICIAL COPY

Mar 02 2022



**Other Violation(s):**

Type of Violation	Date	Violation Description
Improper operation and maintenance	7/16/2020	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III. 19
Improper operation and maintenance	7/17/2020	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III. 19
Improper operation and maintenance	7/18/2020	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III. 19
Improper operation and maintenance	7/19/2020	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III. 19
Improper operation and maintenance	7/20/2020	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III. 19
Improper operation and maintenance	7/21/2020	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III. 19

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 13 in Section IV, 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 Paul Mays of the Washington Regional Office at 252-948-3940.

Sincerely,

*Robert Tankard*

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

Cc: Laserfiche



North Carolina Department of Environmental Quality | Division of Water Resources  
Washington Regional Office | 943 Washington Square Mall | Washington, North Carolina 27889  
252-948-8481



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



**Certified Mail # 7020 1810 0001 5981 2133**  
**Return Receipt Requested**

April 26, 2021

Raymond Gottlieb  
Sandler Utilities at Mill Run L L C  
448 Viking Dr Ste 200  
Virginia Beach, VA 23452-7331

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

Tracking Number: NOV-2021-LM-0027  
Permit No. WQ0014306  
Eagle Creek WWTP  
Currituck County

Dear Mr. Gottlieb:

A review of the October 2020 Non-Discharge Analysis Report (NDAR1) and 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)	10/29/2020	25	300	Daily Maximum Exceeded
001	Solids, Total Suspended (00530)	10/29/2020	10	14.6	Daily Maximum Exceeded
001	Coliform, Fecal MF, MFC Broth, 44.5 C (31616)	10/31/2020	14	30	Monthly Geometric Mean Exceeded
001	Solids, Total Suspended (00530)	10/31/2020	5	7.3	Monthly Average Exceeded



North Carolina Department of Environmental Quality | Division of Water Resources  
Washington Regional Office | 943 Washington Square Mail | Washington, North Carolina 27889  
252.946.6481

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Mar 02 2022

**Monitoring Violation(s):**

Sample Location	Parameter	Date	Monitoring Frequency	Type of Violation
001	Turbidity, HCH Turbidimeter (00076)	10/31/2020	Continuous	Frequency Violation

**Reporting Violation(s):**

Sample Location	Parameter	Date	Type of Violation
Field 1		1/30/2021	Field-Site Missing
001	Nitrogen, Nitrate Total (as N) (00620)	10/31/2020	Parameter Missing

**Other Violation(s):**

Type of Violation	Date	Violation Description
Permit conditions violation	10/30/2020	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 19 of the permit.
Permit conditions violation	10/31/2020	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 19 of the permit.

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

If you wish to provide additional information regarding the noted violation, request technical assistance, or discuss overall compliance please respond in writing within ten (10) 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 13 in Section IV, 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 Paul Mays of the Washington Regional Office at 252-948-3940 or via email at paul.mays@ncdenr.gov.

Sincerely,

*Robert Tankard*

Robert Tankard, Assistant 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



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**Certified Mail # 7020 1810 0001 5981 1334**  
**Return Receipt Requested**

April 26, 2021

Raymond Gottlieb  
Sandler Utilities at Mill Run L L C  
448 Viking Dr Ste 200  
Virginia Beach, VA 23452-7331

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

Tracking Number: NOV-2021-LM-0028  
Permit No. WQ0014306  
Eagle Creek WWTP  
Currituck County

Dear Mr. Gottlieb:

A review of the December 2020 Non-Discharge Monitoring Report (NDMR) and Non-Discharge Analysis Report (NDAR1) 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)	12/15/2020	25	2,420	Daily Maximum Exceeded
001	Coliform, Fecal MF, MFC Broth, 44.5 C (31616)	12/31/2020	14	2,420	Monthly Geometric Mean Exceeded
001	Solids, Total Suspended (00530)	12/31/2020	5	8.9	Monthly Average Exceeded

**Monitoring Violation(s):**

Sample Location	Parameter	Date	Monitoring Frequency	Type of Violation
001	pH (00400)	12/5/2020	5 X week	Frequency Violation
001	pH (00400)	12/19/2020	5 X week	Frequency Violation



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Washington Regional Office | 943 Washington Square Mall | Washington, North Carolina 27589  
252.946.6481

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**Monitoring Violation(s):**

Sample Location	Parameter	Date	Monitoring Frequency	Type of Violation
001	pH (00400)	12/26/2020	5 X week	Frequency Violation
001	BOD, 5-Day (20 Deg. C) (00310)	12/31/2020	2 X month	Frequency Violation
001	Coliform, Fecal MF, MFC Broth, 44.5 C (31616)	12/31/2020	2 X month	Frequency Violation
001	Nitrogen, Ammonia Total (as N) (00610)	12/31/2020	2 X month	Frequency Violation
001	Nitrogen, Kjeldahl, Total (as N) (00625)	12/31/2020	2 X month	Frequency Violation
001	Nitrogen, Nitrate Total (as N) (00620)	12/31/2020	2 X month	Frequency Violation
001	Nitrogen, Total (as N) (00600)	12/31/2020	2 X month	Frequency Violation
001	Phosphorus, Total (as P) (00665)	12/31/2020	2 X month	Frequency Violation
001	Solids, Total Suspended (00530)	12/31/2020	2 X month	Frequency Violation

**Reporting Violation(s):**

Sample Location	Parameter	Date	Type of Violation
Field 1		4/1/2021	Field-Site Missing

**Other Violation(s):**

Type of Violation	Date	Violation Description
Permit conditions violation	12/16/2020	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 19 of the permit.
Permit conditions violation	12/17/2020	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 19 of the permit.
Permit conditions violation	12/18/2020	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 19 of the permit.
Permit conditions violation	12/19/2020	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 19 of the permit.
Permit conditions violation	12/20/2020	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 19 of the permit.
Permit conditions violation	12/21/2020	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 19 of the permit.
Permit conditions violation	12/22/2020	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 19 of the permit.
Permit conditions violation	12/23/2020	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 19 of the permit.



**Other Violation(s):**

Type of Violation	Date	Violation Description
Permit conditions violation	12/24/2020	Facility did not meet fecal limts and did not transfer effluent to high rate pond as required in condition III, 19 of the permit.
Permit conditions violation	12/25/2020	Facility did not meet fecal limts and did not transfer effluent to high rate pond as required in condition III, 19 of the permit.
Permit conditions violation	12/26/2020	Facility did not meet fecal limts and did not transfer effluent to high rate pond as required in condition III, 19 of the permit.
Permit conditions violation	12/27/2020	Facility did not meet fecal limts and did not transfer effluent to high rate pond as required in condition III, 19 of the permit.
Permit conditions violation	12/28/2020	Facility did not meet fecal limts and did not transfer effluent to high rate pond as required in condition III, 19 of the permit.
Permit conditions violation	12/29/2020	Facility did not meet fecal limts and did not transfer effluent to high rate pond as required in condition III, 19 of the permit.
Permit conditions violation	12/30/2020	Facility did not meet fecal limts and did not transfer effluent to high rate pond as required in condition III, 19 of the permit.
Permit conditions violation	12/31/2020	Facility did not meet fecal limts and did not transfer effluent to high rate pond as required in condition III, 19 of the permit.

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

If you wish to provide additional information regarding the noted violation, request technical assistance, or discuss overall compliance please respond in writing within ten (10) 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 13 in Section IV, 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 Paul Mays of the Washington Regional Office at 252-948-3940 or via email at paul.mays@ncdenr.gov.

Sincerely,

*Robert Tankard*

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

Cc: Laserfiche



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Washington Regional Office | 943 Washington Square Mall | Washington, North Carolina 27889  
252.946.6481

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



**Certified Mail # 7020 1810 0001 5981 1310**  
**Return Receipt Requested**

April 26, 2021

Raymond Gottlieb  
Sandler Utilities at Mill Run L L C  
448 Viking Dr Ste 200  
Virginia Beach, VA 23452-7331

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

Tracking Number: NOV-2021-LM-0029  
Permit No. WQ0014306  
Eagle Creek WWTP  
Currituck County

Dear Mr. Gottlieb:

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	BOD, 5-Day (20 Deg. C) (00310)	1/21/2021	15	30	Daily Maximum Exceeded
001	Coliform, Fecal MF, MFC Broth, 44.5 C (31616)	1/21/2021	25	2,420	Daily Maximum Exceeded
001	Nitrogen, Ammonia Total (as N) (00610)	1/21/2021	6	17.5	Daily Maximum Exceeded
001	Solids, Total Suspended (00530)	1/21/2021	10	12	Daily Maximum Exceeded
001	Coliform, Fecal MF, MFC Broth, 44.5 C (31616)	1/28/2021	25	2,420	Daily Maximum Exceeded
001	Nitrogen, Ammonia Total (as N) (00610)	1/28/2021	6	14.8	Daily Maximum Exceeded



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**Limit Exceedance Violation(s):**

Sample Location	Parameter	Date	Limit Value	Reported Value	Type of Violation
001	BOD, 5-Day (20 Deg. C) (00310)	1/31/2021	10	19	Monthly Average Exceeded
001	Coliform, Fecal MF, MFC Broth, 44.5 C (31616)	1/31/2021	14	2,420	Monthly Geometric Mean Exceeded
001	Nitrogen, Ammonia Total (as N) (00610)	1/31/2021	4	16.15	Monthly Average Exceeded
001	Solids, Total Suspended (00530)	1/31/2021	5	8	Monthly Average Exceeded

**Monitoring Violation(s):**

Sample Location	Parameter	Date	Monitoring Frequency	Type of Violation
001	pH (00400)	1/9/2021	5 X week	Frequency Violation
001	pH (00400)	1/16/2021	5 X week	Frequency Violation

**Other Violation(s):**

Type of Violation	Date	Violation Description
Permit conditions violation	1/1/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 19 of the permit.
Permit conditions violation	1/2/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 19 of the permit.
Permit conditions violation	1/3/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 19 of the permit.
Permit conditions violation	1/4/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 19 of the permit.
Permit conditions violation	1/5/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 19 of the permit.
Permit conditions violation	1/6/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 19 of the permit.
Permit conditions violation	1/7/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 19 of the permit.
Permit conditions violation	1/8/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 19 of the permit.
Permit conditions violation	1/9/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 19 of the permit.
Permit conditions violation	1/10/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 19 of the permit.
Permit conditions violation	1/11/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 19 of the permit.



**Other Violation(s):**

Type of Violation	Date	Violation Description
Permit conditions violation	1/12/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 19 of the permit.
Permit conditions violation	1/13/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 19 of the permit.
Permit conditions violation	1/14/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 19 of the permit.
Permit conditions violation	1/15/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 19 of the permit.
Permit conditions violation	1/16/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 19 of the permit.
Permit conditions violation	1/17/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 19 of the permit.
Permit conditions violation	1/18/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 19 of the permit.
Permit conditions violation	1/19/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 19 of the permit.
Permit conditions violation	1/20/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 19 of the permit.
Permit conditions violation	1/21/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 19 of the permit.
Permit conditions violation	1/22/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 19 of the permit.
Permit conditions violation	1/23/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 19 of the permit.
Permit conditions violation	1/24/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 19 of the permit.
Permit conditions violation	1/25/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 19 of the permit.
Permit conditions violation	1/26/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 19 of the permit.
Permit conditions violation	1/27/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 19 of the permit.
Permit conditions violation	1/28/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 19 of the permit.
Permit conditions violation	1/29/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 19 of the permit.
Permit conditions violation	1/30/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 19 of the permit.
Permit conditions violation	1/31/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 19 of the permit.

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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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**Reminder:** Pursuant to Permit Condition 13 in Section IV, 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 Paul Mays of the Washington Regional Office at 252-948-3940 or via email at paul.mays@ncdenr.gov.

Sincerely,

*Robert Tankard*

Robert Tankard, Assistant 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



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**Certified Mail # 7020 1810 0001 5981 1327**  
**Return Receipt Requested**

April 26, 2021

Raymond Gottlieb  
Sandler Utilities at Mill Run L L C  
448 Viking Dr Ste 200  
Virginia Beach, VA 23452-7331

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

Tracking Number: NOV-2021-LV-0275  
Permit No. WQ0014306  
Eagle Creek WWTP  
Currituck County

Dear Mr. Gottlieb:

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)	2/8/2021	25	2,420	Daily Maximum Exceeded
001	Nitrogen, Ammonia Total (as N) (00610)	2/8/2021	6	13.4	Daily Maximum Exceeded
001	Solids, Total Suspended (00530)	2/8/2021	10	11	Daily Maximum Exceeded
001	Coliform, Fecal MF, MFC Broth, 44.5 C (31616)	2/26/2021	25	1,550	Daily Maximum Exceeded
001	Nitrogen, Ammonia Total (as N) (00610)	2/26/2021	6	27.9	Daily Maximum Exceeded
001	Coliform, Fecal MF, MFC Broth, 44.5 C (31616)	2/28/2021	14	1,936.75	Monthly Geometric Mean Exceeded



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Washington Regional Office | 943 Washington Square Mall | Washington, North Carolina 27889  
252.946.6481

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**Limit Exceedance Violation(s):**

Sample Location	Parameter	Date	Limit Value	Reported Value	Type of Violation
001	Nitrogen, Ammonia Total (as N) (00610)	2/28/2021	4	20.65	Monthly Average Exceeded
001	Solids, Total Suspended (00530)	2/28/2021	5	5.5	Monthly Average Exceeded

**Other Violation(s):**

Type of Violation	Date	Violation Description
Permit conditions violation	2/1/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 19 of the permit.
Permit conditions violation	2/2/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 19 of the permit.
Permit conditions violation	2/3/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 19 of the permit.
Permit conditions violation	2/4/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 19 of the permit.
Permit conditions violation	2/5/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 19 of the permit.
Permit conditions violation	2/6/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 19 of the permit.
Permit conditions violation	2/7/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 19 of the permit.
Permit conditions violation	2/8/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 19 of the permit.
Permit conditions violation	2/9/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 19 of the permit.
Permit conditions violation	2/10/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 19 of the permit.
Permit conditions violation	2/11/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 19 of the permit.
Permit conditions violation	2/12/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 19 of the permit.
Permit conditions violation	2/13/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 19 of the permit.
Permit conditions violation	2/14/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 19 of the permit.
Permit conditions violation	2/15/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 19 of the permit.
Permit conditions violation	2/16/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 19 of the permit.

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**Other Violation(s):**

Type of Violation	Date	Violation Description
Permit conditions violation	2/17/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 19 of the permit.
Permit conditions violation	2/18/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 19 of the permit.
Permit conditions violation	2/19/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 19 of the permit.
Permit conditions violation	2/20/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 19 of the permit.
Permit conditions violation	2/21/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 19 of the permit.
Permit conditions violation	2/22/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 19 of the permit.
Permit conditions violation	2/23/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 19 of the permit.
Permit conditions violation	2/24/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 19 of the permit.
Permit conditions violation	2/25/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 19 of the permit.
Permit conditions violation	2/26/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 19 of the permit.
Permit conditions violation	2/27/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 19 of the permit.
Permit conditions violation	2/28/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 19 of the permit.

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

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Sincerely,

*Robert Tankard*

Robert Tankard, Assistant 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 2157**  
**Return Receipt Requested**

April 26, 2021

Raymond Gottlieb  
Sandler Utilities at Mill Run L L C  
448 Viking Dr Ste 200  
Virginia Beach, VA 23452-7331

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

Tracking Number: NOV-2021-PC-0235  
Permit No. WQ0014306  
Eagle Creek WWTP  
Currituck County

Dear Mr. Gottlieb:

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

**Other Violation(s):**

Type of Violation	Date	Violation Description
Permit conditions violation	8/1/2020	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 19 of the permit.
Permit conditions violation	8/2/2020	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 19 of the permit.
Permit conditions violation	8/3/2020	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 19 of the permit.
Permit conditions violation	8/4/2020	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 19 of the permit.



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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 13 in Section IV, 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 Paul Mays of the Washington Regional Office at 252-948-3940 or via email at paul.mays@ncdenr.gov.

Sincerely,

*Robert Tankard*

Robert Tankard, Assistant 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



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**Return Receipt Requested**

April 26, 2021

Raymond Gottlieb  
Sandler Utilities at Mill Run L L C  
448 Viking Dr Ste 200  
Virginia Beach, VA 23452-7331

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

Tracking Number: NOV-2021-PC-0236  
Permit No. WQ0014306  
Eagle Creek WWTP  
Currituck County

Dear Mr. Gottlieb:

A review of the September 2020 Non-Discharge Analysis Report (NDAR1) for the subject facility revealed the violation(s) indicated below:

**Reporting Violation(s):**

Sample Location	Parameter	Date	Type of Violation
Field 1		12/30/2020	Field-Site 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.

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**Reminder:** Pursuant to Permit Condition 13 in Section IV, 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.

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Sincerely,

*Robert Tankard*

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

Cc: Laserfiche





ROY COOPER  
Governor  
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April 26, 2021

Raymond Gottlieb  
Sandler Utilities at Mill Run L L C  
448 Viking Dr Ste 200  
Virginia Beach, VA 23452-7331

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

Tracking Number: NOV-2021-PC-0237  
Permit No. WQ0014306  
Eagle Creek WWTP  
Currituck County

Dear Mr. Gottlieb:

A review of the November 2020 Non-Discharge Analysis Report (NDAR1) 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
		1/30/2021	Late/Missing NDMR
		1/30/2021	Late/Missing NDAR-1

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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**Reminder:** Pursuant to Permit Condition 13 in Section IV, 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 Paul Mays of the Washington Regional Office at 252-948-3940 or via email at [paul.mays@ncdenr.gov](mailto:paul.mays@ncdenr.gov).

Sincerely,

*Robert Tankard*

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

Cc: Laserfiche



ROY COOPER  
Governor  
ELIZABETH S. BISER  
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October 13, 2021

Raymond Gottlieb  
Sandler Utilities at Mill Run L L C  
448 Viking Dr Ste 200  
Virginia Beach, VA 23452-7331

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

Tracking Number: NOV-2021-LV-0744  
Permit No. WQ0014306  
Eagle Creek WWTP  
Currituck County

Dear Mr. Gottlieb:

A review of the March 2020 Ground Water Monitoring Report (GW59) 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
MW-1	Nitrogen, Ammonia Total (as N) (00610)	3/31/2020	1,500	7,080	Limit Exceeded
MW-2	Nitrogen, Ammonia Total (as N) (00610)	3/31/2020	1,500	9,310	Limit 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 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 15 in Section IV, 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 Paul Mays of the Washington Regional Office at 252-948-3940 or via email at [paul.mays@ncdenr.gov](mailto:paul.mays@ncdenr.gov).

Sincerely,

*Robert Tankard*

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

Cc: Laserfiche



ROY COOPER  
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Director



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**Return Receipt Requested**

October 13, 2021

Raymond Gottlieb  
Sandler Utilities at Mill Run L L C  
448 Viking Dr Ste 200  
Virginia Beach, VA 23452-7331

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

Tracking Number: NOV-2021-LV-0745  
Permit No. WQ0014306  
Eagle Creek WWTP  
Currituck County

Dear Mr. Gottlieb:

A review of the November 2020 Ground Water Monitoring Report (GW59) 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
MW-1	Nitrogen, Ammonia Total (as N) (00610)	11/30/2020	1,500	5,400	Limit Exceeded
MW-2	Nitrogen, Ammonia Total (as N) (00610)	11/30/2020	1,500	7,800	Limit Exceeded

**Reporting Violation(s):**

Sample Location	Parameter	Date	Type of Violation
		1/30/2021	Late/Missing GW-59



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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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**Reminder:** Pursuant to Permit Condition 15 in Section IV, 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 Paul Mays of the Washington Regional Office at 252-948-3940 or paul.mays@ncdenr.gov.

Sincerely,

*Robert Tankard*

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

Cc: Laserfiche



ROY COOPER  
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ELIZABETH S. BISER  
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S. DANIEL SMITH  
Director



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October 13, 2021

Raymond Gottlieb  
Sandler Utilities at Mill Run L L C  
448 Viking Dr Ste 200  
Virginia Beach, VA 23452-7331

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

Tracking Number: NOV-2021-LV-0746  
Permit No. WQ0014306  
Eagle Creek WWTP  
Currituck County

Dear Mr. Gottlieb:

A review of the March 2021 Ground Water Monitoring Report (GW59) and 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	Turbidity, HCH Turbidimeter (00076)	3/5/2021	10	10.13	Daily Maximum Exceeded
001	Turbidity, HCH Turbidimeter (00076)	3/6/2021	10	11.47	Daily Maximum Exceeded
001	BOD, 5-Day (20 Deg. C) (00310)	3/10/2021	15	17	Daily Maximum Exceeded
001	Coliform, Fecal MF, MFC Broth, 44.5 C (31616)	3/10/2021	25	272	Daily Maximum Exceeded
001	Nitrogen, Ammonia Total (as N) (00610)	3/10/2021	6	43.9	Daily Maximum Exceeded
001	Solids, Total Suspended (00530)	3/10/2021	10	21.2	Daily Maximum Exceeded



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**Limit Exceedance Violation(s):**

Sample Location	Parameter	Date	Limit Value	Reported Value	Type of Violation
001	Nitrogen, Ammonia Total (as N) (00610)	3/17/2021	6	44	Daily Maximum Exceeded
001	BOD, 5-Day (20 Deg. C) (00310)	3/31/2021	10	15.5	Monthly Average Exceeded
001	Coliform, Fecal MF, MFC Broth, 44.5 C (31616)	3/31/2021	14	63.87	Monthly Geometric Mean Exceeded
001	Nitrogen, Ammonia Total (as N) (00610)	3/31/2021	4	43.95	Monthly Average Exceeded
001	Solids, Total Suspended (00530)	3/31/2021	5	13.9	Monthly Average Exceeded
002	Coliform, Fecal MF, MFC Broth, 44.5 C (31616)	3/31/2021	200	420	Monthly Geometric Mean Exceeded
002	Nitrogen, Ammonia Total (as N) (00610)	3/31/2021	4	44.4	Monthly Average Exceeded
MW-1	Nitrogen, Ammonia Total (as N) (00610)	3/31/2021	1,500	6,100	Limit Exceeded
MW-1	Solids, Total Dissolved- 180 Deg.C (70300)	3/31/2021	500	503	Limit Exceeded
MW-2	Nitrogen, Ammonia Total (as N) (00610)	3/31/2021	1,500	6,900	Limit Exceeded

**Reporting Violation(s):**

Sample Location	Parameter	Date	Type of Violation
001	Carbon, Tot Organic (TOC) (00680)	3/31/2021	Parameter Missing
001	Solids, Total Dissolved (70295)	3/31/2021	Parameter Missing
002	BOD, 5-Day (20 Deg. C) (00310)	3/31/2021	Parameter Missing
002	Flow, in conduit or thru treatment plant (50050)	3/31/2021	Parameter Missing
002	Nitrogen, Kjeldahl, Total (as N) (00625)	3/31/2021	Parameter Missing
002	Nitrogen, Total (as N) (00600)	3/31/2021	Parameter Missing
002	Solids, Total Suspended (00530)	3/31/2021	Parameter Missing

**Other Violation(s):**

Permit conditions violation	3/1/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 21 of the permit.
Permit conditions violation	3/2/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 21 of the permit.





Permit conditions violation	3/3/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 21 of the permit.
Permit conditions violation	3/4/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 21 of the permit.
Permit conditions violation	3/5/2021	Facility did not meet fecal limits or turbidity limits and did not transfer effluent to high rate pond as required in condition III, 21 of the permit.
Permit conditions violation	3/6/2021	Facility did not meet fecal limits or turbidity limits and did not transfer effluent to high rate pond as required in condition III, 21 of the permit.
Permit conditions violation	3/7/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 21 of the permit.
Permit conditions violation	3/8/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 21 of the permit.
Permit conditions violation	3/9/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 21 of the permit.
Permit conditions violation	3/10/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 21 of the permit.
Permit conditions violation	3/11/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 21 of the permit.
Permit conditions violation	3/12/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 21 of the permit.
Permit conditions violation	3/13/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 21 of the permit.
Permit conditions violation	3/14/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 21 of the permit.
Permit conditions violation	3/15/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 21 of the permit.
Permit conditions violation	3/16/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 21 of the permit.

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

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**Reminder:** Pursuant to Permit Condition 15 in Section IV, 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 Paul Mays of the Washington Regional Office at 252-948-3940 or via email at paul.mays@ncdenr.gov.

Sincerely,

*Robert Tankard*

Robert Tankard, Assistant 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



**Certified Mail # 7021 0950 0001 1028 5081**  
**Return Receipt Requested**

October 13, 2021

Raymond Gottlieb  
Sandler Utilities at Mill Run L L C  
448 Viking Dr Ste 200  
Virginia Beach, VA 23452-7331

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

Tracking Number: NOV-2021-LV-0747  
Permit No. WQ0014306  
Eagle Creek WWTP  
Currituck County

Dear Mr. Gottlieb:

A review of the July 2020 Ground Water Monitoring Report (GW59) 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
MW-1	Nitrogen, Ammonia Total (as N) (00610)	7/31/2020	1,500	7,500	Limit Exceeded
MW-2	Nitrogen, Ammonia Total (as N) (00610)	7/31/2020	1,500	9,000	Limit 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 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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Sincerely,

*Robert Tankard*

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

Cc: Laserfiche



ROY COOPER  
Governor  
ELIZABETH S. BISER  
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Director



**Certified Mail # 7021 0950 0001 1028 5098**  
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October 13, 2021

Raymond Gottlieb  
Sandler Utilities at Mill Run L L C  
448 Viking Dr Ste 200  
Virginia Beach, VA 23452-7331

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

Tracking Number: NOV-2021-LV-0748  
Permit No. WQ0014306  
Eagle Creek WWTP  
Currituck County

Dear Mr. Gottlieb:

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)	4/6/2021	25	80	Daily Maximum Exceeded
001	Nitrogen, Ammonia Total (as N) (00610)	4/6/2021	6	27.3	Daily Maximum Exceeded
001	Coliform, Fecal MF, MFC Broth, 44.5 C (31616)	4/21/2021	25	2,420	Daily Maximum Exceeded
001	Nitrogen, Ammonia Total (as N) (00610)	4/21/2021	6	45.3	Daily Maximum Exceeded
001	Solids, Total Suspended (00530)	4/21/2021	10	18.3	Daily Maximum Exceeded
001	BOD, 5-Day (20 Deg. C) (00310)	4/22/2021	15	22	Daily Maximum Exceeded



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Washington Regional Office | 943 Washington Square Mall | Washington, North Carolina 27589  
252.946.6481

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Mar 02 2022



**Limit Exceedance Violation(s):**

Sample Location	Parameter	Date	Limit Value	Reported Value	Type of Violation
001	BOD, 5-Day (20 Deg. C) (00310)	4/30/2021	10	15.5	Monthly Average Exceeded
001	Coliform, Fecal MF, MFC Broth, 44.5 C (31616)	4/30/2021	14	440	Monthly Geometric Mean Exceeded
001	Nitrogen, Ammonia Total (as N) (00610)	4/30/2021	4	36.3	Monthly Average Exceeded
001	Solids, Total Suspended (00530)	4/30/2021	5	12.5	Monthly Average Exceeded
002	Nitrogen, Ammonia Total (as N) (00610)	4/30/2021	4	78	Monthly Average Exceeded

**Reporting Violation(s):**

Sample Location	Parameter	Date	Type of Violation
001	Nitrogen, Nitrate Total (as N) (00620)	4/30/2021	Parameter Missing

**Other Violation(s):**

Permit conditions violation	4/6/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 21 of the permit.
Permit conditions violation	4/7/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 21 of the permit.
Permit conditions violation	4/8/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 21 of the permit.
Permit conditions violation	4/9/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 21 of the permit.
Permit conditions violation	4/10/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 21 of the permit.
Permit conditions violation	4/11/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 21 of the permit.
Permit conditions violation	4/12/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 21 of the permit.
Permit conditions violation	4/13/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 21 of the permit.
Permit conditions violation	4/14/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 21 of the permit.
Permit conditions violation	4/15/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 21 of the permit.
Permit conditions violation	4/16/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 21 of the permit.
Permit conditions violation	4/17/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 21 of the permit.



Permit conditions violation	4/18/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 21 of the permit.
Permit conditions violation	4/19/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 21 of the permit.
Permit conditions violation	4/20/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 21 of the permit.
Permit conditions violation	4/21/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 21 of the permit.
Permit conditions violation	4/22/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 21 of the permit.
Permit conditions violation	4/23/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 21 of the permit.
Permit conditions violation	4/24/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 21 of the permit.
Permit conditions violation	4/25/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 21 of the permit.
Permit conditions violation	4/26/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 21 of the permit.
Permit conditions violation	4/27/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 21 of the permit.
Permit conditions violation	4/28/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 21 of the permit.
Permit conditions violation	4/29/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 21 of the permit.
Permit conditions violation	4/30/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 21 of the permit.

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

If you wish to provide additional information regarding the noted violation, request technical assistance, or discuss overall compliance please respond in writing within ten (10) 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 15 in Section IV, 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 Paul Mays of the Washington Regional Office at 252-948-3940 or via email at paul.mays@ncdenr.gov.

Sincerely,

*Robert Tankard*

Robert Tankard, Assistant 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



**Certified Mail # 7021 0950 0001 1028 5104**  
**Return Receipt Requested**

October 13, 2021

Raymond Gottlieb  
Sandler Utilities at Mill Run L L C  
448 Viking Dr Ste 200  
Virginia Beach, VA 23452-7331

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

Tracking Number: NOV-2021-LV-0749  
Permit No. WQ0014306  
Eagle Creek WWTP  
Currituck County

Dear Mr. Gottlieb:

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	BOD, 5-Day (20 Deg. C) (00310)	5/20/2021	15	22	Daily Maximum Exceeded
001	Coliform, Fecal MF, MFC Broth, 44.5 C (31616)	5/20/2021	25	2,420	Daily Maximum Exceeded
001	Nitrogen, Ammonia Total (as N) (00610)	5/20/2021	6	41.2	Daily Maximum Exceeded
001	Nitrogen, Ammonia Total (as N) (00610)	5/26/2021	6	44.7	Daily Maximum Exceeded
001	BOD, 5-Day (20 Deg. C) (00310)	5/31/2021	10	16.5	Monthly Average Exceeded
001	Coliform, Fecal MF, MFC Broth, 44.5 C (31616)	5/31/2021	14	49.19	Monthly Geometric Mean Exceeded



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**Limit Exceedance Violation(s):**

Sample Location	Parameter	Date	Limit Value	Reported Value	Type of Violation
001	Nitrogen, Ammonia Total (as N) (00610)	5/31/2021	4	42.95	Monthly Average Exceeded
002	Coliform, Fecal MF, MFC Broth, 44.5 C (31616)	5/31/2021	200	2,420	Monthly Geometric Mean Exceeded
002	Nitrogen, Ammonia Total (as N) (00610)	5/31/2021	4	32.9	Monthly Average Exceeded

**Reporting Violation(s):**

Sample Location	Parameter	Date	Type of Violation
001	Nitrogen, Nitrate Total (as N) (00620)	5/31/2021	Parameter Missing

**Other Violation(s):**

Type of Violation	Date	Violation Description
Permit conditions violation	5/1/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 21 of the permit.
Permit conditions violation	5/2/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 21 of the permit.
Permit conditions violation	5/3/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 21 of the permit.
Permit conditions violation	5/4/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 21 of the permit.
Permit conditions violation	5/5/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 21 of the permit.
Permit conditions violation	5/6/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 21 of the permit.
Permit conditions violation	5/7/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 21 of the permit.
Permit conditions violation	5/8/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 21 of the permit.
Permit conditions violation	5/9/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 21 of the permit.
Permit conditions violation	5/10/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 21 of the permit.
Permit conditions violation	5/11/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 21 of the permit.
Permit conditions violation	5/12/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 21 of the permit.
Permit conditions violation	5/13/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 21 of the permit.
Permit conditions violation	5/14/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 21 of the permit.



Permit conditions violation	5/15/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 21 of the permit.
Permit conditions violation	5/16/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 21 of the permit.
Permit conditions violation	5/17/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 21 of the permit.
Permit conditions violation	5/18/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 21 of the permit.
Permit conditions violation	5/19/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 21 of the permit.
Permit conditions violation	5/20/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 21 of the permit.
Permit conditions violation	5/21/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 21 of the permit.
Permit conditions violation	5/22/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 21 of the permit.
Permit conditions violation	5/23/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 21 of the permit.
Permit conditions violation	5/24/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 21 of the permit.
Permit conditions violation	5/25/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 21 of the permit.

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

If you wish to provide additional information regarding the noted violation, request technical assistance, or discuss overall compliance please respond in writing within ten (10) 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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**Reminder:** Pursuant to Permit Condition 15 in Section IV, 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 Paul Mays of the Washington Regional Office at 252-948-3940 or via email at [paul.mays@ncdenr.gov](mailto:paul.mays@ncdenr.gov).

Sincerely,

*Robert Tankard*

Robert Tankard, Assistant 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



**Certified Mail # 7021 0950 0001 1028 5111**  
**Return Receipt Requested**

October 13, 2021

Raymond Gottlieb  
Sandler Utilities at Mill Run L L C  
448 Viking Dr Ste 200  
Virginia Beach, VA 23452-7331

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

Tracking Number: NOV-2021-LV-0750  
Permit No. WQ0014306  
Eagle Creek WWTP  
Currituck County

Dear Mr. Gottlieb:

A review of the June 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)	6/16/2021	25	2,420	Daily Maximum Exceeded
001	Nitrogen, Ammonia Total (as N) (00610)	6/16/2021	6	10.3	Daily Maximum Exceeded
001	Nitrogen, Ammonia Total (as N) (00610)	6/24/2021	6	18.7	Daily Maximum Exceeded
001	Coliform, Fecal MF, MFC Broth, 44.5 C (31616)	6/30/2021	14	49.19	Monthly Geometric Mean Exceeded
001	Nitrogen, Ammonia Total (as N) (00610)	6/30/2021	4	14.5	Monthly Average Exceeded
001	Solids, Total Suspended (00530)	6/30/2021	5	7.65	Monthly Average Exceeded



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**Limit Exceedance Violation(s):**

Sample Location	Parameter	Date	Limit Value	Reported Value	Type of Violation
002	Nitrogen, Ammonia Total (as N) (00610)	6/30/2021	4	19.8	Monthly Average Exceeded

**Other Violation(s):**

Type of Violation	Date	Violation Description
Permit conditions violation	6/1/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 21 of the permit.
Permit conditions violation	6/2/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 21 of the permit.
Permit conditions violation	6/3/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 21 of the permit.
Permit conditions violation	6/4/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 21 of the permit.
Permit conditions violation	6/5/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 21 of the permit.
Permit conditions violation	6/6/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 21 of the permit.
Permit conditions violation	6/7/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 21 of the permit.
Permit conditions violation	6/8/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 21 of the permit.
Permit conditions violation	6/9/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 21 of the permit.
Permit conditions violation	6/10/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 21 of the permit.
Permit conditions violation	6/11/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 21 of the permit.
Permit conditions violation	6/12/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 21 of the permit.
Permit conditions violation	6/13/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 21 of the permit.
Permit conditions violation	6/14/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 21 of the permit.
Permit conditions violation	6/15/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 21 of the permit.
Permit conditions violation	6/16/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 21 of the permit.
Permit conditions violation	6/17/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 21 of the permit.
Permit conditions violation	6/18/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 21 of the permit.
Permit conditions violation	6/19/2021	Facility did not meet fecal limits and did not transfer effluent to high rate



pond as required in condition III, 21 of the permit.

Permit conditions violation	6/20/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 21 of the permit.
Permit conditions violation	6/21/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 21 of the permit.
Permit conditions violation	6/22/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 21 of the permit.
Permit conditions violation	6/23/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 21 of the permit.

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

If you wish to provide additional information regarding the noted violation, request technical assistance, or discuss overall compliance please respond in writing within ten (10) 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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**Reminder:** Pursuant to Permit Condition 15 in Section IV, 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.

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Sincerely,

*Robert Tankard*

Robert Tankard, Assistant 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



**Certified Mail # 7019 2970 0001 3139 8992**  
**Return Receipt Requested**

October 13, 2021

Raymond Gottlieb  
Sandler Utilities at Mill Run L L C  
448 Viking Dr Ste 200  
Virginia Beach, VA 23452-7331

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

Tracking Number: NOV-2021-LV-0751  
Permit No. WQ0014306  
Eagle Creek WWTP  
Currituck County

Dear Mr. Gottlieb:

A review of the July 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)	7/29/2021	15	19	Daily Maximum Exceeded
001	BOD, 5-Day (20 Deg. C) (00310)	7/31/2021	10	10.5	Monthly Average Exceeded

**Reporting Violation(s):**

Sample Location	Parameter	Date	Type of Violation
001	Carbon, Tot Organic (TOC) (00680)	7/31/2021	Parameter Missing
001	Solids, Total Dissolved (70295)	7/31/2021	Parameter Missing



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If you have any questions concerning this matter or to apply for an SOC, please contact Paul Mays of the Washington Regional Office at 252-948-3940 or via email at paul.mays@ncdenr.gov.

Sincerely,

*Robert Tankard*

Robert Tankard, Assistant 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



**Certified Mail # 7021 1970 0001 1325 0636**  
**Return Receipt Requested**

January 10, 2022

Raymond Gottlieb  
Sandler Utilities at Mill Run L L C  
448 Viking Dr Ste 200  
Virginia Beach, VA 23452-7331

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

Tracking Number: NOV-2022-PC-0009  
Permit No. WQ0014306  
Eagle Creek WWTP  
Currituck County

Dear Mr. Gottlieb:

On 11/29/2021 Paul Mays and Randy Sipe from the Division of Water Resources visited Eagle Creek WWTP to review staked locations for new monitoring wells that were going to be installed at the plant. However, it was noted that the area around the plant was heavily saturated with water and upon investigation, it was found that water bypassing the tertiary filter via the mud well. The area approaching the area of the bypass from the back of the plant was so saturated with water that quicksand like conditions prevented further investigation of the area. The bypass was also feeding what appeared to be a small pond-like body of water behind the plant. Later at 3:16pm on 11/29/2021 Noah Decker informed WARO that he estimated the bypass was only 800 gallons and at 01:00pm the bypass had been fixed at the facility.

**Violation(s):**

Location	Estimated Quantity	Discharged to Surface Water?	Date	Incident Number	Type of Violation
Tertiary Filter	800 gallons	No	11/29/2021	202102275	Unauthorized Bypass

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 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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**Reminder:** Pursuant to Permit Condition 15 in Section IV, 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.

Pursuant to Permit Condition 1 in Section II, the Permittee shall maintain and operate the subject non-discharge facilities so there is no discharge to surface waters, nor any contravention of groundwater or surface water standards. In the event the facilities fail to perform satisfactorily, including the creation of nuisance conditions due to improper operation and maintenance, the Permittee shall take immediate corrective actions, including Division required actions, such as the construction of additional or replacement reclaimed water generation, reclaimed water utilization, and high-rate infiltration facilities. [15A NCAC 02T .0108(b)(1)(A)]

Pursuant to Permit Condition 14 in Section III, The Permittee shall prohibit public access to the wastewater treatment and storage facilities, and infiltration facilities. [15A NCAC 02T .0705(p), 02U .0402(e)]

If you have any questions concerning this matter or to apply for an SOC, please contact Paul Mays of the Washington Regional Office at 252-948-3940 or via email at paul.mays@ncdenr.gov.

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



**Certified Mail # 7021 1970 0001 1325 0629**  
**Return Receipt Requested**

January 10, 2022

Raymond Gottlieb  
Sandler Utilities at Mill Run L L C  
448 Viking Dr Ste 200  
Virginia Beach, VA 23452-7331

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

Tracking Number: NOV-2022-PC-0010  
Permit No. WQ0014306  
Eagle Creek WWTP  
Currituck County

Dear Mr. Gottlieb:

On 12/10/2021 Paul Mays and Randy Sipe from the Division of Water Resources visited Eagle Creek WWTP and the surrounding area of the plant due to complaints of the systems collection system. After responding to the complaint Paul Mays and Randy Sipe visited the wastewater facility itself. The area around the facility still appeared to be heavily saturated with water and after investigating the area it was found that there was another unauthorized bypass from the exact same area as the last visit. The area behind the plant was still so saturated with water that quicksand like condition prevented anyone from walking behind the plant to the area of the bypass itself. The pondlike body of water was still observed in the same area as last visit. Later at 3:40pm on 12/10/2021 Noah Deckard informed WARO that he estimated the bypass volume was 500 gallons, the incident lasted roughly 3 hours and the bypass had been fixed.

**Violation(s):**

Location	Estimated Quantity	Discharged to Surface Water?	Date	Incident Number	Type of Violation
Tertiary Filter	500 gallons	No	12/10/2021	202102276	Unauthorized Bypass

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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Washington Regional Office | 943 Washington Square Mall | Washington, North Carolina 27589  
252.946.6481

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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 or to apply for an SOC, please contact Paul Mays of the Washington Regional Office at 252-948-3940 or via email at paul.mays@ncdenr.gov.

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



**Certified Mail 7021 0350 0000 4418 3688**  
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February 10, 2022

Raymond Gottlieb  
Sandler Utilities at Mill Run L L C  
448 Viking Dr Ste 200  
Virginia Beach, VA 23452-7331

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

Tracking Number: NOV-2022-LV-0124  
Permit No. WQ0014306  
Eagle Creek WWTP  
Currituck County

Dear Mr. Gottlieb:

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	Coliform, Fecal MF, MFC Broth, 44.5 C (31616)	9/16/2021	25	240	Daily Maximum Exceeded
001	Nitrogen, Ammonia Total (as N) (00610)	9/16/2021	6	10.7	Daily Maximum Exceeded
001	Coliform, Fecal MF, MFC Broth, 44.5 C (31616)	9/29/2021	25	75	Daily Maximum Exceeded
001	Solids, Total Suspended (00530)	9/29/2021	10	20.2	Daily Maximum Exceeded
001	BOD, 5-Day (20 Deg. C) (00310)	9/30/2021	10	11	Monthly Average Exceeded
001	Coliform, Fecal MF, MFC Broth, 44.5 C (31616)	9/30/2021	14	134.16	Monthly Geometric Mean Exceeded



**Limit Exceedance Violation(s):**

Sample Location	Parameter	Date	Limit Value	Reported Value	Type of Violation
001	Nitrogen, Ammonia Total (as N) (00610)	9/30/2021	4	5.85	Monthly Average Exceeded
001	Solids, Total Suspended (00530)	9/30/2021	5	12.75	Monthly Average Exceeded

**Other Violation(s):**

Type of Violation	Date	Violation Description
Permit conditions violation	9/17/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III. 21 of the permit
Permit conditions violation	9/18/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III. 21 of the permit
Permit conditions violation	9/19/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III. 21 of the permit
Permit conditions violation	9/20/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III. 21 of the permit
Permit conditions violation	9/21/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III. 21 of the permit
Permit conditions violation	9/22/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III. 21 of the permit
Permit conditions violation	9/23/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III. 21 of the permit
Permit conditions violation	9/24/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III. 21 of the permit
Permit conditions violation	9/25/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III. 21 of the permit
Permit conditions violation	9/26/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III. 21 of the permit
Permit conditions violation	9/27/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III, 21 of the permit
Permit conditions violation	9/28/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III. 21 of the permit
Permit conditions violation	9/30/2021	Facility did not meet fecal limits and did not transfer effluent to high rate pond as required in condition III. 21 of the permit

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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 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: Laserfiche



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



**Certified Mail 7021 0350 0000 4418 3671**  
**Return Receipt Requested**

February 10, 2022

Raymond Gottlieb  
Sandler Utilities at Mill Run L L C  
448 Viking Dr Ste 200  
Virginia Beach, VA 23452-7331

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

Tracking Number: NOV-2022-PC-0042  
Permit No. WQ0014306  
Eagle Creek WWTP  
Currituck County

Dear Mr. Gottlieb:

A review of the July 2021 Ground Water Monitoring Report (GW59) 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 GW-59

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,

*Robert Tankard*

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

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