

**NORTH CAROLINA  
PUBLIC STAFF  
UTILITIES COMMISSION**

March 2, 2022

Ms. A. Shonta Dunston, Chief Clerk  
North Carolina Utilities Commission  
Mail Service Center 4325  
Raleigh, North Carolina 27699-4300

Re: Docket No. W-1333, Sub 0 and W-1130, Sub 11 - Application of  
Currituck Water and Sewer, LLC for Authority to Transfer the Sandler  
Utilities at Mill Run, LLC Wastewater System and Public Utility  
Franchise in Currituck County, North Carolina and for Approval of  
Rates

Dear Ms. Dunston:

In connection with the above-captioned docket, I transmit herewith for filing  
on behalf of the Public Staff Pre-Filed Direct Testimony of David May and Robert  
Tankard.

By copy of this letter, we are forwarding copies to all parties of record.

Sincerely,

/s/ Gina C. Holt  
Staff Attorney  
[gina.holt@psncuc.nc.gov](mailto:gina.holt@psncuc.nc.gov)

GCH  
Attachments

Executive Director (919) 733-2435	Communications (919) 733-2810	Economic Research (919) 733-2902	Legal (919) 733-6110	Transportation (919) 733-7766
Accounting (919) 733-4279	Consumer Services (919) 733-9277	Electric (919) 733-2267	Natural Gas (919) 733-4326	Water (919) 733-5610

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Mar 02 2022

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

DOCKET NO. W-1333, SUB 0

DOCKET NO. W-1130, SUB 11

In the Matter of	)	
Application by Currituck Water and	)	JOINT TESTIMONY OF
Sewer, LLC, 4700 Homewood Court,	)	DAVID MAY
Suite 108, Raleigh, North Carolina	)	AND
27609, and Sandler Utilities at Mill Run,	)	ROBERT TANKARD
LLC, 448 Viking Drive, Suite 220,	)	NORTH CAROLINA
Virginia Beach, Virginia 23452, for	)	DEPARTMENT OF
Authority to Transfer the Sandler	)	ENVIRONMENTAL
Utilities at Mill Run Wastewater System	)	QUALITY – DIVISION OF
and Public Utility Franchise in Currituck	)	WATER RESOURCES
County, North Carolina, and for	)	
Approval of Rates	)	

**BEFORE THE NORTH CAROLINA UTILITIES COMMISSION**

**CURRITUCK WATER AND SEWER, LLC  
DOCKET NO. W-1333, SUB 0  
AND**

**SANDLER UTILITIES AT MILL RUN, LLC  
DOCKET NO. W-1130, SUB 11**

**JOINT TESTIMONY OF DAVID MAY AND ROBERT TANKARD**

**ON BEHALF OF THE PUBLIC STAFF**

**NORTH CAROLINA UTILITIES COMMISSION**

**MARCH 2, 2022**

- 1 **Q. MR. DAVID MAY, PLEASE STATE YOUR NAME, BUSINESS**  
2 **ADDRESS, AND PRESENT POSITION.**
- 3 A. My name is David May. My business address is 943 Washington  
4 Mall, Washington, North Carolina 27889. I currently serve as the  
5 Regional Supervisor of the Water Quality Regional Operations  
6 Section in the Washington Regional Office of the North Carolina  
7 Department of Environmental Quality, Division of Water Resources.
- 8 **Q. MR. DAVID MAY, BRIEFLY DESCRIBE THE ROLE AND**  
9 **RESPONSIBILITIES OF THE WATER QUALITY REGIONAL**  
10 **OPERATIONS SECTION IN THE WASHINGTON REGIONAL**  
11 **OFFICE.**

1 A. The Water Quality Regional Operations Section of the Washington  
2 Regional Office (Washington Regional Office) provides regulatory  
3 oversight of wastewater system operations across an area covering 21  
4 counties in northeastern North Carolina, among fulfilling  
5 responsibilities in several other program areas. Regional staff perform  
6 facility compliance inspections, provide input on permit language  
7 structure, follow-up on complaints from the general public, and  
8 coordinate with permittees, agents, and a variety of parties associated  
9 with wastewater facility management and operations.

10 **Q. MR. DAVID MAY, BRIEFLY STATE YOUR EDUCATION AND**  
11 **EXPERIENCE.**

12 A. My qualifications and duties are included in Appendix A. I have been  
13 responsible for overseeing regulatory compliance of wastewater  
14 collection systems, including vacuum systems, in the Washington  
15 Region since 2013.

16 **Q. MR. ROBERT TANKARD, PLEASE STATE YOUR NAME,**  
17 **BUSINESS ADDRESS, AND PRESENT POSITION.**

18 A. My name is Robert Tankard. My business address is 943  
19 Washington Mall, Washington, North Carolina 27889. I currently  
20 serve as the Assistant Regional Supervisor of the Water Quality  
21 Regional Operations Section in the Washington Regional Office.

1    **Q.    MR. ROBERT TANKARD, BRIEFLY STATE YOUR EDUCATION**  
2           **AND EXPERIENCE.**

3    A.    My qualifications and duties are included in Appendix B. I have been  
4           responsible for inspecting and monitoring regulatory compliance of  
5           wastewater collection systems, including vacuum systems, in the  
6           Washington Region from 1993 to 2004, and again from 2013 to  
7           present.

8    **Q.    WHAT IS THE PURPOSE OF YOUR TESTIMONY?**

9    A.    The purpose of our testimony is to provide the North Carolina Utilities  
10          Commission (Commission) with an overview of the North Carolina  
11          Department of Environmental Quality, Division of Water Resources'  
12          (DWR) past experiences and involvement with the Eagle Creek  
13          wastewater utility system owned by Sandler Utilities at Mill Run, LLC  
14          (Sandler) in Moyock, Currituck County, North Carolina, including the  
15          State's recent injunctive action against Sandler in *State of North*  
16          *Carolina, ex rel. North Carolina Department of Environmental Quality*  
17          *v. Sandler Utilities at Mill Run, LLC*, 21 CVS 78.

18   **Q.    BRIEFLY DESCRIBE THE INVOLVEMENT OF THE WASHINGTON**  
19          **REGIONAL OFFICE WITH THE EAGLE CREEK WASTEWATER**  
20          **UTILITY SYSTEM.**

1 A. The Washington Regional Office is responsible for overseeing  
2 compliance with the water quality permits issued for the Eagle Creek  
3 wastewater utility system, including Systemwide Collection System  
4 Permit No. WQCS00290 issued to Sandler on May 2, 2013 for  
5 operation of the Eagle Creek Collection System (“Collection System”),  
6 and Non-discharge Permit No. WQ014306 issued to Sandler on  
7 October 8, 2015 and renewed on August 4, 2021 for operation of the  
8 Eagle Creek Wastewater Treatment and Disposal System  
9 (Treatment and Disposal System). A true and accurate copy of  
10 Systemwide Collection System Permit No. WQCS00290 issued to  
11 Sandler on May 2, 2013 (the Collection System Permit) is attached  
12 hereto as **May and Tankard Exhibit 1**. A true and accurate copy of  
13 the Non-discharge Permit No. WQ014306 issued to Sandler on  
14 October 8, 2015 and renewed on August 4, 2021 for operation of the  
15 Treatment and Disposal System (the Treatment and Disposal  
16 System Permit) is attached hereto as **May and Tankard Exhibit 2**.

17 In our compliance oversight role, the Washington Regional Office  
18 conducts inspections, receives and evaluates reports of sanitary  
19 sewer overflows from the permittee, receives and conducts  
20 investigations in response to citizen complaints, and issues notices  
21 of violations (NOVs) and civil penalty assessments where  
22 appropriate to address instances of noncompliance. In addition, the

1 Washington Regional Office is currently responsible for overseeing  
2 Sandler's compliance with the Amended Consent Judgment issued  
3 by the Honorable Wayland J. Sermons in *State of North Carolina, ex*  
4 *rel. North Carolina Department of Environmental Quality v. Sandler*  
5 *Utilities at Mill Run, LLC*, 21 CVS 78 (Currituck County).

6 **Q. PLEASE DESCRIBE THE SERVICE AREA AND HOW THE**  
7 **SYSTEM IS INTENDED TO FUNCTION.**

8 A. The Collection System is a wastewater collection system in Moyock,  
9 Currituck County, North Carolina that serves residential customers  
10 in the Eagle Creek Subdivision and two non-residential customers,  
11 the Mill Creek Golf Club and the Moyock Middle School. The  
12 Collection System consists of 4.8 miles of vacuum sewer and utilizes  
13 vacuum pumps to maintain a constant negative pressure within the  
14 sewer pipes. Domestic waste from individual homes connected to  
15 the system collects in containment vessels, commonly referred to as  
16 "pits," with each pit serving two homes. When the level of waste  
17 within a pit reaches a determined level, pneumatic pressure triggers  
18 the opening of a valve to the piping connected to the sewer line. The  
19 vacuum withdraws waste and wastewater from the pit into the sewer  
20 line. When the waste level within the pit drops, the valve connecting  
21 the pit to the sewer line is closed, allowing waste to again collect  
22 within the pit and maintaining the vacuum in the sewer line.

1 Aboveground vents, often referred to as “candy canes” because of  
2 their shape, are connected to the sewer lines that convey waste from  
3 each home to the pit. The candy canes keep the vacuum system  
4 from drawing water from drain traps and toilets within homes, or from  
5 otherwise damaging pipes when the vacuum is engaged.

6 Wastewater from the Collection System is conveyed to the  
7 Treatment and Disposal System, where it enters the wastewater  
8 treatment plant (WWTP). The Treatment and Disposal System  
9 consists of a 175,000 gallon per day reclaim water generation/high rate  
10 infiltration facility. The WWTP includes an equalization basin with a  
11 manual bar screen, a flow splitter box, two aeration basins, a 148,250  
12 gallon clarifier and a 28,220 gallon clarifier, an aerated sludge holding  
13 tank, a 135 square foot travelling bridge filter, an ultraviolet disinfection  
14 unit, blowers, a dosing tank, pumps, a standby generator, a  
15 turbidimeter, and a flow meter. When treated wastewater meets  
16 reclaim quality effluent standards, it is discharged from the WWTP to  
17 an irrigation storage pond, and then used to irrigate 112.5 acres at the  
18 adjacent Mill Creek Golf Club. When treated wastewater does not meet  
19 reclaim standards, it should be diverted to a 5.5 million gallon high rate  
20 infiltration basin. The diversion should happen automatically when the  
21 turbidity, or cloudiness, of the treated wastewater is over ten



1 Nephelometric Turbidity Units (NTUs). When the wastewater does not  
2 meet fecal coliform limits, it has to be manually transferred.

3 **Q. WHAT IS A SANITARY SEWER OVERFLOW AND HOW ARE**  
4 **SANITARY SEWER OVERFLOWS ADDRESSED IN THE**  
5 **COLLECTION SYSTEM PERMIT.**

6 A. An unpermitted release of wastewater from a collection system such  
7 as Sandler's onto land or into surface waters is referred to as a  
8 sanitary sewer overflow or SSO. Condition I.2 of the Collection  
9 System Permit provides that the Collection System "shall be  
10 effectively managed, maintained and operated at all times so that  
11 there is no SSO to land or surface waters, nor any contamination of  
12 groundwater." In the event of a system failure, the permittee is  
13 required to "take immediate corrective actions, including actions that  
14 may be required by [DWR] such as the construction of additional or  
15 replacement sewer lines and/or equipment." Condition II.11 of the  
16 Collection System Permit provides that if an SSO occurs, the  
17 permittee "shall restore the system operation, remove visible solids  
18 and paper, sanitize any ground area and restore the surroundings."  
19 Condition IV.2 of the Collection System Permit provides that SSOs  
20 of over 1,000 gallons and any SSO that reaches surface waters must  
21 be verbally reported to DWR as soon as possible, but no later than

1           “24 hours following the occurrence or first knowledge of the  
2           occurrence.”

3   **Q.    BRIEFLY EXPLAIN YOUR EXPERIENCE WORKING WITH AND**  
4   **REGULATING VACUUM COLLECTION SYSTEMS.**

5   A.    The Washington Regional Office currently oversees the operation of  
6           approximately four vacuum systems, including the system at Eagle  
7           Creek. Although there are a limited number of vacuum sewer  
8           systems in operation across the state, we are not aware of any  
9           evidence indicating that these systems are unreliable or prone to  
10          noncompliance, and DWR does not discourage the use of these  
11          systems. In our experience, vacuum systems that are well  
12          maintained and have a routine maintenance schedule have minimal  
13          problems. For example, the City of New Bern has approximately 43  
14          miles of vacuum line that serves over 2,000 homes. That system has  
15          had very few problems and has been in operation for over 20 years.

16   **Q.    BRIEFLY DESCRIBE THE OWNER OF THE COLLECTION**  
17   **SYSTEM AND THE TWO OPERATORS WHO HAVE BEEN**  
18   **CHARGED WITH OVERSEEING THE MAINTENANCE AND**  
19   **OPERATION OF THE COLLECTION SYSTEM.**

20   A.    Sandler is based out of Virginia Beach, Virginia, and holds the  
21          Collection System Permit and Treatment and Disposal System

1 Permit for the Eagle Creek wastewater system. Sandler has  
2 contracted with independent wastewater utility operator firms to  
3 operate and manage these systems.

4 William G. Freed, Inc., doing business as “Enviro-Tech” and based  
5 out of Harbinger, Currituck County, North Carolina, managed the  
6 Eagle Creek wastewater utility system from approximately  
7 September 2002 until approximately spring 2020.

8 In early 2020, Envirolink, Inc. (Envirolink) acquired Enviro-Tech and  
9 took over operation of the Eagle Creek wastewater utility system.  
10 Envirolink is a North Carolina corporation that provides water,  
11 wastewater, and public works services to clients across the State.

12 Both Envirolink and Enviro-Tech have employed certified wastewater  
13 system operators to operate and maintain the Eagle Creek  
14 wastewater utility system. Operators are responsible for keeping the  
15 system owner informed of system needs and seeking authorization  
16 when needed to perform required work to keep the system functional  
17 and in working order. Individuals associated with Eagle Creek  
18 wastewater utility system operations changed when oversight  
19 transferred from Enviro-Tech to Envirolink.

20 **Q. BRIEFLY DESCRIBE THE PERFORMANCE OF AND ANY**  
21 **COMPLIANCE ISSUES WITH THE EAGLE CREEK**

1           **WASTEWATER UTILITY SYSTEM WHEN ENVIRO-TECH WAS**  
2           **THE OPERATOR.**

3       A.     With respect to the Collection System, our records indicate that the  
4           Washington Regional Office received few complaints while Enviro-  
5           Tech was the operator, with only three logged complaints and/or  
6           incidents associated with the vacuum system from 2002 until spring  
7           2020.

8           Washington Regional Office inspections of the Collection System  
9           while Enviro-Tech was the operator identified flooding issues with  
10          below-grade pits during major storm events, as well as occasions  
11          where a Capital Improvement Plan was absent and unavailable. A  
12          Capital Improvement Plan is required to verify that the system owner  
13          has considered long-term maintenance of the system and has the  
14          funds available to address future issues.

15          Our inspection records indicate that the Treatment and Disposal  
16          System did not experience major operational problems while Enviro-  
17          Tech was the operator. The most common issue with the Treatment  
18          and Disposal System related to a stormwater pump not working  
19          correctly, which at times resulted in stormwater backing up within the  
20          Eagle Creek Subdivision and contributed to pits flooding in the  
21          neighborhood. Enviro-tech addressed such problems when repair  
22          needs were identified. Additional issues that arose during Enviro-

1 Tech's time as operator included (i) a failure to post notices at the  
2 Mill Creek Golf Club that reclaimed water was used for irrigation, (ii)  
3 a time when controllers were not sending non-reclaim quality water  
4 away from the irrigation basin, and (iii) difficulty maintaining the  
5 infiltration basin. Each of these problems was addressed upon notice  
6 from DWR.

7 **Q. BRIEFLY DESCRIBE THE DWR NOTICES OF VIOLATIONS AND**  
8 **PENALTY ASSESSMENTS ISSUED TO SANDLER WHEN**  
9 **ENVIRO-TECH WAS OPERATING THE EAGLE CREEK**  
10 **WASTEWATER UTILITY SYSTEM.**

11 A. With respect to the Collections System, our records indicate that  
12 approximately three NOVs were issued while Enviro-Tech was the  
13 operator. Violations included failure to develop a contingency plan  
14 for a pump failure; failure to designate operators; and failure to  
15 develop and implement a Capital Improvement Plan, Public  
16 Education Program, and Spill Response Action Plan. True and  
17 accurate copies of the three NOVs issued to Sandler while Enviro-  
18 Tech was operating the Collections System are attached hereto as  
19 **May and Tankard Exhibit 3.**

20 Our records indicate that approximately seven NOVs were issued for  
21 the Treatment and Disposal System while Enviro-Tech was the  
22 operator. Violations ranged from operational deficiencies to effluent

1 quality limit exceedances. True and accurate copies of the seven  
2 NOVs issued to Sandler while Enviro-Tech was operating the  
3 Treatment and Disposal System are attached hereto as **May and**  
4 **Tankard Exhibit 4.**

5 DWR assessed no civil penalties for the Collection System while  
6 Enviro-Tech was the operator. Two civil penalties totaling \$4,654.96  
7 were issued for the Treatment and Disposal System related to (i)  
8 failure to install signs around the infiltration and irrigation ponds as  
9 well as at the Mill Run Golf Club regarding the presence and use of  
10 reclaimed water, (ii) failure to install a weather station, (iii) failure to  
11 install measuring and recording instruments to monitor reclaimed  
12 water disposal, and (iv) failure to send non-reclaim quality water to  
13 the infiltration pond. True and accurate copies of the two civil penalty  
14 assessments issued to Sandler while Enviro-Tech was operating the  
15 Treatment and Disposal System are attached hereto as **May and**  
16 **Tankard Exhibit 5.**

17 **Q. DESCRIBE THE RECENT PERFORMANCE AND COMPLIANCE**  
18 **ISSUES RELATING TO THE COLLECTION SYSTEM THAT LED TO**  
19 **THE FILING OF THE STATE'S INJUNCTIVE ACTION AGAINST**  
20 **SANDLER.**

21 A. On September 29, 2020, the Washington Regional Office began  
22 receiving complaints from Eagle Creek residents indicating that the

1 Collection System was not operating and that SSOs were occurring at  
2 numerous homes throughout the Eagle Creek Subdivision. Residents  
3 described sewage and wastewater backing up into their homes,  
4 leaking from candy canes located next to their homes, and overflowing  
5 from pits. The sewage and wastewater spilled from aboveground vents  
6 and the pits drained into stormwater swales in front of and between  
7 homes, and pooled or seeped into the ground in other areas.

8 On September 30, 2020, Washington Regional Office inspectors  
9 Sarah Toppen and Victoria Herdt conducted a site inspection to  
10 investigate the complaints. DWR's investigation showed that at  
11 approximately 6:00 p.m. on September 27, 2020, one of the  
12 Collection System's two vacuum pumps failed. The sole functioning  
13 pump failed to provide adequate vacuum within the sewer lines to  
14 withdraw waste from the pits throughout the entire system. Many  
15 homeowners experienced the backup and discharge of sewage into  
16 the interior of their homes through plumbing fixtures. At some  
17 locations, the pits and candy canes overflowed, leading to sewage  
18 and wastewater discharges onto land and into Eagle Creek's  
19 stormwater drainage network. Sandler and Envirolink failed to notify  
20 DWR of the system failure or that any SSOs had occurred. Sewer  
21 service was not restored until on or around October 11, 2020,  
22 approximately two weeks after the system failure began on

1 September 27, 2020. During this period, residents continued to  
2 report sewage and wastewater leaking from candy canes as well as  
3 pits overflowing into community stormwater swales.

4 On October 26, 2020, the Washington Regional Office again began  
5 receiving complaints that the Collection System was not operational  
6 and that SSOs were occurring throughout the Eagle Creek  
7 Subdivision.

8 On October 27, 2020, Ms. Toppen and another inspector, Allen  
9 Stewart, conducted a site inspection to investigate the complaints.  
10 They found similar issues to those reported by residents beginning  
11 on September 30, 2020. DWR's investigation showed that a high  
12 water alarm within the Collection System had failed, causing the  
13 water to overflow and flood both of the system's vacuum pumps. The  
14 flooding caused the vacuum pumps to fail, and resulted in SSOs and  
15 a lack of sewer service to households throughout the Eagle Creek  
16 Subdivision for well over a week through at least November 5, 2020.  
17 Sandler and Envirolink failed to notify DWR of the SSOs or the  
18 system failure. DWR investigators also collected a water sample  
19 from the stormwater swale at 125 Eagleton Circle. Results from that  
20 sample showed that fecal coliform in the water sample were too  
21 numerous to count.



1 On November 13, 2020, the Washington Regional Office once again  
2 began receiving complaints that, beginning on or around November  
3 11, 2020, the Collection System was not operating and sewage was  
4 overflowing onto residents' properties.

5 On November 14, 2020, David May conducted a site visit to  
6 investigate the complaints. DWR's investigation confirmed failure of  
7 the Collection System, sanity sewer overflows, and lack of active and  
8 functional sewer service to individual households throughout  
9 portions of the Eagle Creek Subdivision. A substantial number of  
10 customers remained without functional sewer service through at  
11 least November 16, 2020. DWR's investigation revealed that Sandler  
12 and Envirolink were aware of the system failure as of November 11,  
13 2020 yet failed to report it or any SSOs to DWR.

14 Complaints to the Washington Regional Office recommenced on  
15 November 20, 2020. Residents indicated that the Collection System  
16 was not functioning and that residents were once again without  
17 sewer service and pits were overflowing. A number of houses  
18 remained without functional sewer service or sporadic sewer service  
19 through approximately November 25, 2020.

20 On December 16, 2020, the Washington Regional Office again  
21 received complaints from Eagle Creek residents. Residents  
22 indicated that homes in the subdivision did not have sewer service,

1 pits were overflowing, and candy canes were discharging  
2 wastewater and sewage. DWR's investigation indicated that the  
3 problem was related to a disconnected line in a pit and sustained  
4 rainfall. Residences affected by the disconnected line remained  
5 without functional sewer service or sporadic sewer service through  
6 approximately December 18, 2020.

7 Additional complaints to the Washington Regional Office were  
8 received on January 26, 2021, with residents complaining that they  
9 lacked sewer service, sewage was backing up into their homes, and  
10 pits were again overflowing. Pit overflows, sewage backups, and  
11 spills from the candy canes continued through at least February 16,  
12 2021. Residents complained that they were not receiving prompt  
13 responses to their requests that Sandler and Envirolink fix these  
14 service problems.

15 **Q. PLEASE DESCRIBE THE PERFORMANCE AND COMPLIANCE**  
16 **ISSUES THAT HAVE OCCURRED AT THE TREATMENT AND**  
17 **DISPOSAL SYSTEM SINCE AUGUST 1, 2020.**

18 A. On August 19, 2020, shortly after Envirolink took over as operator,  
19 an inspection of the Treatment and Disposal System revealed that (i)  
20 the tertiary filter was not operational and was being bypassed, (ii)  
21 one of the aeration basins was closed and had vegetation growth in  
22 it, (iii) operational logs were not present on site, and (iv) there was

1 an excessive amount of woody vegetation growing around the high  
2 rate infiltration pond. However, no significant issues or findings were  
3 noted by the next inspection on October 21, 2020.

4 Beginning in November 2020, non-discharge monitoring and  
5 analysis reports showed regular exceedances of effluent limits for  
6 fecal coliform, ammonia, biological oxygen demand, turbidity and  
7 total suspended solids. DWR noted several instances in which  
8 Sandler had failed to properly monitor for various parameters as well.  
9 Despite exceeding effluent limitations, wastewater was not diverted  
10 to the infiltration basin, and instead entered the irrigation pond and  
11 was used for golf course irrigation.

12 During two unannounced inspections of the Treatment and Disposal  
13 System in November and December 2021, overflows or spills were  
14 observed on the ground around the WWTP due to the tertiary filter  
15 being bypassed. In such cases, not all treated wastewater was being  
16 directed to permitted areas for disposal.

17 In a letter dated February 11, 2022, David May notified Sandler that  
18 chronic noncompliance at the WWTP could result in a sewer  
19 moratorium prohibiting further sewer extensions and connections. A  
20 true and accurate copy of the February 11, 2022 letter is attached  
21 hereto as **May and Tankard Exhibit 6**.

1 Q. PLEASE DESCRIBE THE NOTICES OF VIOLATION AND  
2 PENALTIES DWR HAS ISSUED SINCE AUGUST 1, 2020 WITH  
3 RESPECT TO THE COLLECTION SYSTEM.

4 A. From August 1, 2020 until February 18, 2022, DWR has issued  
5 approximately nine NOVs. Violations include: (i) failure to effectively  
6 manage, maintain, and operate the Collection System to prevent  
7 SSOs; (ii) failure to restore the system operation, remove visible  
8 solids and paper, sanitize any ground area, and restore surroundings  
9 after an SSO; (iii) failure to maintain replacement pumps; and (iv)  
10 making an outlet into waters of the state. True and accurate copies  
11 of the nine NOVs issued to Sandler while Envirolink has been the  
12 operator are attached hereto as **May and Tankard Exhibit 7**.

13 Of note, around the time Envirolink took over as operator, DWR  
14 began issuing a single NOV per monthly violation as opposed to its  
15 prior practice of issuing a single NOV for multiple violations covering  
16 several months.

17 In addition, Sandler was assessed one civil penalty associated with  
18 the Collection System while Envirolink has been the operator for  
19 \$62,517.96. A true and accurate copy of the Collection System civil  
20 penalty assessment is attached hereto as **May and Tankard Exhibit**  
21 **8**.

1 Q. PLEASE DESCRIBE THE NOTICES OF VIOLATION AND  
2 PENALTIES DWR HAS ISSUED SINCE AUGUST 1, 2020 WITH  
3 RESPECT TO THE TREATMENT AND DISPOSAL SYSTEM.

4 A. From August 1, 2020 until February 18, 2022, approximately 21  
5 NOVs were issued for operational issues and effluent limit violations.  
6 True and accurate copies of the NOVs issued to Sandler for the  
7 Treatment and Disposal System while Envirolink has been the  
8 operator are attached hereto as **May and Tankard Exhibit 9**. During  
9 the same timeframe, Sandler was assessed approximately 14 civil  
10 penalties associated with the Treatment and Disposal System  
11 totaling \$57,822.46. True and accurate copies of the Treatment and  
12 Disposal System civil penalties assessed to Sandler while Envirolink  
13 has been the operator are attached hereto as **May and Tankard**  
14 **Exhibit 10**.

15 Q. BRIEFLY DESCRIBE THE INJUNCTIVE ACTION DWR FILED ON  
16 MARCH 4, 2021 AGAINST SANDLER.

17 A. On March 2, 2021, the State filed a Complaint and Motion for  
18 Injunctive Relief against Sandler seeking to address Sandler's  
19 repeated violation of its Collection System Permit and the State's  
20 water quality laws. The Complaint sought various forms of  
21 preliminary and permanent injunctive relief intended to restore

1 service to Eagle Creek Subdivision residents and prevent future  
2 SSOs.

3 To resolve the Complaint, Sandler and DWR agreed to a Consent  
4 Judgment, entered by the Currituck County Superior Court (the  
5 Court) on July 1, 2021 (the Consent Judgment). Among other things,  
6 the Consent Judgment mandates that Sandler: (i) fully comply with  
7 all terms and conditions of non-discharge permit WQCS00290, as  
8 well as state water quality laws; (ii) adhere to additional reporting  
9 requirements; (iii) secure pits from tampering; (iv) implement an  
10 Operator Training Plan; (v) implement an Interim Service and  
11 Restoration Plan; (vi) conduct an Engineering Evaluation to identify  
12 actions necessary for system upgrades; and (vii) implement a  
13 System Upgrade Plan.

14 **Q. PLEASE DESCRIBE SANDLER'S COMPLIANCE WITH THE**  
15 **CONSENT JUDGMENT AND THE EVENTS THAT LED TO THE**  
16 **AMENDED CONSENT JUDGMENT BETWEEN SANDLER AND**  
17 **DWR.**

18 A. On October 1, 2021, DWR began to receive complaints from Eagle  
19 Creek Subdivision residents indicating that the Collection System  
20 was not operating properly. Residents indicated that sewage was  
21 overflowing from pits and backing up into their homes. DWR staff  
22 verified the Collection System failure and residents' complaints

1 during a site visit on October 4, 2021. Areas of the community  
2 remained without functional sewer service until approximately  
3 October 8, 2021. On October 15, 2021, DWR sent Sandler a NOV  
4 documenting Sandler's violations of the Collection System Permit.

5 On October 30, 2021, DWR again began receiving complaints that  
6 Eagle Creek Subdivision residents had lost sewer service and had  
7 sewage overflowing from pits onto their yards and into stormwater  
8 swales. Numerous residents sent in photographs of used toilet  
9 paper, fecal matter, and sewer water on the ground outside of their  
10 homes. DWR staff again verified the Collection System failure and  
11 residents' complaints during a site visit on November 2, 2021.  
12 Collection System failures continued until at least November 9, 2021.  
13 Contrary to the Consent Judgment's express directives, Sandler  
14 failed to provide a written report within five days of the system failure  
15 outlining actions taken and actions proposed to address the  
16 problems and prevent recurrence.

17 In addition to failing to prevent SSOs, report system failures, and  
18 implement corrective action, Sandler failed to abide by the terms of  
19 the Consent Judgment by failing to implement the Interim Service  
20 and Restoration Plan that DWR approved with conditions on October  
21 15, 2021. Specifically, Sandler failed to have technicians on site from

1 4 a.m. until 12 a.m., Monday through Friday, to ensure any Collection  
2 System issues would be promptly addressed.

3 Sandler also failed to provide timely status reports regarding  
4 implementation of the Interim Service and Restoration Plan, the first  
5 of which was due on November 1, 2021.

6 In addition, Sandler failed to clean all SSOs, physically remove and  
7 properly dispose of solids, and mobilize vacuum trucks or other  
8 equipment to recover spilled wastewater as needed.

9 On November 16, 2021, the State filed a verified Motion to Show  
10 Cause Why Defendant Should Not Be Held in Criminal and/or Civil  
11 Contempt based on Collection System performance issues, as well  
12 as violations of plans approved under the Consent Judgment.

13 A show cause hearing was held on December 6, 2021. The Court  
14 heard testimony from Eagle Creek Subdivision resident Kevin  
15 Wetzel. Among other things, Mr. Wetzel testified that since the entry  
16 of the Consent Judgment in July 2021, (i) his family had gone several  
17 days without sewer service on multiple occasions, (ii) waste had  
18 been discharged onto his property, (iii) neither Sandler nor Envirolink  
19 had been responsive to service calls when there were system  
20 performance issues, and (iv) neither Sandler nor Envirolink had  
21 taken any steps to clean up waste spilled onto his property. The



1 Court reserved ruling on the Motion to Show Cause, directing the  
2 parties to submit a modification to the Consent Judgment to provide  
3 for changes necessary to bring the Collection System into  
4 compliance with the requirements of the Collection System Permit  
5 and state water quality laws and regulations.

6 **Q PLEASE SUMMARIZE THE REQUIREMENTS OF THE AMENDED**  
7 **CONSENT JUDGMENT.**

8 A On December 28, 2021, the Court entered an Amended Consent  
9 Judgment (the Amended Consent Judgment), which, among other  
10 things, requires Sandler to do the following:

11 (i) Provide timely and accurate responses to all resident complaints  
12 of equipment failures, system failures, or SSOs and maintain a log  
13 of resident complaints and actions taken in response to those  
14 complaints;

15 (ii) Continue to implement an Operator Training Plan to ensure that  
16 technicians at the site are competent to operate the system and  
17 address service issues;

18 (iii) Submit an Independent Engineering Evaluation conducted by an  
19 independent firm approved by DWR with expertise in the operation  
20 of vacuum systems;

- 1 (iv) Update Sandler's Interim Service and Restoration Plan to include  
2 recommendations of the Independent Engineering Evaluation;
- 3 (v) Submit a new System Upgrade Plan with actions to be taken to  
4 address the long-term recommendations of the Independent  
5 Engineering Evaluation; and
- 6 (vi) Appoint a qualified independent specialist in vacuum system  
7 operation to provide consulting services addressing operation of the  
8 Collection System for a minimum of 30 days and provide a report to  
9 DWR of any deficiencies and additional measures needed to ensure  
10 compliance.

11 In addition to these requirements, both the Consent Judgment and  
12 the Amended Consent Judgment contain the following provision  
13 designed to ensure that any subsequent owner or operator of the  
14 Eagle Creek wastewater utility system adheres to the requirements  
15 of the Amended Consent Judgment:

16 This Amended Consent Judgment shall be binding  
17 upon Defendant's successors and assigns. Defendant  
18 shall not transfer any of the assets that are the subject  
19 of the Complaint, including the Permit or the Collection  
20 System, unless and until Defendant moves to join the  
21 transferee as a defendant in this case such that this  
22 Amended Consent Judgment shall be binding upon the  
23 transferee and the Court issues an order granting such  
24 motion.

1 Q PLEASE DESCRIBE WHAT MEASURES HAVE CURRENTLY  
2 BEEN IMPLEMENTED UNDER THE AMENDED CONSENT  
3 JUDGMENT.

4 A Several actions have been taken to implement the requirements of  
5 the Amended Consent Judgment.

6 On January 13, 2022, David Rigby was approved as an Independent  
7 Engineer with expertise in vacuum system operation to conduct the  
8 Independent Engineering Evaluation. As of February 18, 2022, Mr.  
9 Rigby's evaluation was not yet complete.

10 On January 31, 2022, Flovac Vacuum Sewerage Systems came to  
11 the site to begin the Amended Consent Judgment's Consultant  
12 Period as Sandler's approved and qualified independent specialist in  
13 vacuum system operation.

14 On February 2, 2022, Sandler submitted its latest status report  
15 outlining its implementation of the Operator Training Plan. The report  
16 indicates that all individuals have received either complete training  
17 or partial training by a third-party training provider and attached  
18 staffing reports for the month of January.

19 Also on February 2, 2022, Sandler submitted its latest status report  
20 outlining its implementation of the Interim Service and Restoration  
21 Plan. This report indicates that regular systems checks were ongoing

1 to ensure the Collection System's consistent operation. In addition,  
2 the report states that a new control panel was ordered, and pedestal  
3 mounted controllers continued to be installed throughout the  
4 neighborhood. Six additional vacuum sensors and 110 new remote  
5 monitoring system kits were also ordered to assist with timely  
6 responses to problems.

7 **Q. WHAT PROBLEMS DOES THE COLLECTION SYSTEM**  
8 **CONTINUE TO EXPERIENCE?**

9 A. Since the filing of the State's injunctive action, the Collection  
10 System's operational reliability appears to have improved and the  
11 timeframe for system recovery following widespread sewer service  
12 outage incidents has been reduced. DWR has observed a decrease  
13 in the number of reported SSOs and system outages since entry of  
14 the Amended Consent Judgment.

15 We will have a more comprehensive understanding of the current  
16 state of the Collection System once we have received the  
17 Independent Engineering Evaluation from Mr. Rigby. However, the  
18 Collection System is still considered vulnerable to complications from  
19 heavy rainfall events and sensitive to site conditions that may upset  
20 balance within the system. Vacuum leaks continue to be identified  
21 and repaired on a daily basis.

1 **Q. DO YOU HAVE ANY CONCERNS WITH THE REQUESTED**  
2 **TRANSFER OF PUBLIC UTILITY FRANCHISE?**

3 A. We do not have a position at this time on whether the transition of  
4 the Eagle Creek wastewater utility system to Currituck Water and  
5 Sewer, LLC (CWS) and CWS' proposal to replace the Collection  
6 System represent an appropriate long-term resolution to compliance  
7 and performance issues. We note that even if the Commission were  
8 to approve the transfer and even if the Collection System were to be  
9 replaced, the current Collection System will remain in operation for a  
10 significant period of time while a new system is installed. In light of  
11 (i) the Collection System's continuing compliance and performance  
12 issues, and (ii) the resulting impacts on Eagle Creek Subdivision  
13 residents, we believe that the requirements of the Amended Consent  
14 Judgment are reasonable and necessary to ensure that the  
15 Collection System is operated in a manner that protects water quality  
16 and public health. Any party that takes ownership of the Eagle Creek  
17 wastewater utility system must continue to abide by the requirements  
18 of the Amended Consent Judgment.

19 **Q. DOES THIS CONCLUDE YOUR TESTIMONY?**

20 A. Yes, it does.

**QUALIFICATIONS AND EXPERIENCE**

DAVID MAY

I graduated from North Carolina State University, earning a Bachelor's Degree in Geology and have since worked with the North Carolina Department of Environmental Quality over the last 26 years with job duties focused on protection of groundwater and surface water resources. I have been in my current supervisory position since October 2004. My North Carolina Licensed Geologist credentials have been maintained since 1999.

My project background includes focused interests in soil and groundwater assessment and remediation efforts for a variety of incident sites, as well as well construction practices and groundwater resource management. In my current role administering environmental regulatory programs, there is frequent involvement and interaction with wastewater facility operations of different types and scale across northeastern North Carolina (including animal waste management systems), permittees and consultants, and special interest and stakeholder groups. Environmental rules and regulations are administered to help ensure compliance with permit-based requirements, and function as a means to protect environmental resources, environmental health, and public health.

**QUALIFICATIONS AND EXPERIENCE**

ROBERT TANKARD

I have a Bachelor's Degree in Mechanical Engineering from North Carolina State University, Engineer in Training. I also have a Master's Degree in Business Administration from East Carolina University. I have five years' experience in the air filtration industry and have approximately 32 years of environmental and regulatory experience with the North Carolina Department of Environmental Quality, Division of Water Resources. I have been in my current supervisory position since October 2014.







North Carolina Department of Environment and Natural Resources

Division of Water Quality

Charles Wakild, P. E.

Director

Pat McCrory  
Governor

John E. Skvarla, III  
Secretary

May 2, 2013

Raymont Gottlieb, Managing Partner  
Sandler Utilities at Mill Run, LLC  
448 Viking Drive  
Virginia Beach VA, 23452 - 7331

RECEIVED

MAY 16 2013

Subject: Permit No. WQCS00290  
Sandler Utilities at Mill Run, LLC  
Eagle Creek Collection System  
Currituck County

DWQ-WARO

Dear Mr. Gottlieb:

In accordance with your application received May 2<sup>nd</sup>, 2013, we are forwarding herewith Permit No. WQCS00290, dated May 2, 2013, to Sandler Utilities at Mill Run, LLC for the operation and maintenance of the subject wastewater collection system.

This permit shall be effective from June 1<sup>st</sup>, 2013 until May 31<sup>st</sup>, 2021 and shall be subject to the conditions and limitations specified herein. It is your responsibility to thoroughly review this permit. Please pay particular attention to the monitoring and reporting requirements in this permit and any compliance schedules shown in **bold**.

For purposes of permitting, the collection system is considered to be any existing or newly installed system extension up to the wastewater treatment facility property or point of connection with a separately owned sewer system. The collection system is considered all gravity lines, pump stations, force mains, low pressure sewer systems, STEP systems, vacuum systems, etc. and associated piping, valves and appurtenances that help to collect, manage and transport wastewater to a wastewater treatment plant under the Permittee's ownership or maintained and operated by the Permittee through a perpetual legal agreement. Satellite systems are systems tributary to the Permittee's collection system but those collection systems are not owned or maintained by the Permittee. The system description provided on Page 1 of this permit is meant to provide a general idea about the size of the system and may not be all inclusive of the collection system at the time of permit issuance or afterward.

A release of wastewater from the wastewater collection system is referred to herein as a Sanitary Sewer Overflow (SSO). The evaluation of enforcement options after an SSO will be determined considering the criteria listed in condition I(3)(a) and I(3)(b) of the permit and all other relevant

information available or requested of the Permittee. Compliance with all conditions of the permit as well as all statutes and regulations pertaining to the collection system must be maintained or appropriate enforcement actions may be taken as noted in Condition VI(2).

A reportable SSO is an SSO greater than 1,000 gallons to the ground or an SSO of any amount that reaches surface water (including through ditches, storm drains, etc.) Below is the procedure to use for reporting SSOs to the Division:

1. Report by telephone to a Division of Water Quality (DWQ) staff member (not email, facsimile, or voicemail) at your regional DWQ office during regular business hours (Monday to Friday, 8AM to 5PM) as soon as possible, but in no case more than 24 hours after the SSO is known or discovered. To report outside of regular business hours, call (800) 858-0368.
2. Follow up the verbal report by sending a completed written report on the most current Division approved form within five days.

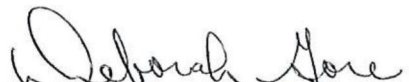
To provide a uniform method for all systems covered under this permit and to provide useful and consistent information pertaining to SSOs, please utilize form CS-SSO consisting of two parts. Part I serves to provide to the Division the required information that has always been necessary. Part II serves as an area to provide a justification for the spill, as optional under Condition I(3) of your permit. Form CS-SSO can be downloaded from the SSO Reporting area at <http://portal.ncdenr.org/web/wq/swp/ps/cs/ssoreport>.

An NOV, civil penalty, and/or a moratorium on the addition of waste to the system may be issued if adequate justification for an SSO is NOT submitted to the regional office. In order to submit a claim for justification of an SSO, you must use Form CS-SSO with additional documentation as necessary. DWQ staff will review the justification claim and determine if enforcement action is appropriate. Please be advised that the information needed to justify a spill is very comprehensive. Begin using this form immediately to report SSOs from the collection system. Continue to use our old form for reporting bypasses at the wastewater treatment plant until further notice. The time frame for submittal of both Part I and Part II, if pertinent, is five days.

Failure to abide by the conditions in this permit may subject the Permittee to enforcement action. If any parts, requirements, or limitations contained in this permit are unacceptable, you have the right to request an adjudicatory hearing upon written request within thirty days following the receipt of this permit. This request must be in the form of a written petition, conforming to Chapter 150B of the North Carolina General Statutes, and filed with the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, NC 27699-6714. Unless such demands are made, this permit shall be final and binding.

If you have questions regarding compliance contact your regional office or the Pretreatment, Emergency Response and Collection Systems Unit of the North Carolina Division of Water Quality at (919) 807-6300. If you need additional information concerning this permit, please contact Michael Leggett at (919) 807-6312.

Sincerely,

  
for Charles Wakild, P.E., Director  
Division of Water Quality

by Deborah Gore, Supervisor  
Pretreatment, Emergency Response, Collection System Unit

enclosure: Permit No. WQCS00290

cc: Currituck County Health Department  
Bill Freed, Enviro-Tech  
PO Box 69, Harbinger, NC 27941  
Washington Regional Office, Surface Water Protection Section  
Water Quality Central Files – WQCS00290  
Steve Reid, NPDES – Compliance & Expedited Permitting Unit (electronic)  
PERCS Files (electronic)

NORTH CAROLINA  
ENVIRONMENTAL MANAGEMENT COMMISSION  
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES  
RALEIGH  
SYSTEM-WIDE WASTEWATER COLLECTION SYSTEM PERMIT

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In accordance with the provisions of Article 21 of Chapter 143, General Statutes of North Carolina as amended, and other applicable Laws, Rules, and Regulations

PERMISSION IS HEREBY GRANTED TO THE  
**Sandler Utilities at Mill Run, LLC**  
**Currituck County**

FOR THE

operation and maintenance of a wastewater collection system consisting of, at the time of permit issuance, approximately 4.8 miles of vacuum sewer, approximately 0.01 miles of pressure sewer, 217 simplex pump stations that discharge to a pressure sewer and serve a single building, 1 duplex pump station, and all associated piping, valves, and appurtenances required to make a complete and operational wastewater collection system to serve Sandler Utilities at Mill Run, LLC and any deemed permitted satellite communities, pursuant to the application received May 2<sup>nd</sup>, 2013, conformity with the documents referenced therein and other supporting data subsequently filed and approved by the Department of Environment and Natural Resources and considered a part of this permit.

This permit shall be effective from June 1<sup>st</sup>, 2013 until May 31<sup>st</sup>, 2021, and shall be subject to the following specified conditions and limitations:

**I. PERFORMANCE STANDARDS**

1. The sewage and wastewater collected by this system shall be treated in the Sandler Utilities Wastewater Treatment Facility (WQ0014306) prior to being disposed into the reuse system. This collection system permit will be referenced upon renewal or modification of your treatment permit(s).
2. The wastewater collection system shall be effectively managed, maintained and operated at all times so that there is no SSO to land or surface waters, nor any contamination of groundwater. In the event that the wastewater collection system fails to perform satisfactorily, including the 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 or replacement sewer lines and/or equipment.

3. The Director may take enforcement action against the Permittee for SSOs that must be reported to the Division as stipulated in Condition IV(2). This includes SSOs that were caused by severe natural conditions or exceptional events **unless** the Permittee demonstrates through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - a. The SSO was caused by severe natural conditions; there were no feasible alternatives to the SSO, such as the use of auxiliary treatment facilities, retention of untreated wastewater, reduction of inflow and infiltration, use of adequate back-up equipment, or an increase in the capacity of the system. This provision is not satisfied if, in the exercise of reasonable engineering judgment, the Permittee should have installed auxiliary or additional collection system components, wastewater retention or treatment facilities, adequate back-up equipment or should have reduced inflow and infiltration; or
  - b. The SSO was exceptional, unintentional, temporary and caused by factors beyond the reasonable control of the Permittee; the SSO could not have been prevented by the exercise of reasonable control, such as proper management, operation and maintenance; adequate treatment facilities or collection system facilities or components (e.g., adequately enlarging treatment or collection facilities to accommodate growth or adequately controlling and preventing infiltration and inflow); preventive maintenance; or installation of adequate back-up equipment;

The Permittee can submit a claim to the Division Regional Office that the SSO meets the criteria of this condition. The Permittee has the option of submitting this claim along with the spill report required by Condition IV(2) (i.e., within five days) in order to be considered for immunity from enforcement action. Form CS-SSO Part II, or most current Division approved form, shall be used for any claims. The Permittee has the burden of proof that the above criteria have been met.

4. The Permittee shall establish by ordinance its legal authority to require new sewers be properly constructed; to ensure proper inspection and testing of sewer mains and service laterals; to address flows from satellite systems and to take enforcement action as required by Condition I(5).
5. The Permittee shall develop and implement an educational fats, oils and grease program that shall include at least bi-annual distribution of educational material targeted at both residential and non-residential users. The Permittee shall also develop and implement an enforceable fats, oils and grease program for non-residential users under which the Permittee can take enforcement against users who have not properly installed, operated and maintained grease traps or grease interceptors as directed or otherwise violated the terms of the local ordinance pertaining to fats, oils and grease.
6. The Permittee shall adopt and implement a Capital Improvement Plan (CIP) to designate funding for reinvestment into the wastewater collection system infrastructure. The CIP should address the short-term needs and long-term "master plan" concepts. The CIP should typically cover a three to five year period and include a goal statement, description of the project area, description of the existing facilities, known deficiencies (over a reasonable period) and forecasted future needs. Cost analysis is integral to the CIP.

7. Existing overflow piping from manholes and pump stations, excluding piping to approved equalization structures, known or discovered after permit issuance shall be immediately removed or permanently capped. Plugged emergency pumping connections are allowable for portable pumping or rerouting without intentionally bypassing the wastewater treatment facility.
8. The Permittee shall maintain a contingency plan for pump failure at each pump station. If one of the pumps in a pump station containing multiple pumps fails, the process of repairing or replacing the pump shall be initiated immediately and the new parts or pump shall be installed as soon as possible. If the pump in a simplex pump station fails, it shall be replaced immediately.
9. Each pump station shall be clearly and conspicuously posted with a pump station identifier and an emergency contact telephone number at which an individual who can initiate or perform emergency service for the wastewater collection system 24 hours per day, seven days per week can be contacted. This emergency contact telephone number shall be coupled with instructions that the emergency contact should be called if the visual alarm illuminates, if the audible alarm sounds, or if an emergency is apparent.
10. Pump station sites, equipment and components shall have restricted access, per 15A NCAC 02T .305(h)(4).
11. Pump stations that do not employ an automatic polling feature (i.e. routine contact with pump stations from a central location to check operational status of the communication system) shall have both audible and visual high water alarms. The alarms shall be weather-proof and placed in a clear and conspicuous location. Permits issued for the construction of pump stations that included high water alarms in the description must maintain the alarms even if simple telemetry (i.e. notification of an alarm condition initiated by the pump station control feature) is installed.
12. For all newly constructed, modified and rehabilitated pump stations, all equipment and components located within the pump station shall be corrosion-resistant and components in close proximity of the pump station shall be sealed within a corrosion-resistant coating or encasement.
13. All construction and rehabilitation of the wastewater collection system (i.e., permitted or deemed permitted) shall be scheduled to minimize the interruption of service by the existing utilities. Construction and rehabilitation shall not result in the violation of Condition (l)(2) of this permit.

## II. OPERATION AND MAINTENANCE REQUIREMENTS

1. Upon classification of the collection system by the Water Pollution Control System Operators Certification Commission (WPCSOCC), the Permittee shall designate and employ a certified operator to be in responsible charge (ORC) and one or more certified operator(s) to be back-up ORC(s) of the facilities in accordance with 15A NCAC 8G .0201. The ORC shall visit the system within 24 hours of knowledge of a bypass, spill, or overflow of wastewater from the system, unless visited by the Back-Up ORC, and shall comply with all other conditions of 15A NCAC 8G .0204.
2. The Permittee shall develop and adhere to a schedule for reviewing all inspection, maintenance, operational and complaint logs. If the review process results in the

- identification of any recurring problem in the wastewater collection system that cannot be resolved in a short time period, the Permittee shall establish a plan for addressing the problem(s).
3. The Permittee shall develop and adhere to a schedule for testing emergency and standby equipment.
  4. The Permittee shall develop and implement a routine pump station inspection and maintenance program, which shall include, but not be limited to, the following maintenance activities:
    - a. Cleaning and removing debris from the pump station structure, outside perimeter, and wet well;
    - b. Inspecting and exercising all valves;
    - c. Inspecting and lubricating pumps and other mechanical equipment according to the manufacturer's recommendations; and
    - d. Verifying the proper operation of the alarms, telemetry system and auxiliary equipment.
  5. For each pump station without pump reliability (i.e. simplex pump stations serving more than a single building or pump stations not capable of pumping at a rate of 2.5 times the average daily flow rate with the largest pump out of service), at least one fully operational spare pump capable of pumping peak flow shall be maintained on hand.
  6. The Permittee shall maintain on hand at least two percent of the number of pumps installed, but no less than two pumps, that discharge to a pressure sewer and serve a single building, unless the Permittee has the ability to purchase and install a replacement pump within 24 hours of first knowledge of the simplex pump failure or within the storage capacity provided in any sewer line extension permit.
  7. Rights-of-way and/or easements shall be properly maintained to allow accessibility to the wastewater collection system unless the Permittee can demonstrate the ability to gain temporary access in an emergency situation where existing land-use conditions do not allow the establishment and maintenance of permanent access. In this case, the Permittee shall continue to observe the lines visually, utilize remote inspection methods (e.g. CCTV) and use the opportunity of drier conditions to perform further inspections and necessary maintenance.
  8. The Permittee shall assess cleaning needs, and develop and implement a program for appropriately cleaning, whether by hydraulic or mechanical methods, all sewer lines. At least 10 percent of the wastewater collection system, selected at the discretion of the ORC, shall be cleaned each year. Preventative cleaning is not required for sewer lines less than five years old unless inspection otherwise reveals the need for cleaning or cleaning is required by a sewer line extension permit.
  9. Adequate measures shall be taken to contain and properly dispose of materials associated with SSOs. The Permittee shall maintain a Response Action Plan that addresses the following minimum items:
    - a. Contact phone numbers for 24-hour response, including weekends and holidays;
    - b. Response time;
    - c. Equipment list and spare parts inventory;

- d. Access to cleaning equipment;
  - e. Access to construction crews, contractors and/or engineers;
  - f. Source(s) of emergency funds;
  - g. Site sanitation and clean up materials; and
  - h. Post-SSO assessment.
10. The Permittee, or their authorized representative, shall conduct an on-site evaluation for all SSOs as soon as possible, but no more than two hours after first knowledge of the SSO.
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 the surroundings.

### III. RECORDS

1. Records shall be maintained to document compliance with Conditions I(4), II(2) - II(4), II(7) - II(8), IV(3) and V(1) -V(4). Records shall be kept on file for a minimum of three years.
2. The Permittee shall maintain adequate records pertaining to SSOs, and complaints for a minimum of three years. These records shall include, but are not limited to, the following information:
  - a. Date of SSO or complaint;
  - b. Volume of wastewater released as a result of the SSO and/or nature of complaint;
  - c. Location of the SSO and/or complaint;
  - d. Estimated duration of the SSO;
  - e. Individual from the Division who was informed about the SSO and/or complaint, when applicable;
  - f. Final destination of the SSO;
  - g. Corrective actions;
  - h. Known environmental/human health impacts resulting from the SSO; and
  - i. How the SSO was discovered.
3. The Permittee shall maintain an up-to-date, accurate, comprehensive map of its wastewater collection system that also notes the locations where other wastewater collection systems become tributary. If a comprehensive map of the collection system has not been established, a rough sketch shall be drawn. The Permittee shall map approximately 10 percent of its existing collection system each year for the next ten years beginning at the original permit issuance date, or until complete, whichever is sooner. The comprehensive map shall include, but is not limited to: pipe size, pipe material, pipe location, flow direction, approximate pipe age, number of active service taps, and each pump station identification, location and capacity.
4. The Permittee shall maintain records of all of the modifications and extensions to the collection system permitted herein. The Permittee shall maintain a copy of the construction record drawings and specifications for modifications/extensions to the wastewater collection system for the life of the modification/extension. Information concerning the extension shall be incorporated into the map of the wastewater collection system within one year of the completion of construction. The system description



contained within this permit shall be updated to include this modification/extension information upon permit renewal.

#### IV. MONITORING AND REPORTING REQUIREMENTS

1. Any monitoring (including, but not necessarily limited to, wastewater flow, groundwater, surface water, soil or plant tissue analyses) deemed necessary by the Division to ensure surface water and groundwater protection will be established, and an acceptable sampling and reporting schedule shall be followed.
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 water.

Voice mail messages or faxed information shall not be considered as the initial verbal report. SSOs (and other types of spills) occurring outside normal business hours may also be reported to the Division of Emergency Management at telephone number (800) 858-0368 or (919) 733-3300. Persons reporting any of the above occurrences shall file a spill report by completing Part I of Form CS-SSO (or the most current Division approved form), within five days following first knowledge of the occurrence. This report shall outline the actions taken or proposed to ensure that the problem does not recur. Per Condition I(3), Part II of Form CS-SSO (or the most current Division approved form) can also be completed to show that the SSO was beyond control.

3. The Permittee shall meet the annual reporting and notification requirements provided in North Carolina General Statute §143-215.1C.

#### V. INSPECTIONS

1. The Permittee or the Permittee's designee shall inspect the wastewater collection system regularly to reduce the risk of malfunctions and deterioration, operator errors, and other issues that may cause or lead to the release of wastes to the environment, threaten human health or create nuisance conditions. The Permittee shall keep an inspection log or summary including, at a minimum, the date and time of inspection, observations made, and any maintenance, repairs, or corrective actions taken by the Permittee.
2. Pump stations without Supervisory Control and Data Acquisition (SCADA) systems or telemetry shall be inspected everyday (i.e. 365 days per year). Pump stations equipped with SCADA systems or telemetry shall be inspected at least once per week.
3. A general observation of the entire collection system shall be performed throughout the course of every year.
4. Inspections of all high priority lines (i.e. aerial line, sub-waterway crossing, line contacting surface waters, siphon, line positioned parallel to stream banks that are subject to eroding in such a manner that may threaten the sewer line, or line designated as high-priority in a permit) shall be performed at least once per every six-month period

of time. A list of high-priority lines is presented as Attachment A and is hereby incorporated into this permit condition. New high priority lines installed or identified after permit issuance are incorporated by reference and subject to this permit condition until permit renewal where they shall be referenced in writing in **Attachment A**.

**No High Priority Lines listed at time of permit issuance**

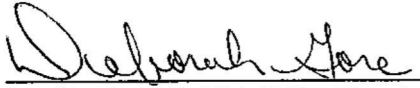
**VI. GENERAL CONDITIONS**

1. This permit is not transferable. In the event that the Permittee desires to transfer ownership of the wastewater collection system or there is a name change of the Permittee, a formal permit modification request shall be submitted to the Division. The request shall be accompanied by documentation from the parties involved, and other supporting materials as may be appropriate. Such request will be considered on its merits and may or may not be approved.
2. Failure to abide by the conditions and limitations contained in this permit may subject the Permittee to an enforcement action by the Division in accordance with North Carolina General Statute §143-215.6A through §143-215.6C, and a sewer moratorium may be established.
3. The issuance of this permit does not exempt the Permittee from complying with any and all statutes, rules, regulations, or ordinances that may be imposed by other government agencies (i.e., local, state, and federal) having jurisdiction, including but not limited to applicable river buffer rules in 15A NCAC 2B .0200, soil erosion and sedimentation control requirements in 15A NCAC Chapter 4 and under the Division's General Permit NCG010000, and any requirements pertaining to wetlands under 15A NCAC 2B .0200 and 15A NCAC 02T .0100 and all applicable North Carolina Occupational Safety and Health Act health and safety standards.
4. The issuance of this permit does not prohibit the Division from reopening and modifying the permit, revoking and reissuing the permit or terminating the permit as allowed by the laws, rules, and regulations contained in 15A NCAC 02T .0100 and North Carolina General Statute §143-215.1 et. al., or as needed to address changes in federal regulations with respect to the wastewater collection system.
5. The Permittee shall pay the annual fee within thirty (30) days after being billed by the Division. Failure to pay the fee accordingly may cause the Division to initiate action to revoke this permit as specified by 15A NCAC 02T .0110(4).
6. The Permittee shall request renewal of this permit at least six months prior to the expiration of this permit. Upon receipt of the request, the Commission will review the adequacy of the wastewater collection system described therein, and if warranted, will extend the permit for a period of time and under such conditions and limitations, as the Commission may deem appropriate.
7. The Permittee shall notify the Division's Pretreatment, Emergency Response and Collection Systems Unit in writing at 1617 Mail Service Center, Raleigh, North Carolina 27699-1617 of any changes to the name and/or address of the responsible party (i.e. mayor, city/town manager) of the wastewater collection system.

8. Any duly authorized officer, employee, or representative of the Division may, upon presentation of credentials, enter and inspect any property, premises or place on or related to the collection system at any reasonable time for the purpose of determining compliance with this permit, may inspect or copy any records that must be maintained under the terms and conditions of this permit, and may obtain samples of wastewater, groundwater, surface water, soil, or plant tissue.

Permit issued this the 2<sup>nd</sup> of May, 2013

**NORTH CAROLINA ENVIRONMENTAL MANAGEMENT COMMISSION**



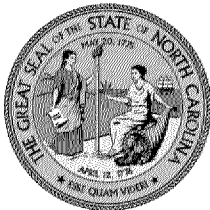
for Charles Wakild, P.E., Director  
Division of Water Quality

By Authority of the Environmental Management Commission

by Deborah Gore, Supervisor  
Pretreatment, Emergency Response, Collection System Unit

**Permit Number WQCS00290 (Renewal)**





ROY COOPER

Governor

ELIZABETH S. BISER

Secretary

S. DANIEL SMITH

Director

NORTH CAROLINA  
Environmental Quality

August 4, 2021

RAYMOND GOTTLIEB – MANAGING PARTNER  
SANDLER UTILITIES AT MILL RUN, L.L.C.  
448 VIKING DRIVE – SUITE 220  
VIRGINIA BEACH, VIRGINIA 23452

Subject: Permit No. WQ0014306  
Eagle Creek WWTP  
Reclaimed Water Generation,  
Dedicated Reclaimed Water  
Utilization, and High-Rate  
Infiltration System  
Currituck County

Dear Mr. Gottlieb:

In accordance with your permit renewal request received September 30, 2020, and subsequent additional information received August 4, 2021, we are forwarding herewith Permit No. WQ0014306 dated August 4, 2021, to Sandler Utilities at Mill Run, L.L.C. for the continued operation of the subject reclaimed water generation, dedicated reclaimed water utilization, and high rate infiltration facilities.

This permit shall be effective from the date of issuance through June 30, 2027, shall void Permit No. WQ0014306 issued October 8, 2015, and shall be subject to the conditions and limitations therein. **The Permittee shall submit a renewal application no later than January 1, 2027.**

Please pay attention to the monitoring requirements listed Attachments A, B, and C for they may differ from the previous permit issuance. Failure to establish an adequate system for collecting and maintaining the required operational information shall result in future compliance problems.

**The Division has removed the following permit conditions since the last permit issuance dated October 8, 2015:**

- Old Condition I.3. – This condition has been removed because of the new easement/irrigation agreement (Deed Book: 1640 / Pages: 776-808) of the Currituck County Register of Deeds) between Paasch Developments, LLC and Currituck Water and Sewer, LLC, and the assignment agreement (DB: 1642 / PGS: 54-75) between Paasch Developments, LLC, Currituck Water and Sewer, LLC, and Sandler Utilities at Mill Run, L.L.C.
- Old Condition I.5. – This condition has been removed because the second bank of ultraviolet (UV) disinfection lights were installed and repairs were made.
- Old Condition II.8. – This condition has been replaced by Condition II.11.
- Old Condition II.9. – This condition has been replaced by Condition II.12.



- Old Condition II.10. – This condition has been replaced by Condition II.13.
- Old Condition II.18. – This condition has been removed.
- Old Condition III.8. – This condition has been replaced by new Condition III.18.
- Old Condition III.9. – This condition has been replaced by new Condition III.18.
- Old Condition III.24. – This condition has been removed along with Old Condition I.3.
- Old Condition VI.2. – This condition has been removed because the permit is not voidable.

**The following permit conditions are new since the last permit issuance dated October 8, 2015:**

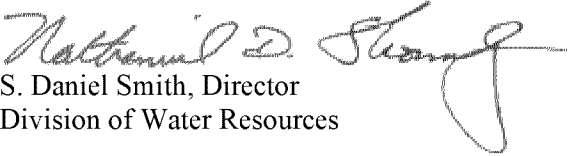
- Condition I.3. – The Washington Regional Office shall approve monitoring wells MW-3, MW-4, and MW-5 prior to installation, and the monitoring wells shall be installed within 90 days of the effective date of this permit. The Washington Regional Office shall be notified at least two business days in advance of construction of any monitoring well.
- Condition I.4. – Within 90 days of completing installation of monitoring wells MW-3, MW-4, and MW-5, the Permittee shall submit two original copies and one digital copy of a site map.
- Condition I.5. – Within 30 days of construction, a Well Construction Record (Form GW-1) listing this permit number and the appropriate monitoring well identification number shall be completed for each well constructed.
- Condition I.6. – Prior to the expansion of the facility above the currently permitted 175,000 GPD, the Permittee shall provide a new Soil Evaluation and Hydrogeologic Report shall be provided to determine the total disposal capacity of the facility.
- Condition I.7. – The gauge to monitor waste levels in the high-rate infiltration basin shall be repaired and functional within 60 days of the effective date of this permit.
- Condition I.8. – The irrigation equipment shall be calibrated within 60 days of the effective date of this permit to comply with Condition III.9.
- Condition I.9. – Within 60 days of the effective date of this permit, documentation shall be provided that the public and employees were notified of the use of reclaimed water and that reclaimed water is not intended for drinking as stated in Condition III.22.
- Condition I.10. – Within one year of the effective date of this permit, all trees, shrubs, and other woody vegetation shall be removed from all earthen dikes and embankments of the 5.5 MG high-rate infiltration basin and the 7.431 MG wet weather storage/irrigation pond to comply with Condition III.17.
- Condition I.11. – Within 180 days of the effective date of this permit, a plan to clean and remove deposited materials that impede the infiltration process as to comply with Condition III.24. shall be submitted to the Washington Regional Office.
- Conditions II.6., II.8., and II.9. – These conditions were previously covered under Old Condition II.6., but have been separated into their own conditions.

- Condition II.11. – Reclaimed water distribution lines shall be located at least 5 feet horizontally from and 18 inches below any water line if practicable.
- Condition II.12. – Reclaimed water distribution lines shall not be less than 50 feet from a well unless the piping and integrity testing procedures meet water main standards in accordance with 15A NCAC 18C.
- Condition II.13. – Reclaimed water distribution lines shall meet the separation distances to sewer lines in accordance with 15A NCAC 02T .0305.
- Condition II.20. – The correct setbacks have been added for each treatment, storage and disposal component based on when they were originally permitted or modified.
- Condition III.18. – Metering equipment shall be tested and calibrated annually.
- Condition III.20. – Continuous online monitoring and recording for turbidity or particle count and flow shall be provided prior to storage, distribution, or utilization of reclaimed water.
- Condition IV.5.f. – Continuous monthly and year-to-date loadings for any non-hydraulic parameter specifically limited in Attachment B shall be reported. Please note that this permit doesn't have any non-hydraulic parameters limited in Attachment B.
- Condition IV.10.b. – The date of irrigation and infiltration equipment calibration shall be maintained in the maintenance log.
- Condition IV.11. – Monitoring wells MW-3, MW-4, and MW-5 shall be sampled after construction, and within three months prior to initiating reclaimed water utilization operations.
- Condition IV.13. – For initial sampling of monitoring wells MW-3, MW-4, and MW-5, Compliance Monitoring Form (GW-59) and a Well Construction Record Form (GW-1) listing this permit number and the appropriate monitoring well identification number shall be submitted.
- Condition VI.10. – This permit shall not be renewed if the Permittee or any affiliation has not paid the required annual fee.

If any parts, requirements, or limitations contained in this permit are unacceptable, the Permittee has the right to request an adjudicatory hearing upon written request within 30 days following receipt of this permit. This request shall be in the form of a written petition, conforming to Chapter 150B of the North Carolina General Statutes, and filed with the Office of Administrative Hearings at 6714 Mail Service Center, Raleigh, NC 27699-6714. Otherwise, this permit shall be final and binding.

If you need additional information concerning this permit, please contact Erick Saunders at (919) 707-3659 or [erickson.saunders@ncdenr.gov](mailto:erickson.saunders@ncdenr.gov).

Sincerely,

  
S. Daniel Smith, Director  
Division of Water Resources

cc: Currituck County Health Department (Electronic Copy)  
Washington Regional Office, Water Quality Regional Operations Section (Electronic Copy)  
Laserfiche File (Electronic Copy)  
Digital Permit Archive (Electronic Copy)



**NORTH CAROLINA**  
**ENVIRONMENTAL MANAGEMENT COMMISSION**  
**DEPARTMENT OF ENVIRONMENTAL QUALITY**  
**RALEIGH**

**RECLAIMED WATER GENERATION, DEDICATED RECLAIMED WATER UTILIZATION,  
AND HIGH-RATE INFILTRATION SYSTEM PERMIT**

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In accordance with the provisions of Article 21 of Chapter 143, General Statutes of North Carolina as amended, and other applicable Laws, Rules, and Regulations

PERMISSION IS HEREBY GRANTED TO

**Sandler Utilities at Mill Run, L.L.C.**  
Currituck County

FOR THE

operation of a 175,000 gallon per day (GPD) reclaimed water generation, dedicated reclaimed water utilization, and high-rate infiltration facility consisting of the:

continued operation of a reclaimed water generation system consisting of: an 89,782 gallon flow equalization basin with two 243 gallon per minute (GPM) pumps and served by a 310 cubic feet per minute (CFM) blower; a manual bar screen; a flow splitter box; two 225,000 gallon aeration basins (consisting of a 50,000 gallon section and a 175,000 gallon section); a 148,250 gallon clarifier; a 28,220 gallon clarifier; a 37,000 gallon aerated sludge holding tank served by two 1,000 CFM blowers; a 15 cell travelling bridge filter with a total area of 135 square feet (ft<sup>2</sup>); an ultraviolet (UV) disinfection unit; a 30,080 gallon effluent dosing tank with two 608 GPM pumps and high-water alarms; approximately 450 linear feet (LF) of 10-inch force main; a stand-by generator with automatic transfer switch; a turbidimeter; a flow meter; and all associated piping, valves, controls, and appurtenances; the

continued operation of a high-rate infiltration system consisting of: a 5.5 million gallon (MG) high-rate infiltration basin (in lieu of a 5-day upset pond); and all associated piping, valves, controls and appurtenances; the

continued operation of a dedicated reclaimed water utilization system consisting of: a 7.431 MG wet weather storage/irrigation pond; approximately 112.25 acres of irrigation area with a maximum capacity of 262,625 GPD of disposal capacity); and all associated piping, valves, controls and appurtenances; the

construction only of the wastewater treatment plant expansion to its original permitted capacity of 350,000 GPD and consisting of: the addition of an aeration blower with 2,000 CFM capacity; addition of a 213 ft<sup>2</sup> tertiary traveling bridge filter; additional UV disinfection facilities; expansion of the wet weather storage/irrigation pond to 10.5 MG; expansion of the non-conjunctive reclaimed water utilization facilities to provide a disposal capacity of 321,000 GPD as permitted on May 14, 2004; and all associated piping, valves, controls and appurtenances

to serve the Eagle Creek WWTP, with no discharge of wastes to surface waters, pursuant to the application received September 30, 2020, subsequent additional information received August 4, 2021, and in conformity with the Division-approved plans and specifications considered a part of this permit.

This permit shall be effective from the date of issuance through June 30, 2027, shall void Permit No. WQ0014306 issued October 8, 2015, and shall be subject to the following conditions and limitations:

## **I. SCHEDULES**

1. Upon completion of construction and prior to operation of the permitted modifications, the Permittee shall submit an engineering certification from a North Carolina licensed Professional Engineer certifying that the permitted modifications have been constructed in accordance with G.S. 143-215.1, Administrative Code Title 15A Subchapter 02U, this permit, and the Division-approved plans and specifications. For phased and partially certified facilities, the Permittee shall retain the responsibility to track further construction approved under this permit, and shall provide a final engineering certification upon project completion. Mail the Engineering Certification to the Division of Water Resources, Non-Discharge Branch, 1617 Mail Service Center, Raleigh, NC 27699-1617, or [Non-Discharge.Reports@ncdenr.gov](mailto:Non-Discharge.Reports@ncdenr.gov). [15A NCAC 02T .0116(a)]
2. The Permittee shall notify the Washington Regional Office, telephone number (252) 946-6481, at least two business days in advance of initial operation of the constructed facilities so that the Division can conduct a startup inspection. [15A NCAC 02T .0108(b)(1)(B)]
3. The Washington Regional Office, telephone number (252) 946-6481, shall approve monitoring wells MW-3, MW-4, and MW-5 prior to installation, and the monitoring wells shall be installed within 90 days of the effective date of this permit. The Washington Regional Office shall be notified at least two business days in advance of construction of any monitoring well. The monitoring wells shall be constructed such that the water level in the well is never above or below the screened portion of the well, and in accordance with 15A NCAC 02C .0108. The general location and Division-approved name for each monitoring well is on Figure 1. [15A NCAC 02C .0108, 02T .0108(b)(1)(B)]
4. Within 90 days of completing installation of monitoring wells MW-3, MW-4, and MW-5, the Permittee shall submit two original copies and one digital copy of a site map with a scale no greater than 1-inch equals 100 feet; however, special provisions may be granted upon prior approval for large properties. The map shall include the following information:
  - a. Legend, north arrow, scale, and legible in black and white.
  - b. Topographic contour intervals not exceeding 10 feet or 25 percent of total site relief.
  - c. All habitable residences or places of assembly within 500 feet of the irrigation area.
  - d. Location of all wells, streams (ephemeral, intermittent, and perennial), springs, lakes, ponds, ditches, and other surface drainage features within 500 feet of the irrigation area.
  - e. Location and identification of each monitoring well (identify any background/upgradient wells).
  - f. Latitude and longitude coordinates of each monitoring wells (decimal degrees to the sixth decimal degree and in NAD83).
  - g. Location and identification of major components of the waste disposal system.
  - h. The perimeter of all irrigation areas with field names (named according to the approved permit)
  - i. Location and ownership of property boundaries within 500 feet of the irrigation area (including road/rail right-of-ways and easements).
  - j. Latitude and longitude of the established horizontal control monument (decimal degrees to the sixth decimal degree).
  - k. Elevation of the top of the well casing (i.e., measuring point) relative to a common datum.
  - l. Depth of water below the measuring point at the time the measuring point is established.
  - m. Delineation of the compliance and review boundaries.
  - n. Distance measurements verifying all setbacks are being met.
  - o. Stormwater drainage controls.
  - p. 100-year floodplain.
  - q. The date the map is prepared and/or revised.

Boundaries and physical features not under purview of other licensed professions shall be provided by a Professional Surveyor. Control monuments shall be installed in such a manner and made of such materials that the monument will not be destroyed due to activities taking place on the property. The map and any supporting documentation shall be sent to the Division of Water Resources, Non-Discharge Branch, 1617 Mail Service Center, Raleigh, NC 27699-1617, or [Non-Discharge.Reports@ncdenr.gov](mailto:Non-Discharge.Reports@ncdenr.gov). [15A NCAC 02C .0105(f), 02T .0108(b)(1)(B)]

5. Within 30 days of construction, a Well Construction Record (Form GW-1) listing this permit number and the appropriate monitoring well identification number shall be completed for each well constructed, and mailed to the Division of Water Resources, Non-Discharge Branch, 1617 Mail Service Center, Raleigh, NC 27699-1617, or [Non-Discharge.Reports@ncdenr.gov](mailto:Non-Discharge.Reports@ncdenr.gov). A North Carolina Certified Well Contractor shall construct the monitoring wells according to the North Carolina Well Construction Standards (15A NCAC 02C .0113) and local county rules. [15A NCAC 02C .0113, 02T .0108(b)(1)(B)]
6. Prior to the expansion of the facility above the currently permitted 175,000 GPD, the Permittee shall provide a new Soil Evaluation and Hydrogeologic Report to determine the total disposal capacity of the facility. This report is required due to concerns of a high groundwater table at the site which could affect the performance of the existing vacuum sewer collection system and previous instances of ponding on the golf course which affect the playability of the golf course. These new evaluations will also aid in documenting whether site characteristics and conditions have changed over the life of the facility since it was originally permitted. This documentation shall be submitted in a modification request to support the increase in flow to the wastewater treatment facilities. [15A NCAC 02T .0108(b)(1)(B)]
7. The gauge to monitor waste levels in the 5.5 MG high-rate infiltration basin shall be repaired and functional within 60 days of the effective date of this permit. Caution shall be taken not to damage the integrity of any liner (if present) when installing a gauge. [15A NCAC 02T .0108(b)(1)(B), 02T .0705(c)]
8. The irrigation equipment shall be calibrated within 60 days of the effective date of this permit to comply with Condition III.8. Documentation that this has been completed shall be submitted to the to the Division of Water Resources, Non-Discharge Branch, 1617 Mail Service Center, Raleigh, NC 27699-1617, or [Non-Discharge.Reports@ncdenr.gov](mailto:Non-Discharge.Reports@ncdenr.gov). [15A NCAC 02T .0108(b)(1)(B), 02U .0801(d)]
9. Within 60 days of the effective date of this permit, documentation shall be provided that the public and employees were notified of the use of reclaimed water and that reclaimed water is not intended for drinking as stated in Condition III.22. Documentation that this has been completed shall be submitted to the to the Division of Water Resources, Non-Discharge Branch, 1617 Mail Service Center, Raleigh, NC 27699-1617, or [Non-Discharge.Reports@ncdenr.gov](mailto:Non-Discharge.Reports@ncdenr.gov). [15A NCAC 02T .0108(b)(1)(B), 02U .0501(a)(2)]
10. Within one year of the effective date of this permit, all trees, shrubs, and other woody vegetation shall be removed from all earthen dikes and embankments of the 5.5 MG high-rate infiltration basin and the 7.431 MG wet weather storage/irrigation pond to comply with Condition III.17. The Washington Regional Office shall be notified upon completion of these repairs. [15A NCAC .108(b)(1)(B), 02T .0707(g), 02U .0801(g)]
11. Within 180 days of the effective date of this permit, a plan to clean and remove deposited materials that impede the infiltration process as to comply with Condition III.24. shall be submitted to the Washington Regional Office. [15A NCAC .108(b)(1)(B), 02T .0707(h)]
12. The Permittee shall request renewal of this permit on Division-approved forms no later than January 1, 2027. [15A NCAC 02T .0105(b), 02T .0109]

## II. PERFORMANCE STANDARDS

1. 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)]
2. This permit shall not relieve the Permittee of their responsibility for damages to groundwater or surface water resulting from the operation of this facility. [15A NCAC 02T .0108(b)(1)(A)]
3. Groundwater monitoring wells shall be constructed in accordance with 15A NCAC 02C .0108 (Standards of Construction for Wells Other than Water Supply), and any other jurisdictional laws and regulations pertaining to well construction. [15A NCAC 02C .0108]
4. Effluent limitations shall not exceed those specified in Attachment A. [15A NCAC 02T .0108(b)(1)(A), 02U .0301]
5. Application rates shall not exceed those specified in Attachment B. [15A NCAC 02T .0108(b)(1)(A), 02U .0401(g)]
6. All reclaimed water valves, storage facilities, and outlets shall be tagged or labeled to warn the public or employees that the water is not intended for drinking. [15A NCAC 02U .0403(b)]
7. All reclaimed water piping, valves, outlets, and other appurtenances shall be color-coded, taped, or otherwise marked to identify the source of the water as being reclaimed water as follows:
  - a. All reclaimed water piping and appurtenances shall be either colored purple (Pantone 522 or equivalent) and embossed or integrally stamped or marked "CAUTION: RECLAIMED WATER - DO NOT DRINK" or be installed with a purple (Pantone 522 or equivalent) identification tape or polyethylene vinyl wrap. The warning shall be stamped on opposite sides of the pipe and repeated every three feet or less;
  - b. Identification tape shall be at least three inches wide and have white or black lettering on purple (Pantone 522 or equivalent) field stating "CAUTION: RECLAIMED WATER - DO NOT DRINK". Identification tape shall be installed on top of reclaimed water pipelines, fastened at least every 10 feet to each pipe length and run continuously the entire length of the pipe; and
  - c. Existing underground distribution systems retrofitted for the purpose of conveying reclaimed water shall be taped or otherwise identified as noted in II.7.a. and II.7.b. This identification need not extend the entire length of the distribution system but shall be incorporated within 10 feet of crossing any potable water supply line or sanitary sewer line.[15A NCAC 02U .0403(c)]
8. All reclaimed water valves and outlets shall be of a type, or secured in a manner, that permits operation by personnel authorized by the entity that operates the reclaimed water system. [15A NCAC 02U .0403(d)]
9. Hose bibs shall be located in locked, below grade vaults that shall be labeled as being of non-potable quality. As an alternative to the use of locked vaults with standard hose bib services, other locking mechanisms such as hose bibs that can only be operated by a tool may be placed above ground and labeled as non-potable water. [15A NCAC 02U .0403(e)]
10. There shall be no direct cross-connections between the reclaimed water and potable water systems, unless such connection has been approved by the Department pursuant to 15A NCAC 18C .0406. [15A NCAC 02U .0403(f)]

11. Reclaimed water distribution lines shall be located at least 5 feet horizontally from and 18 inches below any water line if practicable. If these separation distances cannot be met, the piping and integrity testing procedures shall meet water main standards in accordance with 15A NCAC 18C. [15A NCAC 02U .0403(g), 02U .0403(h)]
12. Reclaimed water distribution lines shall not be less than 50 feet from a well unless the piping and integrity testing procedures meet water main standards in accordance with 15A NCAC 18C, but in no case shall they be less than 25 feet from a private well. [15A NCAC 02U .0403(g), 02U .0403(i)]
13. Reclaimed water distribution lines shall meet the separation distances to sewer lines in accordance with 15A NCAC 02T .0305. [15A NCAC 02U .0403(g), 02U .0403(j)]
14. Reclaimed water irrigation fields permitted prior to September 1, 2006 have compliance and review boundaries established at the property boundary. Any exceedance of groundwater standards at or beyond the compliance boundary shall require corrective action. Division-approved relocation of the compliance boundary shall be noted in Attachment B. Multiple contiguous properties under common ownership and permitted for use as a disposal system shall be treated as a single property with regard to determination of a compliance boundary. [15A NCAC 02L .0106, 02T .0105(h), 02H .0219(k)(1)(C)(i)(III), G.S. 143-215.1(i), G.S. 143-215.1(k)]
15. High-rate infiltration sites permitted on or after December 30, 1983 have a compliance boundary that is either 250 feet from the infiltration area, or 50 feet within the property boundary, whichever is closest to the infiltration area. Any exceedance of groundwater standards at or beyond the compliance boundary shall require corrective action. Division-approved relocation of the compliance boundary shall be noted in Attachment B. Multiple contiguous properties under common ownership and permitted for use as a disposal system shall be treated as a single property with regard to determination of a compliance boundary. [15A NCAC 02L .0106(d)(2), 02L .0107(b), 02T .0105(h), G.S. 143-215.1(i), G.S. 143-215.1(k)]
16. The review boundary for the 5.5 MG high-rate infiltration basin is midway between the compliance boundary and the infiltration area. Any exceedance of groundwater standards at or beyond the review boundary shall require preventative action. [15A NCAC 02L .0106(d)(1), 02L .0108]
17. The Permittee shall apply for a permit modification to establish a new compliance boundary prior to any sale or transfer of property affecting a compliance boundary (i.e., parcel subdivision). [15A NCAC 02L .0107(c)]
18. No wells, excluding Division-approved monitoring wells, shall be constructed within the compliance boundary except as provided for in 15A NCAC 02L .0107(g). [15A NCAC 02L .0107]
19. Except as provided for in 15A NCAC 02L .0107(g), the Permittee shall ensure any landowner who is not the Permittee and owns land within the compliance boundary shall execute and file with the Currituck County Register of Deeds an easement running with the land containing the following items:
  - a. A notice of the permit and number or other description as allowed in 15A NCAC 02L .0107(f)(1);
  - b. Prohibits construction and operation of water supply wells within the compliance boundary; and
  - c. Reserves the right of the Permittee or the State to enter the property within the compliance boundary for purposes related to the permit.

The Director may terminate the easement when its purpose has been fulfilled or is no longer needed.

[15A NCAC 02L .0107(f)]

20. The facilities herein were permitted per the following setbacks:

a. The reclaimed water irrigation sites were originally permitted March 5, 1999. The setbacks for spray irrigation sites originally permitted or modified from June 1, 1996 to August 31, 2006 are as follows (all distances in feet):

- i. Surface waters classified SA: 100
- ii. Surface waters not classified SA: 25
- iii. Each water supply well: 100
- iv. Each non-potable well: 10
- v. Each swimming pool: 25

[15A NCAC 02H .0219(k)(1)(C)(i)]

b. The infiltration sites were originally permitted March 5, 1999. The setbacks for infiltration sites originally permitted or modified from February 1, 1993 to September 1, 2006 are as follows (all distances in feet):

- i. Each private or public water supply source: 100
- ii. Surface waters: 200
- iii. Groundwater lowering ditches: 200
- iv. Surface water diversions (upslope): 200
- v. Surface water diversions (downslope): 200
- vi. Each well with exception of monitoring wells: 100
- vii. Each property line: 50<sup>1</sup>
- viii. Top of slope of embankments or cuts of two feet or more in vertical height: 100
- ix. Each water line: 10
- x. Each swimming pool: 100
- xi. Public right of way: 50
- xii. Nitrification field: 20
- xiii. Each building foundation or basement: 15
- xiv. Each impounded public surface water supply: 500
- xv. Each public shallow ground water supply (less than 50 feet deep): 500

<sup>1</sup> Setbacks to property lines are not applicable when the Permittee, or the entity from which the Permittee is leasing, owns both parcels separated by the property line.

[15A NCAC 02H .0404(g), 02H .0219(j)(5)]

c. The storage and treatment units were originally permitted March 5, 1999. The setbacks for storage and treatment units originally permitted or modified from June 1, 1996 to August 31, 2006 are as follows (all distances in feet):

- i. Each habitable residence or place of assembly under separate ownership: 100 <sup>1</sup>
- ii. Each private or public water supply source: 100
- iii. Surface waters: 50
- iv. Each well with exception of monitoring wells: 100
- v. Each property line: 50 <sup>2,3</sup>
- vi. Nitrification field: 20

<sup>1</sup> Habitable residences or places of assembly under separate ownership constructed after the facilities herein were originally permitted or subsequently modified are exempt from this setback.

<sup>2</sup> Setbacks to property lines are not applicable when the Permittee, or the entity from which the Permittee is leasing, owns both parcels separated by the property line.

<sup>3</sup> Per setback waivers submitted in accordance with 15A NCAC 02U .0701(e), reduced setbacks from the storage and treatment units to any property line are as follows:

Parcel No.	Deed Book / Page	Setback	Easement
0015000084I0000	See attached	0 feet	50 feet
0016000001A0000	See attached	0 feet	50 feet

[15A NCAC 02H .0404(g), 02H .0219(j)(5)]

**III. OPERATION AND MAINTENANCE REQUIREMENTS**

1. The Permittee shall operate and maintain the subject facilities as a non-discharge system. [15A NCAC 02T .0700, 02U .0101]
2. The Permittee shall maintain an Operation and Maintenance Plan, which shall include:
  - a. A description of the operation of the system in detail to show what operations are necessary for the system to function and by whom the operations are to be conducted;
  - b. A description of anticipated maintenance of the system;
  - c. Provisions for safety measures, including restriction of access to the site and equipment; and
  - d. Spill control provisions that include response to upsets and bypasses, including control, containment, and remediation, and contact information for personnel, emergency responders, and regulatory agencies;

[15A NCAC 02T .0707(a), 02U .0801(a)]

3. Upon the Water Pollution Control System Operators Certification Commission's (WPCSOCC) classification of the subject non-discharge facilities, the Permittee shall designate and employ a certified operator in responsible charge (ORC), and one or more certified operators as back-up ORCs. The ORC or their back-up shall operate and visit the facilities as required by the WPCSOCC. [15A NCAC 02T .0117]
4. An operator certified by the Water Pollution Control System Operators Certification Commission (WPCSOCC) of a grade equivalent or greater than the facility classification shall be on call 24 hours per day. [15A NCAC 02U .0401(e)]

5. The Permittee shall maintain vegetative cover on the irrigation sites, such that crop health is optimal, allows even effluent distribution, and allows inspection of the irrigation system. [15A NCAC 02U .0801(b)]
6. The Permittee shall take measures to prevent effluent ponding in or runoff from the irrigation sites listed in Attachment B. [15A NCAC 02U .0801(c)]
7. The Permittee shall not irrigate treated effluent on irrigation sites during inclement weather, or when the soil is in a condition that will cause ponding or runoff. [15A NCAC 02U .0401(k)]
8. Irrigation and infiltration equipment shall be tested and calibrated once per permit cycle. [15A NCAC 02T .0707(d), 02U .0801(d)]
9. Only reclaimed water generated from the Eagle Creek WWTP shall be irrigated or infiltrated on the sites listed in Attachment B. [15A NCAC 02T .0701, 02U .0101]
10. The Permittee shall not allow vehicles or heavy machinery on the irrigation or infiltration areas, except during equipment installation or maintenance activities. [15A NCAC 02T .0707(e), 02U .0801(e)]
11. The Permittee shall prohibit public access to the wastewater treatment and storage facilities, and infiltration facilities. [15A NCAC 02T .0705(p), 02U .0402(e)]
12. Public access to reclaimed water utilization sites shall be controlled during active site use. Such controls may include the posting of signs showing the activities being conducted at each site. [15A NCAC 02U .0501(a)(2)]
13. The Permittee shall dispose or utilize generated residuals in a Division-approved manner. [15A NCAC 02T .0708, 02T .1100, 02U .0802].
14. The Permittee shall not divert or bypass untreated or partially treated reclaimed water from the subject facilities. [15A NCAC 02T .0705(i), 02U .0402(g)]
15. Freeboard in the 5.5 MG high-rate infiltration basin and the 7.431 MG wet weather storage/irrigation pond shall not be less than two feet at any time. [15A NCAC 02T .0705(c), 02U .0401(h)]
16. Gauges to monitor water levels in the 5.5 MG high-rate infiltration basin and the 7.431 MG wet weather storage/irrigation pond shall be provided. These gauges shall have readily visible permanent markings, at inch or tenth of a foot increments, indicating the following elevations: maximum liquid level at the top of the temporary liquid storage volume; minimum liquid level at the bottom of the temporary liquid storage volume; and the lowest point on top of the dam. [15A NCAC 02T .0707(f), 02U .0801(f)]
17. A protective vegetative cover shall be established and maintained on all berms, pipe runs, erosion control areas, surface water diversions, and earthen embankments (i.e., outside toe of embankment to maximum allowable temporary storage elevation on the inside of the embankment). Trees, shrubs, and other woody vegetation shall not be allowed to grow on the earthen dikes or embankments. Earthen embankments shall be kept mowed or otherwise controlled and accessible. [15A NCAC 02T .0707(g), 02U .0801(g)]
18. Metering equipment shall be tested and calibrated annually. [15A NCAC 02T .0707(d), 02U .0801(d)]
19. An automatically activated standby power source capable of powering all essential treatment units shall be on site and operational at all times. If a generator is employed as an alternate power supply, it shall be tested weekly by interrupting the primary power source. [15A NCAC 02T .0705(k), 02U .0401(d)]
20. Continuous online monitoring and recording for turbidity or particle count and flow shall be provided prior to storage, distribution, or utilization of reclaimed water. [15A NCAC 02U .0401(b)]



21. If turbidity exceeds 10 NTUs or if the permitted pathogen levels cannot be met, all effluent shall be routed to the 5.5 MG high-rate infiltration basin until the problems associated with the reclaimed water generation system have been corrected. [15A NCAC 02U .0402(d)]
22. The Permittee shall provide notification to the public and its employees about the use of reclaimed water, and that reclaimed water is not intended for drinking. Such notification shall be provided to employees in a language they can understand. [15A NCAC 02U .0501(a)(2)]
23. The Permittee shall develop and implement an education program to inform users and its employees about the proper use of reclaimed water. Educational material shall be provided to all residents and/or other facilities provided with reclaimed water, and these materials shall be maintained consistent with the reclaimed water uses. All educational materials shall be made available to the Division upon request. [15A NCAC 02U .0501(a)(4)]
24. The infiltration areas shall be cleaned at least once per permit cycle to remove deposited materials that may impede the infiltration process. Cleaning records shall be maintained at the facility for five years, and shall be made available to the Division upon request. The Washington Regional Office, telephone number (252) 946-6481, shall be notified prior to each cleaning. [15A NCAC 02T .0707(h)]
25. Vegetative growth must be kept out of the 5.5 MG high-rate infiltration basin at all times. All vegetation must be removed manually so that minimal disturbance will occur to the disposal area. [15A NCAC 02T .0108(b)(1)(A)]
26. The application of chemicals to the 5.5 MG high-rate infiltration basin is expressly prohibited. [15A NCAC 02T .0108(b)(1)(A)]
27. The Permittee shall be responsible for the operation and maintenance of the 6,000 GPM stormwater pump to allow the movement of groundwater off site from the golf course. Until such time that Currituck County has established a drainage district, the Permittee shall be responsible for maintaining the canals for positive drainage. [15A NCAC 02T .0108(b)(1)(A)]

#### **IV. MONITORING AND REPORTING REQUIREMENTS**

1. The Permittee shall conduct and report any Division required monitoring necessary to evaluate this facility's impact on groundwater and surface water. [15A NCAC 02T .0108(c)]
2. A Division-certified laboratory shall conduct all analyses for the required effluent, groundwater, and surface water parameters. [15A NCAC 02H .0800]
3. Flow through the treatment facility shall be continuously monitored, and daily flow values shall be reported on Form NDMR. Facilities with a permitted flow less than 10,000 GPD may estimate their flow from water usage records provided the water source is metered. [15A NCAC 02T .0105(k), 02T .0108(c)]
4. The Permittee shall monitor the generated reclaimed water at the frequencies and locations for the parameters specified in Attachment A. [15A NCAC 02T .0108(c)]

5. The Permittee shall maintain records tracking the amount of reclaimed water irrigated. These records shall include the following information for each irrigation site listed in Attachment B:
  - a. Date of irrigation;
  - b. Volume of reclaimed water irrigated;
  - c. Site irrigated;
  - d. Length of time site is irrigated;
  - e. Continuous weekly, monthly, and year-to-date hydraulic (inches/acre) loadings;
  - f. Continuous monthly and year-to-date loadings for any non-hydraulic parameter specifically limited in Attachment B;
  - g. Weather conditions; and
  - h. Maintenance of cover crops.

[15A NCAC 02T .0108(c)]

6. The Permittee shall maintain records tracking the amount of effluent infiltrated. These records shall include the following information for each infiltration site listed in Attachment B:
  - a. Date of infiltration;
  - b. Volume of effluent infiltrated;
  - c. Site infiltrated;
  - d. Length of time site is infiltrated;
  - e. Loading rates to each infiltration site listed in Attachment B; and
  - f. Weather conditions.

[15A NCAC 02T .0108(c)]

7. Freeboard (i.e., water level to the lowest embankment elevation) in the 5.5 MG high-rate infiltration basin and the 7.431 MG wet weather storage/irrigation pond shall be measured to the nearest inch or tenth of a foot, and recorded weekly. Weekly freeboard records shall be maintained for five years, and shall be made available to the Division upon request. [15A NCAC 02T .0108(c)]
8. Three copies of all monitoring data (as specified in Conditions IV.3. and IV.4.) on Form NDMR for each PPI and three copies of all operation and disposal records (as specified in Conditions IV.5. and IV.7.) on Form NDAR-1, and three copies of all operation and disposal records (as specified in Conditions IV.6. and IV.7.) on Form NDAR-2 for every site in Attachment B shall be submitted on or before the last day of the following month. If no activities occurred during the monitoring month, monitoring reports are still required documenting the absence of the activity. All information shall be submitted to the following address:

Division of Water Resources  
Information Processing Unit  
1617 Mail Service Center  
Raleigh, North Carolina 27699-1617

[15A NCAC 02T .0105(l)]

9. The Permittee shall maintain a record of all residuals removed from this facility. This record shall be maintained for five years, and shall be made available to the Division upon request. This record shall include:
  - a. Name of the residuals hauler;
  - b. Non-Discharge permit number authorizing the residuals disposal, or a letter from a municipality agreeing to accept the residuals;
  - c. Date the residuals were hauled; and
  - d. Volume of residuals removed.

[15A NCAC 02T .0708(b), 02U .0802(b)]

10. A maintenance log shall be kept at this facility. This log shall be maintained for five years, and shall be made available to the Division upon request. This log shall include:
- Date of flow measurement device calibration;
  - Date of irrigation and infiltration equipment calibration;
  - Date of turbidimeter calibration;
  - Date and results of power interruption testing on alternate power supply;
  - Visual observations of the plant and plant site; and
  - Record of preventative maintenance (e.g., changing of equipment, adjustments, testing, inspections and cleanings, etc.); and
  - Record of all discharges of reclaimed water to surface waters or the land surface, including the date of occurrence, estimated volume, and corrective action taken.

[15A NCAC 02T .0707(i), 02U .0801(h)]

11. Monitoring wells MW-3, MW-4, and MW-5 shall be sampled after construction, and within three months of well installation. Monitoring wells MW-3, MW-4, and MW-5 shall be sampled thereafter at the frequencies and for the parameters specified in Attachment C. All mapping, well construction forms, well abandonment forms, and monitoring data shall refer to the permit number and the well nomenclature as provided in Attachment C and Figure 1. [15A NCAC 02T .0105(m)]
12. Monitoring wells MW-1 and MW-2 shall be sampled at the frequencies and for the parameters specified in Attachment C. All mapping, well construction forms, well abandonment forms and monitoring data shall refer to the permit number and the well nomenclature as provided in Attachment C and Figure 1. [15A NCAC 02T .0105(m)]
13. For initial sampling of monitoring wells MW-3, MW-4, and MW-5, the Permittee shall submit a Compliance Monitoring Form (GW-59) and a Well Construction Record Form (GW-1) listing this permit number and the appropriate monitoring well identification number. Initial Compliance Monitoring Forms (GW-59) without copies of the Well Construction Record Forms (GW-1) are deemed incomplete, and may be returned to the Permittee without being processed. [15A NCAC 02T .0105(m)]
14. Two copies of the monitoring well sampling and analysis results shall be submitted on a Compliance Monitoring Form (GW-59), along with attached copies of laboratory analyses, on or before the last working day of the month following the sampling month. The Compliance Monitoring Form (GW-59) shall include this permit number, the appropriate well identification number, and one GW-59a certification form shall be submitted with each set of sampling results. All information shall be submitted to the following address:

Division of Water Resources  
Information Processing Unit  
1617 Mail Service Center  
Raleigh, North Carolina 27699-1617

[15A NCAC 02T .0105(m)]

### 15. **Noncompliance Notification:**

The Permittee shall report to the Washington Regional Office, telephone number 252) 946-6481, within 24 hours of first knowledge of the following:

- a. Treatment of wastes abnormal in quantity or characteristic, including the known passage of a hazardous substance.
- b. Any process unit failure (e.g., mechanical, electrical, etc.) rendering the facility incapable of adequate wastewater treatment.
- c. Any failure resulting in a discharge untreated or partially treated wastewater to surface waters.
- d. Any failure resulting in a discharge of reclaimed water directly to surface waters or any unpermitted release of reclaimed water to land surface greater than or equal to 5,000 gallons. Unpermitted releases less than 5,000 gallons to land surface shall be documented by the Permittee in accordance with Condition IV.10.g. but do not require Regional Office notification.
- e. Any time self-monitoring indicates the facility has gone out of compliance with its permit limitations.
- f. Ponding in or runoff from the irrigation sites.

Emergencies requiring reporting outside normal business hours shall call the Division's Emergency Response personnel at telephone number (800) 662-7956, (800) 858-0368, or (919) 733-3300. All noncompliance notifications shall file a written report to the Washington Regional Office within five days of first knowledge of the occurrence, and this report shall outline the actions proposed or taken to ensure the problem does not recur. [15A NCAC 02T .0108(b)(1)(A)]

## V. **INSPECTIONS**

1. The Permittee shall perform inspections and maintenance to ensure proper operation of the reclaimed water generation, utilization, and high-rate infiltration facilities. [15A NCAC 02T .0707(j), 02U .0801(i)]
2. The Permittee shall inspect the reclaimed water generation, utilization, and high-rate infiltration facilities to prevent malfunctions, facility deterioration, and operator errors that may result in discharges of wastes to the environment, threats to human health, or public nuisances. The Permittee shall maintain an inspection log that includes the date and time of inspection, observations made, and maintenance, repairs, or corrective actions taken. The Permittee shall maintain this inspection log for a period of five years from the date of the inspection, and this log shall be made available to the Division upon request. [15A NCAC 02T .0707(i), 02T .0707(j), 02U .0801(h), 02U .0801(i)]
3. Division authorized representatives may, upon presentation of credentials, enter and inspect any property, premises, or place related to the reclaimed water generation, utilization, and high-rate infiltration facilities permitted herein at any reasonable time for determining compliance with this permit. Division authorized representatives may inspect or copy records maintained under the terms and conditions of this permit, and may collect groundwater, surface water, or leachate samples. [G.S. 143-215.3(a)(2)]

## VI. GENERAL CONDITIONS

1. Failure to comply with the conditions and limitations contained herein may subject the Permittee to a Division enforcement action. [G.S. 143-215.6A, 143-215.6B, 143-215.6C]
2. This permit is effective only with respect to the nature and volume of wastes described in the permit application, and Division-approved plans and specifications. [G.S. 143-215.1(d)]
3. Unless specifically requested and approved in this permit, there are no variances to administrative codes or general statutes governing the construction or operation of the facilities permitted herein. [15A NCAC 02T .0105(n)]
4. The issuance of this permit does not exempt the Permittee from complying with all statutes, rules, regulations, or ordinances that other jurisdictional government agencies (e.g., local, state, and federal) may require. [15A NCAC 02T .0105(c)(6)]
5. If the permitted facilities change ownership, or the Permittee changes their name, the Permittee shall submit a permit modification request on Division-approved forms. The Permittee shall comply with all terms and conditions of this permit until the permit is transferred to the successor-owner. [G.S. 143-215.1(d3)]
6. The Permittee shall retain a set of Division-approved plans and specifications for the life of the facilities permitted herein. [15A NCAC 02T .0105(o)]
7. The Permittee shall maintain this permit until the proper closure of all facilities permitted herein, or until the facilities permitted herein are permitted by another authority. [15A NCAC 02T .0105(j)]
8. This permit is subject to revocation or modification upon 60-day notice from the Division Director, in whole or part for:
  - a. violation of any terms or conditions of this permit or Administrative Code Title 15A Subchapter 02U;
  - b. obtaining a permit by misrepresentation or failure to disclose all relevant facts;
  - c. the Permittee's refusal to allow authorized Department employees upon presentation of credentials:
    - i. to enter the Permittee's premises where a system is located or where any records are required to be kept;
    - ii. to have access to any permit required documents and records;
    - iii. to inspect any monitoring equipment or method as required in this permit; or
    - iv. to sample any pollutants;
  - d. the Permittee's failure to pay the annual fee for administering and compliance monitoring; or
  - e. a Division determination that the conditions of this permit are in conflict with North Carolina Administrative Code or General Statutes.

[15A NCAC 02T .0110]

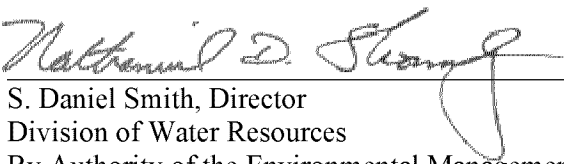
- 9. Unless the Division Director grants a variance, expansion of the facilities permitted herein shall not occur if any of the following apply:
  - a. The Permittee or any parent, subsidiary, or other affiliate of the Permittee has been convicted of environmental crimes under G.S. 143-215.6B, or under Federal law that would otherwise be prosecuted under G.S. 143-215.6B, and all appeals of this conviction have been abandoned or exhausted.
  - b. The Permittee or any parent, subsidiary, or other affiliate of the Permittee has previously abandoned a wastewater treatment facility without properly closing the facility.
  - c. The Permittee or any parent, subsidiary, or other affiliate of the Permittee has not paid a civil penalty, and all appeals of this penalty have been abandoned or exhausted.
  - d. The Permittee or any parent, subsidiary, or other affiliate of the Permittee is currently not compliant with any compliance schedule in a permit, settlement agreement, or order.
  - e. The Permittee or any parent, subsidiary, or other affiliate of the Permittee has not paid an annual fee.

[15A NCAC 02T .0120(b), 02T .0120(d)]

- 10. This permit shall not be renewed if the Permittee or any affiliation has not paid the required annual fee.  
[15A NCAC 02T .0120(c)]

Permit issued this the 4<sup>th</sup> day of August 2021

NORTH CAROLINA ENVIRONMENTAL MANAGEMENT COMMISSION

  
S. Daniel Smith, Director  
Division of Water Resources  
By Authority of the Environmental Management Commission

**Permit Number WQ0014306**

Permit No. WQ0014306

Reclaimed Water Generation, Dedicated Utilization, and High-Rate

Infiltration System

Sandler Utilities at Mill Run, L.L.C.

August 4, 2021

Eagle Creek WWTP

Currituck County

**ENGINEERING CERTIFICATION**

Partial     Final

I, \_\_\_\_\_, as a duly licensed North Carolina Professional Engineer, having  periodically /  fully observed the construction of the permitted facilities, do hereby state to the best of my abilities that the facility was constructed in compliance with G.S. 143-215.1, Administrative Code Title 15A Subchapter 02U, this permit, and the Division-approved plans and specifications.

Documentation of any variation to this permit, and the Division-approved plans and specifications, is in the attached as-built drawings.

Description of variations: \_\_\_\_\_

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

Professional Engineer's Name		
Firm Name		Firm No.
Address		
City	State	Zip Code
Telephone	Email	Seal, Signature, and Date

**THE COMPLETED ENGINEERING CERTIFICATION, INCLUDING ALL SUPPORTING DOCUMENTATION, SHALL BE SENT TO THE FOLLOWING ADDRESS:**

**NORTH CAROLINA DEPARTMENT OF ENVIRONMENTAL QUALITY  
DIVISION OF WATER RESOURCES  
NON-DISCHARGE BRANCH**

By U.S. Postal Service  
1617 MAIL SERVICE CENTER  
RALEIGH, NORTH CAROLINA 27699-1617

By Courier/Special Delivery  
512 N. SALISBURY ST.  
RALEIGH, NORTH CAROLINA 27604

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PPI 001 – Reclaimed Water Generation System Effluent <sup>1</sup>

EFFLUENT CHARACTERISTICS		EFFLUENT LIMITS					MONITORING REQUIREMENTS	
PCS Code	Parameter Description	Units of Measure	Monthly Average	Monthly Geometric Mean	Daily Minimum	Daily Maximum	Measurement Frequency	Sample Type
00310	BOD, 5-Day (20 °C)	mg/L	10			15	2 x Month	Composite
00680	Carbon, Total Organic (TOC)	mg/L					3 x Year <sup>2</sup>	Composite
00940	Chloride (as Cl)	mg/L					3 x Year <sup>2</sup>	Composite
31616	Coliform, Fecal MF, M-FC Broth, 44.5 °C	#/100 mL		14		25	2 x Month	Grab
50050	Flow, in Conduit or thru Treatment Plant	GPD	175,000				Continuous	Recorder
00610	Nitrogen, Ammonia Total (as N)	mg/L	4			6	2 x Month	Composite
00625	Nitrogen, Kjeldahl, Total (as N)	mg/L					2 x Month	Composite
00620	Nitrogen, Nitrate Total (as N)	mg/L					2 x Month	Composite
00600	Nitrogen, Total (as N)	mg/L					2 x Month	Composite
00400	pH	su					5 x Week	Grab
00665	Phosphorus, Total (as P)	mg/L					2 x Month	Composite
70300	Solids, Total Dissolved – 180 °C	mg/L					3 x Year <sup>2</sup>	Composite
00530	Solids, Total Suspended	mg/L	5			10	2 x Month	Composite
00076	Turbidity, HCH Turbidimeter	NTU				10	Continuous	Recorder

1. Reported data for PPI 001 and PPI 002 may be obtained from the same sampling location prior to flow diversion to the reclaimed water system or the high-rate infiltration system.

2. 3 x Year sampling shall be conducted in March, July, and November.

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PPI 002 – Effluent to the High-Rate Infiltration Basin <sup>1</sup>

EFFLUENT CHARACTERISTICS		EFFLUENT LIMITS					MONITORING REQUIREMENTS	
PCS Code	Parameter Description	Units of Measure	Monthly Average	Monthly Geometric Mean	Daily Minimum	Daily Maximum	Measurement Frequency	Sample Type
00310	BOD, 5-Day (20 °C)	mg/L	15				Monthly	Composite
00680	Carbon, Total Organic (TOC)	mg/L					3 x Year <sup>2</sup>	Composite
00940	Chloride (as Cl)	mg/L					3 x Year <sup>2</sup>	Composite
31616	Coliform, Fecal MF, M-FC Broth, 44.5 °C	#/100 mL		200			Monthly	Grab
50050	Flow, in Conduit or thru Treatment Plant	GPD	90,000				Continuous	Recorder
00610	Nitrogen, Ammonia Total (as N)	mg/L	4				Monthly	Composite
00625	Nitrogen, Kjeldahl, Total (as N)	mg/L					Monthly	Composite
00620	Nitrogen, Nitrate Total (as N)	mg/L					Monthly	Composite
00600	Nitrogen, Total (as N)	mg/L					Monthly	Composite
00400	pH	su					5 x Week	Grab
00665	Phosphorus, Total (as P)	mg/L					Monthly	Composite
70300	Solids, Total Dissolved – 180 °C	mg/L					3 x Year <sup>2</sup>	Composite
00530	Solids, Total Suspended	mg/L	30				Monthly	Composite

1. Reported data for PPI 001 and PPI 002 may be obtained from the same sampling location prior to flow diversion to the reclaimed water system or the high-rate infiltration system.
2. 3 x Year sampling shall be conducted in March, July, and November.

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Sandler Utilities at Mill Run, L.L.C. – Eagle Creek WWTP

IRRIGATION AREA INFORMATION							APPLICATION LIMITATIONS			
Field	Owner	County	Latitude	Longitude	Net Acreage	Dominant Soil Series	Parameter	Hourly Rate	Yearly Max	Units
Driving Range	Paasch Developments, LLC	Currituck	36.492533°	-76.166456°	12.00	Cape Fear Loam	01284 – Non-Discharge Application Rate	0.1	31.2	inches
Fairways	Paasch Developments, LLC	Currituck	36.493915°	-76.169478°	65.00	Cape Fear Loam	01284 – Non-Discharge Application Rate	0.1	31.2	inches
Greens	Paasch Developments, LLC	Currituck	36.491936°	-76.166941°	21.00	Cape Fear Loam	01284 – Non-Discharge Application Rate	0.1	31.2	inches
Tees	Paasch Developments, LLC	Currituck	36.493959°	-76.167550°	14.25	Cape Fear Loam	01284 – Non-Discharge Application Rate	0.1	31.2	inches
<b>Totals</b>					<b>112.25</b>					

- Irrigation of reclaimed water onto the golf course sites has been granted in the utility easement recorded in the Currituck County Register of Deeds (DB: 1640 / PGS: 776-808) and assigned to Sandler Utilities at Mill Run, LLC in the assignment agreement recorded in the Currituck County Register of Deeds (DB: 1642 / PGS: 54-75).

INFILTRATION AREA INFORMATION							APPLICATION LIMITATIONS		
Field	Owner	County	Latitude	Longitude	Net Acreage	Dominant Soil Series	Parameter	Hourly Rate Yearly Max	Units
1	Sandler Utilities at Mill Run, L.L.C.	Currituck	36.488906°	-76.168937°	4.00		01284 – Non-Discharge Application Rate	90,000	GPD

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Monitoring Wells: MW-1, MW-2, MW-3, MW-4, and MW-5

GROUNDWATER CHARACTERISTICS		GROUNDWATER STANDARDS		MONITORING REQUIREMENTS		
PCS Code	Parameter Description	Daily Maximum		Frequency Measurement	Sample Type	Footnotes
00680	Carbon, Tot Organic (TOC)		mg/L	3 x Year	Grab	1, 4
00940	Chloride (as Cl)	250	mg/L	3 x Year	Grab	1
31616	Coliform, Fecal MF, M-FC Broth, 44.5 °C		#/100 mL	3 x Year	Grab	1
00610	Nitrogen, Ammonia Total (as N)	1.5	mg/L	3 x Year	Grab	1
00620	Nitrogen, Nitrate Total (as N)	10	mg/L	3 x Year	Grab	1
00400	pH	6.5-8.5	su	3 x Year	Grab	1, 2
00665	Phosphorus, Total (as P)		mg/L	3 x Year	Grab	1
70300	Solids, Total Dissolved - 180 °C	500	mg/L	3 x Year	Grab	1
82546	Water Level, Distance from measuring point		feet	3 x Year	Calculated	1, 2, 3




1. 3 x Year monitoring shall be conducted in March, July, and November; Annual monitoring shall be conducted in November.
2. The measurement of water levels shall be made prior to purging the wells. The depth to water in each well shall be measured from the surveyed point on the top of the casing. The measurement of pH shall be made after purging and prior to sampling for the remaining parameters.
3. The measuring points (top of well casing) of all monitoring wells shall be surveyed to provide the relative elevation of the measuring point for each monitoring well. The measuring points (top of casing) of all monitoring wells shall be surveyed relative to a common datum.
4. If TOC concentrations greater than 10 mg/L are detected in any downgradient monitoring well, additional sampling and analysis shall be conducted to identify the individual constituents comprising this TOC concentration. If the TOC concentration as measured in the background monitor well exceeds 10 mg/L, this concentration will be taken to represent the naturally occurring TOC concentration. Any exceedances of this naturally occurring TOC concentration in the downgradient wells shall be subject to the additional sampling and analysis as described above.
5. Monitoring wells shall be reported consistent with the nomenclature and location information provided in Figure 1 and this attachment.

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# Figure 1

Eagle Creek WWTP Monitoring Well Map

**Legend**

-  Monitoring Wells
-  Open Atmosphere Structures
-  Wastewater Treatment Plant



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State of North Carolina  
Department of Environmental Quality  
Division of Water Resources

NON-DISCHARGE WASTEWATER SYSTEM WAIVER

AGREEMENT TO WAIVE SETBACKS AS REQUIRED BY  
15A NCAC 02T .0506(a), .0506(b), .0606(a), AND .0706(a)

I, Raymond Gottlieb (printed name), certify that I am a deeded owner or an authorized agent of the property located at:

Address: 285 Green View Road Parcel No.: 8030-19-9824

City: Moyock State: NC Zip Code: 27958 County: Currituck

Furthermore, I certify that I am authorized to make decisions regarding this property, and that I do hereby agree that the setback distances cited below be granted to the Applicant/Permittee listed on the following page.

I understand the setback requirements set forth in 15A NCAC 02T. For the parcel identified above, I consent to the following reduced setbacks:

**Wastewater Irrigation/Infiltration Setback to Property Lines**  
The required setback of \_\_\_ feet is reduced to \_\_\_ feet, thereby allowing wastewater effluent irrigation or infiltration no closer than \_\_\_ feet from my property line.

**Wastewater Irrigation/Infiltration Setback to Places of Assembly**  
The required setback of \_\_\_ feet is reduced to \_\_\_ feet, thereby allowing wastewater effluent irrigation or infiltration no closer than \_\_\_ feet from my residence(s) or place(s) of assembly.

**Wastewater Treatment and Storage Unit Setback to Property Lines**  
The required setback of 50 feet is reduced to 0 feet, thereby allowing the construction of wastewater treatment and storage units no closer than 0 feet from my property line.

**Wastewater Treatment and Storage Unit Setback to Places of Assembly**  
The required setback of \_\_\_ feet is reduced to \_\_\_ feet, thereby allowing the construction of wastewater treatment and storage units no closer than \_\_\_ feet from my residence or place of assembly.

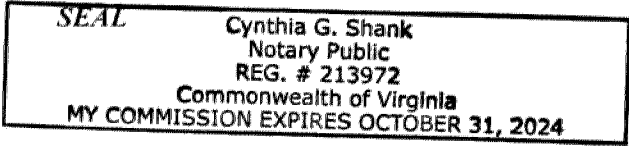
Signature: [Signature] Date: 2/26/2021

Applicant/Permittee: Sandler Utilities at Mill Run, LLC Permit No.: WQ0014306  
 Address: 448 Viking Drive, Suite 220 Parcel No.: 8030-19-6072  
 City: Virginia Beach State: VA Zip Code: 23452 County: N/A

**COMMONWEALTH OF VIRGINIA, CITY OF VIRGINIA BEACH**

I, Cynthia G. Shank, a Notary Public for City of Virginia Beach, Virginia, do hereby  
 certify that Raymond Gottlieb personally appeared before me this day and  
 acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the 26 day of February, 2021.



Cynthia G. Shank

Signature of Notary Public

My commission expires 10/31/2024

Once notarized, this form shall be recorded at the Register of Deeds in the county or counties in which the described properties are located. A copy of the recorded waiver shall be sent to the following address:

Division of Water Resources  
 Non-Discharge Branch  
 1617 Mail Service Center  
 Raleigh, North Carolina 27699-1617



**State of North Carolina  
 Department of Environmental Quality  
 Division of Water Resources  
 NON-DISCHARGE WASTEWATER SYSTEM WAIVER**

**AGREEMENT TO WAIVE SETBACKS AS REQUIRED BY  
 15A NCAC 02T .0506(a), .0506(b), .0606(a), .0706(a) AND .1006(a)**

I, Paasch Development, LLC (printed name), certify that I am a deeded owner or an authorized agent of the property located at:


Address: 109 Greenview Rd. Parcel No.: 0016000001A0000

City: Moyock State: NC Zip Code: 27958 County: Currituck

Furthermore, I certify that I am authorized to make decisions regarding this property, and that I do hereby agree that the setback distances cited below be granted to the Applicant/Permittee listed on the following page.

**I understand the setback requirements set forth in 15A NCAC 02T. For the parcel identified above, I consent to the following reduced setbacks:**

- Wastewater Irrigation/Infiltration Setback to Property Lines**  
 The required setback of \_\_\_ feet is reduced to \_\_\_ feet, thereby allowing wastewater effluent irrigation or infiltration no closer than \_\_\_ feet from my property line.
- Wastewater Irrigation/Infiltration Setback to Places of Assembly**  
 The required setback of \_\_\_ feet is reduced to \_\_\_ feet, thereby allowing wastewater effluent irrigation or infiltration no closer than \_\_\_ feet from my residence(s) or place(s) of assembly.
- Wastewater Treatment and Storage Unit Setback to Property Lines**  
 The required setback of 50 feet is reduced to 0 feet, thereby allowing the construction of wastewater treatment and storage units no closer than 0 feet from my property line.
- Wastewater Treatment and Storage Unit Setback to Places of Assembly**  
 The required setback of \_\_\_ feet is reduced to \_\_\_ feet, thereby allowing the construction of wastewater treatment and storage units no closer than \_\_\_ feet from my residence or place of assembly.

Signature:  Date: 7-22-2021

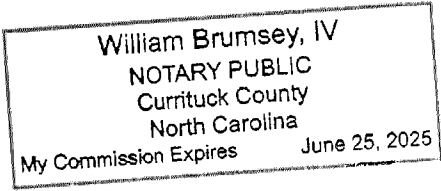
Applicant/Permittee: Sanlder at Mill Run, LLC Permit No.: WQ0014306  
 Address: 287 Greenview Rd Parcel No.: 0016000001A0000  
 City: Moyock State: NC Zip Code: 27958 County: Currituck

NORTH CAROLINA, Currituck COUNTY

I, William Brumsey, IV a Notary Public for Currituck County, North Carolina,  
 do hereby certify that Tim Paasch personally appeared before me this day  
 and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the 22 day of July, 2021.

SEAL



[Signature]  
 Signature of Notary Public  
 My commission expires 6/25/2025

Once notarized, this form shall be recorded at the Register of Deeds in the county or counties in which the described properties are located. A copy of the recorded waiver shall be sent to the following address:

Division of Water Resources  
 Non-Discharge Branch  
 1617 Mail Service Center  
 Raleigh, North Carolina 27699-1617





MAY AND TANKARD EXHIBIT 3

Michael F. Easley, Governor *WaRO*

William G. Ross Jr., Secretary  
North Carolina Department of Environment and Natural Resources

Alan W. Klimek, P.E. Director  
Division of Water Quality

June 9, 2006

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**  
7006 0100 0000 8384 3763

Mr. Raymond Gottlieb, Manager  
Sandler Utilities at Mill Run LLC  
448 Viking Dr Ste 220  
Virginia Beach, VA 23452

Subject: **NOTICE OF Violation**  
**NOV-2006-PC-0222**  
Permit No. WQCS00290  
Eagle Creek Subdivision's Wastewater Collection System  
Currituck County

Dear Mr. Gottlieb:

The purpose of this letter is to notify you that you are in violation of the Compliance Schedule as set forth in Permit No. WQCS00290.

Condition I(7) The Permittee shall maintain a contingency plan for pump failure at each pump station.

**The Permittee shall develop and present a contingency plan meeting this permit condition for adoption within six months of permit issuance. A copy of the Contingency Plan shall be provided to the Washington Regional Office, Surface Water Protection Section to show compliance with this condition.**

As of this writing there has been no notification to The Washington Regional Office, Surface Water Protection Section that this Compliance schedule has been met.

To prevent further action, carefully review this noncompliance and respond in writing to this office within 30 days of receipt of this letter as to the status of compliance.

If you should have any questions, please do not hesitate to contact J. Wayne Bryant, Environmental Specialist II or me at 252-946-6481.

Sincerely,

Al Hodge, Regional Supervisor  
Surface Water Protection Section  
Washington Region  
Division of Water Quality

Cc: WQ Central Files  
Daryl Merritt, Collection System & Pretreatment Program  
✓ WaRO Enforcement Files

OFFICIAL COPY

Mar 02 2022



North Carolina Division of Water Quality  
Internet: h2o.enr.state.nc.us

Washington Regional Office  
943 Washington Square Mall, Washington, NC 27889

Phone (252) 946-6481  
FAX (252) 946-9215

Customer Service  
1-877-623-6748

**Certified Mail Provides:**

- A mailing receipt
- A unique identifier for your mailpiece
- A record of delivery kept by the Postal Service for two years

**Important Reminders:**

- Certified Mail may ONLY be combined with First-Class Mail® or Priority Mail®
- NO INSURANCE COVERAGE IS PROVIDED with Certified Mail. For valuables, please consider Insured or Registered Mail.
- For an additional fee, a Return Receipt may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mailpiece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS® postmark on your Certified Mail receipt is required.
- For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "Restricted Delivery".
- If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.

**IMPORTANT: Save this receipt and present it when making an inquiry.**  
Internet access to delivery information is not available on mail addressed to APOs and FPOs.

**COMPLETE THIS SECTION**

1. Article Addressed to:

MR RAYMOND GOTTLIEB, MANAGER  
SANDLER UTILITIES @ MILL RUN LLC  
448 VIKING DR, SUITE 220  
VIRGINIA BEACH VA 23452

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature **X K Kroll**

B. Received by (Printed Name) **K Kroll**

C. Date of Delivery **6.14**

D. Is delivery address different from item 1?  Yes  No  
If YES, enter delivery address below:

3. Service Type

Certified Mail  Express Mail

Registered  Return Receipt for Merchandise

Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes  No

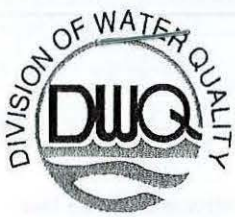
2. Article (Transit) **7006 0100 0000 6384 3763**

**MAR 02 2022**

PS Form 3811, February 2004

**OFFICIAL COPY**

102595-02-M-1541



Michael F. Easley, Governor

William G. Ross Jr., Secretary  
North Carolina Department of Environment and Natural Resources

Coleen H. Sullins, Director  
Division of Water Quality  
Chuck Wakild, P.E., Deputy Director  
Division of Water Quality

*In Bems 10-24-07*

October 17, 2007

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**  
**7007 0220 0003 1483 6313**

Raymond Gottlieb  
Sandler Utilities at Mill Run LLC  
448 Viking Dr Ste 220  
Virginia Beach VA 23452

Subject: **NOTICE OF VIOLATION**  
**NOV-2007-OV-0006**  
Permit No. WQCS00290  
Eagle Creek Subdivision Collection System  
Currituck County

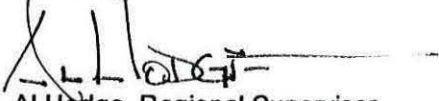
Dear Mr. Gottlieb:

Your Wastewater Treatment Collection System was classified as a CS-1 on August 24, 2005. Your permit WQCS00290 states under Part II (1.) "Upon classification of the collection system by the Water Pollution Control System Operators Certification Commission (WPCSOCC), the Permittee shall designate and employ a certified operator to be in responsible charge (ORC) and one or more certified operator(s) to be back-up ORC(s) of the facilities in accordance with 15A NCAC 8G .0201." The Water Pollution Control System Operator Rules state under NCAC 08G.0201 that "Owners of classified water pollution control systems must designate operators, certified by the Water Pollution Control System Operators Certification Commission (WPCSOCC), of the appropriate type and grade for the system ". N.C.G.S. 90A-44 states that " No person, firm, or corporation, municipal or private, owning or having control of a water pollution control system for which a certified operator is required under rules adopted by the Commission shall allow such system to be operated by any person who does not hold a currently valid certification in an appropriate grade and type issued by the Commission. No person shall perform the duties of a water pollution control system operator in responsible charge without being duly certified under the provisions of this Article. No person shall perform the duties of a water pollution control system operator who has not paid all fees required under this Article." These designations must be made within 120 calendar days following receiving notification of a change in the classification of the system or a vacancy in the position of Operator in Responsible Charge (ORC) or Back-up ORC. Our records indicate that your collection system does not have the proper designation/s.

<b>Compliance Issue</b>
Failure to designate an Operator in Responsible Charge.
Failure to designate a Backup Operator in Responsible Charge.

The Division of Water Quality may pursue enforcement action for this and any additional violations of State law. To prevent further action, please fill out and return the enclosed ORC/ Back-up ORC Designation Form to the WPCSOCC address on the form and send a copy to the Washington Regional Office within 30 days of receipt of this letter. If you should have any questions, please do not hesitate to contact J. Wayne Bryant at 252-948-3968.

Sincerely,



Al Hodge, Regional Supervisor  
Surface Water Protection Section  
Washington Regional Office  
Division of Water Quality

Enclosure

Cc: WQ Central Files  
PERC Unit  
TAC Unit  
WaRO Enforcement Files

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits. *NOV/WB*

1. Article Addressed to:

**RAYMOND GOTTLIEB  
SANDLER UTILITIES MILL RUN  
448 VIKING DR SUITE 220  
VIRGINIA BEACH VA 23452**

2. Article Number  
(Transfer from service label)

7007 0220 0003 1483 6313

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature *K. W. J. O. L.* **OCT 2007 PM 1 L**  
 Agent  Addressee  
 Received by (Printed Name) C. Date of Delivery *10-1-07*

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

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Mar 02 2022





WaRO

North Carolina Department of Environment and Natural Resources  
Division of Water Quality

Beverly Eaves Perdue  
Governor

Coleen H. Sullins  
Director

Dee Freeman  
Secretary

March 18, 2011

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

7010 0290 0001 5628 9936  
Mr. Raymond Gottlieb  
Sandler Utilities at Mill Run LLC  
448 Viking Drive Ste 220  
Virginia Beach, VA 23452

Subject: **Notice of Violation**  
NOV-2011-PC-0202  
Permit No. WQCS00290  
Eagle Creek Subdivision  
Wastewater Collections System  
Permit Condition Violations  
Currituck County

Dear Mr. Gottlieb:

The purpose of this letter is to notify you that you are in violation of the Conditions as set forth within Collections System Permit No. WQCS00290.

During an onsite compliance inspection of the Eagle Creek Subdivision's Wastewater Collection System conducted by Mr. J. Wayne Bryant of the Washington Regional Office on February 24, 2011 it was determined that the following permit conditions have not been met:

- Condition I(4) -The Permittee shall develop and implement an inspection and enforcement program for fats, oils and grease within 12 months of permit issuance. The permit was issued June 30, 2005 and to date no educational materials have been distributed and are required to be distributed annually. This educational portion of the program is to be developed and implemented within **three months**. A copy of the program material shall be provided to the Washington Regional Office to show compliance with this condition.
- Condition I(5) – The Permittee shall develop and implement a Capital Improvement Plan meeting this permit requirement condition for adoption within 12 months of a permit issuance. The permit was issued June 30, 2005 and to date no Capital Improvement Plan has been developed and implemented. The Capital Improvement Plan is to be developed and implemented within **three months**. A copy of the Capital Improvement

North Carolina Division of Water Quality  
943 Washington Square Mall  
Washington, NC 27889

Internet: [www.ncwaterquality.org](http://www.ncwaterquality.org)  
Phone: 252-946-6481  
FAX 252-946-9215

One  
North Carolina  
*Naturally*

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Mar 02 2022

Plan shall be provided to the Washington Regional Office to show compliance with this condition.

- Condition II (9) - Spill Response Action Plan: An acceptable Spill Response Action Plan is to be developed and implemented within **three months**. A copy of the Spill Response Action Plan shall be provided to the Washington Regional Office to show compliance with this condition.
- Condition IV(3) – The Permittee shall meet the annual reporting and notification requirements provided in North Carolina General Statutes 143-215.1C. There is no evidence of an annual report having been prepared and as such it is required to be developed per the North Carolina General Statutes. A copy of the Spill Response Action Plan shall be provided to the Washington Regional Office to show compliance with this condition.

A copy of the inspection report is enclosed for your records.

North Carolina General Statute 143-215.6A. Enforcement procedures: civil penalties.

- (a) A civil penalty of not more than twenty-five thousand dollars (\$25,000) may be assessed by the Secretary against any person who:
- (2) Is required but fails to apply for or to secure a permit required by G.S. 143-215.1, or who violates or fails to act in accordance with the terms, conditions, or requirements of such permit or any other permit or certification issued pursuant to authority conferred by this part, including pretreatment permits issued by local governments and laboratory certifications.

To prevent further action, carefully review this noncompliance and respond in writing to this office within **30 days** of receipt of this letter as to the status of compliance.

If you should have any questions, please do not hesitate to contact J. Wayne Bryant, Environmental Specialist or me at 252-946-6481.

Sincerely,



Al Hodge, Regional Supervisor  
Division of Water Quality  
Surface Water Section  
Washington Regional Office

cc: Mr. Bill Freed, Enviro Tech, P.O. Box 69, Harbinger, NC 27941 w/attachment  
Central Files, w/attachment  
WaRO Enforcement File, w/attachment  
PERC Unit, w/attachment

NCDENR  
Washington Regional Office  
DWQ/Surface Water Protection  
943 Washington Square Mall  
Washington, NC 27889

**CERTIFIED MAIL™**



7010 0290 0001 5628 9936

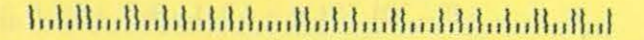


MR. RAYMOND GOTTLIEB *c/o CT Corp.*  
SANDLER UTILITIES AT MILL RUN LLC  
448 VIKING DRIVE SUITE 220  
VIRGINIA BEACH

\*X 235 NSE 1 2101 73 03/21/11  
FORWARD TIME EXP RTN TO SEND  
SANDLER AT CALABASH LLC  
PO BOX 12347  
RALEIGH NC 27605-2347

RETURN TO SENDER

23452+73@7889@3532



OFFICIAL COPY

Mar 02 2022





North Carolina Department of Environment and Natural Resources  
Division of Water Quality

Beverly Eaves Perdue  
Governor

Coleen H. Sullins  
Director

Dee Freeman  
Secretary

Aquifer Protection Section

July 7, 2010

CERTIFIED MAIL ~~7009 2250 0000 9252 3285~~ 7009 2250 0000 9252 4412  
RETURN RECEIPT REQUESTED (SECOND ATTEMPT)

Mr. Nathan D. Benson, Manager  
Sandler Utilities at Mill Run, LLC  
448 Viking Drive Suite 220  
Virginia Beach, Virginia 23452

Subject: **Notice of Violation (NOV-2010-PC-0834/ Notice of Intent to Enforce**  
Eagle Creek Wastewater Treatment Plant  
Permit No. WQ0014306  
Currituck County

Dear Mr. Benson:

Permit No. WQ0014306 was issued by the Division on November 13, 2009 for the operation of the wastewater treatment and disposal system serving the above referenced facility. During an inspection on June 23, 2010, effluent from the wastewater treatment system was found to be discharging to the irrigation pond. Water from the irrigation pond is subsequently irrigated on the golf course. A review of the permit and a compliance inspection on June 23, 2010 of the facility showed the following violation:

**Violation 1:** Failure to install instrumentation (recorders, flow meters, etc.) to accurately measure and record wastewater disposed on the four different zones (fairways, greens, tees, and driving range). The data produced from instrumentation shall include date and time of irrigation of each zone, volume of wastewater irrigated, zone irrigated, length of irrigation, and cumulative loadings. In accordance with Permit No. WQ0014306, Condition I. 1., the instrumentation was supposed to be installed within ninety days of permit issuance (February 11, 2010).

**Corrective Action for Violation 1:** Provide and maintain instrumentation.

**Violation 2:** Failure to install a weather station such that irrigation will shut off automatically during inclement weather within ninety days of permit issuance (February 11, 2010) if the irrigation is performed automatically or by a timing device in accordance with Permit No. WQ0014306, Condition I.

**Corrective Action for Violation 2:** Provide and maintain weather station.

**Violation 3:** Failure to maintain and operate the wastewater treatment plant at all times in accordance with Permit No. WQ0014306, Condition III. 1. The facility's valves which determine whether the treated wastewater would go to the irrigation pond or to the infiltration pond was connected to the control panel backwards. The valves were wired such that wastewater that did not meet reclaimed water standards would go to the irrigation pond for use in irrigation of the golf course.

**Corrective Action for Violation 3:** Correct valve operation such that when water quality does not meet reclaimed standards then wastewater will flow to the infiltration pond.

**Violation 4:** Failure to provide signage describing the activities associated with the facility including signs every 100 feet showing the activities being conducted, a sign at the golf course club house (posted in plain sight) describing the activities and signage shall be provided around the perimeter of the golf course to notify the residents that reclaimed water is used to irrigate the golf course in accordance with Permit No. WQ0014306, Condition III. 8. No signs were visible during the inspection.

**Corrective Action for Violation 4:** Provide and maintain signage in the appropriate areas.

**Violation 5:** Failure to maintain vegetative growth around the perimeter of the irrigation and infiltration ponds. In accordance with Permit No. WQ0014306, Condition III. 16., trees, shrubs and other woody vegetation shall not be allowed to grow on the earthen basin dikes or embankments. The earthen basin embankment areas shall be kept mowed or otherwise controlled and accessible. The earthen banks had woody vegetation on them and were inaccessible.

**Corrective Action for Violation 5:** Mow the earthen basin embankment areas to make them accessible.

**Violation 6:** In accordance with Permit No. WQ0014306, Condition III. 17., the wastewater that does not meet fecal Coliform or turbidity limits shall be diverted to the infiltration pond. The way the valves were wired, the wastewater would be allowed to go to the irrigation pond instead of going to the infiltration pond.

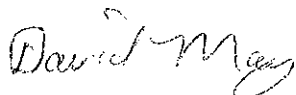
**Corrective Action for Violation 6:** Correct valve operation such that when water quality does not meet reclaimed standards then wastewater will flow to the infiltration pond.

Sandler Utilities and Mill Run, LLC remains responsible for ensuring all permit conditions are satisfied. Please note, due to co-mingling of effluent with groundwater and surface water, water in the irrigation pond is considered reclaimed treated wastewater. As such, correction action for violations 1, 2, and 4 must be completed even if flow to the irrigation pond is restricted.

You are advised that "a civil penalty, in accordance with the maximums established by N.C.G.S. 143-215.6(a)(2), may be assessed against a person who is required but fails to apply for or to secure a permit required by G.S. 143-215.1, or who violates or fails to act in accordance with the terms, conditions, or requirements of such permit." NCGS 143-215.6 further provides that "if any action or failure to act is continuous, the Commission may assess a penalty for as long as the violation continues."

Please provide a response within 15 days that includes how you prepare to resolve these issues or have resolved these issues. Your response will be reviewed and if an enforcement action is still deemed appropriate then you will be notified of the action. Additionally, please note that condition I. Schedules 2. Require a new agreement between the Permittee and Mill Run Golf Course prior to adding any wastewater flow from other sources to the facility. It is this office's understanding that a new agreement has not been reached. As such, the facility is unable to receive flow from other sources. If you have any questions regarding this Notice or need additional information, you may contact Robert Tankard with this office at (252) 948-3921.

Sincerely,



David L. May  
Aquifer Protection Regional Supervisor  
Washington Regional Office

Cc: WaRO File  
APS LAPCU  
Bill Freed, Envirotech Inc.  
Buddy Lawrence, Mill Run Golf Course

# Compliance Inspection Report

Permit: WQ0014306      Effective: 11/13/09      Expiration: 09/30/14      Owner: Sandler Utilities at Mill Run LLC  
SOC:      Effective:      Expiration:      Facility: Eagle Creek  
County: Currituck      289 Saint Andrews Rd  
Region: Washington      Moyock NC 27958

Contact Person: William Galen Freed      Title:      Phone: 252-491-5277

### Directions to Facility:

Beginning at the intersection of Hwy 168 and NCSR 1215 (Survey Rd) 2 miles south of the Moyock on the Currituck County Mainland, proceed to the terminus of 1215 (1215 will change to Eagle Creek Rd). At the terminus, turn left onto Greenview Rd. At the t

System Classifications: SI, WW2

Primary ORC: William Galen Freed      Certification: 14856      Phone: 252-491-5277  
Secondary ORC(s):

On-Site Representative(s):

Related Permits:

Inspection Date: 06/23/2010      Entry Time: 10:30 AM      Exit Time: 12:30 PM

Primary Inspector: Robert B Tankard      Phone: 252-946-6481  
Secondary Inspector(s):      Ext.233

David L May      Phone: 252-946-6481 Ext.357

Reason for Inspection: Routine      Inspection Type: Compliance Evaluation

Permit Inspection Type: Reuse

Facility Status:  Compliant       Not Compliant

### Question Areas:

- |   |   |   |  |
|---|---|---|--|
| <input checked="" type="checkbox"/> Treatment Flow Measurement-Effluent | <input checked="" type="checkbox"/> Treatment Flow Measurement-Influent | <input checked="" type="checkbox"/> Miscellaneous Questions | <input checked="" type="checkbox"/> Treatment Flow Measurement-Water Use Records |
| <input checked="" type="checkbox"/> Treatment                           | <input checked="" type="checkbox"/> Treatment Barscreen                 | <input checked="" type="checkbox"/> Treatment Filters       | <input checked="" type="checkbox"/> Record Keeping                               |
| <input checked="" type="checkbox"/> Treatment Activated Sludge          | <input checked="" type="checkbox"/> Treatment Sludge Storage/Treatment  | <input checked="" type="checkbox"/> Treatment Clarifiers    | <input checked="" type="checkbox"/> Treatment Disinfection                       |
| <input checked="" type="checkbox"/> End Use-Infiltration                | <input checked="" type="checkbox"/> Treatment Flow Measurement          | <input checked="" type="checkbox"/> Treatment Return pumps  | <input checked="" type="checkbox"/> End Use-Reuse                                |
| <input checked="" type="checkbox"/> Standby Power                       |   |   |  |

(See attachment summary)



**Inspection Summary:**

The facility was inspected on June 23. The treatment plant was well maintained and appeared to be properly operated. After the treatment plant inspection, an inspection of the irrigation facility was performed. Records showed that the treated wastewater was going to the infiltration pond and the operator confirmed this. However, the golf course owner had documentation that the treated wastewater was going to the irrigation pond. The golf course owner advised DWQ that the golf course had no signage notifying the public that reclaimed water was being used at the golf course, no weather station had been installed and that the irrigation instrumentation could not document the irrigation times for the individual fields. After the inspection of the spray field, DWQ staff went back to the treatment facility to discuss the discharging of treated wastewater to the irrigation pond when it was being reported discharging to the infiltration pond. Mr. Bill Freed investigated the valve box and found that the air lines had been switched and flows were going opposite where he thought flows were going to. DWQ staff confirmed that the flow was going to the irrigation pond and asked Mr. Freed to notify DWQ when the valve system was corrected. Staff also suggested that maybe it would be wise to cap the irrigation pond line until the facility could come into compliance with the instrumentation, weather station and signage that was required for the golf course disposal site per the permit. It was also noted during the inspection that an agreement had not been agreed upon between Mill Run Golf Course and Sandler Utilities at Mill Run, LLC for the disposal of wastewater onto the golf course.

Type	Yes	No	NA	NE
Infiltration System	<input type="checkbox"/>			
Lagoon Spray, LR	<input type="checkbox"/>			
Activated Sludge Spray, LR	<input type="checkbox"/>			
Single Family Spray, LR	<input type="checkbox"/>			
Activated Sludge Spray, HR	<input type="checkbox"/>			
Activated Sludge Drip, LR	<input type="checkbox"/>			
Single Family Drip	<input type="checkbox"/>			
Recycle/Reuse	<input type="checkbox"/>			
Reuse (Quality)	<input checked="" type="checkbox"/>			

Treatment	Yes	No	NA	NE
Are Treatment facilities consistent with those outlined in the current permit?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Do all treatment units appear to be operational? (if no, note below.)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comment:

Treatment Flow Measurement-Influent	Yes	No	NA	NE
Is flowmeter calibrated annually?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Is flowmeter operating properly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Does flowmeter monitor continuously?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Does flowmeter record flow?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Does flowmeter appear to monitor accurately?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comment:

Treatment Flow Measurement-Water Use Records	Yes	No	NA	NE
Is water use metered?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Are the daily average values properly calculated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comment:

Treatment Flow Measurement-Effluent	Yes	No	NA	NE
Is flowmeter calibrated annually?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is flowmeter operating properly?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Does flowmeter monitor continuously?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Does flowmeter record flow?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Does flowmeter appear to monitor accurately?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comment:

**Standby Power**

Yes No NA NE

Is automatically activated standby power available?

Is generator tested weekly by interrupting primary power source?

Is generator operable?

Does generator have adequate fuel?

Comment:

**Treatment Barscreen**

Yes No NA NE

Is it free of excessive debris?

Is disposal of screenings in compliance?

Are the bars spaced properly?

Is the unit in good condition?

Comment:

**Treatment Activated Sludge**

Yes No NA NE

Is the aeration mechanism operable?

Is the aeration basin thoroughly mixed?

Is the aeration equipment easily accessed?

Is Dissolved Oxygen adequate?

Are Settleometer results acceptable?

Is activated sludge an acceptable color?

Comment:

**Treatment Clarifiers**

Yes No NA NE

Are the weirs level?

Are the weirs free of solids and algae?

Is the scum removal system operational?

Is the scum removal system accessible?

Is the sludge blanket at an acceptable level?

Is the effluent from the clarifier free of excessive solids?

Comment:

**Treatment Return pumps**

Yes No NA NE

Are they in place?

Are they operational?

Comment:

**Treatment Filters**

**Yes No NA NE**

Is the filter media present?

Is the filter media the correct size and type?

Is the air scour operational?

Is the scouring acceptable?

Is the clear well free of excessive solids?

Is the mud well free of excessive solids and filter media?

Does backwashing frequency appear adequate?

Comment:

**Treatment Sludge Storage/Treatment**

**Yes No NA NE**

Is the aeration operational?

Is the aeration pattern even?

If required, are Sanitary "Ts" present in tankage?

Comment:

**Treatment Disinfection**

**Yes No NA NE**

Is the system working?

Do the fecal coliform results indicate proper disinfection?

Is there adequate detention time (>=30 minutes)?

Is the system properly maintained?

If gas, does the cylinder storage appear safe?

Is the fan in the chlorine feed room and storage area operable?

Is the chlorinator accessible?

If tablets, are tablets present?

Are the tablets the proper size and type?

Is contact chamber free of sludge, solids, and growth?

If UV, are extra UV bulbs available?

If UV, is the UV intensity adequate?

# Is it a dual feed system?

- Does the Stationary Source have more than 2500 lbs of Chlorine (CAS No. 7782-50-5)?
- If yes, then is there a Risk Management Plan on site?
- If yes, then what is the EPA twelve digit ID Number? (1000-\_\_\_\_-\_\_\_\_)
- If yes, then when was the RMP last updated?

Comment:

**Record Keeping**

Yes No NA NE

- Is a copy of current permit available?
- Are monitoring reports present: NDMR?
- NDAR?
- Are flow rates less than of permitted flow?
- Are flow rates less than of permitted flow?
- Are application rates adhered to?
- Is GW monitoring being conducted, if required (GW-59s submitted)?
- Are all samples analyzed for all required parameters?
- Are there any 2L GW quality violations?
- Is GW-59A certification form completed for facility?
- Is effluent sampled for same parameters as GW?
- Do effluent concentrations exceed GW standards?
- Are annual soil reports available?
- # Are PAN records required?
- # Did last soil report indicate a need for lime?
- If so, has it been applied?
- Are operational logs present?
- Are lab sheets available for review?
- Do lab sheets support data reported on NDMR?
- Do lab sheets support data reported on GW-59s?
- Are Operational and Maintenance records present?
- Were Operational and Maintenance records complete?
- Has permittee been free of public complaints in last 12 months?
- Is a copy of the SOC readily available?

No treatment units bypassed since last inspection?

Comment: No known groundwater concerns at this time.

**End Use-Infiltration**

Yes No NA NE

# Is the application High Rate or Low Rate?

Low Rate

Are buffers maintained?

Are any supply wells within the CB?

Are any supply wells within 250' of the CB?

Is municipal water available in the area?

Are GW monitoring wells required?

Are GW monitoring wells located properly w/ respect to RB and CB?

Are GW monitoring wells properly constructed, including screened interval?

Is a usable green area maintained?

Is the disposal site acceptable?

Is the distribution equipment acceptable?

Is the disposal site free of ponding?

Is the disposal site free of breakout?

Are the disposal sites free of solids, algae, etc.?

Do the records show that the fields are properly maintained?

Are the disposal sites free of vegetation?

Do any surface water features appear to be adversely impacted by GW discharge?

No chemicals or rototiller used to eliminate vegetation, solids, algae, etc.?

Comment: Permit requires dike walls to be free of woody vegetation. The dike walls of the infiltration and irrigation ponds have not been mowed for some time.

**End Use-Reuse**

Yes No NA NE

Is the acreage in the permit being utilized?

Does the acreage specified in the permit correspond to the measured acreage at the site?

Are all essential units provided in duplicate?

Is an automatically activated standby power source available?

Is the equalization capacity adequate?

Is aerated flow equalization present?

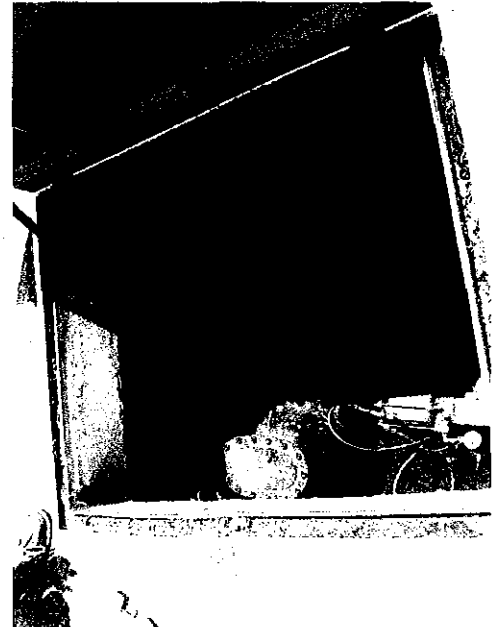
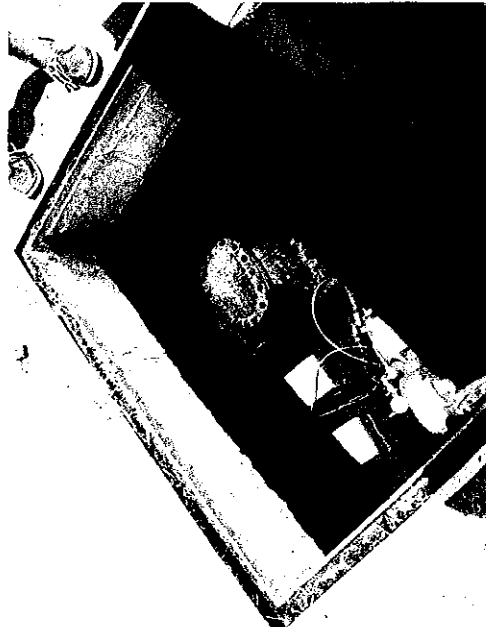
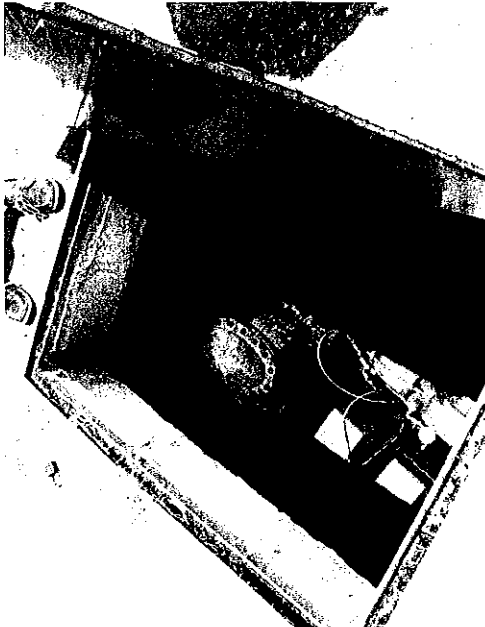
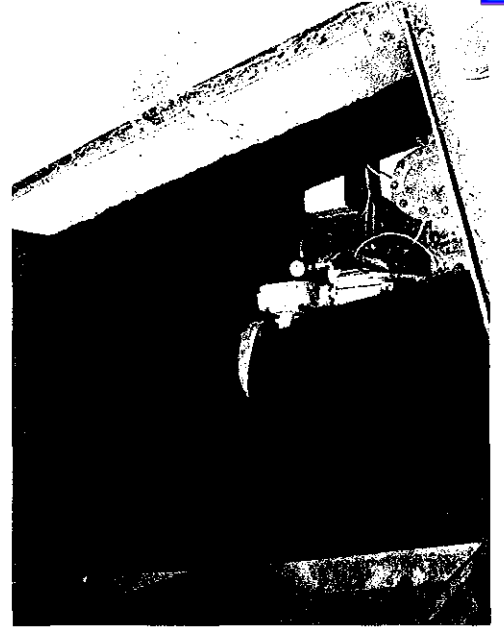
Has the turbidity meter been calibrated in the last 12 months?

Does the turbidity meter have recording capabilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is all flow diverted at the appropriate times?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is all upset wastewater diverted from reuse storage unit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is all upset wastewater treated, retreated, or disposed of acceptably?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is upset wastewater treated prior to discharge to irrigation storage?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is public access restricted from irrigation area during active site use?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If golf course, is a sign posted in plain sight on the club house?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is the cover crop acceptable?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are buffers adequate?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is the site free of ponding/runoff?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is the acreage in the permit being utilized?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is the application equipment acceptable?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is the application area free of limiting slopes?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
How close is the closest water supply well?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Are any supply wells within the CB?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are any supply wells within 250' of the CB?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is municipal water available in the area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are GW monitoring wells required?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are GW monitoring wells located properly w/ respect to RB and CB?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Are GW monitoring wells properly constructed, including screened interval?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Comment:** Instrumentation has not been installed to record and report the length of irrigation on the different zones. Also, irrigation occurs automatically during the twilight hours and a weather station has not been installed. Treated wastewater was observed discharging into the irrigation pond on the day of the inspection. Also, no signs located at the golf course.



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MAR 02 2022









North Carolina Department of Environment and Natural Resources

Pat McCrory  
Governor

Donald R. van der Vaart  
Secretary

June 1, 2015

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**  
**7012 2210 0002 4887 1465**

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

Subject: **Notice of Violation and Recommendation for Enforcement, NOV-2015-LV-0348**  
Permit No. WQ0014306  
Eagle Creek  
Currituck County

Dear Mr Gottlieb:

A review of Eagle Creek's monitoring reports for January, February, March and April 2015 showed the following violations:

Parameter	Date	Limit Value	Reported Value	Limit Type
Nitrogen, Ammonia Total (as N)	1/27/2015	6.000 mg/l	8.300 mg/l	Daily Maximum Exceeded
Solids, Total Suspended	2/10/2015	10.000 mg/l	21.000 mg/l	Daily Maximum Exceeded
Nitrogen, Ammonia Total (as N)	2/24/2015	6.000 mg/l	24.700 mg/l	Daily Maximum Exceeded
Solids, Total Suspended	2/24/2015	10.000 mg/l	14.200 mg/l	Daily Maximum Exceeded
Coliform, Fecal MF, M-FC Broth,44.5C	2/24/2015	25.000 mpn/100ml	720.000 mpn/100ml	Daily Maximum Exceeded
Nitrogen, Ammonia Total (as N)	2/10/2015	6.000 mg/l	15.400 mg/l	Daily Maximum Exceeded
Solids, Total Suspended	3/12/2015	10.000 mg/l	13.800 mg/l	Daily Maximum Exceeded
Coliform, Fecal MF, M-FC Broth,44.5C	3/12/2015	25.000 mpn/100ml	2,000.000 mpn/100ml	Daily Maximum Exceeded
Solids, Total Suspended	3/19/2015	10.000 mg/l	19.600 mg/l	Daily Maximum Exceeded
Nitrogen, Ammonia Total (as N)	3/19/2015	6.000 mg/l	15.400 mg/l	Daily Maximum Exceeded

Division of Water Resources – Water Quality Regional Operations Section – Washington Regional Office

943 Washington Square Mail, Washington, NC 27889

Phone: 252-946-6481 \ Fax: 252-975-3716 \ Internet: www.ncdenr.gov

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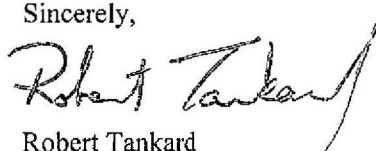
Parameter	Date	Limit Value	Reported Value	Limit Type
Coliform, Fecal MF, M-FC Broth,44.5C	3/19/2015	25.000 mpn/100ml	5,800.000 mpn/100ml	Daily Maximum Exceeded
Solids, Total Suspended	1/27/2015	10.000 mg/l	19.000 mg/l	Daily Maximum Exceeded
Solids, Total Suspended	4/30/2015	5.000 mg/l	9.000 mg/l	Monthly Average Exceeded
Nitrogen, Ammonia Total (as N)	2/28/2015	4.000 mg/l	20.050 mg/l	Monthly Average Exceeded
Solids, Total Suspended	2/28/2015	5.000 mg/l	17.600 mg/l	Monthly Average Exceeded
Nitrogen, Ammonia Total (as N)	3/31/2015	4.000 mg/l	8.380 mg/l	Monthly Average Exceeded
Solids, Total Suspended	3/31/2015	5.000 mg/l	16.700 mg/l	Monthly Average Exceeded
Nitrogen, Ammonia Total (as N)	1/31/2015	4.000 mg/l	5.600 mg/l	Monthly Average Exceeded
Solids, Total Suspended	1/31/2015	5.000 mg/l	14.300 mg/l	Monthly Average Exceeded
Coliform, Fecal MF, M-FC Broth,44.5C	3/31/2015	14.000 mpn/100ml	3,405.880 mpn/100ml	Monthly Geometric Mean Exceeded
Coliform, Fecal MF, M-FC Broth,44.5C	2/28/2015	14.000 mpn/100ml	65.730 mpn/100ml	Monthly Geometric Mean Exceeded

A Notice of Violation/Notice of Recommendation for Enforcement (NOV/NRE) is being issued for the noted violation of North Carolina General Statute (G.S.) 143-215.1 and NPDES Permit No. NC0014306. 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 fifteen (15) days after receipt of this Notice. A review of your response will be considered along with any information provided on the Non-Discharge Monitoring Reports.

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 15-day period, a civil penalty assessment may be prepared.**

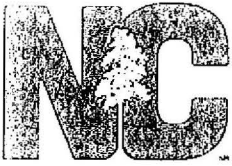
Remedial actions, if not already implemented, should be taken to correct any problems. The Division of Water Resources may pursue enforcement actions for this and any additional violations. If the violations are of a continuing nature, not related to operation and/or maintenance problems, and you anticipate remedial construction activities, then you may wish to consider applying for a Special Order by Consent. You may contact Robbie Bullock, Wastewater Treatment Plant Consultant at (252) 948-3843 or Scott Vinson at (252) 948-3844.

Sincerely,



Robert Tankard  
Assistant Regional Supervisor  
Division of Water Resources  
Water Quality Operations Section

Cc: WQ Central Files  
WaRO Enforcement Files



North Carolina  
Department of Environment and Natural Resources

WaRO

PAT MCCRORY

Governor

DONALD R. VAN DER VAART

Secretary

S. JAY ZIMMERMAN

Director

March 18, 2016

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
7015 0640 0005 9080 5644**

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

Subject: **NOTICE OF VIOLATION  
NOV-2016-LV-0156  
Permit No. WQ0014306  
Eagle Creek WWTP  
Currituck County**

Dear Mr Gottlieb:

A review of Eagle Creek WWTP's monitoring reports for June 2015, July 2015, August 2015 and September 2015 showed the following violations:

Parameter	Date	Limit Value	Reported Value	Limit Type
Solids, Total Suspended	8/11/2015	10.000 mg/l	27.000 mg/l	Daily Maximum Exceeded
Solids, Total Suspended	9/3/2015	10.000 mg/l	26.400 mg/l	Daily Maximum Exceeded
Solids, Total Suspended	8/31/2015	5.000 mg/l	14.450 mg/l	Monthly Average Exceeded
Solids, Total Suspended	9/30/2015	5.000 mg/l	13.700 mg/l	Monthly Average Exceeded
Coliform, Fecal MF, M-FC Broth,44.5C	6/30/2015	14.000 #/100ml	828.850 #/100ml	Monthly Geometric Mean Exceeded
Coliform, Fecal MF, M-FC Broth,44.5C	7/31/2015	14.000 #/100ml	270.280 #/100ml	Monthly Geometric Mean Exceeded

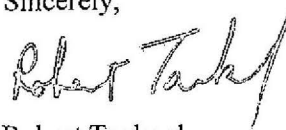
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Mar 02 2022

Remedial actions should be taken to correct these problems. The Division of Water Resources may pursue enforcement action for this and any additional violations of State law.

To prevent further action, carefully review these violations and deficiencies and respond in writing to this office within 30 days of receipt of this letter. You should address the causes of noncompliance and all actions taken to prevent the recurrence of similar situations. If you should have any questions, please do not hesitate to contact Scott Vinson at 252-948-3844.

Sincerely,



Robert Tankard  
Assistant Regional Supervisor  
Division of Water Resources  
Water Quality Operations Section

Cc: Non-Discharge Compliance Unit, Central Office  
✓ WaRO Eagle Creek WWTP Enforcement Files



ROY COOPER  
Governor

MICHAEL S. REGAN  
Secretary

S. JAY ZIMMERMAN  
Director

**Certified Mail # 7017 1070 0000 7793 8423**  
**Return Receipt Requested**

June 30, 2017

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-2017-LV-0465  
Permit No. WQ0014306  
Eagle Creek WWTP  
Currituck County

Dear Permittee:


A review of the December 2016 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	Solids, Total Suspended (00530)	12/31/2016	5	8	Monthly Average Exceeded

Remedial actions, if not already implemented, should be taken to correct any noted problems. The Division of Water Resources may pursue enforcement actions for this and any additional violations. If the violations are of a continuing nature, not related to operation and/or maintenance problems, and you anticipate remedial construction activities, then you may wish to consider applying for a Special Order by Consent (SOC).

If you have any questions concerning this matter or to apply for an SOC, please contact Scott Vinson of the Washington Regional Office at 252-946-6481.

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

Cc: Randall Marrs & Bill Freed, ORCs Envirotech  
WQS Washington Regional Office - Enforcement File  
NPDES Compliance/Enforcement Unit - Enforcement File



ROY COOPER  
Governor

MICHAEL S. REGAN  
Secretary

LINDA CULPEPPER  
Interim Director

**Certified Mail # 7017 1070 0000 9922 2036**  
**Return Receipt Requested**

May 17, 2018

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-2018-PC-0167  
Permit No. WQ0014306  
Eagle Creek WWTP  
Currituck County

Dear Permittee:

The North Carolina Division of Water Resources conducted an inspection of the Eagle Creek WWTP on April 18, 2018. 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
Permit Conditions	The permitted 6,000 GPM stormwater pump that allows the movement of groundwater off site from the golf course is no longer operational in violation of permit WQ0014306, condition III.27., which states, "The Permittee shall be responsible for the operation and maintenance of the 6,000 GPM stormwater pump to allow the movement of groundwater off site from the golf course. Until such time that the County has established a drainage district, the Permittee shall be responsible for maintaining the canals for positive drainage. [15A NCAC 02T .0108(b)(1)]
Permit Conditions	There is an excessive amount of woody vegetation growing around the high rate infiltration pond in violation of permit WQ0014306, condition III.18., which states, "A protective vegetative cover shall be established and maintained on all earthen embankments (i.e., outside toe of embankment to maximum allowable temporary storage elevation on the inside of the embankment), berms, pipe runs, erosion control areas, and surface water diversions.



Trees, shrubs, and other woody vegetation shall not be allowed to grow on earthen dikes or embankments. Earthen embankment areas shall be kept mowed or otherwise controlled and accessible. [15A NCAC 02T .0108(b)(1)]

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Mar 02 2022

In addition, the issues below must also be addressed:

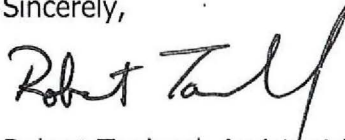
Compliance Issue(s): The sand media located within the filter system has become partially clogged and is in need of being properly replaced as soon as possible to provide continued operation without resulting in possible spills, bypasses or parameter limit violations. The clogging is the result of the sludge blanket in the clarifier at one point rising and washing out to the filter during an excessively cold period this past winter.

Remedial actions should have already been taken to correct these problems 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 10 days upon your receipt of this Notice of Violation regarding your plans or measures to be taken to address the indicated violations and other identified issues, if applicable.

If you should have any questions, please do not hesitate to contact Scott Vinson with the Water Quality Regional Operations Section in the Washington Regional Office at 252-946-6481.

Sincerely,



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

ATTACHMENTS

Cc: WQS Washington Regional Office - Enforcement File  
NON-DISCHARGE Compliance/Enforcement Unit - Enforcement File

ROY COOPER  
Governor  
MICHAEL S. REGAN  
Secretary  
LINDA CULPEPPER  
Director



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November 8, 2019

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-2019-LV-0835  
Permit No. WQ0014306  
Eagle Creek WWTP  
Currituck County

Dear Mr. Gottlieb:

A review of the December 2018 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	Solids, Total Suspended (00530)	12/31/2018	5	6.9	Monthly Average Exceeded

Remedial actions, if not already implemented, should be taken to correct any noted problems. The Division of Water Resources may pursue enforcement actions for this and any additional violations. If the violations are of a continuing nature, not related to operation and/or maintenance problems, and you anticipate remedial construction activities, then you may wish to consider applying for a Special Order by Consent (SOC).



North Carolina Department of Environmental Quality | Division of Water Resources  
Washington Regional Office | 943 Washington Square Mall | Washington, North Carolina 27889  
252-846-8481

Mar 02 2022

If you have any questions concerning this matter or to apply for an SOC, please contact Scott Vinson of the Washington Regional Office at 252-946-6481.

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

MICHAEL S. REGAN  
Secretary

LINDA CULPEPPER  
Director



NORTH CAROLINA  
Environmental Quality

November 15, 2019

CERTIFIED MAIL 7018 2290 0001 8043 5756  
RETURN RECEIPT REQUESTED

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

Subject: Notice of Violation: NOV-2019-LV-0839  
Groundwater Quality  
Eagle Creek WWTP  
Permit No. WQ0014306  
Currituck County

Dear Mr. Gottlieb:

Permit No. WQ0014306 was issued by the Division of Water Resources on October 8, 2015 for the continued operation of the wastewater treatment and disposal system serving the above referenced facility. A review of the permit and Groundwater Monitoring Reports showed that samples from multiple wells (monitoring wells MW-1 and MW-2) were above the groundwater standard for Total Ammonia Nitrogen.

The Division of Water Resources has reason to believe that Sandler Utilities at Mill Run, LLC is responsible for activities resulting in noncompliance with North Carolina law. The self-reported GW-59 sample reports for the two wells have consistently shown elevated concentrations of total ammonia nitrogen above the State's groundwater standard of 1.5 mg/l (1,500 ug/L) found in 15A NCAC 02L .0202. This letter is to formally notify you of violations of 15A NCAC 2L (Groundwater Quality Standards) and to advise you of what you are required to do to correct these violations in accordance with 15A NCAC 2L .0106 (d).



North Carolina Department of Environmental Quality | Division of Water Resources

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

252.946.6481

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Mar 02 2022

Page 2  
Mr. Raymond Gottlieb  
November 15, 2019

According to 15A NCAC 2L .0106(d)(2) the permittee shall assess the cause, significance and extent of the violation of standards and submit the results of the investigation, and a plan and proposed schedule for corrective action to the Division. The permittee shall implement the plan as approved by and in accordance with a schedule established by the Division.

Because contaminants are detected at or beyond the compliance boundary within the two monitoring wells, the permittee shall also respond in accordance with the requirements of 15A NCAC 2L .0106(f). This rule requires permittee to abate, contain or control the migration of contaminants. This rule also requires the removal, treatment or control of any primary pollution source. In addition, the rule requires the removal, treatment, or control of secondary pollution sources that would be potential continuing sources of pollutants to the groundwaters, such as contaminated soils and non-aqueous phase liquids.

The site assessment shall be in accordance with 15A NCAC 2L .0106 (g) and the corrective action shall be in accordance with 15A NCAC 2L .0106 (h).

We request that you respond to this notice within fifteen working days from its receipt. In your response, please confirm the Sandler Utilities at Mill Run, LLC's intent to comply with the above requirements.

We appreciate your attention and prompt response in this matter. If you have questions, please do not hesitate to call either Scott Vinson or Robert Tankard at (252) 946-6481.

Sincerely,

*Robert Tankard*

Robert Tankard,  
Assistant Regional Supervisor  
Water Quality Regional Operations Section  
Washington Regional Office

cc: DWR - Laserfiche  
Currituck County Health Department

Enclosure: 15A NCAC 02L .0106  
List of Violations

- (4) These requirements shall not apply to groundwaters defined in Paragraph (b) of this Rule.

*History Note:* Authority G.S. 143-214.1; 143-215.3(a)(1); 143B-282(2);  
Eff. June 10, 1979;  
Amended Eff. October 1, 1993; December 1, 1989; August 1, 1989; December 30, 1983.

#### 15A NCAC 02L .0105 ADOPTION BY REFERENCE

*History Note:* Authority G.S. 143-214.1;  
Eff. December 30, 1983;  
Repealed Eff. August 1, 1989.

#### 15A NCAC 02L .0106 CORRECTIVE ACTION

(a) Where groundwater quality has been degraded, the goal of any required corrective action shall be restoration to the level of the standards, or as closely thereto as is economically and technologically feasible as determined by the Department in accordance with this Rule. In all cases involving requests to the Secretary, as defined in 15A NCAC 02C .0102, for approval of corrective action plans, or termination of corrective action, the responsibility for providing all information required by this Rule lies with the person(s) making the request.

(b) Any person conducting or controlling an activity that results in the discharge of a waste or hazardous substance or oil to the groundwaters of the State, or in proximity thereto, shall take action upon discovery to terminate and control the discharge, mitigate any hazards resulting from exposure to the pollutants and notify the Department, as defined in 15A NCAC 02C .0102, of the discharge.

(c) Any person conducting or controlling an activity that has not been permitted by the Department and that results in an increase in the concentration of a substance in excess of the standard, other than agricultural operations, shall:

- (1) within 24 hours of discovery of the violation, notify the Department of the activity that has resulted in the increase and the contaminant concentration levels;
- (2) respond in accordance with Paragraph (f) of this Rule;
- (3) submit a report to the Secretary assessing the cause, significance, and extent of the violation; and
- (4) implement an approved corrective action plan for restoration of groundwater quality in accordance with a schedule established by the Secretary. In establishing a schedule, the Secretary shall consider a schedule proposed by the person submitting the plan. A report shall be made to the Health Director of the county or counties in which the contamination occurs in accordance with the requirements of Rule .0114(a) in this Section.

Any activity not permitted pursuant to G.S. 143-215.1 or G.S. 130A-294 shall, for the purpose of this Rule, be deemed not permitted by the Department and subject to the provisions of this Paragraph.

(d) Any person conducting or controlling an activity that is conducted under the authority of a permit initially issued by the Department on or after December 30, 1983 pursuant to G.S. 143-215.1 or G.S. 130A-294 and that results in an increase in concentration of a substance in excess of the standards:

- (1) at or beyond a review boundary: the person shall demonstrate, through predictive calculations or modeling, that natural site conditions, facility design and operational controls will prevent a violation of standards at the compliance boundary. Alternately, the person may submit a plan for alteration of existing site conditions, facility design, or operational controls that will prevent a violation at the compliance boundary, and implement that plan upon its approval by the Secretary.
- (2) at or beyond a compliance boundary: the person shall respond in accordance with Paragraph (f) of this Rule, assess the cause, significance and extent of the violation of standards and submit the results of the investigation, and a plan and proposed schedule for corrective action to the Secretary. The permittee shall implement the plan as approved by and in accordance with a schedule established by the Secretary. In establishing a schedule the Secretary shall consider any schedule proposed by the permittee, the scope of the project, the extent of contamination, and the corrective action being proposed.

(e) Any person conducting or controlling an activity that is conducted under the authority of a permit initially issued by the Department prior to December 30, 1983 pursuant to G.S. 143-215.1 or G.S. 130A-294, and that results in an increase in concentration of a substance in excess of the standards at or beyond the compliance boundary specified in the permit, shall:

- (1) within 24 hours of discovery of the violation, notify the Department of the activity that has resulted in the increase and the contaminant concentration levels;
- (2) respond in accordance with Paragraph (f) of this Rule;

- (3) submit a report to the Secretary assessing the cause, significance and extent of the violation; and
  - (4) implement an approved corrective action plan for restoration of groundwater quality at or beyond the compliance boundary, in accordance with a schedule established by the Secretary. In establishing a schedule the Secretary shall consider any schedule proposed by the person submitting the plan. A report shall be made to the Health Director of the county or counties where the contamination occurs in accordance with the requirements of Rule .0114(a) in this Section.
- (f) Initial response required to be conducted prior to or concurrent with the assessment required in Paragraphs (c), (d), or (e) of this Rule shall include:
- (1) Prevention of fire, explosion, or the spread of noxious fumes;
  - (2) Abatement, containment, or control of the migration of contaminants;
  - (3) Removal, treatment, or control of any primary pollution source such as buried waste, waste stockpiles, or surficial accumulations of free products;
  - (4) Removal, treatment, or control of secondary pollution sources that would be potential continuing sources of pollutants to the groundwaters, such as contaminated soils and non-aqueous phase liquids. Contaminated soils that threaten the quality of groundwaters shall be treated, contained, or disposed of in accordance with rules in this Chapter and in 15A NCAC 13 applicable to such activities. The treatment or disposal of contaminated soils shall be conducted in a manner that will not result in a violation of standards or North Carolina Hazardous Waste Management rules.
- (g) The site assessment conducted pursuant to the requirements of Paragraphs (c), (d), or (e) of this Rule, shall include:
- (1) The source and cause of contamination;
  - (2) Any imminent hazards to public health and safety, as defined in G.S. 130A-2, and any actions taken to mitigate them in accordance with Paragraph (f) of this Rule;
  - (3) All receptors and significant exposure pathways;
  - (4) The horizontal and vertical extent of soil and groundwater contamination and all significant factors affecting contaminant transport; and
  - (5) Geological and hydrogeological features influencing the movement, chemical, and physical character of the contaminants.
- Reports of site assessments shall be submitted to the Department as soon as practicable or in accordance with a schedule established by the Secretary. In establishing a schedule the Secretary shall consider a proposal by the person submitting the report.
- (h) Corrective action plans for restoration of groundwater quality, submitted pursuant to Paragraphs (c), (d), and (e) of this Rule shall include:
- (1) A description of the proposed corrective action and reasons for its selection;
  - (2) Specific plans, including engineering details where applicable, for restoring groundwater quality;
  - (3) A schedule for the implementation and operation of the proposed plan; and
  - (4) A monitoring plan for evaluating the effectiveness of the proposed corrective action and the movement of the contaminant plume.
- (i) In the evaluation of corrective action plans, the Secretary shall consider the extent of any violations, the extent of any threat to human health or safety, the extent of damage or potential adverse impact to the environment, technology available to accomplish restoration, the potential for degradation of the contaminants in the environment, the time and costs estimated to achieve groundwater quality restoration, and the public and economic benefits to be derived from groundwater quality restoration.
- (j) A corrective action plan prepared pursuant to Paragraphs (c), (d), or (e) of this Rule shall be implemented using a remedial technology demonstrated to provide the most effective means, taking into consideration geological and hydrogeological conditions at the contaminated site, for restoration of groundwater quality to the level of the standards. Corrective action plans prepared pursuant to Paragraphs (c) or (e) of this Rule may request an exception as provided in Paragraphs (k), (l), (m), (r), and (s) of this Rule.
- (k) Any person required to implement an approved corrective action plan for a site subject to Paragraphs (c) or (e) of this Rule may request that the Secretary approve such a plan without requiring groundwater remediation to the standards. A request submitted to the Secretary under this Paragraph shall include a description of site-specific conditions, including information on the availability of public water supplies for the affected area; the technical basis for the request; and any other information requested by the Secretary to evaluate the request in accordance with Subparagraphs (1) through (7) of this Paragraph. The person making the request shall demonstrate:
- (1) that all sources of contamination and free product have been removed or controlled pursuant to Paragraph (f) of this Rule;

- (2) that the time and direction of contaminant travel can be predicted with reasonable certainty;
  - (3) that contaminants have not and will not migrate onto adjacent properties, or that:
    - (A) such properties are served by an existing public water supply system dependent on surface waters or hydraulically isolated groundwater; or
    - (B) the owners of such properties have consented in writing to the request;
  - (4) that the standards specified in Rule .0202 of this Subchapter will be met at a location no closer than one year time of travel upgradient of an existing or foreseeable receptor, based on travel time and the natural attenuation capacity of subsurface materials or on a physical barrier to groundwater migration that exists or will be installed by the person making the request;
  - (5) that, if the contaminant plume is expected to intercept surface waters, the groundwater discharge will not possess contaminant concentrations that would result in violations of standards for surface waters contained in 15A NCAC 02B .0200;
  - (6) that public notice of the request has been provided in accordance with Rule .0114(b) of this Section; and
  - (7) that the proposed corrective action plan would be consistent with all other environmental laws.
- (l) Any person required to implement an approved corrective action plan for a site subject to Paragraphs (c) or (e) of this Rule may request that the Secretary approve such a plan based upon natural processes of degradation and attenuation of contaminants. A request submitted to the Secretary under this Paragraph shall include a description of site-specific conditions, including written documentation of projected groundwater use in the contaminated area based on current state or local government planning efforts; the technical basis for the request; and any other information requested by the Secretary to evaluate the request in accordance with Subparagraphs (1) through (10) of this Paragraph. The person making the request shall demonstrate:
- (1) that all sources of contamination and free product have been removed or controlled pursuant to Paragraph (f) of this Rule;
  - (2) that the contaminant has the capacity to degrade or attenuate under the site-specific conditions;
  - (3) that the time and direction of contaminant travel can be predicted based on subsurface conditions and the contaminant's physical and chemical properties;
  - (4) that contaminant migration will not result in any violation of applicable groundwater standards at any existing or foreseeable receptor;
  - (5) that contaminants have not and will not migrate onto adjacent properties, or that:
    - (A) such properties are served by an existing public water supply system dependent on surface waters or hydraulically isolated groundwater; or
    - (B) the owners of such properties have consented in writing to the request;
  - (6) that, if the contaminant plume is expected to intercept surface waters, the groundwater discharge will not possess contaminant concentrations that would result in violations of standards for surface waters contained in 15A NCAC 02B .0200;
  - (7) that the person making the request will put in place a groundwater monitoring program that, based on subsurface conditions and the physical and chemical properties of the contaminant, will accurately track the degradation and attenuation of contaminants and contaminant by-products within and down gradient of the plume and to detect contaminants and contaminant by-products prior to their reaching any existing or foreseeable receptor at least one year's time of travel upgradient of the receptor and no greater than the distance the groundwater at the contaminated site is predicted to travel in five years;
  - (8) that all necessary access agreements needed to monitor groundwater quality pursuant to Subparagraph (7) of this Paragraph have been or can be obtained;
  - (9) that public notice of the request has been provided in accordance with Rule .0114(b) of this Section; and
  - (10) that the proposed corrective action plan would be consistent with all other environmental laws.
- (m) The Department or any person required to implement an approved corrective action plan for a site subject to Paragraphs (c) or (e) of this Rule may request that the Secretary approve termination of corrective action.
- (1) A request submitted to the Secretary under this Paragraph shall include:
    - (A) a discussion of the duration of the corrective action, the total project cost, projected annual cost for continuance and evaluation of the success of the corrective action;
    - (B) an evaluation of alternate treatment technologies that could result in further reduction of contaminant levels, projected capital, and annual operating costs for each technology; and
    - (C) the effects, including health and safety impacts, on groundwater users if contaminant levels remain at levels existing at the time corrective action is terminated.
  - (2) In addition, the person making the request shall demonstrate:



- (A) that continuation of corrective action would not result in a significant reduction in the concentration of contaminants. This demonstration shall show the duration and degree of success of existing remedial efforts to attain standards. For the purpose of this Part, a "significant reduction" is demonstrated by showing that the asymptotic slope of the contaminants curve of decontamination is less than a ratio of 1:40 over a term of one year based on quarterly sampling;
  - (B) that contaminants have not and will not migrate onto adjacent properties, or that:
    - (i) such properties are served by an existing public water supply system dependent on surface waters or hydraulically isolated groundwater; or
    - (ii) the owners of such properties have consented in writing to the request;
  - (C) that, if the contaminant plumes are expected to intercept surface waters, the groundwater discharge will not possess contaminant concentrations that would result in violations of standards for surface waters contained in 15A NCAC 02B .0200;
  - (D) that public notice of the request has been provided in accordance with Rule .0114(b) of this Section; and
  - (E) that the proposed termination would be consistent with all other environmental laws.
- (3) The Secretary shall not authorize termination of corrective action for any area that, at the time the request is made, has been identified by a state or local groundwater use planning process for resource development.
- (4) The Secretary may authorize the termination of corrective action, or amend the corrective action plan after considering all the information in the request. In making the authorization, the Secretary shall consider health and safety impacts on all existing and foreseeable receptors and the impacts the contaminated plume may have if it reaches them. Upon termination of corrective action, the Secretary shall require implementation of a groundwater monitoring program that, based on subsurface conditions and the physical and chemical properties of the contaminants, will accurately track the degradation and attenuation of contaminants at a location of no less than one year's predicted time of travel upgradient of any existing or foreseeable receptor. The monitoring program shall remain in effect until there is sufficient evidence that the contaminant concentrations have been reduced to the level of the standards. For the purpose of this Part, "sufficient evidence" means that sampling and analyses demonstrate that contaminant concentrations have been reduced to the level of the standards on multiple sampling events.
- (n) Upon a determination by the Secretary that continued corrective action would result in no significant reduction in contaminant concentrations, and the contaminated groundwaters can be rendered potable by treatment using technologies that are in use in other applications and shown to be effective for removal of contaminants, the Secretary may designate the remaining area of degraded groundwater RS. Where the remaining degraded groundwaters cannot be made potable by such treatment, the Secretary may consider a request for reclassification of the groundwater to a GC classification as outlined in Rule .0201 of this Subchapter.
- (o) If at any time the Secretary determines that a new technology is available that would remediate the contaminated groundwater to the standards specified in Rule .0202 of this Subchapter, the Secretary may require the responsible party to evaluate the economic and technological feasibility of implementing the new technology in an active groundwater corrective action plan in accordance with a schedule established by the Secretary. The Secretary's determination to utilize new technology at any site or for any particular constituent shall include a consideration of the factors in Paragraph (h) of this Rule.
- (p) Where standards are exceeded as a result of the application of pesticides or other agricultural chemicals, the Secretary shall request the Pesticide Board or the Department of Agriculture and Consumer Services to assist the Department in determining the cause of the violation. If the violation is determined to have resulted from the use of pesticides, the Secretary shall request the Pesticide Board to take appropriate regulatory action to control the use of the chemical or chemicals responsible for, or contributing to, such violations, or to discontinue their use.
- (q) The approval pursuant to this Rule of any corrective action plan, or modification or termination thereof, that permits the migration of a contaminant onto adjacent property, shall not affect any private right of action by any party that may be affected by that contamination.
- (r) If a discharge or release is not governed by the rules in Section .0400 of this Subchapter and the increase in the concentration of a substance in excess of the standard resulted in whole or in part from a release from a commercial or noncommercial underground storage tank as defined in G.S. 143-215.94A, any person required to implement an approved corrective action plan pursuant to this Rule and seeking reimbursement for the Commercial or Noncommercial Leaking Petroleum Underground Storage Tank Cleanup Funds shall implement a corrective action plan meeting the requirements of Paragraph (k) or (l) of this Rule unless the person demonstrates to the Secretary that:

- (1) contamination resulting from the discharge cannot qualify for approval of a plan based on the requirements of the Paragraphs; or
  - (2) the cost of making such a demonstration would exceed the cost of implementing a corrective action plan submitted pursuant to Paragraph (c) of this Rule.
- (s) If a discharge or release is not governed by the rules in Section .0400 of this Subchapter and the increase in the concentration of a substance in excess of the standard resulted in whole or in part from a release from a commercial or noncommercial underground storage tank as defined in G.S. 143-215.94A, the Secretary may require any person implementing or operating a previously approved corrective action plan pursuant to this Rule to:
- (1) develop and implement a corrective action plan meeting the requirements of Paragraphs (k) and (l) of this Rule; or
  - (2) seek discontinuance of corrective action pursuant to Paragraph (m) of this Rule.

*History Note: Authority G.S. 143-215.1; 143-215.3; 143-215.94A; 143-215.94T; 143-215.94V; 143B-282; 1995 (Reg. Sess. 1996) c. 648, s. 1; Eff. August 1, 1989; Amended Eff. October 1, 1993; September 1, 1992; Temporary Amendment Eff. January 2, 1998; January 2, 1996; Amended Eff. July 1, 2016; October 29, 1998.*

#### **15A NCAC 02L .0107 COMPLIANCE BOUNDARY**

- (a) For disposal systems individually permitted prior to December 30, 1983, the compliance boundary is established at a horizontal distance of 500 feet from the waste boundary or at the property boundary, whichever is closer to the source.
- (b) For disposal systems individually permitted on or after December 30, 1983, a compliance boundary shall be established 250 feet from the waste boundary, or 50 feet within the property boundary, whichever point is closer to the source.
- (c) The boundary shall be established by the Director, or his designee at the time of permit issuance. Any sale or transfer of property which affects a compliance boundary shall be reported immediately to the Director, or his designee. For disposal systems which are not governed by Paragraphs (e) or (f) of this Rule, the compliance boundary affected by the sale or transfer of property will be re-established consistent with Paragraphs (a) or (b) of this Rule, whichever is applicable.
- (d) Except as provided in Paragraph (g) of this Rule, no water supply wells shall be constructed or operated within the compliance boundary of a disposal system individually permitted or re-permitted after January 1, 1993.
- (e) Except as provided in Paragraph (g) of this Rule, a permittee shall not transfer land within an established compliance boundary of a disposal system permitted or re-permitted after January 1, 1993 unless:
  - (1) the land transferred is serviced by a community water system as defined in 15A NCAC 18C, the source of which is located outside the compliance boundary; and
  - (2) the deed transferring the property:
    - (A) contains notice of the permit, including the permit number, a description of the type of permit, and the name, address and telephone number of the permitting agency; and
    - (B) contains a restrictive covenant running with the land and in favor of the permittee and the State, as a third party beneficiary, which prohibits the construction and operation of water supply wells within the compliance boundary; and
    - (C) contains a restrictive covenant running with the land and in favor of the permittee and the State, as a third party beneficiary, which grants the right to the permittee and the State to enter on such property within the compliance boundary for groundwater monitoring and remediation purposes.
- (f) Except as provided in Paragraph (g) of this Rule, if at the time a permit is issued or reissued after January 1, 1993, the permittee is not the owner of the land within the compliance boundary, it shall be a condition of the permit issued or renewed that the landowner of the land within the compliance boundary, if other than the permittee, execute and file in the Register of Deeds in the county in which the land is located, an easement running with the land which:
  - (1) contains:
    - (A) either a notice of the permit, including the permit number, a description of the type of permit, and the name, address and telephone number of the permitting agency; or
    - (B) a reference to a notice of the permit with book and page number of its recordation if such notice is required to be filed by statute;
  - (2) prohibits the construction and operation of water supply wells within the compliance boundary; and
  - (3) reserves the right to the permittee and the State to enter on such property within the compliance boundary for groundwater monitoring and remediation purposes. The easement may be terminated by the Director

**MONITORING REPORT(MR) VIOLATIONS for:**

Report Date: 11/15/19 Page: 1 of 2

Permit: **wq0014306** MRs Between **11 - 2016** and **12 - 2019** Region: %  
 Facility Name: % Param Name % County: % Violation Category: **Limit Violation** Program Category: **Non-discharge**  
 Major Minor: % Subbasin: % Violation Action: %

PERMIT: **WQ0014306** FACILITY: **Sandler Utilities at Mill Run L L C - Eagle Creek WWTP** COUNTY: **Currituck** REGION: **Washington**

Limit Violation

MONITORING REPORT	WELL	LOCATION	PARAMETER	VIOLATION DATE	FREQUENCY	UNIT OF MEASURE	LIMIT	CALCULATED VALUE	% Over	VIOLATION TYPE	VIOLATION ACTION
11 - 2016	MW-1 / CONV002959		Nitrogen, Ammonia Total (as N)	11/30/16	3 X year	mg/l	1,500	6,280	318.7	Limit Exceeded	Proceed to NOV
03 - 2017	MW-1 / CONV002959		Nitrogen, Ammonia Total (as N)	03/31/17	3 X year	mg/l	1,500	6,690	346	Limit Exceeded	Proceed to NOV
07 - 2017	MW-1 / CONV002959		Nitrogen, Ammonia Total (as N)	07/31/17	3 X year	mg/l	1,500	6,540	336	Limit Exceeded	Proceed to NOV
11 - 2017	MW-1 / CONV002959		Nitrogen, Ammonia Total (as N)	11/30/17	3 X year	mg/l	1,500	6,490	332.7	Limit Exceeded	Proceed to NOV
03 - 2018	MW-1 / CONV002959		Nitrogen, Ammonia Total (as N)	03/31/18	3 X year	mg/l	1,500	6,940	362.7	Limit Exceeded	Proceed to NOV
07 - 2018	MW-1 / CONV002959		Nitrogen, Ammonia Total (as N)	07/31/18	3 X year	mg/l	1,500	8,100	440	Limit Exceeded	Proceed to NOV
11 - 2018	MW-1 / CONV002959		Nitrogen, Ammonia Total (as N)	11/30/18	3 X year	mg/l	1,500	8,100	440	Limit Exceeded	Proceed to NOV
03 - 2019	MW-1 / CONV002959		Nitrogen, Ammonia Total (as N)	03/31/19	3 X year	mg/l	1,500	8,020	434.7	Limit Exceeded	Proceed to NOV
11 - 2016	MW-2 / CONV003325		Nitrogen, Ammonia Total (as N)	11/30/16	3 X year	mg/l	1,500	11,800	686.7	Limit Exceeded	Proceed to NOV
03 - 2017	MW-2 / CONV003325		Nitrogen, Ammonia Total (as N)	03/31/17	3 X year	mg/l	1,500	10,800	620	Limit Exceeded	Proceed to NOV
07 - 2017	MW-2 / CONV003325		Nitrogen, Ammonia Total (as N)	07/31/17	3 X year	mg/l	1,500	11,300	653.3	Limit Exceeded	Proceed to NOV
11 - 2017	MW-2 / CONV003325		Nitrogen, Ammonia Total (as N)	11/30/17	3 X year	mg/l	1,500	10,800	620	Limit Exceeded	Proceed to NOV
03 - 2018	MW-2 / CONV003325		Nitrogen, Ammonia Total (as N)	03/31/18	3 X year	mg/l	1,500	11,400	660	Limit Exceeded	Proceed to NOV
07 - 2018	MW-2 / CONV003325		Nitrogen, Ammonia Total (as N)	07/31/18	3 X year	mg/l	1,500	11,300	653.3	Limit Exceeded	Proceed to NOV
11 - 2018	MW-2 / CONV003325		Nitrogen, Ammonia Total (as N)	11/30/18	3 X year	mg/l	1,500	11,900	693.3	Limit Exceeded	Proceed to NOV

**MONITORING REPORT(MR) VIOLATIONS for:**

Report Date: 11/15/19 Page: 2 of 2

Permit: **wq0014306** MRs Between **11 - 2016** and **12 - 2019** Region: %  
 Facility Name: % Param Name % County: % Violation Category: **Limit Violation** Program Category: **Non-discharge**  
 Major Minor: % Subbasin: % Violation Action: %

**PERMIT: WQ0014306 FACILITY: Sandler Utilities at Mill Run L L C - Eagle Creek WWTP COUNTY: Currituck REGION: Washington**

Limit Violation

MONITORING REPORT	WELL	LOCATION	PARAMETER	VIOLATION DATE	FREQUENCY	UNIT OF MEASURE	LIMIT	CALCULATED VALUE	% Over	VIOLATION TYPE	VIOLATION ACTION
03 - 2019	MW-2 / CONV003325		Nitrogen, Ammonia Total (as N)	03/31/19	3 X year	mg/l	1,500	11,800	686.7	Limit Exceeded	Proceed to NOV
07 - 2019	MW-2 / CONV003325		Nitrogen, Ammonia Total (as N)	07/31/19	3 X year	mg/l	1,500	11,600	673.3	Limit Exceeded	Proceed to NOV

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Mar 02 2022

