

North Carolina Department of Environmental Quality

Pat McCrory  
Governor

Donald R. van der Vaart  
Secretary

November 25, 2015

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Green Meadow, LLC  
ATTN: Charles Price  
12601 Plantside Dr.  
Louisville, Kentucky 40299

Moncure Holdings, LLC  
ATTN: Jason Kaplan  
2717 New Hill Olive Chapel Rd.  
New Hill, NC 27562

Green Meadow, LLC  
c/o Corporate Service Company  
327 Hillsborough Street  
Raleigh, NC 27603

RE: Notice of Violation and Notice of Intent to Enforce  
Failure to Secure Stormwater General Permit NCG010000  
Charah Rail Spur Access Road  
Chatham County

Dear Sirs:

On November 25, 2015, I (from the Raleigh Regional Office of the Division of Energy, Mineral, and Land Resources (DEMLR)) visited the subject site reported by Chatham County and observed potential impacts from land-disturbing activities to surface waters. Specifically, at least one concentrated stormwater discharge point was exposed where the access road construction crossed a watercourse. This site visit and a subsequent DEMLR file review confirmed that Sedimentation and Erosion Control plan approval had not been secured for the land-disturbing activity. Therefore, coverage under the NPDES General Permit (NCG010000) to discharge stormwater from land-disturbing activities has not been secured in accordance with the provisions of the applicable North Carolina General Statute.

Division of Energy, Mineral, and Land Resources  
Land Quality Section

1628 Mail Service Center Raleigh, NC 27699•PHONE: 919-791-4200/ FAX: 919-571-4718

Internet: <http://portal.ncdenr.org/web/lr/>

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This General Permit is applicable to point source discharges from construction activities disturbing one or more acres of land. The submission of a proposed Erosion and Sedimentation Control Plan to DEMLR or the appropriate delegated local program shall be considered to take the place of a Notice of Intent for coverage under this General Permit for those projects requiring this Permit coverage. Coverage under this General Permit shall become effective upon issuance of an approval for the Erosion and Sedimentation Control Plan by the Land Quality Section of DEMLR or the delegated local program. Prior to the commencement of construction and land disturbing activities approval of the Erosion and Sedimentation Control Plan shall be obtained.

Please note that the above referenced exposure and potential discharge to the waters of the State constitutes a violation of North Carolina General Statute (NCGS) 143-215.1 (a) (1) and (11) which states:

“No person shall do any of the following things or carry out any of the following activities until or unless that person has received a permit from the Commission and has complied with all conditions set forth in the permit:

(1) Make any outlets into waters of the State.

(11) Cause or permit discharges regulated under G.S. 143-214.7 that result in water pollution. “


This Office is developing a potential enforcement action regarding these matters. The violations cited above are subject to civil penalties of up to \$ 25,000.00 per day. Please respond to this Notice in writing within ten (10) days of your receipt of this letter. Your written response to this notice should minimally include the following:

1. Please provide records of when the land-disturbance began.
2. Explain in your response how you have complied with the conditions outlined in the Notice of Violation from Chatham County dated November 25, 2015.
3. Please provide a written account explaining what measures you have taken to correct these issues (permanently eliminate) potential sedimentation impacts to waters.

Notice of Violation  
Charah Rail Spur Access Road  
November 25, 2015  
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Thank you for your attention to this matter. Please understand, this office is developing an enforcement action recommendation regarding this matter. Your response to this letter will be considered as a part of this process. If you have questions regarding this matter you may contact me at (919) 791-4206.

Sincerely,



John L. Holley, Jr., PE, CPESC  
Regional Engineer  
Land Quality Section

Attachment: Stormwater Inspection Report

cc: Mr. Tracy Davis, PE, CPM, DEMLR Division Director  
Ms. Ashley Rodgers, PE, State Sedimentation Specialist  
Mr. Bradley Bennett, State Stormwater Program Manager  
Mr. Erik West, Charah, Inc.  
Mr. Glenn Amey, Charah, Inc.  
Ms. Rachael Thorn, CPESC, Chatham County  
Mr. Jeff McDermott, CPESC, Chatham County  
Mr. Danny Smith, Regional Water Quality Supervisor, DWR  
Ms. Karen Higgins, DWR 401/Wetlands Unit

# SEDIMENTATION/CONSTRUCTION STORMWATER INSPECTION REPORT

North Carolina Department of Environmental Quality  
Land Quality Section: 3800 Barrett Drive, Raleigh, NC 27609, Phone: (919) 791-4200

County: Chatham Project: Charah Rail Spur Access Road River basin: Cape Fear  
Person financially responsible: Green Meadow, LLC and Moncure Holdings, LLC Project # CHATH-2016-800  
Address: 12601 Plantside Dr. Louisville Kentucky and 2717 New Hill Olive Chapel Rd. New Hill NC Case # NA

1. Project location: Hunter Rd.  
Pictures: No:  Yes:  Video:  Digital:

2. Weather and soil conditions: Clear, wet, but Workable First inspection: Yes:  No:

3. Is site currently under notice of violation? Yes:  No:  by Chatham Co.

4. Is the site in compliance with S.P.C.A. and rules? Yes:  No:  If no, check violations below:

5. Violations:

- a. No approved plan, G.S. 113A-57 (4) and 15A NCAC 4B.0107(c)
- b. Failure to follow approved plan, G.S. 113A-57(5)
- c. Failure to submit revised plan, G.S. 113A-54.1(b) and 15A NCAC 4B.0118(a)
- d. Failure to provide adequate groundcover, G.S. 113A-57(3); 15A NCAC 4B.0107(b) or 15A NCAC 4B.0124(e)
- e. Insufficient measures to retain sediment on site, G.S. 113A-57(3)
- f. Failure to take all reasonable measures, 15A NCAC 4B.0105
- g. Inadequate buffer zone, G.S. 113A-57(1)
- h. Graded slopes and fills too steep, G.S. 113A-57(2) or 15A NCAC 4B.0124(d)
- i. Unprotected exposed slopes, G.S. 113A-57(2)
- j. Failure to maintain measures, 15A NCAC 4B.0113
- k. Failure to self-inspect G.S. 113A-54.1(e) and 15A NCAC 4B.0131
- l. Other describe \_\_\_\_\_

6. Is the site in compliance with NPDES Permit NCG 010000? Yes:  No:  Not Applicable:  If no, check violations below:

- m. Failure to manage construction site pollutants, NCG 010000 Sec. II, B.1
- n. Failure to provide ground stabilization, NCG 010000 Sec. II, B.2
- o. Failure to maintain rain gauge or record daily rainfall, NCG 010000 Sec. II, B.3(a,b)
- p. Failure to meet self-inspection and reporting requirements, NCG 010000 Sec. II, B.3(c-i)
- q. Failure to dewater sediment basin from surface, NCG 010000 Sec. II, B.4
- r. Failure to have approved plan and NPDES permit on site, NCG 010000 Sec. III, 3(d)
- s. Failure to install and maintain BMP's, NCG 010000 Sec. III, 4
- t. Failure to operate and maintain control measures, NCG 010000 Sec. IV, 1
- u. Bypass of stormwater control facilities, NCG 010000, Sec. IV, 3
- v. Other (describe) GS 143-215.1(a) & 15A NCAC 4B.0126

7. Has sedimentation damage occurred  since last inspection  at 1<sup>st</sup> inspection? Yes:  If yes, where? (check all that apply) No:   
Lake/natural watercourse on the tract:  Lake/natural watercourse off the tract:  Other property:

Description: None observed

Stormwater Discharge Outfall with high turbidity or sediment loss: NA  
Degree of damage: slight:  moderate:  severe:

8. Contact made with (name): Erik West and Glenn Amey Title: Charah Site Managers

Inspection report given:  or sent:  to person financially responsible. Date given/sent: With Stormwater NOV

9. Corrective actions needed: Secure approval of an adequate S&EC plan through Chatham County covering all areas disturbed

or to be disturbed. Install all applicable erosion and sediment control devices required by that plan. As we discussed, all discharge points from the exposed access road must be addressed with appropriate sediment control measures.

Report by: John L. Holley, Jr., PE, CPESC

Others present: Erik West and Glenn Amey, Charah

Date of inspection: 11-25-2015

Time arriving on site: about 5 PM

Time leaving site: about 6:00PM

cc: See Stormwater NOV

# SEDIMENTATION/CONSTRUCTION STORMWATER INSPECTION REPORT

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## 9. Corrective actions needed (continued) NA

**10. Comments:** This inspection was performed specifically to address the NC general NPDES permit required.

Work had stopped when I inspected this site, and stop-gap rock check dams (arched dams) temporary cleanup work had been performed at a watercourse crossing where a temporary culvert had been installed.