

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.

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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:
- | | |
|--|---|
| <input checked="" type="checkbox"/> a. No approved plan, G.S. 113A-57 (4) and 15A NCAC 4B.0107(c) | <input type="checkbox"/> g. Inadequate buffer zone, G.S. 113A-57(1) |
| <input type="checkbox"/> b. Failure to follow approved plan, G.S. 113A-57(5) | <input type="checkbox"/> h. Graded slopes and fills too steep, G.S. 113A-57(2) or 15A NCAC 4B.0124(d) |
| <input type="checkbox"/> c. Failure to submit revised plan, G.S. 113A-54.1(b) and 15A NCAC 4B.0118(a) | <input type="checkbox"/> i. Unprotected exposed slopes, G.S. 113A-57(2) |
| <input type="checkbox"/> d. Failure to provide adequate groundcover, G.S. 113A-57(3); 15A NCAC 4B.0107(b) or 15A NCAC 4B.0124(e) | <input type="checkbox"/> j. Failure to maintain measures, 15A NCAC 4B.0113 |
| <input type="checkbox"/> e. Insufficient measures to retain sediment on site, G.S. 113A-57(3) | <input type="checkbox"/> k. Failure to self-inspect G.S. 113A-54.1(e) and 15A NCAC 4B.0131 |
| <input type="checkbox"/> f. Failure to take all reasonable measures, 15A NCAC 4B.0105 | <input type="checkbox"/> l. Other describe _____ |
6. Is the site in compliance with NPDES Permit NCG 010000? Yes: No: Not Applicable: If no, check violations below:
- | | |
|--|---|
| <input type="checkbox"/> m. Failure to manage construction site pollutants, NCG 010000 Sec. II, B.1 | <input type="checkbox"/> r. Failure to have approved plan and NPDES permit on site, NCG 010000 Sec. III, 3(d) |
| <input type="checkbox"/> n. Failure to provide ground stabilization, NCG 010000 Sec. II, B.2 | <input type="checkbox"/> s. Failure to install and maintain BMP's, NCG 010000 Sec. III, 4 |
| <input type="checkbox"/> o. Failure to maintain rain gauge or record daily rainfall, NCG 010000 Sec. II, B.3(a,b) | <input type="checkbox"/> t. Failure to operate and maintain control measures, NCG 010000 Sec. IV, 1 |
| <input type="checkbox"/> p. Failure to meet self-inspection and reporting requirements, NCG 010000 Sec. II, B.3(c-i) | <input type="checkbox"/> u. Bypass of stormwater control facilities, NCG 010000, Sec. IV, 3 |
| <input type="checkbox"/> q. Failure to dewater sediment basin from surface, NCG 010000 Sec. II, B.4 | <input checked="" type="checkbox"/> v. Other (describe) <u>GS 143-215.1(a) & 15A NCAC 4B.0126</u> |
7. Has sedimentation damage occurred since last inspection at 1st 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

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

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.