

**DEPARTMENT OF ENVIRONMENTAL  
QUALITY**

**DIVISION OF ENERGY, MINERAL,  
AND LAND RESOURCES**

**SCC CIVIL PENALTY  
REMISSIONS  
COMMITTEE MEETING**

**Immediately Following the  
10:00 A.M. SCC Meeting  
Tuesday  
February 23, 2021**

**ONLINE MEETING via WEBEX**

**If you have any questions concerning this meeting, please contact  
Julie Coco at (919) 707- 9215**

- I. **Call to Order**
- II. **Procedural Instructions for Members**
- III. **Action Items**
  - A. Remission Case LQS-20-WAKE-S005180 Wake County vs. Caruso Land, LLC (no oral presentation)
    - i. DEMLR introduces case (< 5 minutes)
    - ii. Local Program describes case (5 minutes)
    - iii. Committee Q&A of DEMLR and Local Program staff
    - iv. Committee Action (motion, second, discussion, vote)
  - B. Remission Case LQS-20-WAKE-VIO-000700-2019 Wake County vs. Mr. Larry Ward (oral presentation)
    - i. DEMLR introduces case (< 5 minutes)
    - ii. Local Program describes case (5 minutes)
    - iii. Petitioner presents their position (5 minutes)
    - iv. Committee Q&A of DEMLR, Local Program staff, and Petitioner
    - v. Committee Action (motion, second, discussion, vote)
- IV. **Brief General Orientation for Members**
- V. **Adjournment**

## AGENDA

North Carolina Sedimentation Control Commission  
Civil Penalty Remissions Committee  
Business Meeting

Ground Floor Hearing Room  
Archdale Building  
512 North Salisbury Street  
Raleigh North Carolina

*Though normally held at the above location, this meeting will be held via webinar.*

February 23, 2021, following adjournment of Commission meeting

Ms. Marion Deerhake, Chair, Presiding

### I. **Call to Order** – Chair Deerhake

*North Carolina General Statute § 163A-159(e) mandates that at the beginning of any meeting of a board, the chair shall remind all members of their duty to avoid conflicts of interest under this Subchapter. The chair also shall inquire as to whether there is any known conflict of interest with respect to any matters coming before the board at that time.*

### II. **Procedural Instructions for Members** – Counsel Sarah Zambon *Counsel will discuss the rules of conduct for remission cases, the decision-making criteria, and the forms of motion.*

### III. **Action Items**

#### A. Remission Case LQS-20-WAKE-S005180

Wake County vs. Caruso Land, LLC (no oral presentation)

- i. DEMLR introduces case (< 5 minutes)
- ii. Local Program describes case (5 minutes)
- iii. Committee Q&A of DEMLR and Local Program staff
- iv. Committee Action (motion, second, discussion, vote)

#### B. Remission Case LQS-20-WAKE-VIO-000700-2019

Wake County vs. Mr. Larry Ward (oral presentation)

- i. DEMLR introduces case (< 5 minutes)
- ii. Local Program describes case (5 minutes)
- iii. Petitioner presents their position (5 minutes)
- iv. Committee Q&A of DEMLR, Local Program staff, and Petitioner
- v. Committee Action (motion, second, discussion, vote)

- IV. **Brief General Orientation for Members** – Chair Deerhake & Counsel Zambon  
*The Chair and Counsel will describe future decision-making scenarios and how the committee can address them.*
- V. **Adjournment**

## NORTH CAROLINA SEDIMENTATION CONTROL COMMISSION

**REMISSION GUIDELINES FOR LOCAL GOVERNMENT EROSION AND  
SEDIMENTATION CONTROL PROGRAMS**

These guidelines are intended to assist Local Government Erosion and Sedimentation Control Programs in the processing and referring of civil penalty remission requests to the North Carolina Sedimentation Control Commission.

Step 1: Petitioner submits remission request to SCC via the local government that issued the CPA, within sixty (60) days of receipt of the Notice of Assessment, in accordance with N.C. Gen. Stat. § 113A-64.2(a).

Step 2: The local government staff sends Petitioner a letter acknowledging receipt of the remission request, and includes the following:

1. A request for additional financial information, if Petitioner checked box (e) on the Justification for Remission Request Form;
2. Request for any other supporting documentation; and
3. Deadline for Petitioner to submit additional requested information.

The local government staff sends DEMLR staff a copy of the acknowledgment letter sent to Petitioner, for DEMLR's records.

Step 3: The local government considers the remission request, including any information submitted by petitioner in support of the remission request.

The local government shall consider the factors listed in N.C. Gen. Stat. § 113A-64.2(b) in determining its recommendation.

The local government shall make its recommendation consistent with the limitations in N.C. Gen. Stat. § 113A-64.2(b), (c), (d), and (e).

Step 4: The local government sends Petitioner a letter with its initial recommendation. It is recommended that the letter be sent by certified mail or any other method providing delivery confirmation.

The letter shall include a "Request for Oral Presentation" form, and the letter shall notify Petitioner of the following:

1. Petitioner may pay the penalty, or the modified penalty if applicable.

2. If Petitioner chooses to pay the penalty, send payment within thirty (30) days of receipt of the letter.
3. How to submit payment (how check should be made payable and where to send).
4. If allowed by the local government, that Petitioner may request a payment plan, and who to contact with a request.
5. If Payment is not received or a payment plan is not set up within thirty (30) days of receipt of the letter, the request for remission and supporting documents and the local government's recommendation and supporting documents will be forwarded to the SCC Civil Penalty Remissions Committee for a Final Agency Decision.
  - a. Where the penalty has been modified, the letter shall include notice that if the remission request proceeds to the SCC Civil Penalty Remissions Committee, the Committee may affirm the full original amount of the penalty.
6. If Petitioner desires to make an oral presentation to the SCC Civil Penalty Remissions Committee, Petitioner must complete and return the enclosed "Request for Oral Presentation" form within thirty (30) days of receipt of the letter.
7. Provide the address for where to mail the "Request for Oral Presentation" form.
8. The SCC Chairperson will review the request for oral presentation and the documents in the matter, and if the Chairperson determines there is a compelling reason to require an oral presentation, DEMLR staff will notify Petitioner of the date, time, and place that Petitioner's oral presentation can be made.
9. If Petitioner does not request an oral presentation, the final decision on Petitioner's request for remission will be made by the SCC Civil Penalty Remissions Committee based on the written record.

Step 5: If Petitioner requests to make an oral presentation:

1. The local government forwards the written record, including the request for oral presentation, to DEMLR staff, for a final agency decision by the SCC Civil Penalty Remissions Committee.
  - a. Details for what the written record should include, but is not limited to, are provided below in Step 7.
2. To be considered for the next scheduled meeting of the Civil Penalty Remissions Committee, the local government must forward the request for oral presentation and the complete documentation package to DEMLR staff at least forty-five (45) days before the next scheduled meeting of the Committee. In its discretion, the Committee may choose to hear the request at a later date.
3. Upon DEMLR's receipt of the request for oral presentation and complete documentation package from the local government:

- a. DEMLR staff sends a copy of the request for oral presentation and the documents in the matter to the SCC Chairperson, and the SCC counsel.
  - b. SCC Chairperson will notify DEMLR staff whether the request for oral presentation will be allowed.
  - c. SCC Chairperson determines when the SCC Civil Penalty Remissions Committee will hear the Petitioner's oral presentation.
    - i. To be considered for the next scheduled meeting of the Civil Penalty Remissions Committee meeting, the SCC Chairperson must receive the request from DEMLR staff at least thirty (30) days before the next scheduled meeting of the Committee.
    - ii. Requests will be heard in the order received, up to a number determined by the SCC Chairperson in consultation with the chairperson of the Civil Penalty Remissions Committee.
4. DEMLR staff sends Petitioner a letter acknowledging receipt of the remission request from the local government, and notifying Petitioner of the date, time, and place the Petitioner's oral presentation can be made. It is recommended that the letter be sent by certified mail or any other method providing delivery confirmation.

Step 6: If Petitioner does not request to make an oral presentation:

1. If Petitioner does not pay or enter into a payment plan (if allowed by the local government) within the time allowed, and the local government and the Petitioner are unable to resolve the matter and the local government determines the matter is at an impasse, the local government forwards the written record to DEMLR staff for a final agency decision by the SCC Civil Penalty Remissions Committee:
  - a. Details for what the written record should include, but is not limited to, are provided below in Step 7.
2. To be considered for the next scheduled meeting of the Civil Penalty Remissions Committee, the local government must forward the complete documentation package to DEMLR staff at least forty-five (45) days before the next scheduled meeting of the Committee. In its discretion, the Committee may choose to hear the request at a later date.
3. Upon DEMLR's receipt of the complete documentation package from the local government:
  - a. DEMLR staff notifies the SCC Chairperson of the remission request.
  - b. SCC Chairperson determines when the SCC Civil Penalty Remissions Committee will consider the remission request.
    - i. To be considered for the next scheduled meeting of the Civil Penalty Remissions Committee meeting, the SCC Chairperson must receive

the request from DEMLR staff at least thirty (30) days before the next scheduled meeting of the Committee.

- ii. Requests will be heard in the order received, up to a number determined by the SCC Chairperson in consultation with the chairperson of the Civil Penalty Remissions Committee.
4. DEMLR staff sends Petitioner a letter acknowledging receipt of the remission request from the local government, and notifying Petitioner that the SCC Civil Penalty Remissions Committee will consider the remission request and will issue a Final Agency Decision based on the written record. It is recommended that the letter be sent by certified mail or any other method providing delivery confirmation.

Step 7: DEMLR staff delivers the written record, including the remission request and the local government's recommendation, to the SCC Civil Penalty Remissions Committee at least two (2) weeks before the scheduled meeting of the Committee.

Confidential materials, including but not limited to those containing personally identifying information ("PII") or financial records, shall only be provided to the Civil Penalty Remissions Committee members, and only in accordance with procedures that protect the confidentiality of the information, by providing confidential materials to the Civil Penalty Remissions Committee members in a hard copy format.

DEMLR staff shall make all non-confidential materials available to the public on the SCC's website prior to the Civil Penalty Remissions Committee meeting.

The written record should include, but is not limited to, the following:

1. Summary sheet and timeline listing the following:
  - a. Case background and assessment
    - i. Date submitted plan approved;
    - ii. Inspection date(s);
    - iii. Violation(s) found;
    - iv. NOV date(s), and when NOV(s) delivered per proof of service;
    - v. Violator response to NOV, if any;
    - vi. CPA date, and when CPA delivered per proof of service; and
    - vii. CPA details: Penalty amounts and corresponding violations.
  - b. Remission request timeline details
  - c. Whether violator requested an oral presentation.
  - d. Whether violator has been assessed CPAs for previous violations.
2. Inspection report(s)
3. Pictures taken and considered in assessment of the penalty
4. NOV(s) and proof of service



5. CPA and proof of service
6. Other relevant information
7. The remission request includes:
  - a. Signed remission request waiver of right to an administrative hearing and stipulation of facts;
  - b. Completed justification for remission request; and
  - c. All supporting documentation submitted by Petitioner at any time during the remissions process.
8. The local government's recommendation for enforcement includes:
  - a. Recommendation letter and delivery confirmation if available; and
  - b. All supporting documentation.
9. The request for oral presentation, if applicable

Step 8: SCC Civil Penalty Remissions Committee considers the remission request and hears oral presentations (if applicable).

1. Oral presentation on the issuance of the penalty and the local government's recommendation should be made by the local government that issued the penalty.
2. If the local government requests, and DEMLR agrees, DEMLR may make the presentation on behalf of the local government.
3. In its discretion, the Committee may hear any recommendation by DEMLR staff as to the request, in DEMLR's role as supporting staff for the SCC.

Step 9: SCC Civil Penalty Remissions Committee issues a Final Agency Decision based upon the written record and any oral presentations (if applicable). The SCC Civil Penalty Remissions Committee shall consider the factors in N.C. Gen. Stat. § 113A-64.2(b).

1. Counsel to the SCC drafts the Final Agency Decision for signature.

Step 10: Final Agency Decision served on Petitioner.

1. Counsel to the SCC sends the Final Agency Decision to the Petitioner by certified mail or other service in accordance with Rule 4 of the Rules of Civil Procedure, with a cover letter notifying Petitioner:
  - a. Petitioner may seek judicial review in Superior Court by filing petition within thirty (30) days of receipt of the written copy of the Final Agency Decision.
    - i. A written copy must be served upon DEQ General Counsel
    - ii. Request to also serve a copy upon counsel to the SCC
  - b. If Petitioner does not seek judicial review, payment must be submitted to the local government within thirty (30) days of receipt of the written copy of the Final Agency Decision.

- i. How to make payment
  - ii. How check made payable
  - iii. Where to send payment
- c. If Petitioner fails to pay the penalty within thirty (30) days of receipt of the Final Agency Decision, the local government will seek to collect the amount due through a civil action in Superior Court.

Effective: February 20, 2020

Dr. Susan White, Chair  
North Carolina Sedimentation Control Commission

A handwritten signature in black ink that reads "Susan White". The signature is written in a cursive style with a large, looped "S" and a distinct "W".

NORTH CAROLINA SEDIMENTATION CONTROL COMMISSION

DELEGATION OF AUTHORITY TO RECEIVE, CONSIDER, AND RESOLVE REMISSION REQUESTS FOR CIVIL PENALTIES ASSESSED BY LOCAL GOVERNMENT EROSION AND SEDIMENTATION CONTROL PROGRAMS

The North Carolina Sedimentation Control Commission hereby delegates the following authority to local government erosion and sedimentation control programs (“local government”) for civil penalties assessed by the local government:

To receive remission requests from violators;

To consider remission requests submitted in accordance with N.C. Gen. Stat. § 113A-64.2(a), and make enforcement recommendations consistent with the limitations in N.C. Gen. Stat. § 113A-64.2; and

To resolve remission requests with the violator, consistent with the limitations in N.C. Gen. Stat. § 113A-64.2.

If the local government and the violator are unable to resolve the remission request, the local government shall deliver the remission request and the local government’s recommended enforcement action to the Civil Penalty Remissions Committee for a final agency decision.

For the processing and referral of remission requests pursuant to the authority delegated herein, the local government shall refer to the most recent version of the “*Remission Guidelines for Local Government Erosion and Sedimentation Control Programs*” adopted by the SCC or the Civil Penalty Remissions Committee.

Effective: February 20, 2020



Dr. Susan White, Chair  
North Carolina Sedimentation Control Commission

# Civil Penalty Remission Request Summary for Local Program Case File

*Prepared by the DEMLR Central Office*

**Financially Responsible Party:** Caruso Land, LLC

**First-time Assessed Penalty?** No

**Project Name:** Buffalo Lake Wheeler AKA Olde Mill Trace

**Local Program:** Wake County

**Local Project ID or Case ID:** S005180

**LQS Case Number:** LQS-20-WAKE-S005180

**CPA Received Date:** 7/25/2019

**Violations Cited for Penalty:**

- (1) Failure to have an approved plan
- (2) Failure to protect against off-site sedimentation
- (3) Failure to maintain erosion control measures

**Penalty Amount:** \$5,000

**Day(s) out of Compliance:** 7/12/19 – 7/30/19 = 18 days or less

7/15/19 – 7/17/19 for site cleanup, but not stream.

**Remission factor(s) requested for consideration:** (b) Whether the petitioner promptly abated continuing environmental damage resulting from the violation.

**Oral Presentation Requested?** No

Date	Item or Description
7/12/19	Inspection. Date of Violation.
7/25/19	NOV with CPA received. Deadline is 7 days from receipt for field items or 8/1/2019. Deadline for plan submission is 30 days from receipt.
7/30/19	Compliance Inspection. All violations corrected. Permit application in receipt by county.



Wake County Sediment and Erosion Control Section, Water Quality Division  
336 Fayetteville Street - PO Box 550 - Raleigh, NC 27602  
Phone: 919-856-7400; Fax: 919-856-2747

October 27, 2020

Julie Coco, PE, CPESC  
State Sedimentation Program Engineer  
North Carolina Department of Environmental Quality  
Division of Energy, Mineral & Land Resources  
512 N. Salisbury Street  
Raleigh, NC 27604

RE: Request for Remission of Civil Penalty Summary Sheet and Timeline  
Violator: Jeffrey Caruso, Caruso Land, LLC  
Case No. S005180  
Wake County

Dear Julie Coco,

Wake County Watershed Management staff, along with the Director of Water Quality, have decided to leave the civil penalty as is at \$5000 for the referenced above case. Below and attached are the required information and attachments per the North Carolina Sediment Control Commission Remission Guidelines for Local Government Erosion and Sediment Control Programs.

- a) Case background and assessment.
  - i) Date submitted plan approved: 12/16/2016
  - ii) Inspection dates: 7/12/2019 & 7/30/2019
  - iii) Violations found:
    - A) Failure to have an approved plan
    - B) Failure to protect against off-site sedimentation:
      - (1) 10-40-3 to fail to protect against off-site sedimentation damage when conducting any land-disturbing activity.
        - (I) Findings: Sediment loss into a riparian buffer and an unclassified intermittent stream that feeds Swift Creek. Sediment in buffer is in two areas. One area is 1/4" - 4" deep that leads to and into stream. The other area is 1/4"-1" deep that leads up to the stream. Sediment in the stream is 2"-6" deep, 4'x20'.
  - C) Failure to maintain erosion control measures
- iv) NOV date, and when NOV delivered per proof of service
  - A) NOV date: 7/22/2019
  - B) NOV delivered via email on 7/25/2019
  - C) NOV received confirmation email from Jerry Radman on 7/25/2019
- v) Violator response to NOV- items listed in NOV were corrected by their due dates (see attachment

“Violator response emails”)

- A) 7/12/2019- Inspection
- B) 7/12/2019- Phone discussion between Andrew Lake (Wake County) and Joshua Nance (Caruso Homes). Joshua Nance was informed of the violations over the phone. He stated that he would begin work that same day.
- C) 7/12/2019- Draft inspection report emailed to Caruso Homes
- D) 7/15/2019 (7:42am)- Received photos via email of some items corrected (see attachment “Violator response emails”)
- E) 7/18/2019 (10:03am)- Received email stating that remaining items were corrected on 7/17/2019. Pictures were sent showing items corrected (no picture was sent of stream clean up).
- F) 7/25/2019- NOV sent to Caruso Homes via email
- G) 7/30/2019- Wake County performed a follow up inspection. All field items verified corrected.
- vi) CPA date- 7/22/2019, delivered with NOV via email on 7/25/2019
- vii) CPA details- Penalty amount: \$5,000
  - A) Violations:
    - (1) Failure to have an approved plan
    - (2) Failure to protect against off-site sedimentation
    - (3) Failure to maintain erosion control measures
- b) Remission request timeline details
  - i) 8/23/2019- Waiver of Rights received by DEMLR
  - ii) 9/3/2019- Justification for Remission Request received by DEMLR
  - iii) 9/20/2019- Documentation for the Justification for Remission Request received by DEMLR
- c) The violator has not requested an oral presentation.
- d) Violator past CPA- NOV/CPA of \$1,500 issued on 5/28/2019

Should you have any questions, please feel free to contact me at (919) 594-0895 or Andrew.Lake@wakegov.com.

Sincerely,



Andrew Lake  
Environmental Consultant  
Wake County Water Quality Division

cc:

Joseph Threadcraft, Ph.D., P. E., Director, Wake County Department of Environmental Services  
Michael Orbon, P. E., Director, Water Quality Division  
Melinda Clark, CFM, CZO, Watershed Manager, Water Quality Division

Jeevan Neupane, P.E., Environmental Consultant, Wake County, Water Quality Division  
Julie Coco, P.E., CPESC, State Sediment Engineer, NCDEQ – Division of Energy, Mineral, and Land Resources

Attachments:

“Inspection Report 7-12-19”

“Inspection Report 7-30-19”

“Pictures taken and considered in assessment of the penalty”

“S005180.RemissionPks.2019” – Remission request documentation

“Remission Decision Letter Olde Mill Trace” – Local government’s recommendation letter

“Remission recommendation letter delivery confirmation”

“NOV CPA received confirmation”



WAKE COUNTY SEDIMENT AND EROSION CONTROL INSPECTION REPORT

Wake County Sediment and Erosion Control Section, Water Quality Division
336 Fayetteville Street - PO Box 550 - Raleigh, NC 27602
Phone: 919-856-7400; Fax: 919-856-2747

FRP CONTACT: Jerry Radman

FRP CONTACT EMAIL: jradman@carusohomes.com

CONTRACTOR CONTACT: Joshua Nance

CONTRACTOR EMAIL: jonance@carusohomes.com

PROJECT NAME: Buffalo Lake Wheeler AKA Olde Mill Trace

PERMIT NUMBER: S-5180

PERMIT ISSUE DATE: 1/27/2017

PERMIT EXPIRATION DATE: 1/28/2020

INSPECTION DETAILS

INSPECTION DATE: Friday, July 12, 2019

WEATHER, SITE CONDITIONS, ETC. 80s, wet soil

INSPECTION STATUS: In Violation, NOV issued

PREVIOUS INSPECTION STATUS: Not in Compliance with Wake County UDO

VIOLATIONS \ NONCOMPLIANCE:

Check all that apply

- X A. Failure to have an approved plan (WC UDO, 10-40-1)
X B. Failure to protect against off-site sedimentation (WC UDO, 10-40-3 & 10-40-4)
C. Failure to provide adequate groundcover (WC UDO, 10-20-5 (A)(2) & 10-20-5(B)(5))
X D. Failure to maintain erosion control measures (WC UDO, 10-23-1, 10-23-2, 10-23-3, 10-23-4)
X E. Failure to follow approved plan (WC UDO, 10-40-2)
F. Failure to renew permit (WC UDO, 10-30-9)
X G. Potential NPDES Violation
H. Failure to self inspect (G.S. 113A-54.1(e) & NCAC 4B.0131)

HAS SEDIMENT DAMAGE OCCURRED? YES

If YES, Check all that apply:

- X Lake/Stream/Buffer Onsite
Lake/Stream/Buffer Offsite
Other Property

Degree of Sediment damage? Moderate

OBSERVATIONS/CORRECTIVE ACTIONS:

- 1. Remove sediment by hand in riparian buffer and stream along Miller Rd immediately. Stabilize area in riparian buffer and apply a native riparian buffer seed mix. Repair silt fence and outlets. Slope on Miller Rd needs to have erosion repaired and be stabilized and tacked down or an erosion control matting applied.
2. Behind lots 88-90: repair silt fence immediately. This drains directly to a stream. Stabilize area behind lots and install inlet protection at two yard inlets.
3. Refresh stone at silt fence outlet left of lot 90.
4. Lot 16 needs 57 stone at silt fence outlet.
5. Provide self-inspection reports for the months of June/July.
6. Apply for a land disturbance permit for the lots or submit a revised site plan including the lots and lot detail (due 8/25/19).

COMMENTS:

Reminder: Per 15A NCAC 04B .0131 SELF-INSPECTIONS, Section (2); Any documentation of inspections that occur on a copy of the approved erosion and sedimentation control plan shall occur on a single copy of the plan and that plan shall be made available on the site. Any inspection reports shall also be made available on the site.

CORRECTIVE ACTION DEADLINE: Thursday, August 1, 2019

ENVIRONMENTAL CONSULTANT: Andrew Lake
919-594-0895
Andrew.Lake@wakegov.com





WAKE COUNTY SEDIMENT AND EROSION CONTROL  
INSPECTION REPORT

Wake County Sediment and Erosion Control Section, Water Quality Division  
336 Fayetteville Street - PO Box 550 - Raleigh, NC 27602  
Phone: 919-856-7400; Fax: 919-856-2747

FRP CONTACT: <u>Jerry Radman</u>	FRP CONTACT EMAIL: <u><a href="mailto:jradman@carusohomes.com">jradman@carusohomes.com</a></u>
CONTRACTOR CONTACT: <u>Joshua Nance</u>	CONTRACTOR EMAIL: <u><a href="mailto:jonance@carusohomes.com">jonance@carusohomes.com</a></u>
PROJECT NAME: <u>Buffaloe Lake Wheeler AKA Olde Mill Trace</u>	PERMIT NUMBER: <u>S-5180</u>
PERMIT ISSUE DATE: <u>1/27/2017</u>	PERMIT EXPIRATION DATE: <u>1/28/2020</u>

INSPECTION DETAILS

INSPECTION DATE: <u>7/12/2019</u>	WEATHER, SITE CONDITIONS, ETC. <u>80s, wet soil</u>
INSPECTION STATUS: <u>In Violation, NOV issued</u>	PREVIOUS INSPECTION STATUS: <u>Not in Compliance with Wake County UDO</u>



Comment: lot 16, silt fence outlet needs 57 stone



Comment: behind lot 88



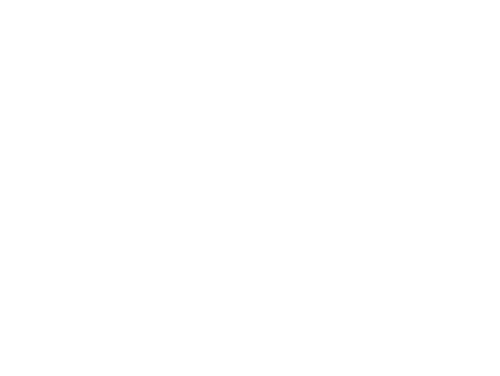
Comment: inlet protection needed behind lots 88-90



Comment: behind lots 88-90



Comment: refresh stone at silt fence outlet left of lot 90



Comment:

Environmental  
Consultant:

Andrew Lake  
919-594-0895  
[Andrew.Lake@wakegov.com](mailto:Andrew.Lake@wakegov.com)



WAKE COUNTY SEDIMENT AND EROSION CONTROL  
INSPECTION REPORT

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336 Fayetteville Street - PO Box 550 - Raleigh, NC 27602  
Phone: 919-856-7400; Fax: 919-856-2747

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Comment: Miller stone



Comment: Miller stone



Comment: Miller stone - sediment in riparian buffer



Comment: Miller stone - sediment in riparian buffer



Comment: Miller stone - sediment in stream



Comment: Miller stone - sediment in stream

Environmental  
Consultant:

Andrew Lake  
919-594-0895  
[Andrew.Lake@wakegov.com](mailto:Andrew.Lake@wakegov.com)



WAKE COUNTY SEDIMENT AND EROSION CONTROL  
INSPECTION REPORT

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Comment: Miller stone



Comment: Miller stone



Comment: Miller stone - sediment in riparian buffer



Comment: Miller stone



Comment: Miller stone - sediment in riparian buffer



Comment:

Environmental  
Consultant:

Andrew Lake  
919-594-0895  
[Andrew.Lake@wakegov.com](mailto:Andrew.Lake@wakegov.com)



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CONTRACTOR EMAIL: jonance@carusohomes.com

PROJECT NAME: Buffalo Lake Wheeler AKA Olde Mill Trace

PERMIT NUMBER: S-5180

PERMIT ISSUE DATE: 1/27/2017

PERMIT EXPIRATION DATE: 1/28/2020

INSPECTION DETAILS

INSPECTION DATE: Tuesday, July 30, 2019

WEATHER, SITE CONDITIONS, ETC. 80s, workable soil

INSPECTION STATUS: In Compliance with Wake County UDO

PREVIOUS INSPECTION STATUS: Not in Compliance with Wake County UDO

VIOLATIONS \ NONCOMPLIANCE:

Check all that apply

- A. Failure to have an approved plan (WC UDO, 10-40-1)
B. Failure to protect against off-site sedimentation (WC UDO, 10-40-3 & 10-40-4)
C. Failure to provide adequate groundcover (WC UDO, 10-20-5 (A)(2) & 10-20-5(B)(5))
D. Failure to maintain erosion control measures (WC UDO, 10-23-1, 10-23-2, 10-23-3, 10-23-4)
E. Failure to follow approved plan (WC UDO, 10-40-2)
F. Failure to renew permit (WC UDO, 10-30-9)
G. Potential NPDES Violation
H. Failure to self inspect (G.S. 113A-54.1(e) & NCAC 4B.0131)

HAS SEDIMENT DAMAGE OCCURRED? NO

If YES, Check all that apply:

- Lake/Stream/Buffer Onsite
Lake/Stream/Buffer Offsite
Other Property

Degree of Sediment damage?

OBSERVATIONS/CORRECTIVE ACTIONS:

Items from the Notice of Violations issued on 7/22/19 & 5/28/19 have been corrected. A Land Disturbance permit for the lots has already been applied for. The civil penalty is still due for the NOV from 7/22/19.

COMMENTS:

Reminder: Per 15A NCAC 04B .0131 SELF-INSPECTIONS, Section (2); Any documentation of inspections that occur on a copy of the approved erosion and sedimentation control plan shall occur on a single copy of the plan and that plan shall be made available on the site. Any inspection reports shall also be made available on the site.

CORRECTIVE ACTION DEADLINE:

ENVIRONMENTAL CONSULTANT:

Andrew Lake
919-594-0895
Andrew.Lake@wakegov.com



WAKE COUNTY SEDIMENT AND EROSION CONTROL  
INSPECTION REPORT

Wake County Sediment and Erosion Control Section, Water Quality Division  
336 Fayetteville Street - PO Box 550 - Raleigh, NC 27602  
Phone: 919-856-7400; Fax: 919-856-2747

FRP CONTACT: <u>Jerry Radman</u>	FRP CONTACT EMAIL: <u><a href="mailto:jradman@carusohomes.com">jradman@carusohomes.com</a></u>
CONTRACTOR CONTACT: <u>Joshua Nance</u>	CONTRACTOR EMAIL: <u><a href="mailto:jonance@carusohomes.com">jonance@carusohomes.com</a></u>
PROJECT NAME: <u>Buffaloe Lake Wheeler AKA Olde Mill Trace</u>	PERMIT NUMBER: <u>S-5180</u>
PERMIT ISSUE DATE: <u>1/27/2017</u>	PERMIT EXPIRATION DATE: <u>1/28/2020</u>

INSPECTION DETAILS

INSPECTION DATE: <u>7/30/2019</u>	WEATHER, SITE CONDITIONS, ETC. <u>80s, workable soil</u>
INSPECTION STATUS: <u>In Compliance with Wake County UDO</u>	PREVIOUS INSPECTION STATUS: <u>Not in Compliance with Wake County UDO</u>



Comment: Slope stabilized



Comment: sediment removed from riparian buffer and area stabilized



Comment: inlet protection installed



Comment: area stabilized

Comment:

Comment:

Environmental  
Consultant:

Andrew Lake  
919-594-0895  
Andrew.Lake@wakegov.com

Pictures taken and considered in assessment of the penalty

Notice of Violation issued 7/22/2020. Buffalo Lake Wheeler Subdivision. Case # S005180. See inspection report for additional photos.



Comment: Miller Stone Rd.- sediment in stream



Comment: Miller Stone Rd. - sediment in stream



Comment: Miller Stone Rd. - sediment in riparian buffer





Comment: Miller Stone Rd. - sediment in riparian buffer



Comment: Miller Stone Rd.





RECEIVED  
SEP 20 2019  
LAND QUALITY  
MINING PROGRAM

September 19, 2019

Ms. Julie Coco, P.E.  
State Sediment Engineer  
DEMLR  
1612 Mail Service Center  
Raleigh, NC 27699-1612

RE: Project # S005180  
Notice of Violation, Remission Documentation

Ms. Coco:

On July 25, 2019 Caruso Land Development, LLC was in receipt of a Notice of Violation and Civil Penalty Assessment Letter. A Justification for Remission Request and The Waiver of Rights Form were previously sent to your office.

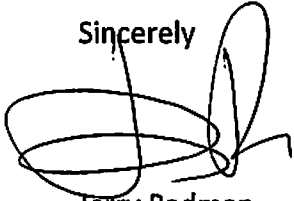
Attached is the documentation for the Justification for Remission Request (b) Whether the petitioner promptly abated continued environmental damage resulting from the violation:

1. Inspection Report and Email from Andrew Lake, Wake County, dated Friday July 12, 2019. Josh Nance with Caruso Homes accompanied Andrew Lake on the site visit. Email states that Nance is "getting sediment cleaned up today"
2. Email from Josh Nance on Monday July 15<sup>th</sup> to Andrew Lake stating all work in process if not already completed.
3. Email from Josh Nance on Thursday July 18 to Andrew Lake stating that all work had been completed on Tuesday with pictures.
4. Email from Josh Nance on Thursday July 25 stating all on-site issues addressed, requesting reinspection. Self-reporting reports being forwarded. NOTE THAT ITEM #7 OF THE NOV WAS NOT ACTUAL OFF-SITE SEDIMENTATION, BUT SEDIMENTATION THAT HAD GONE BEYOND THE SILT FENCE. NO SEDIMENT LEFT THE PROJECT SITE.
5. Email from Andrew Lake on Thursday July 25 stating that attached was a copy of the Notice of Violation dated July 22 (The NOV was acknowledged as received on July 25.)

6. Inspection Report dated Tuesday July 30 from Andrew Lake stating that the Project Site was in Compliance with Wake County UDO.

Appreciate your consideration of our request for remission of the assessed civil penalty.

Sincerely

A handwritten signature in black ink, appearing to read "Jerry Radman". The signature is stylized with several loops and a long horizontal stroke at the bottom.

Jerry Radman  
Caruso Homes  
Land Manager – NC  
206 High House Road  
Cary, NC 27513

1

## Joshua Nance

---

**From:** Andrew Lake <Andrew.Lake@wakegov.com>  
**Sent:** Friday, July 12, 2019 12:29 PM  
**To:** Jerry Radman; Joshua Nance  
**Subject:** Olde Mill Trace Inspection Report 7/12/19  
**Attachments:** S5180 Inspection Report 7-12-19.pdf

Dear Gentlemen,

Please see attachment for the draft Sediment and Erosion Control Inspection Report. There has been sediment loss into the riparian buffer and stream. A notice of violation and possible civil penalties are forthcoming. I have contacted Josh and informed him. He is working on getting the sediment cleaned up today. Feel free to contact me if you have any questions or concerns.

Sincerely,

**Andrew Lake**

Environmental Consultant  
Wake County Government  
Environmental Services / Water Quality  
919.594.0895 mobile | 919.856.7407 fax  
336 Fayetteville St. / P.O. Box 550, Raleigh, NC 27602  
wakegov.com

*Wake County Environmental Services would like your feedback.  
In order to participate please [CLICK HERE!](#)*

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WAKE COUNTY SEDIMENT AND EROSION CONTROL
INSPECTION REPORT

Wake County Sediment and Erosion Control Section, Water Quality Division
336 Fayetteville Street - PO Box 550 - Raleigh, NC 27602
Phone: 919-856-7400; Fax: 919-856-2747

FRP CONTACT: Jerry Radman
FRP CONTACT EMAIL: jradman@carushomes.com
CONTRACTOR CONTACT: Joshua Nance
CONTRACTOR EMAIL: jonance@carushomes.com
PROJECT NAME: Buffaloe Lake Wheeler AKA Olde Mill Trace
PERMIT NUMBER: S-5180
PERMIT ISSUE DATE: 1/27/2017
PERMIT EXPIRATION DATE: 1/28/2020

INSPECTION DETAILS

INSPECTION DATE: Friday, July 12, 2019
WEATHER, SITE CONDITIONS, ETC. 80s, wet soil
INSPECTION STATUS: In Violation, NOV Issued
PREVIOUS INSPECTION STATUS: Not in Compliance with Wake County UDO

VIOLATIONS \ NONCOMPLIANCE:
Check all that apply

- A. Failure to have an approved plan (WC UDO, 10-40-1)
X B. Failure to protect against off-site sedimentation (WC UDO, 10-40-3 & 10-40-4)
C. Failure to provide adequate groundcover (WC UDO, 10-20-5 (A)(2) & 10-20-5(B)(5))
X D. Failure to maintain erosion control measures (WC UDO, 10-23-1, 10-23-2, 10-23-3, 10-23-4)
X E. Failure to follow approved plan (WC UDO, 10-40-2)
F. Failure to renew permit (WC UDO, 10-30-9)
X G. Potential NPDES Violation
H. Failure to self inspect (G.S. 113A-54 1(e) & NCAC 4B 0131)

HAS SEDIMENT DAMAGE OCCURRED? YES

If YES, Check all that apply

- X Lake/Stream/Buffer Onsite
Lake/Stream/Buffer Offsite
Other Property

Degree of Sediment damage? Moderate

OBSERVATIONS/CORRECTIVE ACTIONS:

- 1. Remove sediment by hand in riparian buffer and stream along Miller Rd immediately. Stabilize area in riparian buffer and apply a native riparian buffer seed mix. Repair silt fence and outlets. Slope on Miller Rd needs to have erosion repaired and be stabilized and tacked down or an erosion control matting applied.
2. Behind lots 88-90: repair silt fence immediately. This drains directly to a stream. Stabilize area behind lots and install inlet protection at two yard inlets.
3. Refresh stone at silt fence outlet left of lot 90.
4. Lot 16 needs 57 stone at silt fence outlet.
5. Provide self-inspection reports for the months of June/July.

COMMENTS:

Reminder: Per 15A NCAC 04B.0131 SELF-INSPECTIONS, Section (2). Any documentation of inspections that occur on a copy of the approved erosion and sedimentation control plan shall occur on a single copy of the plan and that plan shall be made available on the site. Any inspection reports shall also be made available on the site.

CORRECTIVE ACTION DEADLINE:

ENVIRONMENTAL CONSULTANT: Andrew Lake
919-594-0895
Andrew.Lake@wakegov.com



WAKE COUNTY SEDIMENT AND EROSION CONTROL  
INSPECTION REPORT

Wake County Sediment and Erosion Control Section, Water Quality Division  
336 Fayetteville Street - PO Box 550 - Raleigh, NC 27602  
Phone: 919-856-7400; Fax: 919-856-2747

FRP CONTACT: <u>Jerry Radman</u>	FRP CONTACT EMAIL: <u>jradsman@carushomes.com</u>
CONTRACTOR CONTACT: <u>Joshua Nance</u>	CONTRACTOR EMAIL: <u>jonance@carushomes.com</u>
PROJECT NAME: <u>Buffaloe Lake Wheeler AKA Olde Mid Trace</u>	PERMIT NUMBER: <u>S-5180</u>
PERMIT ISSUE DATE: <u>1/27/2017</u>	PERMIT EXPIRATION DATE: <u>1/28/2020</u>

INSPECTION DETAILS

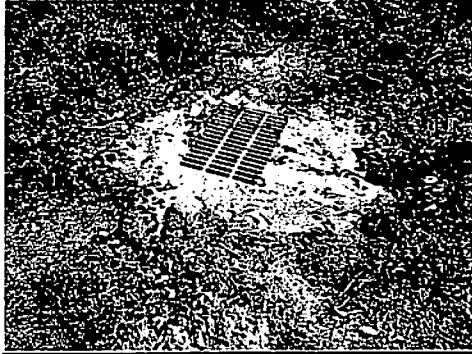
INSPECTION DATE: <u>7/12/2019</u>	WEATHER, SITE CONDITIONS, ETC. <u>80s, wet soil</u>
INSPECTION STATUS: <u>In Violation, NOV issued</u>	PREVIOUS INSPECTION STATUS: <u>Not in Compliance with Wake County UDO</u>



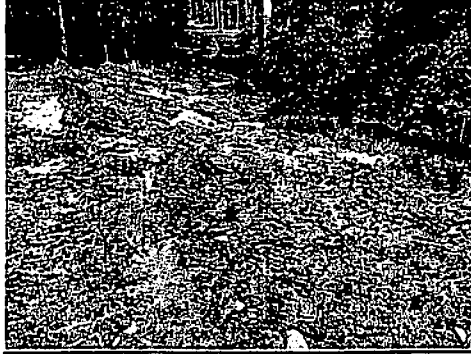
Comment: lot 16, silt fence outlet needs 57 stone



Comment: behind lot 88



Comment: inlet protection needed behind lots 88-90



Comment: behind lots 88-90



Comment: refresh stone at silt fence outlet left of lot 80



Comment

Environmental  
Consultant:

Andrew Lake  
919-554-0695  
Andrew.Lake@wakegov.com





WAKE COUNTY SEDIMENT AND EROSION CONTROL  
INSPECTION REPORT

Wake County Sediment and Erosion Control Section, Water Quality Division  
336 Fayetteville Street - PO Box 530 - Raleigh, NC 27602  
Phone: 919-856-7400; Fax: 919-856-2747

FRP CONTACT: <u>Jerry Radman</u>	FRP CONTACT EMAIL: <u>radman@canusohomes.com</u>
CONTRACTOR CONTACT: <u>Joshua Nance</u>	CONTRACTOR EMAIL: <u>jonanco@canusohomes.com</u>
PROJECT NAME: <u>Buffaloe Lake Wheeler AKA Olde Mill Trace</u>	PERMIT NUMBER: <u>S-5180</u>
PERMIT ISSUE DATE: <u>1/27/2017</u>	PERMIT EXPIRATION DATE: <u>1/28/2020</u>

INSPECTION DETAILS

INSPECTION DATE: <u>7/12/2019</u>	WEATHER, SITE CONDITIONS, ETC. <u>80s, wet sod</u>
INSPECTION STATUS: <u>In Violation, NOV issued</u>	PREVIOUS INSPECTION STATUS: <u>Not in Compliance with Wake County UDO</u>



Comment: Miller stone



Comment: Miller stone



Comment: Miller stone - sediment in riparian buffer



Comment: Miller stone - sediment in riparian buffer



Comment: Miller stone - sediment in stream



Comment: Miller stone - sediment in stream

Environmental  
Consultant:

Andrew Lake  
919-594-0895  
Andrew.Lake@wakegov.com



WAKE COUNTY SEDIMENT AND EROSION CONTROL  
INSPECTION REPORT

Wake County Sediment and Erosion Control Section, Water Quality Division  
336 Fayetteville Street - PO Box 550 - Raleigh, NC 27602  
Phone: 919-856-7400; Fax: 919-856-2747

FRP CONTACT: <u>Jerry Radman</u>	FRP CONTACT EMAIL: <u>radman@caruschomes.com</u>
CONTRACTOR CONTACT: <u>Joshua Nance</u>	CONTRACTOR EMAIL: <u>jonance@caruschomes.com</u>
PROJECT NAME: <u>Buffalo Lake Wheeler AKA Olde Mill Trace</u>	PERMIT NUMBER: <u>S-5180</u>
PERMIT ISSUE DATE: <u>1/27/2017</u>	PERMIT EXPIRATION DATE: <u>1/28/2020</u>

INSPECTION DETAILS

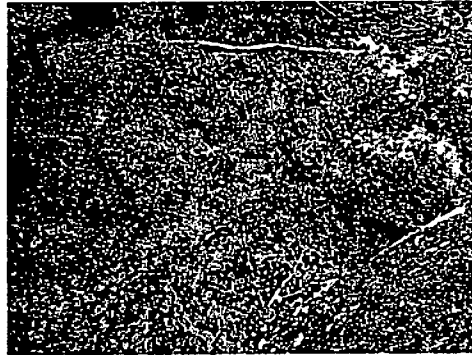
INSPECTION DATE: <u>7/12/2019</u>	WEATHER, SITE CONDITIONS, ETC. <u>80s, wet soil</u>
INSPECTION STATUS: <u>In Violation, NOV issued</u>	PREVIOUS INSPECTION STATUS: <u>Not in Compliance with Wake County UDO</u>



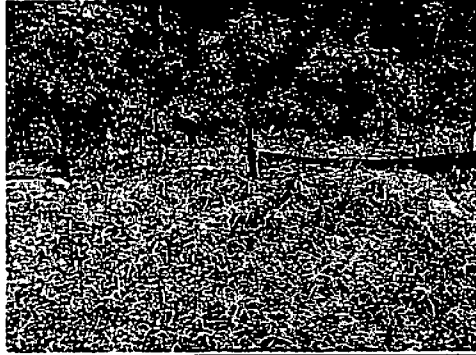
Comment: Miller stone



Comment: Miller stone



Comment: Miller stone - sediment in riparian buffer



Comment: Miller stone



Comment: Miller stone - sediment in riparian buffer

Comment

Environmental  
Consultant:

Andrew Lake  
919-594-0895  
Andrew.Lake@wakegov.com

## Joshua Nance

---

**From:** Andrew Lake <Andrew.Lake@wakegov.com>  
**Sent:** Thursday, August 1, 2019 2:12 PM  
**To:** Jerry Radman; Joshua Nance  
**Subject:** Olde Mill Trace Inspection Report 7/30/19  
**Attachments:** S5180 Inspection Report 7-30-19.pdf

Dear Gentlemen,

Please see attachment for the Sediment and Erosion Control Inspection Report. Feel free to contact me if you have any questions or concerns.

Sincerely,

**Andrew Lake**

Environmental Consultant  
Wake County Government  
Environmental Services / Water Quality  
919.594.0895 mobile | 919.856.7407 fax  
336 Fayetteville St. / P.O. Box 550, Raleigh, NC 27602  
wakegov.com

*Wake County Environmental Services would like your feedback.  
In order to participate please [CLICK HERE!](#)*

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2

**Joshua Nance**

---

**From:** Joshua Nance  
**Sent:** Monday, July 15, 2019 7:42 AM  
**To:** Andrew Lake  
**Cc:** Jerry Radman  
**Subject:** Re: Olde Mill Trace Inspection Report 7/12/19

Andrew,

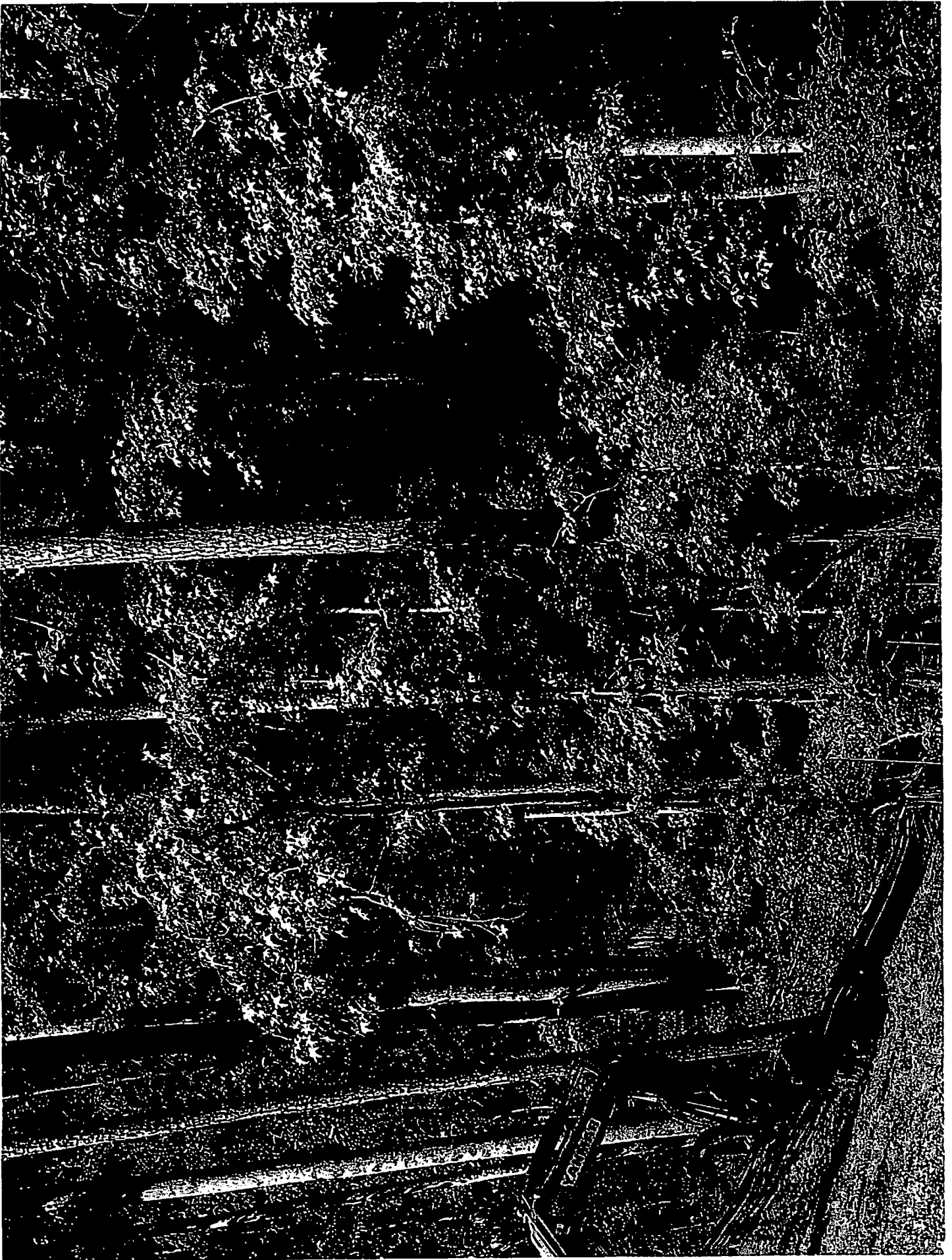
Attached are a few pictures of the progress and crew working on correcting the issues from Friday afternoon. All silt fence was repaired/replaced as needed, outlets were refreshed with new stone, and they added 3-4 additional outlets to help prevent these issues again going forward.

When I left the site, they were finishing up the silt fence repairs and working on removing sediment in the buffer area & stream. They will be back today to address the slope with a combination of seed/straw & matting, as well as the area behind Lot 88-90. I will send pictures of those areas to you end of day today.

Please give me a call with any questions.







Thanks,  
**Josh Nance**  
Land Development Project Manager, NC  
Caruso Homes  
206 High House Road, suite 205  
Cary, NC 27513  
[jonance@Carusohomes.com](mailto:jonance@Carusohomes.com)  
Cell (919) 818-8189

On Jul 12, 2019, at 12:30 PM, Andrew Lake <[Andrew.Lake@wakegov.com](mailto:Andrew.Lake@wakegov.com)> wrote:

Dear Gentlemen,

Please see attachment for the draft Sediment and Erosion Control Inspection Report. There has been sediment loss into the riparian buffer and stream. A notice of violation and possible civil penalties are forthcoming. I have contacted Josh and informed him. He is working on getting the sediment cleaned up today. Feel free to contact me if you have any questions or concerns.

Sincerely,

**Andrew Lake**

Environmental Consultant  
Wake County Government  
Environmental Services / Water Quality  
919.594.0895 mobile | 919.856.7407 fax  
336 Fayetteville St. / P.O. Box 550, Raleigh, NC 27602  
[wakegov.com](http://wakegov.com)

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<S5180 Inspection Report 7-12-19.pdf>



3

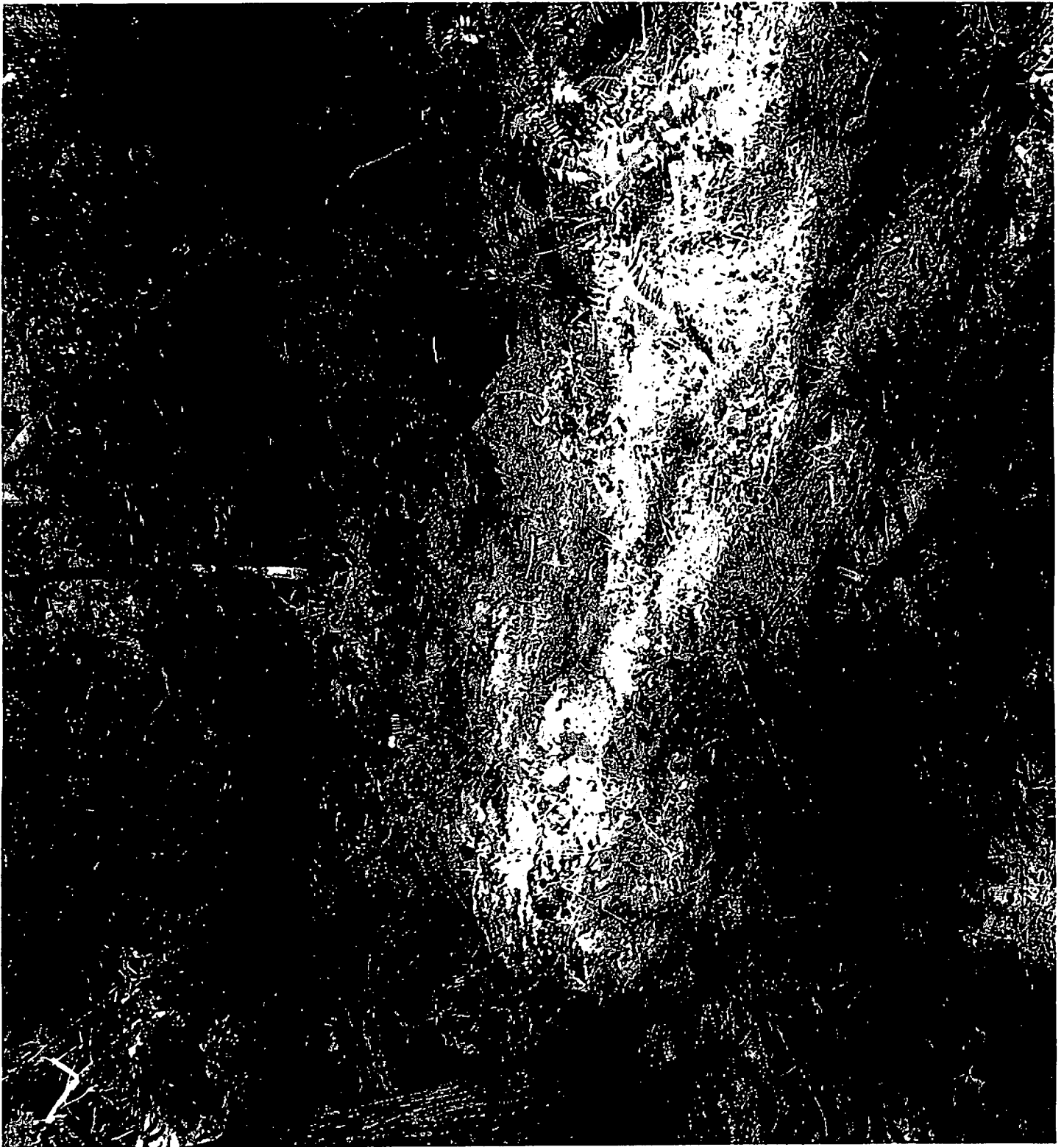
**Joshua Nance**

---

**From:** Joshua Nance <jonance@carusohomes.com>  
**Sent:** Thursday, July 18, 2019 10:03 AM  
**To:** Andrew Lake  
**Subject:** Re: Olde Mill Trace

Hi Andrew,

Everything was completed on Tuesday morning. Pictures below...





^ Sediment removed

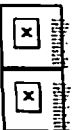




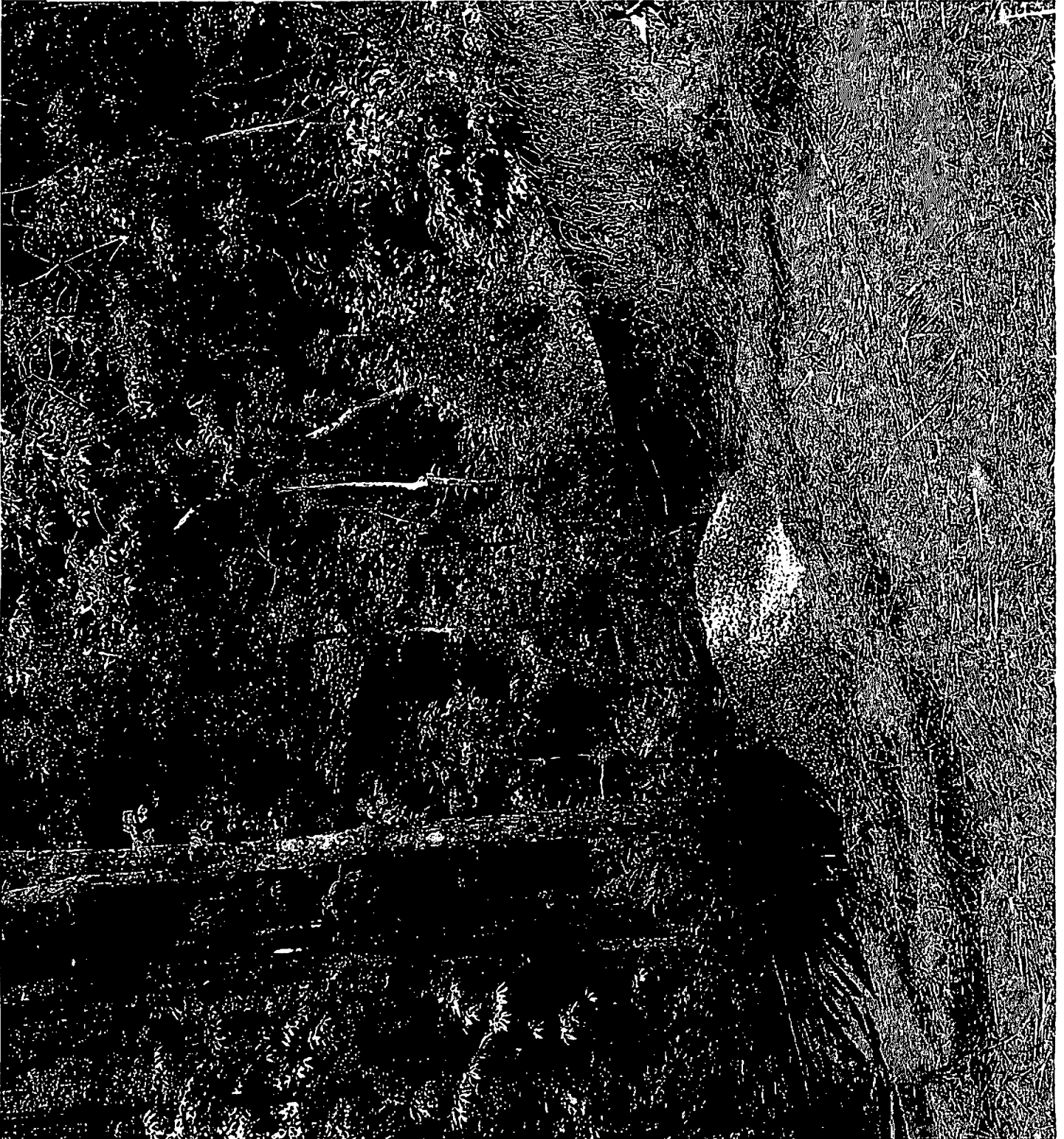
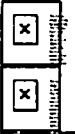
^ Re-graded to get of ruts/channels along slope, and added matting to help prevent runoff



^ Refreshed silt fence outlet to the left of Lot 90, and added seed & straw to that area



^ Installed inlet protection around both yard inlets behind Lots 88-90



^ Repaired silt fence and installed 3 outlets at low points behind Lots 88-90



^ Added seed & straw to all denuded areas behind/beside Lots 88-90

I forgot to check to see if they changed out the stone at Lot 16 outlet, and I didn't take a picture of the stream where sediment had been removed, so I'll get by there later this afternoon to do both of those.

Please give me a call with any questions or concerns.

Thanks,

**Josh Nance**

Land Development Project Manager, NC

Caruso Homes

206 High House Road, suite 205

Cary, NC 27513

[jonance@Carusohomes.com](mailto:jonance@Carusohomes.com)

Cell (919) 818-8189

On Jul 18, 2019, at 9:50 AM, Andrew Lake <[Andrew.Lake@wakegov.com](mailto:Andrew.Lake@wakegov.com)> wrote:

Good Morning Josh,

I'm just checking in to see how the repairs are progressing along.

Thanks,

**Andrew Lake**

Environmental Consultant

Wake County Government

Environmental Services / Water Quality

919.594.0895 mobile | 919.856.7407 fax

336 Fayetteville St. / P.O. Box 550, Raleigh, NC 27602

[wakegov.com](http://wakegov.com)

*Wake County Environmental Services would like your feedback.*

*In order to participate please [CLICK HERE!](#)*

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**Joshua Nance**

---

**From:** Joshua Nance  
**Sent:** Thursday, July 25, 2019 12:04 PM  
**To:** 'Andrew Lake'; Jerry Radman  
**Subject:** RE: Olde Mill Trace Notice of Violation and Civil Penalty

Andrew,

As noted in my email last Thursday, all of the on-site issues (Items #1-4 in the NOV) have been corrected. We are ready for a re-inspection. I am out tomorrow, but I can be available any time Monday-Wednesday next week. Please let me know what works with your schedule.

I will send you the self-inspection reports (Item #5 in the NOV) for June/July separately – with so many attachments, it will be several emails.

Regarding the land disturbance permit (Item #6 in the NOV), can you confirm which lots this is for? We are in the process of getting the permit for Phase 2. Permit #SEC-020104-2019, application started on 6/11/19, permit fee paid on 7/22/19, and we expect it will be granted any day.

I will talk with EcoTurf this afternoon about self-reporting the off-site sedimentation to NCDEQ (Item #7 in the NOV).

If you have any questions or need additional info, please let me know.

Thanks,  
Josh

**From:** Andrew Lake [mailto:Andrew.Lake@wakegov.com]  
**Sent:** Thursday, July 25, 2019 9:24 AM  
**To:** Jerry Radman <jradman@carusohomes.com>; Joshua Nance <jonance@carusohomes.com>  
**Subject:** Olde Mill Trace Notice of Violation and Civil Penalty

Good Morning Gentlemen,

Please see attachments for the Notice of Violation and associated documents. I believe most items have been addressed. Josh, could you please review the inspection report and inform me when all the items have been corrected so that I can re-inspect? The deadline is seven days from receipt of this NOV.

Jerry, can you respond to this email with confirmation that you have received the NOV?

Feel free to contact me if you have any questions or concerns.

Sincerely,

**Andrew Lake**

Environmental Consultant  
Wake County Government  
Environmental Services / Water Quality  
919.594.0895 mobile | 919.856.7407 fax  
336 Fayetteville St. / P.O. Box 550, Raleigh, NC 27602  
wakegov.com



**Jerry Radman**

---

**From:** Andrew Lake <Andrew.Lake@wakegov.com>  
**Sent:** Thursday, July 25, 2019 9:24 AM  
**To:** Jerry Radman; Joshua Nance  
**Subject:** Olde Mill Trace Notice of Violation and Civil Penalty  
**Attachments:** S5180 Inspection Report 7-12-19.pdf; Olde Mill Trace NOV 7-22-19.pdf; AppealProcessCivilPenalty.pdf; Justification for Remission Request.pdf; Resources for Technical Assistance\_2016.pdf; Waiver of Right to Hearing.pdf

Good Morning Gentlemen,

Please see attachments for the Notice of Violation and associated documents. I believe most items have been addressed. Josh, could you please review the inspection report and inform me when all the items have been corrected so that I can re-inspect? The deadline is seven days from receipt of this NOV.

Jerry, can you respond to this email with confirmation that you have received the NOV?

Feel free to contact me if you have any questions or concerns.

Sincerely,

**Andrew Lake**

Environmental Consultant  
Wake County Government  
Environmental Services / Water Quality  
919.594.0895 mobile | 919.856.7407 fax  
336 Fayetteville St. / P.O. Box 550, Raleigh, NC 27602  
wakegov.com

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WAKE COUNTY SEDIMENT AND EROSION CONTROL INSPECTION REPORT

Wake County Sediment and Erosion Control Section, Water Quality Division
335 Fayetteville Street - PO Box 550 - Raleigh, NC 27602
Phone: 919-856-7400; Fax: 919-856-2747

FRP CONTACT: Jerry Radman
FRP CONTACT EMAIL: jradman@carusohomes.com
CONTRACTOR CONTACT: Joshua Nance
CONTRACTOR EMAIL: jonance@carusohomes.com
PROJECT NAME: Buffalo Lake Wheeler AKA Olde Mill Trace
PERMIT NUMBER: S-5180
PERMIT ISSUE DATE: 1/27/2017
PERMIT EXPIRATION DATE: 1/28/2020

INSPECTION DETAILS

INSPECTION DATE: Tuesday, July 30, 2019
WEATHER, SITE CONDITIONS, ETC: 80s, workable soil
INSPECTION STATUS: In Compliance with Wake County UDO
PREVIOUS INSPECTION STATUS: Not in Compliance with Wake County UDO

VIOLATIONS & NONCOMPLIANCE:

Check all that apply

- A. Failure to have an approved plan (WC UDO, 10-40-1)
B. Failure to protect against off-site sedimentation (WC UDO, 10-40-3 & 10-40-4)
C. Failure to provide adequate groundcover (WC UDO, 10-20-5 (A)(2) & 10-20-5(B)(5))
D. Failure to maintain erosion control measures (WC UDO, 10-23-1, 10-23-2, 10-23-3, 10-23-4)
E. Failure to follow approved plan (WC UDO, 10-40-2)
F. Failure to renew permit (WC UDO, 10-30-9)
G. Potential NPDES Violation
H. Failure to self inspect (G S 113A-54 1(e) & NCAC 4B 0131)

HAS SEDIMENT DAMAGE OCCURRED? NO

If YES, Check all that apply

- Lake/Stream/Buffer Onsite
Lake/Stream/Buffer Offsite
Other Property

Degree of Sediment damage?

OBSERVATIONS/CORRECTIVE ACTIONS:

Items from the Notice of Violations issued on 7/22/19 & 5/28/19 have been corrected. A Land Disturbance permit for the lots has already been applied for. The civil penalty is still due for the NOV from 7/22/19.

COMMENTS:

Reminder: Per 15A NCAC 04B .0131 SELF-INSPECTIONS, Section (2): Any documentation of inspections that occur on a copy of the approved erosion and sedimentation control plan shall occur on a single copy of the plan and that plan shall be made available on the site. Any inspection reports shall also be made available on the site.

CORRECTIVE ACTION DEADLINE:

ENVIRONMENTAL CONSULTANT: Andrew Lake
919-594-0895
Andrew.Lake@wakegov.com



WAKE COUNTY SEDIMENT AND EROSION CONTROL  
INSPECTION REPORT

Wake County Sediment and Erosion Control Section, Water Quality Division  
336 Fayetteville Street - PO Box 550 - Raleigh, NC 27602  
Phone: 919-856-7400; Fax: 919-856-2747

FRP CONTACT: <u>Jerry Radman</u>	FRP CONTACT EMAIL: <u>radman@carusohomes.com</u>
CONTRACTOR CONTACT: <u>Joshua Nance</u>	CONTRACTOR EMAIL: <u>jnance@carusohomes.com</u>
PROJECT NAME: <u>Buffalo Lake Wheeler AKA Olde Mill Trace</u>	PERMIT NUMBER: <u>S-5180</u>
PERMIT ISSUE DATE: <u>1/27/2017</u>	PERMIT EXPIRATION DATE: <u>1/28/2020</u>

INSPECTION DETAILS

INSPECTION DATE: <u>7/30/2019</u>	WEATHER, SITE CONDITIONS, ETC. <u>80s workable soil</u>
INSPECTION STATUS: <u>In Compliance with Wake County UDO</u>	PREVIOUS INSPECTION STATUS: <u>Not in Compliance with Wake County UDO</u>



Comment: Slope stabilized



Comment: sediment removed from riparian buffer and area stabilized



Comment: inlet protection installed



Comment: area stabilized

Comment:

Comment:

Environmental  
Consultant:

Andrew Lake  
919-594-0895  
Andrew.Lake@wakegov.com



August 28, 2019

Ms. Julie Coco, P.E.  
State Sediment Engineer  
DEMLR  
1612 Mail Service Center  
Raleigh, NC 27699-1612

RE: Project # S005180  
Notice of Violation, Remission Request

Ms. Coco:

On July 25, 2019 Caruso Land Development, LLC was in receipt of a Notice of Violation and Civil Penalty Assessment Letter.

The Waiver of Rights Form was previously sent to your office on August 23, 2019. Please find attached a Justification for Remission Request. Evidence to support the remission shall be forth coming within the 60-day time period.

Sincerely

A handwritten signature in black ink, appearing to read "Jerry Radman", is written over the word "Sincerely".

Jerry Radman

Caruso Homes  
Land Manager – NC  
206 High House Road  
Cary, NC 27513

RECEIVED  
SEP 03 2019  
LAND QUALITY  
MINING PROGRAM

**JUSTIFICATION FOR REMISSION REQUEST**

**Project or Property Identification: Olde Mill Trace (aka Buffalo Lake Wheeler) subdivision**  
**County: Wake**

**Assessed Party: Caruso Land, LLC**

**Project No. (If applicable): S005180**

**Amount Assessed: \$5000**

Please use this form when requesting remission of this civil penalty. You must also complete the "Waiver of Right to an Administrative Hearing, and Stipulation of Facts" form to request remission of this civil penalty. You should attach any documents that you believe support your request and are necessary for the Commission to consider in evaluating your request for remission. Please be aware that a request for remission is limited to consideration of the factors listed below. Requesting remission is not the proper procedure for contesting whether the violation(s) occurred or the accuracy of any of the factual statements contained in the civil penalty assessment document. Pursuant to N.C.G.S. § 113A-64.2(b), the following factors shall be considered in determining whether a civil penalty remission request will be approved. Please check each factor that you believe applies to your case and provide a detailed explanation, including copies of supporting documents, as to why the factor applies (attach additional pages as needed).

- (a) Whether one or more of the civil penalty assessment factors in N.C.G.S. 113A-64(a)(3) were wrongfully applied to the detriment of the petitioner (please refer to the "Assessment Factors" summary attached);
- (b) Whether the petitioner promptly abated continuing environmental damage resulting from the violation (i.e., explain the steps that you took to correct the violation and prevent future occurrences);
- (c) Whether the violation was inadvertent or a result of an accident (i.e., explain why the violation was unavoidable or something you could not prevent or prepare for);
- (d) Whether the petitioner had not been assessed civil penalties for any previous violations;
- (e) Whether payment of the civil penalty will prevent payment for the remaining necessary remedial actions or would otherwise create a significant financial hardship (i.e., explain how payment of the civil penalty will prevent you from performing the activities necessary to achieve compliance);
- (f) the assessed property tax valuation of the petitioner's property upon which the violation occurred, excluding the value of any structures located on the property.

*Please note that you have the burden of providing information concerning the financial impact of a civil penalty and the burden of showing any financial hardship.*

**EXPLANATION (attach additional pages as necessary):**



Mr. Joseph Threadcraft, PhD, PE  
Wake County Environmental Services, Director  
336 Fayetteville St.  
Raleigh, NC 27602

RECEIVED

AUG 23 2019

LAND QUALITY SECTION

/Ms. Julie Coco, P.E.  
State Sediment Engineer  
DEMLR  
512 N. Salisbury Street  
Raleigh, NC 27604

RE: Project # S005180  
Notice of Violation, Remission Request

On July 25, 2019 Caruso Land Development, LLC was in receipt of a Notice of Violation and Civil Penalty Assessment Letter.

Please find attached an executed Waiver of Rights seeking remission of the civil penalty. Evidence to support the remission shall be forth coming within the 60-day time period.

Sincerely

A handwritten signature in black ink, appearing to read "Jerry Radman". The signature is stylized with large loops and a long horizontal stroke at the end.

Jerry Radman

Caruso Homes  
Land Manager – NC  
206 High House Road  
Cary, NC 27513

STATE OF NORTH CAROLINA

SEDIMENTATION  
POLLUTION  
CONTROL COMMISSION

COUNTY OF WAKE

IN THE MATTER OF ASSESSMENT )  
OF CIVIL PENALTIES AGAINST )  
CARUSO LAND, LLC )

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

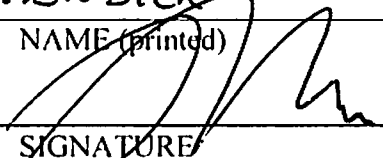
Property Identification or Project # S005180

Having been assessed civil penalties totaling \$5000 for violation(s) as set forth in the assessment document of the Director, Water Quality Division of the Wake County Department of Environmental Services dated 7/22/2019, the undersigned, desiring to seek remission of the civil penalties, does hereby waive the right to an administrative hearing in the above-stated matter and does stipulate that the facts are as alleged in the assessment document.

The undersigned further understands that all evidence presented in support of remission of this civil penalty must be submitted to the Director, Water Quality Division of the Wake County Department of Environmental Services within sixty (60) calendar days of receipt of the civil penalty assessment. No new evidence in support of a remission request will be allowed after sixty (60) calendar days from the receipt of the civil penalty assessment.

This the 16<sup>th</sup> day of August, 2019.

DAVID MENDICK  
NAME (printed)

  
SIGNATURE

ADDRESS

206 High House Rd., Suite 205  
Cary, North Carolina 27513

TELEPHONE

(919) 880-2829



Wake County Sediment and Erosion Control Section, Water Quality Division  
336 Fayetteville Street - PO Box 550 - Raleigh, NC 27602  
Phone: 919-856-7400; Fax: 919-856-2747

July 13, 2020

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

Jeffrey Caruso  
Caruso Land, LLC  
2120 Baldwin Ave. #200  
Crofton, MD 21114

RE: Request for Remission of Civil Penalty  
Jeffrey Caruso  
Case No. S005180  
Wake County

Dear Mr. Caruso:

The Division of Energy, Mineral and Land Resources (DEMLR) has received your request for remission of the civil penalty in a letter dated 8/28/2019 with accompanying support information. In accordance with the delegation provided by the Sedimentation Control Commission, Wake County Watershed Management staff, along with the Director of Water Quality, have considered the information you submitted in support of your request for remission and did not find grounds to modify the civil penalty assessment. **The civil penalty stands at \$5000** and this is Wake County's recommendation to the Sedimentation Control Commission

If you decide to pay the penalty, please make your check payable to Wake County. Send the payment within thirty (30) calendar days of your receipt of this letter to the following address:

*If sending via US Postal Service*

Wake County Department of Environmental  
Services  
P.O. Box 550  
Raleigh, NC 27602

*If sending via delivery service (UPS, FedEx, etc.)*

Wake County Department of Environmental Services  
P.O. Box 550  
Raleigh, NC 27602

If payment is not received, or a settlement not reached within 30 calendar days from your receipt of this letter, your request for remission with supporting documents and the recommendation of the Wake County Watershed Management staff and Water Quality Director will be delivered to the Sedimentation Control Commission Civil Penalty Remissions Committee



for a final agency decision at one of their regularly scheduled meetings held in Raleigh, North Carolina.

As a part of the remissions process, you will be provided the opportunity to make an oral presentation before this committee on the matter of the case listed above.

#### Oral Presentation Details

- It is not a requirement to provide an oral presentation on this matter before the Committee; rather you will be provided time to directly present information to the Committee as a part of the remission process if you chose to do so.
- Making a presentation will require the presence of you and/or your representative during a committee on remissions meeting held in Raleigh, North Carolina.
- Your presentation will be limited to discussion of issues and information submitted in your original remission request. You stipulated that the facts are as alleged in the assessment notice.

Should you desire to make an oral presentation before the Civil Penalty Remissions Committee, you must complete the attached "*Request for Oral Presentation*" form and return it within thirty (30) calendar days of receipt of this letter to the address under option 1 above.

The Sedimentation Control Commission Chair will review the request for oral presentation and the documents in the matter. If the Chair determines that there is a compelling reason to require an oral presentation, you will be notified of the date, time, and place for the presentation to be heard. Should you decide not to request an oral presentation, the final agency decision on your remission request will be made by the Committee based on the written record.

Please be advised that the Civil Penalty Remissions Committee will make its remission decision based on the original assessment amount. Therefore, the Committee may choose to uphold the original penalty amount and offer no remissions, remit a portion of the penalty, or fully remit the penalty. The entire amount of the penalty may be remitted only when the petitioner has not been assessed civil penalties for previous violations, and when it can be demonstrated that payment of the civil penalty would prevent payment for necessary remedial actions.

You will be notified of a final decision on the remission of your civil penalty, should a decision be made by the Committee.

Payment of this penalty will not foreclose further enforcement action against you for any new violation. If the violations which resulted in this penalty assessment are continuing in nature, the Wake County Water Quality Division reserves the right to assess additional civil penalties

in the future, or take other enforcement action against you.

Should you have any questions, please feel free to contact me at (919) 594-0895 or Andrew.Lake@wakegov.com.

Sincerely,

A handwritten signature in black ink, appearing to read 'AL', is positioned above the typed name.

Andrew Lake  
Environmental Consultant  
Wake County Water Quality Division

cc:

Joseph Threadcraft, Ph.D., P. E., Director, Wake County Department of Environmental Services  
Michael Orbon, P. E., Director, Water Quality Division  
Melinda Clark, CFM, CZO, Watershed Manager, Water Quality Division  
Jeevan Neupane, P.E., Environmental Consultant, Wake County, Water Quality Division  
Julie Coco, P.E., CPESC, State Sediment Engineer, NCDEQ – Division of Energy, Mineral, and Land Resources

Attachments:

“Request for Oral Presentation”

**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.

1. Article Addressed to:

Jeffrey Caruso  
Caruso Land, LLC  
2120 Baldwin Ave  
#200  
Crofton, MD 21114

2. Article Num  
(Transfer fro

7019 1120 0000 3861 3347

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

JTCY/19

Agent

Addressee

B. Received by (Printed Name)

COVENS

C. Date of Delivery

5/11/10

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

## Andrew Lake

---

**From:** Jerry Radman <jradman@carusohomes.com>  
**Sent:** Thursday, July 25, 2019 11:32 AM  
**To:** Andrew Lake; Joshua Nance  
**Subject:** RE: Olde Mill Trace Notice of Violation and Civil Penalty

**CAUTION:** This email originated from outside of the Wake County network. Do not click links or open attachments unless you recognize the sender and know the content is safe.

---

Andrew

I confirm receipt of the NOV

-Jerry

*PLEASE NOTE THAT OUR ADDRESS HAS CHANGED*

**Jerry Radman**

Land Acquisition Manager, North Carolina  
Caruso Homes  
206 High House Rd #205  
Cary, NC 27513  
jradman@Carusohomes.com  
Cell (919) 880-2829

---

**From:** Andrew Lake [mailto:Andrew.Lake@wakegov.com]  
**Sent:** Thursday, July 25, 2019 9:24 AM  
**To:** Jerry Radman <jradman@carusohomes.com>; Joshua Nance <jonance@carusohomes.com>  
**Subject:** Olde Mill Trace Notice of Violation and Civil Penalty

Good Morning Gentlemen,

Please see attachments for the Notice of Violation and associated documents. I believe most items have been addressed. Josh, could you please review the inspection report and inform me when all the items have been corrected so that I can re-inspect? The deadline is seven days from receipt of this NOV.

Jerry, can you respond to this email with confirmation that you have received the NOV?

Feel free to contact me if you have any questions or concerns.

Sincerely,

**Andrew Lake**

Environmental Consultant  
Wake County Government

Environmental Services / Water Quality

919.594.0895 mobile | 919.856.7407 fax

336 Fayetteville St. / P.O. Box 550, Raleigh, NC 27602

[wakegov.com](http://wakegov.com)

*Wake County Environmental Services would like your feedback.*

*In order to participate please [CLICK HERE!](#)*

E-mail correspondence sent to and received from this address may be subject to disclosure under the North Carolina Public Records Act unless made confidential under applicable law.

CONFIDENTIALITY NOTICE: This e-mail contains privileged and/or confidential information which is intended only for the use of the Addressee named above. If you are not the intended recipient, or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination or copying of this e-mail, or the taking of any action in reliance on the contents of this information, may be strictly prohibited. If you have received this e-mail in error, please notify us immediately and delete the material. Thank you.



Wake County Sediment and Erosion Control Section, Water Quality Division  
336 Fayetteville Street - PO Box 550 - Raleigh, NC 27602  
Phone: 919-856-7400; Fax: 919-856-2747

**July 22, 2019**

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

Jeffrey Caruso  
Caruso Land, LLC  
2120 Baldwin Ave. #200  
Crofton, MD 21114  
Attn: Jerry Radman

**Re: Notice of Violation and Civil Penalty Assessment**

Project Name and Land Disturbance Permit #: Buffalo-Lake Wheeler Subdivision (aka Olde Mill Trace) S005180

Dear Jerry Radman:

On 7/12/19, a duly authorized representative of the Water Quality Division of the Wake County Department of Environmental Services inspected the subject project/property and determined that there are violations of the Wake County Unified Development Ordinance (UDO) Article 10 and the Sedimentation Pollution Control Act of 1973, N.C. General Statute 113A-50 et seq. See the attached report.

**VIOLATIONS:**

The following actions are violations of **Article 10** of the Wake County Unified Development Ordinance (UDO) and subject to the related enforcement and penalty provisions:

**1. Failure to have an approved plan:**

- **10-40-1** to engage in land-disturbing activity without filing an erosion and sedimentation control plan in accordance with the regulations of this article.

**Findings: Lots have been cleared and houses built without a land disturbance permit.**

**2. Failure to protect against off-site sedimentation:**

- **10-40-3** to fail to protect against off-site sedimentation damage when conducting any land-disturbing activity.

**Findings: Sediment loss into a riparian buffer and an unclassified intermittent stream that feeds Swift Creek. Sediment in buffer is in two areas. One area is 1/4" - 4" deep**

**that leads to and into stream. The other area is 1/4"-1" deep that leads up to the stream. Sediment in the stream is 2"-6" deep, 4'x20'.**

**3. Failure to maintain erosion control measures:**

- **10-23-1** During the development of a site, the person conducting the land-disturbing activity must install, routinely inspect and maintain in good working order all temporary and permanent erosion and sedimentation control measures as required by the approved plan or any provision of this article, the North Carolina Sedimentation Pollution Control Act, or any order adopted pursuant to the erosion and sedimentation control regulations of this article or the North Carolina Sedimentation Pollution Control Act.

**Findings: Silt fence needs repair in several areas. Silt fence outlets need repair.**

Please be advised that any person who commits a violation is subject to a maximum civil penalty of up to \$5,000 per violation per day. A civil penalty may be assessed from the date of the violation. Each day of a continuing violation constitutes a separate violation, **10-42-1**.

The County may require a person who engaged in a land-disturbing activity and failed to retain sediment generated by the activity, as required by this article and **G.S. 113A-57 (3)**, to restore the affected waters and land to minimize the detrimental effects of the resulting pollution by sedimentation. This authority is in addition to any other civil or criminal penalty or injunctive relief authorized under this ordinance, **Article 10-48**. All stream or buffer restoration efforts in the Neuse Basin should be coordinated with NC Department of Environmental Quality - Division of Water Resources.

**Civil Penalty Assessment**

Due to the nature and severity of the violation(s), there is a one-time, first day civil penalty assessed in the amount of \$5000. This total is based on the criteria listed under **10-42-2** Civil Penalty Assessment Factors in the UDO. Failure to bring the project into compliance within the time specified is subject to additional civil and criminal penalties for continuing a violation under the UDO **Article 10-41-2**. Please be advised that any further land-disturbance or construction activity should not take place until you are compliant with these Articles.

**READ CAREFULLY:**

To bring the project back into compliance, the following must be accomplished within (see below) days of your receipt of this notification:

- 1) **7 days: Remove sediment by hand in riparian buffer and stream along Miller Rd. immediately. Stabilize area in riparian buffer and apply a native riparian buffer seed mix and anchor. Repair silt fence and outlets. Slope on Miller Rd. needs to have erosion repaired and be stabilized and tacked down or an erosion control matting applied.**
- 2) **7 days: Behind lots 88-90: repair silt fence immediately. Stabilize area behind lots and install inlet protection at two-yard inlets.**
- 3) **7 days: Refresh stone at silt fence outlet left of lot 90.**
- 4) **7 days: Lot 16 needs 57 stone at silt fence outlet.**
- 5) **7 days: Provide self-inspection reports for the months of June/July.**
- 6) **30 days: Apply for a land disturbance permit for the lots or submit a revised site plan including the lots and lot detail.**
- 7) **The off-site sedimentation to the stream should be self-reported to NCDEQ – Division of Water Resources and the Division of Energy, Mineral and Land Resources at (919) 791-4200.**

To comply with the Civil Penalty requirements, you must do one of the following:

- 1) Pay the civil penalty assessment within thirty (30) days from the date of receipt of this letter; or
- 2) File a written petition to Wake County Department of Environmental Services to request a hearing to appeal the civil penalty within thirty (30) days from the date of receipt of this letter. The “Appeal of Civil Penalties – Erosion and Sedimentation Control” guidance document is attached.
- 3) Alternatively, if you choose to stipulate to the facts on which this assessment was based, but wish to request remission of the civil penalty, then within sixty (60) days from the date of receipt of this letter you must file a written request for a remission of the civil penalty from the North Carolina Sedimentation Control Commission.

If the payment is not received or equitable settlement reached within 30 days from the date of receipt of this letter, the matter must be referred to the County Attorney for institution of a civil action in the name of the County, in the appropriate division of the General Court of Justice in Wake County for recovery of the penalty, **Article 10-42-5(B)**.

Below are the instructions for procedures related to payment of civil penalties, appeal of civil penalties and remission of civil penalties.

**A. PAYMENT OF CIVIL PENALTY**



To pay the penalty, send a check or money order made payable to Wake County to Wake County Department of Environmental Services, P.O. Box 550, Raleigh, NC 27602-0550. Payment of this penalty will not foreclose further enforcement action against you for any new violation. If the violations which resulted in this penalty assessment are continuing in nature, Wake County reserves the right to assess additional civil penalties in the future or take other enforcement action against you.

#### **B. CIVIL PENALTY APPEAL**

If you file an appeal, it must be in writing and submitted to Michael Orbon, P.E, Water Quality Director of the Wake County Department of Environmental Services, P.O. Box 550, Raleigh, NC 27602-0550. The applicant bears the burden of presenting factual evidence that the appeal meets one or more of the following tests:

- The penalty was issued in error to a person not responsible for the violation (see definition of Person Responsible for Violation **Section 10-12** Definitions of the UDO)
- Violation resulted from extenuating or mitigating circumstances beyond the control of responsible person (e.g. natural disaster)
- Penalty amount is inconsistent with Wake County's policy and the Civil Penalty Assessment Factors outlined in **Section 10-42-2** of the Unified Development Ordinance
- Other extenuating or mitigating circumstances (Specify)

#### **C. CIVIL PENALTY REMISSION**

A request for remission is limited to consideration of the six factors listed below and is not the proper procedure for contesting the accuracy of any of the statements contained in the assessment document.

Because a remission request forecloses the option of an administrative hearing, such a request will not proceed without a waiver of your right to an administrative hearing and a stipulation that there are no factual or legal issues in dispute.

You must execute and return to this office the attached "Waiver of Right to an Administrative Hearing and Stipulation of Facts" and the attached "Justification of Remission Request" which should provide additional information on the following factors which shall be considered in determining whether a civil penalty remission request will be approved:

- 1) Whether one or more of the civil penalty assessment factors in **Section 10-42-2** of the UDO were wrongly applied to the detriment of the petitioner.
- 2) Whether the petitioner promptly abated continuing environmental damage resulting from the violation.
- 3) Whether the violation was inadvertent or a result of an accident.

- 4) Whether the petitioner had been assessed civil penalties for any previous violations.
- 5) Whether the payment of the civil penalty will prevent payment for necessary remedial actions or would otherwise create a significant financial hardship.
- 6) The assessed property tax valuation of the petitioner's property upon which the violation occurred, excluding the value of any structures located on the property.

You have the burden of providing information concerning the financial impact of a civil penalty and the burden of showing any financial hardship.

If you file a request for remission of the civil penalties, you must submit the required information within 60 days of receipt of this notice to Julie Coco, P.E., CPESC, State Sediment Engineer for the North Carolina Department of Environmental Quality – Division of Energy, Mineral, and Land Resources.

Submit this information to the attention of:

If sending by First Class Mail via  
The US Postal Service:

Julie Coco, P.E., State Sediment Engineer  
DEMLR  
1612 Mail Service Center  
Raleigh, NC 27699-1612

If sending via delivery service  
(e.g. UPS, FedEx):

Julie Coco, P.E., State Sediment Engineer  
DEMLR  
512 N. Salisbury Street  
Raleigh, NC 27604

Your prompt attention and cooperation in this matter is appreciated. Reference all attached documents for additional information. If you have any questions, contact me at 919-594-0895.

Sincerely,



Andrew Lake

cc:

Joseph Threadcraft, Ph.D., P. E., Director, Wake County Department of Environmental Services

Michael Orbon, P. E., Director, Water Quality Division

Melinda Clark, AICP, CFM, Watershed Manager, Water Quality Division

Betsy Pearce, CFM, CPSWQ, Program Lead, Water Quality Division

Julie Coco, P.E., CPESC, State Sediment Engineer, NCDEQ – Division of Energy, Mineral, and Land Resources

Bill Denton, P.E., Regional Engineer, NCDEQ – Division of Energy, Mineral, and Land Resources

Page 6 of 6

Danny Smith, Water Quality Supervisor, NCDEQ – Division of Water Resources

Attachments:

Wake County Inspection Report

“Resources for Technical Assistance – Erosion and Sedimentation Control”

“Appeal of Civil Penalties – Erosion and Sedimentation Control” – Wake County

”Justification of Remission Request” - North Carolina Department of Environmental Quality

“Waiver of Right to an Administrative Hearing and Stipulation of Facts” – North Carolina Department of Environmental Quality

Updated 3/8/18

# Civil Penalty Remission Request Summary for Local Program Case File

*Prepared by the DEMLR Central Office*

**Financially Responsible Party:** Larry Ward (Individual)

**First-time Assessed Penalty?** Yes

**Project Name:** 2508 Brookwood Drive, Raleigh, NC

**Local Program:** Wake County

**Local Project ID or Case ID:** VIO-000700-2019

**LQS Case Number:** LQS-20-Wake-VIO-000700-2019

**CPA Received Date:** 11/13/2019

**Violations Cited for Penalty:**

- (1) Failure to have an approved plan
- (2) Failure to protect against off-site sedimentation
- (3) Failure to have a Land Disturbance Permit
- (4) Failure to maintain erosion control measures
- (5) Failure to provide adequate ground cover

**Penalty Amount:** \$5,000

**Day(s) out of Compliance:** 10/31/2019 – present; last inspection on 12/8/2020 under assessment.

Field items addressed within 20 days. Plan not provided & no permit.

**Remission factor(s) requested for consideration:** (b) Whether the petitioner promptly abated continuing environmental damage resulting from the violation.

**Oral Presentation Requested?** Yes

Date	Item or Description
10/31/19	Inspection - Date of violation No plan. Off-site sedimentation into intermittent stream and street.
11/5/19	NOV with CPA – Deadline of 7 days from receipt for field items or 11/20/2019
11/6/19	Onsite meeting with contractor; seeding & mulching

11/7/19	NOV with CPA sent via e-mail
11/13/19	NOV with CPA sent via USPS certified & first-class mail
11/25/19	Compliance Inspection. Seed & mulch applied. Field items from NOV have been corrected; plan still not submitted. Cannot lift NOV.
12/5/19	Deadline for E&SC plan to be submitted.
4/8/20	New remission request process introduced to Local Program.
7/8/20	Inspection. Grass planted in Fall has died. Some erosion exists. Plan still not provided and grading permit not applied for.
11/10/20	Wake Recommendation Received by Petitioner
12/8/20	Inspection. Mostly stable site. Riparian buffer still in need of repair. Plan still not provided and grading permit not applied for. NOV still in effect.
	Events Since Assessment Period
1/8/21	Correspondence with Wake County. No plan has ever been received by their office.
1/22/21	Inspection. Still no plan. Ground cover has been applied except for an area of the north side of the site. Program is monitoring for stabilization of 80%.



Wake County Sediment and Erosion Control Section, Water Quality Division  
336 Fayetteville Street - PO Box 550 - Raleigh, NC 27602  
Phone: 919-856-7400; Fax: 919-856-2747

December 10, 2020

Julie Coco, PE, CPESC  
State Sedimentation Program Engineer  
North Carolina Department of Environmental Quality  
Division of Energy, Mineral & Land Resources  
512 N. Salisbury Street  
Raleigh, NC 27604

RE: Request for Remission of Civil Penalty Summary Sheet and Timeline  
Violator: Larry Ward  
Case No. VIO-000700-2019  
Wake County

Dear Julie Coco,

Wake County Watershed Management staff, along with the Director of Water Quality, have decided to leave the civil penalty as is at \$5000 for the referenced above case. Below and attached are the required information and attachments per the North Carolina Sediment Control Commission Remission Guidelines for Local Government Erosion and Sediment Control Programs.

- a) Case background and assessment.
  - i) Date submitted plan approved: No plan has been submitted or approved.
  - ii) Inspection dates: 10/31/2019, 11/25/2019, 7/8/2020, & 12/8/2020
  - iii) Violations found:
    - A) Failure to have an approved plan
    - B) Failure to protect against off-site sedimentation
    - C) Failure to have a Land Disturbance Permit
    - D) Failure to maintain erosion control measures
    - E) Failure to provide adequate ground cover
  - iv) NOV date, and when NOV delivered per proof of service
    - A) NOV date: 11/5/2019
    - B) NOV delivered via email on 11/7/2019, sent via Certified Mail & First Class mail on 11/13/2019 (certified letter returned to sender – USPS tracking # 70153010000204946271)
  - v) Violator response to NOV- Field items listed in NOV were corrected by their due dates, an Erosion Control Plan and Land Disturbance Permit were not obtained.
    - A) 10/31/2019- Inspection of site and violations observed.
    - B) 11/6/2019- Met with owner's contractor (Mike Jones with Duke Lazzara) on site to discuss issues.

- C) 11/6/2019- Received photos from contractor of seed and straw applied to disturbed areas.
  - D) 11/25/2019- Inspection of site. Seed and straw observed applied to disturbed areas.
  - E) 7/8/2020 – Inspection of site. Grass planted in fall died. Some erosion occurring on site. Extension granted to stabilize site.
  - F) 12/8/2020 – Inspection of site. Most of site stabilized except for a few small areas near stream.
- vi) CPA date- 11/5/2019, delivered with NOV via email on 11/7/2019, sent via Certified Mail & First Class mail on 11/13/2019 (certified letter returned to sender)
- vii) CPA details- Penalty amount: \$5,000
- A) Violations:
    - (1) Failure to have an approved plan
    - (2) Failure to protect against off-site sedimentation
    - (3) Failure to have a Land Disturbance Permit
    - (4) Failure to maintain erosion control measures
    - (5) Failure to provide adequate ground cover
  - b) Remission request timeline details and proof of service
    - i) 12/31/2019- Remission request, “Justification for Remission Request”, and “Waiver of Right to an Administrative Hearing and Stipulation of Facts” received by DEMLR
    - ii) 4/8/2020- Received new remission request guidance from Julie Coco (DEMLR).
    - iii) 7/14/2020- Initial recommendation letter sent via certified mail (certified letter returned to sender USPS tracking # 70191120000038613354)
    - iv) 11/10/2020- Initial recommendation letter received by violator. It was resent to a family member’s address (USPS tracking # 70191120000169638578).
    - v) 11/24/20- Received “Request for oral presentation”
  - c) The violator has requested an oral presentation.
  - d) Violator past CPA- none

Should you have any questions, please feel free to contact me at (919) 594-0895 or Andrew.Lake@wakegov.com.

Sincerely,



Andrew Lake  
Environmental Consultant  
Wake County Water Quality Division

cc:

Joseph Threadcraft, Ph.D., P. E., Director, Wake County Department of Environmental Services  
Michael Orbon, P. E., Director, Water Quality Division

Ashley Rodgers, P.E., CFM, Watershed Manager, Water Quality Division  
Jeevan Neupane, P.E., Environmental Consultant, Wake County, Water Quality Division

Attachments:

"Inspection Report 10-31-19"

"Inspection Report 11-25-19"

"Inspection Report 7-8-20"

"Inspection Report 12-8-20"

"Pictures taken and considered in assessment of the penalty"

"Notice of Violation and Civil Penalty Assessment"

"Remission request"

"Remission Decision Letter" – Local government's recommendation letter

"Request for oral presentation form"





WAKE COUNTY SEDIMENT AND EROSION CONTROL INSPECTION REPORT

Wake County Sediment and Erosion Control Section, Water Quality Division
336 Fayetteville Street - PO Box 550 - Raleigh, NC 27602
Phone: 919-856-7400; Fax: 919-856-2747

FRP CONTACT: Larry Ward 919-917-3985

FRP CONTACT EMAIL: larryward4him@gmail.com

CONTRACTOR CONTACT: Mike Jones 919-780-9916

CONTRACTOR EMAIL:

PROJECT NAME: 2605 Brookwood Dr. Raleigh, NC

PERMIT NUMBER:

PERMIT ISSUE DATE: N/A

PERMIT EXPIRATION DATE:

INSPECTION DETAILS

INSPECTION DATE: July 8, 2020

WEATHER, SITE CONDITIONS, ETC. 80s, workable soil

INSPECTION STATUS: In Violation, NOV issued

PREVIOUS INSPECTION STATUS: In Violation, see previous NOV

VIOLATIONS \ NONCOMPLIANCE:

Check all that apply

- X A. Failure to have an approved plan (WC UDO, 10-40-1)
B. Failure to protect against off-site sedimentation (WC UDO, 10-40-3 & 10-40-4)
X C. Failure to provide adequate groundcover (WC UDO, 10-20-5 (A)(2) & 10-20-5(B)(5))
D. Failure to maintain erosion control measures (WC UDO, 10-23-1, 10-23-2, 10-23-3, 10-23-4)
E. Failure to follow approved plan (WC UDO, 10-40-2)
F. Failure to renew permit (WC UDO, 10-30-9)
X G. Potential NPDES Violation
H. Failure to self inspect (G.S. 113A-54.1(e) & NCAC 4B.0131)

HAS SEDIMENT DAMAGE OCCURRED? NO

If YES, Check all that apply:

Lake/Stream/Buffer Onsite

Lake/Stream/Buffer Offsite

Other Property

Degree of Sediment damage?

OBSERVATIONS/CORRECTIVE ACTIONS:

Stabilize disturbed areas. The grass that established in November 2019 has died. Civil penalty and a Land Disturbance permit application have not been received.

- 1. Stabilize disturbed areas where vegetation has died.
2. Stabilize disturbed areas where vegetation has died.
3. Repair erosion around pond and stabilize.
4. Repair erosion around rip rap. Ensure lowest point is in the middle of the rip rap.

COMMENTS:

Reminder: Per 15A NCAC 04B .0131 SELF-INSPECTIONS, Section (2); Any documentation of inspections that occur on a copy of the approved erosion and sedimentation control plan shall occur on a single copy of the plan and that plan shall be made available on the site. Any inspection reports shall also be made available on the site.

CORRECTIVE ACTION DEADLINE: Monday, July 27, 2020

ENVIRONMENTAL Andrew Lake 919-594-0895 Andrew.Lake@wakegov.com



**WAKE COUNTY SEDIMENT AND EROSION CONTROL  
INSPECTION REPORT**

Wake County Sediment and Erosion Control Section, Water Quality Division  
336 Fayetteville Street - PO Box 550 - Raleigh, NC 27602  
Phone: 919-856-7400; Fax: 919-856-2747

FRP CONTACT: Larry Ward 919-917-3985  
CONTRACTOR CONTACT: Mike Jones 919-780-9916  
PROJECT NAME: 2605 Brookwood Dr. Raleigh, NC  
PERMIT ISSUE DATE: N/A

FRP CONTACT EMAIL: [larryward4him@gmail.com](mailto:larryward4him@gmail.com)  
CONTRACTOR EMAIL: \_\_\_\_\_  
PERMIT NUMBER: \_\_\_\_\_  
PERMIT EXPIRATION DATE: \_\_\_\_\_

**INSPECTION DETAILS**

INSPECTION DATE: 7/8/2020  
INSPECTION STATUS: In Violation, NOV issued

WEATHER, SITE CONDITIONS, ETC. 80s, workable soil  
PREVIOUS INSPECTION STATUS: In Violation, see previous NOV



1. Stabilize disturbed areas where vegetation has died.



2. Stabilize disturbed areas where vegetation has died.



3. Repair erosion around pond and stabilize.



4. Repair erosion around rip rap. Ensure lowest point is in the middle of the rip rap.



WAKE COUNTY SEDIMENT AND EROSION CONTROL
INSPECTION REPORT

Wake County Sediment and Erosion Control Section, Water Quality Division
336 Fayetteville Street - PO Box 550 - Raleigh, NC 27602
Phone: 919-856-7400; Fax: 919-856-2747

FRP CONTACT: Larry Ward 919-917-3985

FRP CONTACT EMAIL:

CONTRACTOR CONTACT: Mike Jones 919-780-9916

CONTRACTOR EMAIL:

PROJECT NAME: 2605 Brookwood Dr. Raleigh, NC

PERMIT NUMBER:

PERMIT ISSUE DATE: N/A

PERMIT EXPIRATION DATE:

INSPECTION DETAILS

INSPECTION DATE: October 31, 2019

WEATHER, SITE CONDITIONS, ETC. 60s, wet, workable soil

INSPECTION STATUS: In Violation, NOV issued

PREVIOUS INSPECTION STATUS:

VIOLATIONS \ NONCOMPLIANCE:

Check all that apply

- X A. Failure to have an approved plan (WC UDO, 10-40-1)
X B. Failure to protect against off-site sedimentation (WC UDO, 10-40-3 & 10-40-4)
X C. Failure to provide adequate groundcover (WC UDO, 10-20-5 (A)(2) & 10-20-5(B)(5))
X D. Failure to maintain erosion control measures (WC UDO, 10-23-1, 10-23-2, 10-23-3, 10-23-4)
E. Failure to follow approved plan (WC UDO, 10-40-2)
F. Failure to renew permit (WC UDO, 10-30-9)
X G. Potential NPDES Violation
H. Failure to self inspect (G.S. 113A-54.1(e) & NCAC 4B.0131)

HAS SEDIMENT DAMAGE OCCURRED? YES

If YES, Check all that apply:

- X Lake/Stream/Buffer Onsite
Lake/Stream/Buffer Offsite
Other Property

Degree of Sediment damage? Moderate

OBSERVATIONS/CORRECTIVE ACTIONS:

A land disturbance activity greater than one acre has occurred without a Land Disturbance permit. An unclassified intermittent stream has been damaged on the property. This is an unnamed tributary to Swift Creek.

Items to be corrected

Deadline: 11/12/19

- 1. Stabilize all disturbed areas and take all necessary actions to prevent future sediment loss.
2. Remove sediment from street and prevent any future sediment loss.
3. The off-site sedimentation to the stream should be self-reported to NCDEQ - Division of Water Resources and the Division of Energy, Mineral and Land Resources at (919) 791-4200.

Deadline: 12/5/19

- 1. Submit an erosion and sediment control plan and obtain a Land Disturbance permit.

COMMENTS:

Reminder: Per 15A NCAC 04B .0131 SELF-INSPECTIONS, Section (2): Any documentation of inspections that occur on a copy of the approved erosion and sedimentation control plan shall occur on a single copy of the plan and that plan shall be made available on the site. Any inspection reports shall also be made available on the site.

CORRECTIVE ACTION

DEADLINE: see observations

ENVIRONMENTAL Andrew Lake 919-594-0895 Andrew.Lake@wakegov.com



# WAKE COUNTY SEDIMENT AND EROSION CONTROL INSPECTION REPORT

Wake County Sediment and Erosion Control Section, Water Quality Division  
336 Fayetteville Street - PO Box 550 - Raleigh, NC 27602  
Phone: 919-856-7400; Fax: 919-856-2747

FRP CONTACT: Larry Ward 919-917-3985  
CONTRACTOR CONTACT: Mike Jones 919-780-9916  
PROJECT NAME: 2605 Brookwood Dr. Raleigh, NC  
PERMIT ISSUE DATE: N/A

FRP CONTACT EMAIL: \_\_\_\_\_  
CONTRACTOR EMAIL: \_\_\_\_\_  
PERMIT NUMBER: \_\_\_\_\_  
PERMIT EXPIRATION DATE: \_\_\_\_\_

## INSPECTION DETAILS

INSPECTION DATE: 10/31/2019  
INSPECTION STATUS: In Violation, NOV issued

WEATHER, SITE CONDITIONS, ETC. 60s, wet, workable soil  
PREVIOUS INSPECTION STATUS: \_\_\_\_\_



1. Disturbed area



2. Disturbed area



3. Impacted pond.



4. Damage to unclassified stream on site.



5. Damage to unclassified stream on site.



6. Damage to unclassified stream on site.

Environmental Consultant: [Andrew Lake 919-594-0895 Andrew.Lake@wakegov.com](mailto:Andrew.Lake@wakegov.com)



WAKE COUNTY SEDIMENT AND EROSION CONTROL  
INSPECTION REPORT

Wake County Sediment and Erosion Control Section, Water Quality Division  
336 Fayetteville Street - PO Box 550 - Raleigh, NC 27602  
Phone: 919-856-7400; Fax: 919-856-2747

FRP CONTACT:	<u>Larry Ward 919-917-3985</u>	FRP CONTACT EMAIL:	_____
CONTRACTOR CONTACT:	<u>Mike Jones 919-780-9916</u>	CONTRACTOR EMAIL:	_____
PROJECT NAME:	<u>2605 Brookwood Dr. Raleigh, NC</u>	PERMIT NUMBER:	_____
PERMIT ISSUE DATE:	<u>N/A</u>	PERMIT EXPIRATION DATE:	_____

INSPECTION DETAILS

INSPECTION DATE:	<u>10/31/2019</u>	WEATHER, SITE CONDITIONS, ETC.	<u>60s, wet, workable soil</u>
INSPECTION STATUS:	<u>In Violation, NOV issued</u>	PREVIOUS INSPECTION STATUS:	_____



7. Mud tracked onto road



11. Total area disturbed was measured to be approximately 2.2 acres.

Environmental Consultant: [Andrew Lake 919-594-0895 Andrew.Lake@wakegov.com](mailto:Andrew.Lake@wakegov.com)



WAKE COUNTY SEDIMENT AND EROSION CONTROL
INSPECTION REPORT

Wake County Sediment and Erosion Control Section, Water Quality Division
336 Fayetteville Street - PO Box 550 - Raleigh, NC 27602
Phone: 919-856-7400; Fax: 919-856-2747

FRP CONTACT: Larry Ward 919-917-3985

FRP CONTACT EMAIL:

CONTRACTOR CONTACT: Mike Jones 919-780-9916

CONTRACTOR EMAIL:

PROJECT NAME: 2605 Brookwood Dr. Raleigh, NC

PERMIT NUMBER:

PERMIT ISSUE DATE: N/A

PERMIT EXPIRATION DATE:

INSPECTION DETAILS

INSPECTION DATE: November 25, 2019

WEATHER, SITE CONDITIONS, ETC. 60s, wet soil

INSPECTION STATUS: In Violation, NOV issued

PREVIOUS INSPECTION STATUS: In Violation, see previous NOV

VIOLATIONS \ NONCOMPLIANCE:

Check all that apply

- X A. Failure to have an approved plan (WC UDO, 10-40-1)
B. Failure to protect against off-site sedimentation (WC UDO, 10-40-3 & 10-40-4)
C. Failure to provide adequate groundcover (WC UDO, 10-20-5 (A)(2) & 10-20-5(B)(5))
D. Failure to maintain erosion control measures (WC UDO, 10-23-1, 10-23-2, 10-23-3, 10-23-4)
E. Failure to follow approved plan (WC UDO, 10-40-2)
F. Failure to renew permit (WC UDO, 10-30-9)
X G. Potential NPDES Violation
H. Failure to self inspect (G.S. 113A-54.1(e) & NCAC 4B.0131)

HAS SEDIMENT DAMAGE OCCURRED? NO

If YES, Check all that apply:

- Lake/Stream/Buffer Onsite
Lake/Stream/Buffer Offsite
Other Property

Degree of Sediment damage?

OBSERVATIONS/CORRECTIVE ACTIONS:

Field items from inspection report dated 10/31/19 have been corrected.

Deadline: 12/5/19

1. Submit an erosion and sediment control plan and obtain a Land Disturbance permit.

Civil penalty fee is still due.

COMMENTS:

Reminder: Per 15A NCAC 04B .0131 SELF-INSPECTIONS, Section (2): Any documentation of inspections that occur on a copy of the approved erosion and sedimentation control plan shall occur on a single copy of the plan and that plan shall be made available on the site. Any inspection reports shall also be made available on the site.

CORRECTIVE ACTION

DEADLINE: Thursday, December 5, 2019

ENVIRONMENTAL Andrew Lake 919-594-0895 Andrew.Lake@wakegov.com



WAKE COUNTY SEDIMENT AND EROSION CONTROL
INSPECTION REPORT

Wake County Sediment and Erosion Control Section, Water Quality Division
336 Fayetteville Street - PO Box 550 - Raleigh, NC 27602
Phone: 919-856-7400; Fax: 919-856-2747

FRP CONTACT: Larry Ward 919-917-3985

FRP CONTACT EMAIL: larryward4him@gmail.com

CONTRACTOR CONTACT: Mike Jones 919-780-9916

CONTRACTOR EMAIL:

PROJECT NAME: 2605 Brookwood Dr. Raleigh, NC

PERMIT NUMBER:

PERMIT ISSUE DATE: N/A

PERMIT EXPIRATION DATE:

INSPECTION DETAILS

INSPECTION DATE: December 8, 2020

WEATHER, SITE CONDITIONS, ETC. 40s, wet, workable soil

INSPECTION STATUS: In Violation, NOV issued

PREVIOUS INSPECTION STATUS: In Violation, see previous NOV

VIOLATIONS \ NONCOMPLIANCE:

Check all that apply

- X A. Failure to have an approved plan (WC UDO, 10-40-1)
B. Failure to protect against off-site sedimentation (WC UDO, 10-40-3 & 10-40-4)
X C. Failure to provide adequate groundcover (WC UDO, 10-20-5 (A)(2) & 10-20-5(B)(5))
D. Failure to maintain erosion control measures (WC UDO, 10-23-1, 10-23-2, 10-23-3, 10-23-4)
E. Failure to follow approved plan (WC UDO, 10-40-2)
F. Failure to renew permit (WC UDO, 10-30-9)
X G. Potential NPDES Violation
H. Failure to self inspect (G.S. 113A-54.1(e) & NCAC 4B.0131)

HAS SEDIMENT DAMAGE OCCURRED? NO

If YES, Check all that apply:

Lake/Stream/Buffer Onsite

Lake/Stream/Buffer Offsite

Other Property

Degree of Sediment damage?

OBSERVATIONS/CORRECTIVE ACTIONS:

Site has been stabilized except a few areas along the stream. Follow NC Department of Water Quality's guidance on repairing the riparian buffer.

Remission request recieved for civil penalty and is ongoing.

Land Disturbance permit application and Erosion Control Plan have not been received. Even if work is completed, a plan and permit are still required.

COMMENTS:

Reminder: Per 15A NCAC 04B .0131 SELF-INSPECTIONS, Section (2); Any documentation of inspections that occur on a copy of the approved erosion and sedimentation control plan shall occur on a single copy of the plan and that plan shall be made available on the site. Any inspection reports shall also be made available on the site.

CORRECTIVE ACTION DEADLINE:

Friday, January 10, 2020

ENVIRONMENTAL

Andrew Lake 919-594-0895 Andrew.Lake@wakegov.com



**WAKE COUNTY SEDIMENT AND EROSION CONTROL  
INSPECTION REPORT**

Wake County Sediment and Erosion Control Section, Water Quality Division  
336 Fayetteville Street - PO Box 550 - Raleigh, NC 27602  
Phone: 919-856-7400; Fax: 919-856-2747

FRP CONTACT: Larry Ward 919-917-3985  
CONTRACTOR CONTACT: Mike Jones 919-780-9916  
PROJECT NAME: 2605 Brookwood Dr. Raleigh, NC  
PERMIT ISSUE DATE: N/A

FRP CONTACT EMAIL: [larryward4him@gmail.com](mailto:larryward4him@gmail.com)  
CONTRACTOR EMAIL: \_\_\_\_\_  
PERMIT NUMBER: \_\_\_\_\_  
PERMIT EXPIRATION DATE: \_\_\_\_\_

**INSPECTION DETAILS**

INSPECTION DATE: 12/8/2020  
INSPECTION STATUS: In Violation, NOV issued

WEATHER, SITE CONDITIONS, ETC. 40s, wet, workable soil  
PREVIOUS INSPECTION STATUS: In Violation, see previous NOV



1. Most of disturbed areas stabilized.



2. Small area near stream needs better ground cover.



3. Small area near stream needs better ground cover.





Wake County Sediment and Erosion Control Section, Water Quality Division  
336 Fayetteville Street - PO Box 550 - Raleigh, NC 27602  
Phone: 919-856-7400; Fax: 919-856-2747

December 10, 2020

Pictures taken and considered in assessment of the penalty

Violator: Larry Ward

Case No. VIO-000700-2019

Wake County

All pictures taken on October 31, 2019.















2016 Photograph from Google Street View showing the pond and vegetation on site.



Wake County Sediment and Erosion Control Section, Water Quality Division  
336 Fayetteville Street - PO Box 550 - Raleigh, NC 27602  
Phone: 919-856-7400; Fax: 919-856-2747

**November 5, 2019**

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**  
**FIRST CLASS MAIL**

Larry Ward  
2508 Brookwood Dr.  
Raleigh, NC 27603-5204  
Attn: Larry Ward

**DELIVERED BY HAND TO FINANCIALLY RESPONSIBLE PARTY**

Larry Ward  
2508 Brookwood Dr.  
Raleigh, NC 27603-5204

Signature of FRP: \_\_\_\_\_

**Re: Notice of Violation and Civil Penalty Assessment**

Property Address/PIN: 2605 Brookwood Dr. Raleigh, NC/ PIN: 0790521456 & 0790523378

Dear Larry Ward:

On 10/31/19, a duly authorized representative of the Water Quality Division of the Wake County Department of Environmental Services inspected the subject project/property and determined that there are violations of the Wake County Unified Development Ordinance (UDO) Article 10 and the Sedimentation Pollution Control Act of 1973, N.C. General Statute 113A-50 et seq. See the attached report.

**VIOLATIONS:**

The following actions are violations of **Article 10** of the Wake County Unified Development Ordinance (UDO) and subject to the related enforcement and penalty provisions:

- 1. Failure to have an approved plan:**
  - **10-40-1** to engage in land-disturbing activity without filing an erosion and sedimentation control plan in accordance with the regulations of this article.



**Findings: An area of approximately 2.2 acres was disturbed without an erosion and sediment control plan.**

**2. Failure to protect against off-site sedimentation:**

- **10-40-3** to fail to protect against off-site sedimentation damage when conducting any land-disturbing activity.
- **10-40-4** to leave dirt, mud or other material on any travel way in a manner that is determined to be a hazard to public safety or deemed detrimental to the waters of the State.

**Findings: Sediment loss occurred into an unclassified intermittent stream. Mud was tracked onto the street.**

**3. Failure to have a Land Disturbance (Grading) Permit:**

- **10-20-5(A)(1)** Whenever land disturbing activities disturb more than one acre on a tract, an erosion and sedimentation control permit is required. The person conducting the land disturbing activity must install erosion and sedimentation control devices and practices that are sufficient to retain the sediment generated by the land disturbing activity within the boundaries of the tract during the development of said tract;

**Findings: An area of approximately 2.2 acres was disturbed without a Land Disturbance Permit.**

**4. Failure to maintain erosion control measures:**

- **10-23-1** During the development of a site, the person conducting the land-disturbing activity must install, routinely inspect and maintain in good working order all temporary and permanent erosion and sedimentation control measures as required by the approved plan or any provision of this article, the North Carolina Sedimentation Pollution Control Act, or any order adopted pursuant to the erosion and sedimentation control regulations of this article or the North Carolina Sedimentation Pollution Control Act.
- **10-23-4** All streets, sidewalks, greenways or other travel ways must be kept free from mud, dirt, dust or other material that may create a hazard to public safety or cause the travel way to be unreasonably muddy, as determined by the County.

**Findings: No sediment or erosion control measures have been installed. Mud has been tracked onto the street.**

**5. Failure to provide adequate ground cover:**

- **10-20-5(B)(5)** All uncovered areas that result from land disturbing activities, and are subject to continued and accelerated erosion, and are causing the movement of sediment offsite from the tract, must be provided with a ground cover or other protective measures, structures or devices sufficient to restrain accelerated erosion and control off-site sedimentation.
- **NCG01** NPDES Stormwater Discharge Permit for Construction Activities

**Findings: The disturbed area on site has not been stabilized. An NCG01 permit has not been obtained.**

Please be advised that any person who commits a violation is subject to a maximum civil penalty of up to \$5,000 per violation per day. A civil penalty may be assessed from the date of the violation. Each day of a continuing violation constitutes a separate violation, **10-42-1**.

The County may require a person who engaged in a land-disturbing activity and failed to retain sediment generated by the activity, as required by this article and **G.S. 113A-57 (3)**, to restore the affected waters and land to minimize the detrimental effects of the resulting pollution by sedimentation. This authority is in addition to any other civil or criminal penalty or injunctive relief authorized under this ordinance, **Article 10-48**. All stream or buffer restoration efforts in the Neuse Basin should be coordinated with NC Department of Environmental Quality - Division of Water Resources.

### **Civil Penalty Assessment**

Due to the nature and severity of the violation(s), there is a one-time, first day civil penalty assessed in the amount of \$5000. This total is based on the criteria listed under **10-42-2** Civil Penalty Assessment Factors in the UDO. Failure to bring the project into compliance within the time specified is subject to additional civil and criminal penalties for continuing a violation under the UDO **Article 10-41-2**. Please be advised that any further land-disturbance or construction activity should not take place until you are compliant with these Articles.

### **READ CAREFULLY:**

To bring the project back into compliance, the following must be accomplished within (see below) days of your receipt of this notification:

- 1) **Deadline – 7 days: Stabilize all disturbed areas and take all necessary actions to prevent future sediment loss.**
- 2) **Deadline – 7 days: Remove sediment from street and prevent any future sediment loss.**

- 3) **Deadline – 7 days: The off-site sedimentation to the stream and pond should be self-reported to NCDEQ – Division of Water Resources and the Division of Energy, Mineral and Land Resources at (919) 791-4200.**
- 4) **Deadline – 30 days: Submit an erosion and sediment control plan and obtain a Land Disturbance permit.**

To comply with the Civil Penalty requirements, you must do one of the following:

- 1) Pay the civil penalty assessment within thirty (30) days from the date of receipt of this letter; or
- 2) File a written petition to Wake County Department of Environmental Services to request a hearing to appeal the civil penalty within thirty (30) days from the date of receipt of this letter. The “Appeal of Civil Penalties – Erosion and Sedimentation Control” guidance document is attached.
- 3) Alternatively, if you choose to stipulate to the facts on which this assessment was based, but wish to request remission of the civil penalty, then within sixty (60) days from the date of receipt of this letter you must file a written request for a remission of the civil penalty from the North Carolina Sedimentation Control Commission.

If the payment is not received or equitable settlement reached within 30 days from the date of receipt of this letter, the matter must be referred to the County Attorney for institution of a civil action in the name of the County, in the appropriate division of the General Court of Justice in Wake County for recovery of the penalty, **Article 10-42-5(B)**.

Below are the instructions for procedures related to payment of civil penalties, appeal of civil penalties and remission of civil penalties.

#### **A. PAYMENT OF CIVIL PENALTY**

To pay the penalty, send a check or money order made payable to Wake County to Wake County Department of Environmental Services, P.O. Box 550, Raleigh, NC 27602-0550. Payment of this penalty will not foreclose further enforcement action against you for any new violation. If the violations which resulted in this penalty assessment are continuing in nature, Wake County reserves the right to assess additional civil penalties in the future, or take other enforcement action against you.

#### **B. CIVIL PENALTY APPEAL**

If you file an appeal, it must be in writing and submitted to Michael Orbon, P.E, Water Quality Director of the Wake County Department of Environmental Services, P.O. Box 550, Raleigh, NC

27602-0550. The applicant bears the burden of presenting factual evidence that the appeal meets one or more of the following tests:

- The penalty was issued in error to a person not responsible for the violation (see definition of Person Responsible for Violation **Section 10-12** Definitions of the UDO)
- Violation resulted from extenuating or mitigating circumstances beyond the control of responsible person (e.g. natural disaster)
- Penalty amount is inconsistent with Wake County's policy and the Civil Penalty Assessment Factors outlined in **Section 10-42-2** of the Unified Development Ordinance
- Other extenuating or mitigating circumstances (Specify)

**C. CIVIL PENALTY REMISSION**

A request for remission is limited to consideration of the six factors listed below and is not the proper procedure for contesting the accuracy of any of the statements contained in the assessment document.

Because a remission request forecloses the option of an administrative hearing, such a request will not proceed without a waiver of your right to an administrative hearing and a stipulation that there are no factual or legal issues in dispute.

You must execute and return to this office the attached "Waiver of Right to an Administrative Hearing and Stipulation of Facts" and the attached "Justification of Remission Request" which should provide additional information on the following factors which shall be considered in determining whether a civil penalty remission request will be approved:

- 1) Whether one or more of the civil penalty assessment factors in **Section 10-42-2** of the UDO were wrongly applied to the detriment of the petitioner.
- 2) Whether the petitioner promptly abated continuing environmental damage resulting from the violation.
- 3) Whether the violation was inadvertent or a result of an accident.
- 4) Whether the petitioner had been assessed civil penalties for any previous violations.
- 5) Whether the payment of the civil penalty will prevent payment for necessary remedial actions or would otherwise create a significant financial hardship.
- 6) The assessed property tax valuation of the petitioner's property upon which the violation occurred, excluding the value of any structures located on the property.

You have the burden of providing information concerning the financial impact of a civil penalty and the burden of showing any financial hardship.

If you file a request for remission of the civil penalties, you must submit the required information within 60 days of receipt of this notice to Julie Coco, P.E., CPESC, State Sediment Engineer for the North Carolina Department of Environmental Quality – Division of Energy, Mineral, and Land Resources.

Submit this information to the attention of:

If sending by First Class Mail via  
The US Postal Service:

Julie Coco, P.E., State Sediment Engineer  
DEMLR  
1612 Mail Service Center  
Raleigh, NC 27699-1612

If sending via delivery service  
(e.g. UPS, FedEx):

Julie Coco, P.E., State Sediment Engineer  
DEMLR  
512 N. Salisbury Street  
Raleigh, NC 27604

Please also be aware that because you have never previously been assessed a civil penalty for violations of Article 10 of the Wake County Unified Development Ordinance or the Sedimentation Pollution Control Act, should you abate continuing environmental damage resulting from these violations within 180 days of the date of the Notice of Violations (no later than 5/3/2020), then the maximum cumulative civil penalty assessed against you for these violations cannot exceed \$25,000.00.

Your prompt attention and cooperation in this matter is appreciated. Reference all attached documents for additional information. If you have any questions, contact me at 919-594-0895.

Sincerely,



Andrew Lake

cc:

Joseph Threadcraft, Ph.D., P. E., Director, Wake County Department of Environmental Services

Michael Orbon, P. E., Director, Water Quality Division

Melinda Clark, AICP, CFM, Watershed Manager, Water Quality Division

Jeevan Neupane, P.E., Environmental Consultant, Wake County, Water Quality Division

Julie Coco, P.E., CPESC, State Sediment Engineer, NCDEQ – Division of Energy, Mineral, and Land Resources

Bill Denton, P.E., Regional Engineer, NCDEQ – Division of Energy, Mineral, and Land Resources

Rick Bolich, Water Quality Supervisor, DWR – Division of Water Resources

Attachments:

Page 7 of 7

Wake County Inspection Report

“Resources for Technical Assistance – Erosion and Sedimentation Control”

“Appeal of Civil Penalties – Erosion and Sedimentation Control” – Wake County

”Justification of Remission Request” - North Carolina Department of Environmental Quality

“Waiver of Right to an Administrative Hearing and Stipulation of Facts” – North Carolina Department of Environmental Quality

Updated 3/8/18

Julie Coco, P.E., State Sediment Engineer  
DEMLR  
1612 Mail Service Center  
Raleigh, NC 27699-1612

December 16, 2019

Re: 2508 Brookwood Dr.

Ms. Coco,

Please accept this letter as my appeal request for the civil penalty assessed against me.

The intent of the work done was beneficial to the area. The existing area in question was dangerously eroded and uneven from the storm activity over the past couple of years. It was my intent to provide a stable and safe area with the minimal fill materials and grading. Immediately upon learning of the violation, we set an onsite meeting with Mr. Andrew Lake, ( 11/06/19) and at his direction, immediately made the repairs requested by him. Upon completion, we scheduled another site inspection with Mr. Lake, (11/25/19) at which time he stated all requested repairs had been completed.

We would like to continue with some repairs and will be glad to obtain the required permits.

Thank you for your time and understanding.

Regards,

  
Larry Ward

**JUSTIFICATION FOR REMISSION REQUEST**

**Project or Property Identification: 0790521456 & 0790523378**

**County: Wake**

**Assessed Party: Larry Ward**

**Project No. (If applicable): N/A**

**Amount Assessed: \$5,000**

Please use this form when requesting remission of this civil penalty. You must also complete the "Waiver of Right to an Administrative Hearing, and Stipulation of Facts" form to request remission of this civil penalty. You should attach any documents that you believe support your request and are necessary for the Commission to consider in evaluating your request for remission. Please be aware that a request for remission is limited to consideration of the factors listed below. Requesting remission is not the proper procedure for contesting whether the violation(s) occurred or the accuracy of any of the factual statements contained in the civil penalty assessment document. Pursuant to N.C.G.S. § 113A-64.2(b), the following factors shall be considered in determining whether a civil penalty remission request will be approved. Please check each factor that you believe applies to your case and provide a detailed explanation, including copies of supporting documents, as to why the factor applies (attach additional pages as needed).

- \_\_\_\_\_ (a) Whether one or more of the civil penalty assessment factors in N.C.G.S. 113A-64(a)(3) were wrongfully applied to the detriment of the petitioner (please refer to the "Assessment Factors" summary attached);
- ✓ \_\_\_\_\_ (b) Whether the petitioner promptly abated continuing environmental damage resulting from the violation (i.e., explain the steps that you took to correct the violation and prevent future occurrences); *Met with Mr LAIRD on site  
Rep. from Duke LASARRA*
- \_\_\_\_\_ (c) Whether the violation was inadvertent or a result of an accident (i.e., explain why the violation was unavoidable or something you could not prevent or prepare for);
- \_\_\_\_\_ (d) Whether the petitioner had not been assessed civil penalties for any previous violations;
- \_\_\_\_\_ (e) Whether payment of the civil penalty will prevent payment for the remaining necessary remedial actions or would otherwise create a significant financial hardship (i.e., explain how payment of the civil penalty will prevent you from performing the activities necessary to achieve compliance);
- \_\_\_\_\_ (f) the assessed property tax valuation of the petitioner's property upon which the violation occurred, excluding the value of any structures located on the property.

*Please note that you have the burden of providing information concerning the financial impact of a civil penalty and the burden of showing any financial hardship.*

**EXPLANATION (attach additional pages as necessary):**



STATE OF NORTH CAROLINA

SEDIMENTATION  
POLLUTION  
CONTROL COMMISSION

COUNTY OF WAKE

IN THE MATTER OF ASSESSMENT )  
OF CIVIL PENALTIES AGAINST )  
LARRY WARD )

WAIVER OF RIGHT TO AN  
ADMINISTRATIVE HEARING  
AND STIPULATION OF FACTS

Property Identification PIN: 0790521456 & 0790523378

Having been assessed civil penalties totaling \$5,000 for violation(s) as set forth in the assessment document of the Director, Water Quality Division of the Wake County Department of Environmental Services dated 11/5/2019, the undersigned, desiring to seek remission of the civil penalties, does hereby waive the right to an administrative hearing in the above-stated matter and does stipulate that the facts are as alleged in the assessment document.

The undersigned further understands that all evidence presented in support of remission of this civil penalty must be submitted to the Director, Water Quality Division of the Wake County Department of Environmental Services within sixty (60) calendar days of receipt of the civil penalty assessment. No new evidence in support of a remission request will be allowed after sixty (60) calendar days from the receipt of the civil penalty assessment.

This the 26 day of December, 2019.

Larry D. Ward  
NAME (printed)

Larry D. Ward  
SIGNATURE

ADDRESS

2508 Brookwood Dr,  
Raleigh NC 27603

TELEPHONE

919 917 3985



Wake County Sediment and Erosion Control Section, Water Quality Division  
336 Fayetteville Street - PO Box 550 - Raleigh, NC 27602  
Phone: 919-856-7400; Fax: 919-856-2747

November 4, 2020

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

Larry Ward  
2300 Parkway Dr.  
Raleigh, NC 27603

RE: Request for Remission of Civil Penalty  
Larry Ward  
Case No. VIO-000700-2019  
Wake County

Dear Mr. Ward:

The Division of Energy, Mineral and Land Resources (DEMLR) has received your request for remission of the civil penalty in a letter dated 12/16/2019 with accompanying support information. In accordance with the delegation provided by the Sedimentation Control Commission, Wake County Watershed Management staff, along with the Director of Water Quality, have considered the information you submitted in support of your request for remission and did not find grounds to modify the civil penalty assessment. **The civil penalty stands at \$5000** and this is Wake County's recommendation to the Sedimentation Control Commission

If you decide to pay the penalty, please make your check payable to Wake County. Send the payment within thirty (30) calendar days of your receipt of this letter to the following address:

*If sending via US Postal Service*

Wake County Department of Environmental  
Services  
P.O. Box 550  
Raleigh, NC 27602

*If sending via delivery service (UPS, FedEx, etc.)*

Wake County Department of Environmental Services  
P.O. Box 550  
Raleigh, NC 27602

If payment is not received within 30 calendar days from your receipt of this letter, your request for remission with supporting documents and the recommendation of the Wake County Watershed Management staff and Water Quality Director will be delivered to the Sedimentation

Control Commission Civil Penalty Remissions Committee for a final agency decision at one of their regularly scheduled meetings held in Raleigh, North Carolina.

As a part of the remissions process, you will be provided the opportunity to make an oral presentation before this committee on the matter of the case listed above.

#### Oral Presentation Details

- It is not a requirement to provide an oral presentation on this matter before the Committee; rather you will be provided time to directly present information to the Committee as a part of the remission process if you chose to do so.
- Making a presentation will require the presence of you and/or your representative during a committee on remissions meeting held in Raleigh, North Carolina.
- Your presentation will be limited to discussion of issues and information submitted in your original remission request. You stipulated that the facts are as alleged in the assessment notice.

Should you desire to make an oral presentation before the Civil Penalty Remissions Committee, you must complete the attached "*Request for Oral Presentation*" form and return it within thirty (30) calendar days of receipt of this letter to the address under option 1 above.

The Sedimentation Control Commission Chair will review the request for oral presentation and the documents in the matter. If the Chair determines that there is a compelling reason to require an oral presentation, you will be notified of the date, time, and place for the presentation to be heard. Should you decide not to request an oral presentation, the final agency decision on your remission request will be made by the Committee based on the written record.

Please be advised that the Civil Penalty Remissions Committee will make its remission decision based on the original assessment amount. Therefore, the Committee may choose to uphold the original penalty amount and offer no remissions, remit a portion of the penalty, or fully remit the penalty. The entire amount of the penalty may be remitted only when the petitioner has not been assessed civil penalties for previous violations, and when it can be demonstrated that payment of the civil penalty would prevent payment for necessary remedial actions.

You will be notified of a final decision on the remission of your civil penalty, should a decision be made by the Committee.

Payment of this penalty will not foreclose further enforcement action against you for any new violation. If the violations which resulted in this penalty assessment are continuing in nature, the Wake County Water Quality Division reserves the right to assess additional civil penalties

in the future, or take other enforcement action against you.

Should you have any questions, please feel free to contact me at (919) 594-0895 or Andrew.Lake@wakegov.com.

Sincerely,

A handwritten signature in black ink, appearing to read 'AL', is positioned above the typed name.

Andrew Lake  
Environmental Consultant  
Wake County Water Quality Division

cc:

Joseph Threadcraft, Ph.D., P. E., Director, Wake County Department of Environmental Services  
Michael Orbon, P. E., Director, Water Quality Division  
Melinda Clark, CFM, CZO, Watershed Manager, Water Quality Division  
Jeevan Neupane, P.E., Environmental Consultant, Wake County, Water Quality Division  
Julie Coco, P.E., CPESC, State Sediment Engineer, NCDEQ – Division of Energy, Mineral, and Land Resources

Attachments:

“Request for Oral Presentation”

STATE OF NORTH CAROLINA

SEDIMENTATION CONTROL COMMISSION

COUNTY OF WAKE

Case Number VIO-000700-2019

IN THE MATTER OF ASSESSMENT )  
OF CIVIL PENALTIES AGAINST: )  
LARRY WARD )

**REQUEST FOR ORAL PRESENTATION**

I hereby request to make an oral presentation before the Sedimentation Control Commission in the matter of the case noted above. In making this request, I assert that I understand all of the following statements:

- This request will be reviewed by the Chairman of the Sedimentation Control Commission and may be either granted or denied.
- Making a presentation will require the presence of myself and/or my representative during a Commission meeting held in Raleigh, North Carolina.
- My presentation will be limited to discussion of issues and information submitted in my original remission request, and because no factual issues are in dispute, my presentation will be limited by the Chairman of the Sedimentation Control Commission.

The North Carolina State Bar's Authorized Practice of Law Commission has ruled that the appearance in a representative capacity at quasi-judicial hearings or proceedings is limited to lawyers who are active members of the bar. Proceedings before the Commission on Remissions are quasi-judicial. You should consider how you intend to present your case to the Commission in light of the State Bar's opinion and whether anyone will be speaking in a representative capacity for you or a business or governmental entity. If you or your representative would like to speak before the Commission, you must complete and return this form within thirty (30) days of receipt of this letter.

Depending on your status as an individual, corporation, partnership or municipality, the State Bar's Opinion affects how you may proceed with your oral presentation. See [www.ncbar.com/ethics](http://www.ncbar.com/ethics), Authorized Practice Advisory Opinion 2006-1 and 2007 Formal Ethics Opinion 3.

- If you are an individual or business owner and request an opportunity to make an oral presentation before the Commission, then legal representation before the Commission is not required; however, if you intend on having another individual speak on your behalf regarding the factual situations, such as an expert, engineer or consultant, then you must also be present at the meeting in order to avoid violating the State Bar's Opinion on the unauthorized practice of law.
- If the assessed party is a corporation, partnership or municipality and has requested an opportunity to make an oral presentation before the Commission, then your representative must consider the recent State Bar's Opinion and could be considered practicing law without a license if he or she is not a licensed attorney. Presentation of facts by non-lawyers is permissible.

If you choose to request an oral presentation, please make sure that signatures on the previously submitted Remission Request forms and this Oral Presentation Request form are: 1) for individuals and business owners, your own signature and 2) for corporations, partnerships and municipalities, signed by individuals who would not violate the State Bar's Opinion on the unauthorized practice of law.

Also, be advised that the Commission may choose not to proceed with hearing your case if the Commission is informed that a violation of the State Bar occurs.

This the 11<sup>th</sup> day of NOVEMBER, 2020

SIGNATURE Larry D. Ward  
 TITLE (President, Owner, etc.) Owner  
 ADDRESS 2508 Brookwood Drive  
RALEIGH, N.C. 27603  
 TELEPHONE (919) 917-3985



### WAKE COUNTY SEDIMENT AND EROSION CONTROL INSPECTION REPORT

Wake County Sediment and Erosion Control Section, Water Quality Division  
336 Fayetteville Street - PO Box 550 - Raleigh, NC 27602  
Phone: 919-856-7400; Fax: 919-856-2747

FRP CONTACT: Larry Ward 919-917-3985

FRP CONTACT EMAIL: [larryward4him@gmail.com](mailto:larryward4him@gmail.com)

CONTRACTOR CONTACT: Mike Jones 919-780-9916

CONTRACTOR EMAIL: \_\_\_\_\_

PROJECT NAME: 2605 Brookwood Dr. Raleigh, NC

PERMIT NUMBER: \_\_\_\_\_

PERMIT ISSUE DATE: N/A

PERMIT EXPIRATION DATE: \_\_\_\_\_

#### INSPECTION DETAILS

INSPECTION DATE: January 22, 2021

WEATHER, SITE CONDITIONS, ETC. 40s, wet, workable soil

INSPECTION STATUS: In Violation, NOV issued

PREVIOUS INSPECTION STATUS: In Violation, see previous NOV

#### VIOLATIONS \ NONCOMPLIANCE:

Check all that apply

- A. Failure to have an approved plan (WC UDO, 10-40-1)
- B. Failure to protect against off-site sedimentation (WC UDO, 10-40-3 & 10-40-4)
- C. Failure to provide adequate groundcover (WC UDO, 10-20-5 (A)(2) & 10-20-5(B)(5))
- D. Failure to maintain erosion control measures (WC UDO, 10-23-1, 10-23-2, 10-23-3, 10-23-4)
- E. Failure to follow approved plan (WC UDO, 10-40-2)
- F. Failure to renew permit (WC UDO, 10-30-9)
- G. Potential NPDES Violation
- H. Failure to self inspect (G.S. 113A-54.1(e) & NCAC 4B.0131)

HAS SEDIMENT DAMAGE OCCURRED? NO

If YES, Check all that apply:

Lake/Stream/Buffer Onsite

Lake/Stream/Buffer Offsite

Other Property

Degree of Sediment damage? \_\_\_\_\_

#### OBSERVATIONS/CORRECTIVE ACTIONS:

Site has been stabilized except for an area on the north side of site where wattles are. That area may need matting installed to establish ground cover. All field items are considered complete once permanent vegetation has established at a density of at least 80%.

Follow NC Department of Water Quality's guidance on repairing the riparian buffer.

Remission request received for civil penalty and is ongoing.

Land Disturbance permit application and Erosion Control Plan have not been received. Even if work is completed, a plan and permit are still required. This was discussed with Sean Dolle (engineer) on 1/28/21.

#### COMMENTS:

**Reminder:** Per 15A NCAC 04B .0131 SELF-INSPECTIONS, Section (2); Any documentation of inspections that occur on a copy of the approved erosion and sedimentation control plan shall occur on a single copy of the plan and that plan shall be made available on the site. Any inspection reports shall also be made available on the site.

CORRECTIVE ACTION DEADLINE: Sunday, February 28, 2021

ENVIRONMENTAL Andrew Lake 919-594-0895 Andrew.Lake@wakegov.com



**WAKE COUNTY SEDIMENT AND EROSION CONTROL INSPECTION REPORT**

Wake County Sediment and Erosion Control Section, Water Quality Division  
336 Fayetteville Street - PO Box 550 - Raleigh, NC 27602  
Phone: 919-856-7400; Fax: 919-856-2747

FRP CONTACT: Larry Ward 919-917-3985

FRP CONTACT EMAIL: [larryward4him@gmail.com](mailto:larryward4him@gmail.com)

CONTRACTOR CONTACT: Mike Jones 919-780-9916

CONTRACTOR EMAIL: \_\_\_\_\_

PROJECT NAME: 2605 Brookwood Dr. Raleigh, NC

PERMIT NUMBER: \_\_\_\_\_

PERMIT ISSUE DATE: N/A

PERMIT EXPIRATION DATE: \_\_\_\_\_

**INSPECTION DETAILS**

INSPECTION DATE: 1/22/2021

WEATHER, SITE CONDITIONS, ETC. 40s, wet, workable soil

INSPECTION STATUS: In Violation, NOV issued

PREVIOUS INSPECTION STATUS: In Violation, see previous NOV



1. Most of disturbed areas stabilized.



2. Area where matting may need to be installed to establish ground cover.