

Civil Penalty Remissions Committee

Case Introduction

*Prepared by the DEMLR Central Office
for
February 21, 2023*

Project Name: Wayfarers Cove Marina Improvements

Project Location: 1107 Bennett Road, Arapahoe, NC
in Minnesott Beach Township, Pamlico County

Project Purpose: To construct a commercial marina

DEQ Case Number: LQS-2022-001

Financially Responsible Party: Wayfarers Cove Marina and Beach, LLC

Date Notice of Violation was issued for which penalty was assessed:
3/25/2022

CPA Received Date: 10/19/2022

Violations Cited for Penalty: (keep all and highlight or darken the ones that apply)

- a) No approved plan
- b) Failure to follow plan
- c) Failure to submit revised plan
- d) Failure to provide adequate ground cover (90 calendar days)
- e) Insufficient measures to retain sediment onsite
- f) Failure to protect property against off-site sedimentation
- g) Inadequate buffer zone
- h) Graded slopes and fill areas too steep
- i) Failure to protect exposed slopes
- j) Failure to install and maintain erosion control measures
- k) Failure to self-inspect

Penalty period: 3/25/2022 – 8/26/2022 (154 days)

Days out of compliance extend beyond penalty period? Yes, as early as
July 10, 2020

Penalty Amount: Original - \$25,000 After Remittance: \$19,000

Remission Request Received: 11/18/2022

Remission factor(s) requested for consideration: (keep all and highlight or
darken the ones that apply)

- a) One or more of the civil penalty assessment factors in NCGS 113A-

64(a)(3) were wrongfully applied to the detriment of the petitioner.

- b) Whether the petitioner promptly abated continuing environmental damage resulting from the violation.
- c) Whether the violation was considered inadvertent or a result of an accident.
- d) Whether the violator had been assessed civil penalties for any previous violations
- e) Whether payment for this civil penalty would prevent payment for the remaining necessary remedial actions or would otherwise create a significant financial hardship.
- f) Whether the assessed property tax valuation of the violator's property upon which the violation occurred excluding the value of any structures located on the property.

These factors considered by DEMLR and the Remission Decision issued on: 12/19/2022

Remission Decision: Remit \$6,000

Decision now to come before SCC. Oral Presentation Requested for Today? No