

**ROY COOPER**  
*Governor*  
**MARY PENNY KELLEY**  
*Secretary*  
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*Director*



December 12, 2024

MEMORANDUM

To: DEQ-DWR Water Quality Regional Office Supervisors  
 From: John Hennessy, Water Quality Regional Operations Section Chief  
 Subject: NPDES Compliance & Enforcement Oversight in Counties Affected By Tropical Storm Helene

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Effective immediately, DWR staff in your Region shall implement this directive regarding the development of enforcement actions that may arise from the submittal (or non-submittal) of discharge monitoring reports (DMRs) from facilities potentially impacted by Tropical Storm Helene. This directive shall be effective for facilities located in the 25 counties designated in the FEMA Disaster Declaration as of September 29, 2024. Those counties are listed below:

Asheville Region			
Avery	Buncombe	Burke	Caldwell
Clay	Haywood	Henderson	Jackson
Macon	Madison	McDowell	Mitchell
Polk	Rutherford	Transylvania	Yancey
Mooresville Region			
Alexander	Catawba	Cleveland	Gaston
Lincoln			
Winston-Salem Region			
Alleghany	Ashe	Watauga	Wilkes

The following aspects of this directive should be communicated to staff and shared with permittees:

- NPDES enforcement activities associated with the submittal of monthly discharge monitoring reports (DMRs) will not be pursued for the reporting months of September, October, and November 2024.
- Permittees will not be cited for late reporting of DMRs during those months, as well as for August 2024.



DWR has coordinated with the U.S. Environmental Protection Agency to ensure that North Carolina permittees from the designated counties will not be cited for DMR-related violations in its computerized compliance oversight system.

The following guidance should be offered to permittees, describing how they should approach NPDES monitoring and reporting activities in post-Helene circumstances:

- Permittees are encouraged to conduct monitoring as prescribed by the NPDES permit if it is deemed safe to conduct such monitoring.
- Permittees should make every effort to submit DMRs for the months of August, September, October, and November 2024, even if those reports are late and/or missing (typically) expected data. Continuing submittals of reliable effluent data will assist in evaluations of water quality in receiving streams and protection of downstream users of water resources.
- Permittees are encouraged to use the eDMR system for the submittal of monthly reports. If an eDMR submittal is not possible or available, permittees may submit paper copies of DMRs.
- Permittees are encouraged to remain in routine contact with their applicable regional office, providing updates regarding system abilities and performance as conditions change.

It is recognized that this directive covers a wide geographic region and that some facilities within the listed counties experienced few negative impacts from the storm. Those permittees should be encouraged to remain faithful to the self-reporting foundation of the NPDES program. It is further recognized that some facilities outside of the designated area could have experienced storm-related impacts that affected system performance. Regional Supervisors are encouraged to use their experience, combined with available knowledge of the appropriate facts and circumstance, when applying appropriate enforcement discretion in their evaluations of these situations.

Additionally, it is recognized that for some facilities, complete recovery will not be achieved by December 1, 2024. You may assure those permittees that DWR's enforcement approach may be extended for those facilities on a case-by-case basis, following an examination of the situation.

Finally, it should also be noted that this enforcement discretion is limited in its scope; willful violations of environmental regulations performed to take advantage of this unfortunate situation remain subject to enforcement action.

Thank you for your attention to this matter. If you have any questions about this directive, please contact me or Bob Sledge through routine communication channels.

ec: Richard Rogers  
Julie Grzyb  
Michael Pjetraj  
Bob Sledge