

ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

BRIAN WRENN
Director



October 29, 2020

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7017 0190 0000 2485 6547

Town of Carrboro
Attn: Randy Dodd, Stormwater Utility Manager
301 West Main Street
Carrboro, North Carolina 27510

Subject: NOTICE OF VIOLATION (NOV-2020-PC-0457)
Town of Carrboro
NPDES MS4 Permit No. NCS000450
Orange County

Dear Mr. Dodd:

On August 12, 2020, staff from the North Carolina Department of Environmental Quality (DEQ) conducted a compliance audit of the Town of Carrboro National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Permit. For your reference, a copy of the MS4 Program Audit Report issued by DEQ is enclosed with this notice. This report lists and describes the serious deficiencies with certain components of the MS4 permit, which constitutes a violation of the Clean Water Act and is grounds for enforcement action.

In accordance with Part VI of the permit and DEQ policy, a new 5-year MS4 permit will be issued in response to the audit. To address the MS4 permit deficiencies, the Town of Carrboro is required to complete the following actions:

- (1) Respond in writing within thirty (30) calendar days from the date of receipt of this notice to acknowledge these requirements and the intent to comply.
- (2) Adopt a Council Resolution within sixty (60) calendar days from the date of receipt of this notice. The resolution must declare support for a compliant stormwater management program. A sample council resolution with the minimum requirements is enclosed with this letter. An original signed document must be submitted to DEQ.



North Carolina Department of Environmental Quality | Division of Energy, Mineral and Land Resources
Raleigh Regional Office | 1626 Mail Service Center | 3800 Barrett Drive | Raleigh, North Carolina 27609
919.791.4200

- (3) Submit documentation for review and comment within one hundred twenty (120) calendar days from the date of receipt of this letter:
 - a. Conduct a self-audit which includes, at a minimum, an evaluation of compliance with the permit conditions found in Part II Section B: Public Education and Outreach; Section C, Public Involvement and Participation; Section E: Construction Site Runoff Controls; Section H: Total Maximum Daily Loads. The self-audit must be documented utilizing the DEQ standard MS4 Permit Compliance Audit Report Template.
 - b. Develop a Draft Stormwater Management Plan (SWMP) which details specific actions, measurable goals, and implementation timelines to bring the stormwater management program into compliance with NPDES MS4 requirements over the new 5-year permit term. The SWMP must be documented utilizing the DEQ Phase II MS4 SWMP Template. The SWMP must address all known compliance deficiencies including, at a minimum, the items detailed in the DEQ MS4 Program Audit Report and the Town of Carrboro self-audit.
- (4) Submit an NPDES MS4 permit application within thirty (30) days of receiving written DEQ concurrence that the submitted Draft SWMP documents a compliant stormwater management program. A new 5-year NPDES MS4 permit will be public noticed along with the submitted SWMP.
- (5) Respond to public comments on the Draft SWMP and submit a Final SWMP for DEQ approval and final permit issuance. The final DEQ-approved SWMP shall become an enforceable component of the NPDES MS4 permit.

Required documentation shall be submitted via e-mail to thad.valentine@ncdenr.gov, or to:

DEQ-DEMLR Stormwater Program
Attn: Jeanette Powell
1612 Mail Service Center
Raleigh, NC 27669

If the Town of Carrboro fails to meet the aforementioned requirements and/or submits a significantly noncompliant Draft SWMP, DEQ may proceed with enforcement. As is stated in Part V, Section A.1(c) of the permit:

Under state law, a daily civil penalty of not more than twenty-five thousand dollars (\$25,000) per violation may be assessed against any person who violates or fails to act in accordance with the terms, conditions, or requirements of a permit [North Carolina General Statute 143-215.6A]. Please note that compliance with the requirements of this

notice and/or issuance of civil or criminal penalties levied by DEQ does not preclude the EPA from carrying out its own enforcement case against the permittee.

Thank you for your attention to this matter. Should you have any questions, please contact Thad Valentine at (919) 791-4220 or thad.valentine@ncdenr.gov.

Sincerely,

A handwritten signature in blue ink, reading "William H. Denton, IV". The signature is fluid and cursive, with a stylized "W" and "D".

William H. Denton, IV Regional Engineer
Division of Energy, Mineral and Land Resources

Enclosures:

DEQ MS4 Program Audit Report (10/29/2020, Town of Carrboro)
Example Council Resolution

Electronic Copy:

rdodd@townofcarrboro.org

hholley@townofcarrboro.org

Jeanette Powell, DEMLR MS4 Program Coordinator

Alaina Morman, DEMLR Stormwater Compliance & Enforcement

DEMLR NPDES MS4 Permit Laserfiche File

