

**NORTH CAROLINA
ENVIRONMENTAL MANAGEMENT COMMISSION**

COUNTY OF WAYNE

IN THE MATTER OF)	
NORTH CAROLINA)	SPECIAL ORDER BY CONSENT
NPDES PERMIT NO. NC0020575)	EMC SOC WQ S20-002 Ad. I
PERMIT NO. WQ0029169)	
PERMIT NO. WQCS00129)	
HELD BY)	
THE TOWN OF MOUNT OLIVE)	

Pursuant to provisions of North Carolina General Statute (G.S.) 143-215.2 and G.S. 143-215.67, this Special Order by Consent is entered into by the Town of Mount Olive, hereinafter referred to as the Town, and the North Carolina Environmental Management Commission, an agency of the State of North Carolina created by G.S. 143B-282, and hereinafter referred to as the Commission:

1. The Town and the Commission hereby stipulate the following:
 - (a) The Town holds North Carolina NPDES Permit NC0020575 for operation of an existing two million gallon per day (mgd) wastewater treatment works and for making an outlet for the discharge of one mgd treated wastewater to the Northeast Cape Fear River, Class C;Sw waters of this State in the Cape Fear River Basin.

The Town also holds Non-Discharge Permit WQ0029169 for operation of a 560,893 gallons per day reclaimed water generation, distribution, and utilization system but is unable to operate the system at its design capacity. The failure to manage this system has contributed to noncompliance of the wastewater treatment plant, which discharges the excess flow to the Cape Fear River in violation of its monthly effluent flow limits as set forth in NC0020575.

Additionally, the Town holds Permit Number WQCS00129 for operation and maintenance of approximately 32 miles of gravity sewer, 5 miles of force main, and 15 duplex pump stations to make a complete and functional collection system. The Town has had persistent issues with inflow and infiltration within this system, which contributes to flow limit violations at the WWTP. The Town has also received notices of violation due to sanitary sewer overflows (SSOs) at the influent pump station and manhole at the WWTP.

Compliance will require preparation of plans and specifications for construction and operation of additional treatment works and influent pump station improvements.

- (b) Noncompliance with final effluent limitations constitutes causing and contributing to pollution of the waters of this State named above, and the Town is within the jurisdiction of the Commission as set forth in G.S. Chapter 143, Article 21.

- (c) The Town has secured a grant or has otherwise secured financing for planning, design, and construction/repairs to the collection, treatment and storage systems to meet compliance of the respective permits. Some of the repairs include the following:
 - i. Modification of the WWTP headworks to receive increased flow from the improved influent pump station.
 - ii. Rehabilitation/replace two of the four WWTP tertiary filters to increase filter efficiency, return the filters to their design flowrates, and eliminate frequency of bypass.
 - (d) Since this Special Order is by Consent, neither party will file a petition for a contested case or for judicial review concerning its terms.
2. The Town, desiring to comply with the Permits identified in paragraph 1(a) above, hereby agrees to do the following:
- (a) Undertake the following activities in accordance with the indicated time schedule:
 - 1) **On or before September 30, 2020**, submit complete plans and specifications for the WWTP repairs along with the appropriate permit applications and fee. **(MET)**
 - 2) **On or before March 31, 2021**, begin construction on the WWTP repairs or modifications. **(MET)**
 - 3) **On or before December 31, 2021**, adopt a Short-Term Monitoring Plan (STMP) for Headworks Analysis (HWA) with appropriate practicable quantitation levels, PQLs. **(MET)**
 - 4) **On or before March 31, 2022**, update and submit a map of the collection system which includes pipe size, pipe material, pipe location, flow direction, pipe age, and each pump station identification, location, and capacity, and submit a Capital Improvement Plan (CIP). **(COMPLETED)**
 - 5) **On or before April 30, 2022**, adopt a Sewer Use Ordinance (SUO), a Enforcement Response Plan (ERP), and submit the Industrial Waste Survey (IWS) to the Washington Regional Office. **(MET)**
 - 6) **On or before April 30, 2022**, a soil evaluation shall be submitted per permit conditions **1. Schedules Items 4. and 5.** per Permit No. WQ0029169. **(MET)**
 - 7) **On or before June 30, 2022**, complete construction of Contract I on the WWTP repairs or modifications which includes new reclaim water irrigation mains and spray guns, new field control valve stations (3 total) and sprigging Coastal Bermuda on all fields. **(COMPLETED)**

- 8) **On or before June 30, 2022**, repair all broken or uncapped cleanouts, broken lines, unsealed manholes, connected storm drains and culverts and unknown defects outlined in Appendix A of the AIA Report prepared by McGill dated April 2021. **(COMPLETED)**
- 9) **On or before June 30, 2022**, evaluate the 55 manholes that could not be evaluated per the AIA report prepared by McGill dated April 2021. **(COMPLETED)**
- 10) **On or before February 28, 2023**, complete construction of Contract II on the WWTP repairs or modifications which includes a new 18 inch force main from inlet pump station to headworks, install new adjustable weir gates, install new transfer pump station which includes new electromagnetic flow meter to monitor and log effluent sent to the storage and upset ponds, new irrigation pumps and control panel, new Parshall flume structure and ultrasonic level transducer for effluent flow, rebuild existing sand filters 1 and 2 with new underdrain system and backwash carrier bridge components, two six inch plug valves on sand filters 3 and 4, and replace 8 inch plug for effluent line on Clarifier 1. **(COMPLETED)**
- 11) **On or before May 31, 2023**, achieve compliance with permit conditions in Permit No. NC0020575 and Permit No. WQ0029169. **(COMPLETED)**
- 12) **On or before October 31, 2025**, repair all offset pipe connections, plugged inverts, and cracked pipes per Appendix B of the AIA Report prepared by McGill dated April 2021.
- 13) **On or before March 31, 2025**, twenty percent of the collection system shall be smoked tested and videoed (Note: twenty percent shall include line that has not been smoked tested or videoed during the AIA study.)
- 14) **On or before July 31, 2025**, repairs shall address all problems found for item 13 of the schedule.
- 15) **On or before January 31, 2026**, twenty percent of the collection system shall be smoked tested and videoed (Note: twenty percent shall include line that has not been smoked tested or videoed during the AIA study or for item 13.)
- 16) **On or before July 31, 2026**, repairs shall address all problems found for item 15 of the schedule.
- 17) **On or before October 31, 2026**, twenty percent of the collection system shall be smoked tested and videoed (Note: twenty percent shall include line that has not been smoked tested or videoed during the AIA study or for items 13. and 15.)
- 18) **On or before April 30, 2027**, repairs shall address all problems found for item 17 of the schedule.

- 19) **On or before July 31, 2027**, twenty percent of the collection system shall be smoked tested and videoed (Note: twenty percent shall include line that has not been smoked tested or videoed during the AIA study or for items 13., 15., and 17.)
 - 20) **On or before January 31, 2028**, repairs shall address all problems found for item 19 of the schedule.
- (b) The Town will submit quarterly progress reports detailing the work and activities undertaken and completed on the upgrades to the collection system. The reports are to be submitted as follows: **one copy must be mailed to the Washington Regional Office Supervisor, Division of Water Resources / Water Quality Regional Operations Section, 943 Washington Square Mall, Washington, NC 27889, and one copy must be mailed to the Water Quality Permitting Section / NPDES, 1617 Mail Service Center Raleigh, NC 27699-1617.** The quarterly reports are due in each respective office no later than the first (1st) day of February, May, August, and November for the duration of this Order.
 - (c) The Town will comply with all terms and conditions of the permit. The Town may also be required to monitor for other parameters, as deemed necessary by the Director, in future permits or administrative letters.
 - (d) No later than fifteen (15) calendar days after any date identified for accomplishment of any activity listed in 2(a) above, the Town shall submit to the Water Quality Regional Operations Section Regional Supervisor for the Division of Water Resources' (DWR) Washington Regional Office written notice of compliance or noncompliance therewith. In the case of noncompliance, the notice shall include a statement of the reason(s) for noncompliance, remedial action(s) taken, and a statement identifying the extent to which subsequent dates or times for accomplishment of listed activities may be affected.
 - (e) The Town will continue to operate the wastewater treatment plant as best as possible to prevent/minimize any adverse impacts to the surface waters.
3. The Town, desiring to comply with the Permits identified in paragraph 1(a) above, hereby agrees to the following settlement of alleged violations, an upfront penalty, and stipulated penalties:
 - (a) As settlement of all alleged violations (NOV-2024-SP-0003) prior to entering into this Special Order of Consent, the Town agrees to pay the sum of **\$50,000.00**. This settlement payment satisfies the Notice of Violation/Enforcements and any other alleged violations that may have occurred prior to the established SOC effective date. A certified check must be made payable to the Department of Environmental Quality and forwarded to the Director of the Division of Water Resources at 1617 Mail Service Center, Raleigh, NC 27699-1617 by no later than fifteen days following the date of which this Order is approved and executed by the Commission and received by the Town of Mount Olive.

(b) The Town agrees that unless excused under paragraph four (4), the Town will pay the Director of DWR, by check payable to the North Carolina Department of Environmental Quality, stipulated penalties according to the following schedule for failure to meet the deadlines set out in paragraphs 2(a), 2(b), and 2(d):

<i>Violation Description</i>	<i>Stipulated Penalty</i>
Any reportable Sanitary Sewer Overflow (SSO) from the main trunk line or main pump station	<ul style="list-style-type: none"> • \$5,000/event day
Failure to meet a scheduled date	<ul style="list-style-type: none"> • \$100/day for the first 7 days • \$500/day thereafter
Failure to comply with a modified SOC effluent limit	<ul style="list-style-type: none"> • \$1,000 for exceeding monthly average limit • \$500 for exceeding weekly limits (to be paid on a monthly basis)
Monitoring frequency violations for modified parameters	\$500 per omitted value per parameter (to be paid on a monthly basis)
Failure to Submit Progress Reports by the scheduled date	\$1,000 for the first violation; penalty doubles with each subsequent assessment for late reports
Failure to achieve compliance.	\$25,000 (single penalty)

(c) Certified checks are to be made payable to the **North Carolina Department of Environmental Quality** and forwarded to **Director of DWR at 1617 Mail Service Center, Raleigh, North Carolina 27699-1617.**

4. The Town and the Commission agree that the stipulated penalties are not due if the Town satisfies DWR that noncompliance was caused solely by:
 - a. An act of God;
 - b. An act of war;
 - c. An intentional act or omission of a third party, but this defense shall not be available if the act or omission is that of an employee or agent of the defendant or if the act or omission occurs in connection with a contractual relationship with the permittee;
 - d. An extraordinary event beyond the permittee's control. Contractor delays or failure to obtain funding will not be considered as events beyond the permittee's control; or

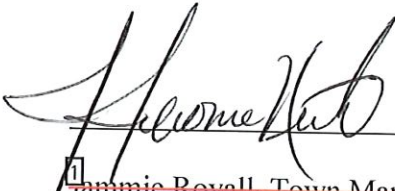
e. Any combination of the above causes.

Failure within thirty (30) days of receipt of written demand to pay the penalties, or challenge them by a contested case petition pursuant to G.S. 150B-23, will be grounds for a collection action, which the Attorney General is hereby authorized to initiate. The only issue in such an action will be whether the thirty (30) days has elapsed.

5. Noncompliance with the terms of this Special Order by Consent is subject to enforcement action in addition to the above stipulations, including injunctive relief pursuant to G.S. 143-215.6.C.
6. This Special Order by Consent and any terms or conditions contained herein, hereby supersede any and all previous Special Orders, Enforcement Compliance Schedule Letters, terms, conditions, and limits contained therein issued in connection with NPDES Permit No. NC0020575, Non-Discharge Permit No. WQ0029169 and Collection System Permit No. WQCS00129.
7. This Special Order by Consent may be amended provided the Town has made good faith efforts to secure funding, complete all construction and achieve compliance within the dates specified.
8. During the term of this Special Order by Consent, the Town will not be permitted to accept additional wastewater from any domestic, industrial, or commercial sources without prior approval from the Washington Regional Supervisor and the Water Quality Permitting Section.
9. Failure to meet the scheduled date identified in paragraph 2(a) may terminate this Special Order by Consent and require the Town to comply with the terms and conditions contained in the permits identified in paragraph 1(a).
10. The Town, upon signature of this Special Order by Consent, will be expected to comply with all schedule dates, terms, and conditions of this document.

This Special Order by Consent shall expire May 31, 2028.

For the Town of Mount Olive:



~~Jammie Royall, Town Manager~~
Jerome Newton, Mayor
Town of Mount Olive



Date

For the North Carolina Environmental Management Commission:

Richard E. Rogers, Director

Division of Water Resources

Date