

REQUEST FOR REMISSION OF CIVIL PENALTY ASSESSMENT

DWR Case Number: PC-2015-0008

Region: Wilmington

County: Onslow

Assessed Entity: Horse Creek Farms Utilities Corporation

CASE BACKGROUND AND ASSESSMENT

- 9/11/14  
Horse Creek Farms is a housing development in Onslow County near Piney Green, NC. The Horse Creek Farms wastewater collection system is deemed permitted under 15A NCAC 02T .0403. Their permit number is WQCSD0063. On Sept. 11, 2014, DWR conducted a compliance evaluation inspection of the Horse Creek Farms collection system. Several items were noted as being out of compliance with the deemed permitted rules.
  - 1) The map of the collection system was incomplete. It lacked the type of pipe installed, the date(s) the pipes were installed, the date(s) that sections of the system were lined and the capacity of the lift stations.
  - 2) The right-of-way behind one pump station needed maintenance due to a number of trees growing in the right-of-way.
  - 3) One of the two 4" force mains in lift station #1 had a crack in the pipe resulting in air-hammering. Both of the force mains were in an advanced state of deterioration and needed to be replaced.
  - 4) The two 4" force mains in lift station #2 were also corroded and in need of replacement.
  - 5) No records were available that document the maintenance of the system, the implementation of a Fats, Oil and Grease program, or document required line cleaning.
- 9/15/14  
DWR issued a Notice of Deficiency to Horse Creek Farms that described the non-compliant issues. A written response describing how and when the deficiencies would be addressed was requested within 30 days. Horse Creek Farms did not respond.
- 12/31/14  
DWR issued a Notice of Violation and Intent to Assess Civil Penalty for failing to maintain the pump stations and the right-of-way easements as required by 15A NCAC 02T .0403. A written response was requested within 10 days if Horse Creek Farms wished to provide additional information, request technical assistance or discuss overall compliance. Horse Creek Farms did not respond.
- 3/18/15  
DWR issued an Assessment of Civil Penalty in the amount of \$2,276.01. Penalties were assessed for failing to maintain the pump stations (\$1,000) and failing to maintain the right-of-way easements (\$1,000). Enforcement costs were \$276.01.

- 4/1/15 Green card indicated delivery of the assessment document.

#### REMISSION REQUEST

- 4/23/15 DWR received the request for remission from Horse Creek Farms via email. The request included a "Justification for Remission Request" and a "Waiver of Right to an Administrative Hearing and Stipulation of Facts."
- 6/2/15 The Director of DWR considered the information contained in the remission request and did not find grounds to modify the civil penalty assessment.
- 6/15/15 Green card indicated delivery of the remission decision document.

#### REQUEST FOR ORAL PRESENTATION

- Assessed Entity did not request an oral presentation before the Environmental Management Commission's Committee on Civil Penalty Remissions.
- Assessed Entity has not been assessed civil penalties for any previous violations.

#### DWQ RECOMMENDATION

- The Division of Water Quality opposes any remission or mitigation of the penalty and recommends that the Director's decision be upheld.



North Carolina Department of Environment and Natural Resources

Pat McCrory  
Governor

John E. Skvarla, III  
Secretary

September 15, 2014

**CERTIFIED MAIL # 7010 0290 0003 0833 9076**  
**RETURN RECEIPT REQUESTED**

Horse Creek Farms Utilities Corp.  
Attn: Debby Crayton, President  
PO Box 14046  
New Bern, NC 28561-4046

Subject: **NOTICE OF DEFICIENCY**  
**Tracking No. NOD-2014-PC-0182**  
NPDES Compliance Evaluation Inspection  
Permit No. NC0071706  
Horse Creek Farms Collection System  
Onslow County

Dear Ms Crayton:

A Compliance Evaluation inspection of the Horse Creek Farms collections system was conducted by Joanne Steenhuis and Stephanie Garrett from this office on September 11, 2014. This inspection was to verify that the facility is operating in compliance with the conditions and limitations specified in NPDES Permit No. WQCSD0063. The findings and comments noted during this inspection are provided in the enclosed copy of the "Water Compliance Inspection Report".

The following deficient items or issues were noted during the inspection:

<b>Compliance Issues:</b>
The map of the collection system was not complete. The following items need to be added: 1) the type of pipe installed, 2) the dates(s) the pipes were installed, 3) the dates sections of the system was lined, and 4) the capacity of the lift stations.
The ROW for the force mains need to be maintained to allow accessibility.
Lift station #1 is missing a rail and the 4 inch force main pipes are very corroded. Lift station #2 the 4 inch force main pipes are fairly corroded and the rail mount has come off the header or support beam.
There were no records available that documented: 1) the maintenance of the sewer lines, 2) that Fats, Oils and Grease education had been distributed at least twice in the past year and 3) that portions of the collection system had been cleaned in the past year

Remedial actions should have already been taken to correct these problems and prevent further occurrences in the future. The Division of Water Resources may pursue enforcement action for this and any additional violations of State law. To prevent further action, carefully review these deficiencies and address the causes of noncompliance to prevent the recurrence of similar situations.

127 Cardinal Drive Extension, Wilmington, North Carolina 28405  
Phone: 910-796-7215 \ Internet: [www.ncdenr.gov](http://www.ncdenr.gov)

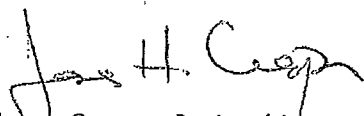
## Required Response

This Office requests that you **respond to this letter in writing** within 30 calendar days of receipt of this Notice. Please address the deficiencies and include a timeline on when you plan to have these issued addressed.

In addition, you may wish to consider registering to use the Division's new e-DMR process for completion and submittal of monthly monitoring reports, for more information please visit our website at: <http://portal.ncdenr.org/web/wq/admin/bog/ipu/edmr>

If you have any questions concerning this Notice of Deficiency or the enclosed inspection report, you may contact Joanne Steenhuis at the letterhead contact information or via email at [Joanne.Steenhuis.@ncdenr.gov](mailto:Joanne.Steenhuis.@ncdenr.gov)

Sincerely,



James Gregson, Regional Supervisor  
Water Quality Regional Operations Section  
Wilmington Regional Office  
Division of Water Resources, NCDENR

## Enclosure

cc: Michael Myers – Contract Operations Manager  
Jeff Jarman - ORC – Electronic Copy  
Wilmington Regional Office – Yellow File  
MSC 1617 Central Files Basement

## Compliance Inspection Report

Permit: WQCSD0063      Effective: 03/01/00      Expiration:      Owner: Horse Creek Farms Utilities Corporation  
SOC:      Effective:      Expiration:      Facility: Horse Creek Farms Utilities Collection System  
County: Onslow  
Region: Wilmington

Contact Person: Michael J Myers      Title: Operations Manager      Phone: 252-235-4900

Directions to Facility:

System Classifications: CS1,

Primary ORC:

Certification:

Phone:

Secondary ORC(s):

On-Site Representative(s):

On-site representative

Jeffrey A Jarman

910-330-8167

Related Permits:

NC0062359

Horse Creek Farms Utilities Corporation - Horse Creek Farms WWTP

Inspection Date: 09/11/2014

Entry Time: 11:30AM

Exit Time: 12:20PM

Primary Inspector: Joanne H Steenhuis

Phone:

Secondary Inspector(s):

Stephanie Garrett

Phone:

Reason for Inspection: Routine

Inspection Type: Collection System Inspect Non Sampling

Permit Inspection Type: Deemed permitted collection system management and operation

Facility Status: ☐ Compliant ☒ Not Compliant

Question Areas:

☒ Miscellaneous Questions  
☒ Records  
☒ Pump Station

☒ Performance Standards  
☒ Monitoring & Rpting Reqrmts  
☒ Manhole

☒ Operation & Maint Reqrmts  
☒ Inspections  
☒ Lines

(See attachment summary)

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**Inspection Summary:**

Lift Station # 1 has a crack in one of the 4" force main pipes. You can hear the air-hammering effect from the air being sucked into the pipe. Both of the 4" force main pipes are in an advanced state of deterioration and should be replaced soon. One of the rails had been removed from the wet well because it had apparently detached from the base. It should be replaced/re-installed.

Lift Station #2 has a mount for the rails that has separated from the support beam. The tops of the rails are corroded and the rails look pretty rusty. The two 4" force main pipes are fairly corroded and should be replaced soon. The ROW for the force main line behind the houses, does not look like it has been maintained.

Lift Station #3 the tops of the rails are fairly corroded. The two 4" force main pipes look to be a little rusty, but not as corroded as the other two lift stations.

The ROW behind Lift station #2 for the force main looks to be in need of maintenance. There seems to be a lot of trees within the easement area. Lamont Allen's inspection dated June, 7, 2012 noted that the right-of-way/easements were to be accessible.

None of the lift stations have a quick connect for a portable generator. It is recommended that they be installed in the event of a power outage.

None of the lift stations have either SCADA or simple telemetry/auto dialer installed. It is recommended that one or the other is installed to notify the utility of potential spills.

There was no available documentation that the Public education Program for grease was disbursed in the past year. Overall, all the lift stations require some type of maintenance to be done. In some cases, there are force main pipes be replaced and basic maintenance on the rails.

Permit: WQCS00063  
Inspection Date: 09/11/2014

Owner - Facility: Horse Creek Farms Utilities Corporation  
Inspection Type : Collection System Inspect Non Sampling

Reason for Visit: Routine

### Performance Standards

	Yes	No	NA	NE
Is Public Education Program for grease established and documented?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
What educational tools are used?				
No documentation could be provided.				
Is Sewer Use Ordinance/Legal Authority available?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Does it appear that the Sewer Use Ordinance is enforced?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Is Grease Trap Ordinance available?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is Septic Tank Ordinance available (as applicable, i.e. annexation)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
List enforcement actions by permittee, if any, in the last 12 months				
Has an acceptable Capital Improvement Plan (CIP) been implemented?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Does CIP address short term needs and long term "master plan" concepts?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Does CIP cover three to five year period?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Does CIP include Goal Statement?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Does CIP include description of project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Does CIP include description of existing facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Does CIP include known deficiencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Does CIP include forecasted future needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Is CIP designated only for wastewater collection and treatment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Approximate capital improvement budget for collection system?				
Total annual revenue for wastewater collection and treatment?				
CIP Comments				
Is system free of known points of bypass?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If no, describe type of bypass and location				
Is a 24-hour notification sign posted at ALL pump stations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
# Does the sign include:				
Instructions for notification?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pump station identifier?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
24-hour contact numbers	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If no, list deficient pump stations				
# Do ALL pump stations have an "auto polling" feature/SCADA?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Number of pump stations	3			
Number of pump stations that have SCADA	0			
Number of pump stations that have simple telemetry	0			
Number of pump stations that have only audible and visual alarms	3			
Number of pump stations that do not meet permit requirements	0			
# Does the permittee have a root control program?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

# If yes, date implemented?

Describe:

Comment: None of the lift stations have SCADA or telemetry so they all have to be inspected 365 days a year.

**Inspections**

Yes No NA NE

Are maintenance records for sewer lines available?

☐ ☒ ☐ ☐

Are records available that document pump station inspections?

☒ ☐ ☐ ☐

Are SCADA or telemetry equipped pump stations inspected at least once a week?

☐ ☐ ☒ ☐

Are non-SCADA/telemetry equipped pump stations inspected every day?

☒ ☐ ☐ ☐

Are records available that document citizen complaints?

☐ ☐ ☐ ☐

# Do you have a system to conduct an annual observation of entire system?

☒ ☐ ☐ ☐

# Has there been an observation of remote areas in the last year?

☐ ☐ ☒ ☐

Are records available that document inspections of high-priority lines?

☐ ☐ ☒ ☐

Has there been visual inspections of high-priority lines in last six months?

☐ ☐ ☒ ☐

Comment: There were no records available that documented maintenance of the sewer lines.

**Operation & Maintenance Requirements**

Yes No NA NE

Are all log books available?

☒ ☐ ☐ ☐

Does supervisor review all log books on a regular basis?

☒ ☐ ☐ ☐

Does the supervisor have plans to address documented short-term problem areas?

☐ ☐ ☐ ☒

What is the schedule for reviewing inspection, maintenance, & operations logs and problem areas?  
None known.

Are maintenance records for equipment available?

☒ ☐ ☐ ☐

Is a schedule maintained for testing emergency/standby equipment?

☐ ☒ ☐ ☐

What is the schedule for testing emergency/standby equipment?

No schedule was  
available.

Do pump station logs include:

Inside and outside cleaning and debris removal?

☒ ☐ ☐ ☐

Inspecting and exercising all valves?

☒ ☐ ☐ ☐

Inspecting and lubricating pumps and other equipment?

☐ ☐ ☒ ☐

Inspecting alarms, telemetry and auxiliary equipment?

☒ ☐ ☐ ☐

Is there at least one spare pump for each pump station w/o pump reliability?

☐ ☒ ☐ ☐

Are maintenance records for right-of-ways available?

☐ ☐ ☐ ☐

Are right-of-ways currently accessible in the event of an emergency?

☐ ☒ ☐ ☐

Are system cleaning records available?

☐ ☒ ☐ ☐

Has at least 10% of system been cleaned annually?

☐ ☒ ☐ ☐

What areas are scheduled for cleaning in the next 12 months?

There are no spare pumps, he can get it fixed or buy another if the need arises. The ROW for the force mains at the back of the residents yards needs to be maintained for accessibility if an emergency arises.



Is a Spill Response Action Plan available?

☒ ☐ ☐ ☐

Does the plan include:

24-hour contact numbers

☒ ☐ ☐ ☐

Response time

☐ ☐ ☐ ☒

Equipment list and spare parts inventory

☒ ☐ ☐ ☐

Access to cleaning equipment

☒ ☐ ☐ ☐

Access to construction crews, contractors, and/or engineers

☒ ☐ ☐ ☐

Source of emergency funds

☐ ☒ ☐ ☐

Site sanitation and cleanup materials

☒ ☐ ☐ ☐

Post-overflow/spill assessment

☒ ☐ ☐ ☐

Is a Spill Response Action Plan available for all personnel?

☒ ☐ ☐ ☐

Is the spare parts inventory adequate?

☒ ☐ ☐ ☐

Comment: There is no indication of emergency funds in the Spill Response Plan. There were no records available to document that at least 10 percent of the lines had been cleaned out in the past year.

**Records**

Are adequate records of all SSOs, spills and complaints available?

Yes No NA NE

☐ ☒ ☐ ☐

Are records of SSOs that are under the reportable threshold available?

☐ ☒ ☐ ☐

Do spill records indicate repeated overflows (2 or more in 12 months) at same location?

☐ ☐ ☐ ☒

If yes, is there a corrective action plan?

☐ ☐ ☐ ☒

Is a map of the system available?

☒ ☐ ☐ ☐

Does the map include:

Pipe sizes

☒ ☐ ☐ ☐

Pipe materials

☐ ☒ ☐ ☐

Pipe location

☒ ☐ ☐ ☐

Flow direction

☒ ☐ ☐ ☐

Approximate pipe age

☐ ☒ ☐ ☐

Number of service taps

☒ ☐ ☐ ☐

Pump stations and capacity

☒ ☐ ☐ ☐

If no, what percent is complete?

List any modifications and extensions that need to be added to the map

What type of pipes were installed. When they were installed or lined and pump capacities

# Does the permittee have a copy of their permit?

☐ ☐ ☒ ☐

Comment: The type of pipe material was not shown on the map nor the approximate age of the pipe. Sections were shown on the map where the pipes had been lined due to the pipe becoming compressed. No dates of when this was done was indicated. Pump station capacities were not indicated on the map. No documentation of any SSOs were available, although the ORC said there had been done during his contract time (almost a year).

**Monitoring and Reporting Requirements**

Yes No NA NE

Permit: WQCSD0063

Owner - Facility: Horse Creek Farms Utilities Corporation

Inspection Date: 09/11/2014

Inspection Type : Collection System Inspect Non Sampling

Reason for Visit: Routine

Are copies of required press releases and distribution lists available?

☐ ☐ ☒ ☐

Are public notices and proof of publication available?

☐ ☐ ☒ ☐

# Is an annual report being prepared in accordance with G.S. 143-215.1C?

☐ ☐ ☒ ☐

# Is permittee compliant with all compliance schedules in the permits?

☐ ☐ ☒ ☐

If no, which one(s)?

Comment:

## HORSE CK FARMS LS #2 -

### Pump Station

Pump station type

Yes No NA NE

Duplex

Are pump station logs available?

☒ ☐ ☐ ☐

Is it accessible in all weather conditions?

☒ ☐ ☐ ☐

# Is general housekeeping acceptable?

☒ ☐ ☐ ☐

Are all pumps present?

☒ ☐ ☐ ☐

Are all pumps operable?

☒ ☐ ☐ ☐

Are wet wells free of excessive debris?

☒ ☐ ☐ ☐

Are upstream manholes free of excessive debris/signs of overflow?

☐ ☐ ☐ ☐

Are floats/controls for pumps/alarms operable?

☒ ☐ ☐ ☐

Is "auto polling" feature/SCADA present?

☐ ☒ ☐ ☐

Is "auto polling" feature/SCADA operational?

☐ ☐ ☒ ☐

Is simple telemetry present?

☐ ☒ ☐ ☐

Is simple telemetry operational?

☐ ☐ ☒ ☐

Are audio and visual alarms present?

☒ ☐ ☐ ☐

Are audio and visual alarms operable?

☒ ☐ ☐ ☐

Is the Pump station inspected as required?

☒ ☐ ☐ ☐

Are backflow devices in place?

☒ ☐ ☐ ☐

Are backflow devices operable?

☒ ☐ ☐ ☐

Are air relief valves in place?

☐ ☒ ☐ ☐

Are air relief valves operable?

☐ ☐ ☒ ☐

# Is an emergency generator available?

☐ ☒ ☐ ☐

Can the emergency generator run the pumps?

☐ ☐ ☒ ☐

Is the pump station equipped for quick hook-up?

☐ ☒ ☐ ☐

Is the generator operable?

☐ ☐ ☒ ☐

# Is fuel in tank and sufficient?

☐ ☐ ☒ ☐

Is the generator inspected according to their schedule?

☐ ☐ ☒ ☐

Is a 24-hour notification sign posted?

☒ ☐ ☐ ☐

Does it include:

Instructions for notification?

☒ ☐ ☐ ☐

Pump station identifier?

☒ ☐ ☐ ☐

Emergency phone number

☒ ☐ ☐ ☐

Is public access limited?

☒ ☐ ☐ ☐

Is pump station free of overflow piping?

☒ ☐ ☐ ☐

Is the pump station free of signs of overflow?

☒ ☐ ☐ ☐

Are run times comparable for multiple pumps?

no, meter not working

Comment: No SCADA or telemetry on the lift station. No quick connect available for a portable pump. Both of the 4 inch force lines look fairly corroded. The mount for the rails on one side has come off the support beam. The tops of the rails are corroded and the rails look pretty rusty. The ROW for the force main needs to be maintained.

### HORSE CK FARMS LS #3 -

#### Pump Station

Pump station type

Yes No NA NE

Duplex

Are pump station logs available?

☒ ☐ ☐ ☐

Is it accessible in all weather conditions?

☒ ☐ ☐ ☐

# Is general housekeeping acceptable?

☒ ☐ ☐ ☐

Are all pumps present?

☒ ☐ ☐ ☐

Are all pumps operable?

☒ ☐ ☐ ☐

Are wet wells free of excessive debris?

☒ ☐ ☐ ☐

Are upstream manholes free of excessive debris/signs of overflow?

☒ ☐ ☐ ☐

Are floats/controls for pumps/alarms operable?

☒ ☐ ☐ ☐

Is "auto polling" feature/SCADA present?

☐ ☒ ☐ ☐

Is "auto polling" feature/SCADA operational?

☐ ☐ ☒ ☐

Is simple telemetry present?

☐ ☒ ☐ ☐

Is simple telemetry operational?

☐ ☐ ☒ ☐

Are audio and visual alarms present?

☒ ☐ ☐ ☐

Are audio and visual alarms operable?

☒ ☐ ☐ ☐

Is the Pump station inspected as required?

☒ ☐ ☐ ☐

Are backflow devices in place?

☒ ☐ ☐ ☐

Are backflow devices operable?

☒ ☐ ☐ ☐

Are air relief valves in place?

☐ ☒ ☐ ☐

Are air relief valves operable?

☐ ☐ ☒ ☐

# Is an emergency generator available?

☐ ☒ ☐ ☐

Can the emergency generator run the pumps?

☐ ☐ ☒ ☐

Is the pump station equipped for quick hook-up?

☐ ☐ ☒ ☐

Is the generator operable?

☐ ☐ ☒ ☐

Permit: WQCS00063

Owner - Facility: Horse Creek Farms Utilities Corporation

Inspection Date: 09/11/2014

Inspection Type : Collection System Inspect Non Sampling

Reason for Visit: Routine

# Is fuel in tank and sufficient?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Is the generator inspected according to their schedule?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Is a 24-hour notification sign posted?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Does it include:				
Instructions for notification?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pump station identifier?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Emergency phone number	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is public access limited?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is pump station free of overflow piping?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is the pump station free of signs of overflow?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are run times comparable for multiple pumps?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

no, meters do not work

Comment: No SCADA or telemetry is available for the lift station. There are no quick hook ups for a portable generator at the station.  
The tops of the rails are fairly corroded. The 4 inch force main pipes look to be a little rusty, but not as corroded as the other two lift stations.

#### HORSE CK FARM LS # 1 -

##### Pump Station

	Yes	No	NA	NE
Pump station type				
Are pump station logs available?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is it accessible in all weather conditions?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
# Is general housekeeping acceptable?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are all pumps present?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are all pumps operable?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are wet wells free of excessive debris?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are upstream manholes free of excessive debris/signs of overflow?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are floats/controls for pumps/alarms operable?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is "auto polling" feature/SCADA present?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is "auto polling" feature/SCADA operational?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Is simple telemetry present?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is simple telemetry operational?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Are audio and visual alarms present?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are audio and visual alarms operable?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is the Pump station inspected as required?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are backflow devices in place?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are backflow devices operable?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are air relief valves in place?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are air relief valves operable?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Permit: WQCSD0063

Owner - Facility: Horse Creek Farms Utilities Corporation

Inspection Date: 09/11/2014

Inspection Type : Collection System Inspect Non Sampling

Reason for Visit: Routine

#	Is an emergency generator available?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Can the emergency generator run the pumps?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Is the pump station equipped for quick hook-up?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Is the generator operable?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
#	Is fuel in tank and sufficient?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Is the generator inspected according to their schedule?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Is a 24-hour notification sign posted?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Does it include:				
	Instructions for notification?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Pump station identifier?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Emergency phone number	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Is public access limited?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Is pump station free of overflow piping?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Is the pump station free of signs of overflow?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Are run times comparable for multiple pumps?				

no

Comment: Scada nor telemetry are being used at the pump station. There is no quick connect for a generator or portable generator at the pump station. One of the rails has been removed because it came loose from the bottom. One of the 4 inch force main pipes has a crack in it, as the inspectors could hear the air hammer effect when air was being sucked into the line. Both of the 4 inch force main pipes are in advanced stages of deterioration and should be replaced soon.



North Carolina Department of Environment and Natural Resources

Pat McCrory  
Governor

John E. Skvarla, III  
Secretary

December 31, 2014

**CERTIFIED MAIL**

#7010 0290 0003 0833 9106

**RETURN RECEIPT REQUESTED**

Horse Creek Farms Utilities Corp.  
Attn: Debby Crayton, President  
PO Box 14046  
New Bern, NC 28561-4046

Subject: **NOTICE OF VIOLATION & INTENT TO ASSESS CIVIL PENALTY**  
**Tracking No. NOV 2014-PC-0281**  
Horse Creek Farms Collection System Inspection  
DEEMED Permit No. WQCSD 0063  
Horse Creek Farms Collection System  
Onslow County

Dear Mrs. Crayton:

On September 15, 2014, a Notice of Deficiency (NOD) inspection letter was sent to your office, the green card was signed by you on September 26, 2014. As of the date of this letter we have received no response from you. The inspectors conducted a second inspection on December 11, 2014, to check for any upgrades or requested maintenance on the collection system as discussed in the NOD. These inspections were to verify that the facility is operating in compliance with the conditions and limitations specified in 15A NCAC 02T .0403. The findings and comments noted during this inspection are provided in the enclosed copy of the inspection report entitled "Compliance Inspection Report".

The following violations were noted during the inspection:

Compliance Issues
The pump stations are not being maintained as required by 15A NCAC 02T.0403(a)(1)
The right-of-ways and easements are not being maintained as required by 15A NCAC 02T.403(a)(9)

A Notice of Violation/Intent to Issue Civil Penalty is being issued for the noted violations of North Carolina General Statute (G.S.) 143-215.1 and the facility's deemed status under 15A NCAC 02T .0403. Pursuant to G.S. 143-215.6A, a civil penalty of not more than twenty-five thousand dollars (\$25,000.00) may be assessed against any person who violates or fails to act in accordance with the terms, conditions, or requirements of any permit issued pursuant to G.S. 143-215.1.

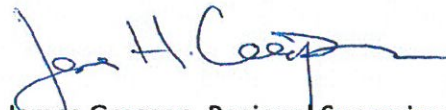
127 Cardinal Drive Extension, Wilmington, North Carolina 28405  
Phone: 910-796-7215\ Internet: [www.ncdenr.gov](http://www.ncdenr.gov)

If you wish to provide additional information regarding the noted violation, request technical assistance, or discuss overall compliance please respond in writing within ten (10) business days after receipt of this Notice. A review of your response will be considered and you will then be notified of any civil penalties that may be assessed regarding the violations. **If no response is received in this Office within the 10-day period, a civil penalty assessment may be prepared.**

Remedial actions should have already been taken to correct these problems and prevent issues in the future. The Division of Water Resources may pursue enforcement action for this and any additional violations of State law. If the violations are of a continuing nature, not related to operation and/or maintenance problems, and you anticipate remedial construction activities, then you may wish to consider applying for a Special Order by Consent.

If you have any questions concerning this Notice of Violation or the enclosed inspection report, you may contact Joanne Steenhuis at the letterhead contact information or via email at [Joanne.Steenhuis@ncdenr.gov](mailto:Joanne.Steenhuis@ncdenr.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read "James H. Gregson", with a stylized flourish at the end.

James Gregson, Regional Supervisor  
Water Quality Regional Operations Section

Enclosure

cc: Michael Myers – Operations Manager – electronic copy  
Wilmington Regional Office – WQCSD0063 File  
Central Files, Water Quality Section

## Compliance Inspection Report

Permit: WQCSD0063      Effective: 03/01/00      Expiration:      Owner: Horse Creek Farms Utilities Corporation  
SOC:      Effective:      Expiration:      Facility: Horse Creek Farms Utilities Collection System

County: Onslow  
Region: Wilmington

Contact Person: Michael J Myers      Title: Operations Manager      Phone: 252-235-4900

Directions to Facility:

System Classifications: CS1,

Primary ORC:      Certification:      Phone:  
Secondary ORC(s):

On-Site Representative(s):

On-site representative      Jeffrey A Jarman      910-330-8167

Related Permits:

NC0062359      Horse Creek Farms Utilities Corporation - Horse Creek Farms WWTP

Inspection Date: 12/11/2014      Entry Time: 01:15PM      Exit Time: 02:30PM

Primary Inspector: Joanne H Steenhuis      *Joanne Steenhuis 12/31/14*      Phone:

Secondary Inspector(s):  
Stephanie Garrett      *Stephanie Garrett 12/31/14*      Phone:

Reason for Inspection: Routine      Inspection Type: Collection System Inspect Non Sampling

Permit Inspection Type: Deemed permitted collection system management and operation

Facility Status: ☐ Compliant      ☒ Not Compliant

Question Areas:

☒ Miscellaneous Questions      ☒ Pump Station      ☒ Lines

(See attachment summary)



Permit: WQCSD0063  
Inspection Date: 12/11/2014

Owner - Facility: Horse Creek Farms Utilities Corporation  
Inspection Type : Collection System Inspect Non Sampling

Reason for Visit: Routine

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**Inspection Summary:**

The owner has received the Notice of Deficiency dated September 14, 2014 on September 26, 2014. As of this date (12/31/2014), this Office has not received a response.

The inspectors also took a quick look at the WWTP and found several issues that should be dealt with ASAP. The EQ tank is buckling, the walkways on top are in desperate need of repair as in some areas it is missing or rotting away.

## LS #1 HORSE CREEK FA -

Pump Station

	Yes	No	NA	NE
Pump station type				
Are pump station logs available?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is it accessible in all weather conditions?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
# Is general housekeeping acceptable?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are all pumps present?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are all pumps operable?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are wet wells free of excessive debris?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are upstream manholes free of excessive debris/signs of overflow?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are floats/controls for pumps/alarms operable?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is "auto polling" feature/SCADA present?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is "auto polling" feature/SCADA operational?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Is simple telemetry present?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is simple telemetry operational?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Are audio and visual alarms present?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are audio and visual alarms operable?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is the Pump station Inspected as required?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are backflow devices in place?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are backflow devices operable?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Are air relief valves in place?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are air relief valves operable?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
# Is an emergency generator available?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Can the emergency generator run the pumps?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Is the pump station equipped for quick hook-up?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is the generator operable?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
# Is fuel in tank and sufficient?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Is the generator Inspected according to their schedule?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Is a 24-hour notification sign posted?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Does it include:				
Instructions for notification?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pump station identifier?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Emergency phone number	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is public access limited?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is pump station free of overflow piping?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is the pump station free of signs of overflow?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Permit: WQCSD0063

Owner - Facility: Horse Creek Farms Utilities Corporation

Inspection Date: 12/11/2014

Inspection Type : Collection System Inspect Non Sampling

Reason for Visit: Routine

Are run times comparable for multiple pumps?

not evaluated

Comment: There has been no maintenance conducted since the last inspection. The crack in the pipe is getting larger and both pipes are still deteriorating. The rail has still not been replaced and there is still no generator available nor a quick connect.

### LS # 3 HORSE CK FARM -

#### Pump Station

Pump station type

Yes No NA NE

Duplex

Are pump station logs available?

☐ ☐ ☐ ☒

Is it accessible in all weather conditions?

☒ ☐ ☐ ☐

# Is general housekeeping acceptable?

☒ ☐ ☐ ☐

Are all pumps present?

☒ ☐ ☐ ☐

Are all pumps operable?

☒ ☐ ☐ ☐

Are wet wells free of excessive debris?

☒ ☐ ☐ ☐

Are upstream manholes free of excessive debris/signs of overflow?

☒ ☐ ☐ ☐

Are floats/controls for pumps/alarms operable?

☒ ☐ ☐ ☐

Is "auto polling" feature/SCADA present?

☐ ☒ ☐ ☐

Is "auto polling" feature/SCADA operational?

☐ ☐ ☒ ☐

Is simple telemetry present?

☐ ☒ ☐ ☐

Is simple telemetry operational?

☐ ☐ ☒ ☐

Are audio and visual alarms present?

☒ ☐ ☐ ☐

Are audio and visual alarms operable?

☐ ☐ ☐ ☒

Is the Pump station inspected as required?

☒ ☐ ☐ ☐

Are backflow devices in place?

☒ ☐ ☐ ☐

Are backflow devices operable?

☐ ☐ ☐ ☒

Are air relief valves in place?

☒ ☐ ☐ ☐

Are air relief valves operable?

☐ ☐ ☐ ☒

# Is an emergency generator available?

☐ ☒ ☐ ☐

Can the emergency generator run the pumps?

☐ ☐ ☒ ☐

Is the pump station equipped for quick hook-up?

☐ ☒ ☐ ☐

Is the generator operable?

☐ ☐ ☒ ☐

# Is fuel in tank and sufficient?

☐ ☐ ☒ ☐

Is the generator inspected according to their schedule?

☐ ☐ ☒ ☐

Is a 24-hour notification sign posted?

☒ ☐ ☐ ☐

Does it include:

Instructions for notification?

☒ ☐ ☐ ☐

Pump station Identifier?

☒ ☐ ☐ ☐

Emergency phone number

☒ ☐ ☐ ☐

Permit: WQCS00063

Owner - Facility: Horse Creek Farms Utilities Corporation

Inspection Date: 12/11/2014

Inspection Type : Collection System Inspect Non Sampling

Reason for Visit: Routine

Is public access limited?	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Is pump station free of overflow piping?	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Is the pump station free of signs of overflow?	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Are run times comparable for multiple pumps?	not evaluated

Comment: The floats were recently replaced as they stopped functioning. The tops of the rails have not been fixed (although they were not as corroded as the other two lift stations). the ROW still have not been maintained.

## LS # 2 HORSE CK FARM -

### Pump Station

	Yes	No	NA	NE
Pump station type				
Are pump station logs available?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is it accessible in all weather conditions?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
# Is general housekeeping acceptable?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are all pumps present?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are all pumps operable?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are wet wells free of excessive debris?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are upstream manholes free of excessive debris/signs of overflow?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are floats/controls for pumps/alarms operable?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is "auto polling" feature/SCADA present?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is "auto polling" feature/SCADA operational?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Is simple telemetry present?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is simple telemetry operational?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Are audio and visual alarms present?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are audio and visual alarms operable?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is the Pump station inspected as required?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are backflow devices in place?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are backflow devices operable?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Are air relief valves in place?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are air relief valves operable?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
# Is an emergency generator available?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Can the emergency generator run the pumps?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Is the pump station equipped for quick hook-up?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is the generator operable?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
# Is fuel in tank and sufficient?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Is the generator inspected according to their schedule?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Is a 24-hour notification sign posted?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Does It include:				

Permit: WQCSD0063

Owner - Facility: Horse Creek Farms Utilities Corporation

Inspection Date: 12/11/2014

Inspection Type : Collection System Inspect Non Sampling

Reason for Visit: Routine

Instructions for notification?

☒☐☐☐

Pump station Identifier?

☒☐☐☐

Emergency phone number

☒☐☐☐

Is public access limited?

☒☐☐☐

Is pump station free of overflow piping?

☒☐☐☐

Is the pump station free of signs of overflow?

☒☐☐☐

Are run times comparable for multiple pumps?

not evaluated

Comment: No action has been taken since the last inspection. This lines still look fairly corroded. The rail mount has not been repaired, the ROW has not been maintained.



North Carolina Department of Environment and Natural Resources

Pat McCrory  
Governor

Donald R. van der Vaart  
Secretary

March 18, 2015

**CERTIFIED MAIL # 7010 0290 0003 0833 8956**  
**RETURN RECEIPT REQUESTED**

Horse Creek Farms Utilities Corporation  
Attn: Debby Crayton  
PO Box 14046  
New Bern, NC 28561-4046

**SUBJECT: ASSESSMENT OF CIVIL PENALTY**  
Violations of 15A NCAC 02T .0403 & Deemed Permit#: WQCSD0063  
Horse Creek Farms Utility Corporation  
Horse Creek Farms Collection Systems  
**Case No. PC-2015-0008**  
Onslow County

Dear Mrs. Crayton:

This letter transmits a Notice of Violation and assessment of a civil penalty in the amount of \$2,199.30 (civil penalty and enforcement costs) against the Horse Creek Farms Utility Corporation.

This assessment is based upon the following facts: a compliance inspection was conducted of the Horse Creek Farms Collection system owned and operated by the Horse Creek Farms Utility Corporation on September 11, 2014 and December 11, 2014. These inspections revealed the subject facility to be in violation of the requirements and conditions found in Deemed Permit#: WQCSD0063. The violations identified are summarized in Attachment A to this letter.

Based upon the above facts, I conclude as a matter of law that the Horse Creek Farms Utility Corporation violated the terms, conditions or requirements of Deemed Permit#: WQCSD0063 and 15A NCAC 02T .0403 in the manner and extent shown in Attachment A. In accordance with the maximums established by G.S. 143-215.6A(a)(2), a civil penalty may be assessed against any person who violates the terms, conditions or requirements of a permit required by G.S. 143-215.1(a).

Based upon the above findings of fact and conclusions of law, and in accordance with authority provided by the Secretary of the Department of Environment and Natural Resources and the Director of the Division of Water Resources, I, James H. Gregson, Wilmington Regional Office Supervisor, Water Quality Regional Operations Section, hereby make the following civil penalty assessment against the Horse Creek Farms Utility Corporation

\$1000.00	Pump stations are not being properly maintained
\$1000.00	ROW for force mains and easements are not being maintained
	<b>TOTAL CIVIL PENALTY</b>
\$276.01	Enforcement Costs
\$2276.01	<b>TOTAL AMOUNT DUE</b>

Pursuant to G.S. 143-215.6A(c), in determining the amount of the penalty I have taken into account the Findings of Fact and Conclusions of Law and the factors set forth at G.S. 143B-282.1(b), which are:

- (1) The degree and extent of harm to the natural resources of the State, to the public health, or to private property resulting from the violation;
- (2) The duration and gravity of the violation;
- (3) The effect on ground or surface water quantity or quality or on air quality;
- (4) The cost of rectifying the damage;
- (5) The amount of money saved by noncompliance;
- (6) Whether the violation was committed willfully or intentionally;
- (7) The prior record of the violator in complying or failing to comply with programs over which the Environmental Management Commission has regulatory authority; and
- (8) The cost to the State of the enforcement procedures.

Within **thirty days** of receipt of this notice, **you must do one** of the following:

1. Submit payment of the penalty, **OR**
2. Submit a written request for remission, **OR**
3. Submit a written request for an administrative hearing.

**Option 1: Submit payment of the penalty:**

Payment should be made directly to the order of the Department of Environment and Natural Resources (DENR). Payment of the penalty will not foreclose further enforcement action for any continuing or new violation(s). Do **not** include the attached waiver form if making payment.

Please submit payment to the attention of:

Wastewater Branch – PERCS Unit  
 Division of Water Resources  
 1617 Mail Service Center  
 Raleigh, NC 27699-1617

**OR**

**Option 2: Submit a written request for remission or mitigation including a detailed justification for such request:**

Please be aware that a request for remission is limited to consideration of the five factors listed below as they

may relate to the reasonableness of the amount of the civil penalty assessed. 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. Because a remission request forecloses the option of an administrative hearing, such a request must be accompanied by a waiver of your right to an administrative hearing and a stipulation and agreement that no factual or legal issues are in dispute. Please prepare a detailed statement that establishes why you believe the civil penalty should be remitted, and submit it to the Division of Water Resources at the address listed below. In determining whether a remission request will be approved, the following factors shall be considered:

- (1) whether one or more of the civil penalty assessment factors in NCGS 143B-282.1(b) was wrongfully applied to the detriment of the petitioner;
- (2) whether the violator promptly abated continuing environmental damage resulting from the violation;
- (3) whether the violation was inadvertent or a result of an accident;
- (4) whether the violator had been assessed civil penalties for any previous violations; or
- (5) whether payment of the civil penalty will prevent payment for the remaining necessary remedial actions.

Please note that all evidence presented in support of your request for remission must be submitted in writing. The Director of the Division of Water Resources will review your evidence and inform you of his decision in the matter of your remission request. The response will provide details regarding the case status, directions for payment, and provision for further appeal of the penalty to the Environmental Management Commission's Committee on Civil Penalty Remissions (Committee). Please be advised that the Committee cannot consider information that was not part of the original remission request considered by the Director. Therefore, it is very important that you prepare a complete and thorough statement in support of your request for remission.

In order to request remission, you must complete and submit the enclosed "Request for Remission of Civil Penalties/Waiver of Right to an Administrative Hearing and Stipulation of Facts" form within thirty (30) days of receipt of this notice. The Division of Water Resources also requests that you complete and submit the enclosed "Justification for Remission Request".

Both forms should be submitted to the following address:

Wastewater Branch – PERCS Unit  
Division of Water Resources  
1617 Mail Service Center  
Raleigh, NC 27699-1617

**Option 3: File a petition for an administrative hearing with the Office of Administrative Hearings:**

If you wish to contest any statement in the attached assessment document you must file a petition for an administrative hearing. You may obtain the petition form from the Office of Administrative Hearings. You must file the petition with the Office of Administrative Hearings within thirty (30) days of receipt of this notice. A petition is considered filed when it is received in the Office of Administrative Hearings during normal office hours. The Office of Administrative Hearings accepts filings Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m., except for official state holidays. The petition may be filed by facsimile (fax) or electronic mail by an attached file (with restrictions) - provided the signed original, one (1) copy and a filing fee (if a filing fee is required by NCGS §150B-23.2) is received in the Office of Administrative Hearings within seven (7)



Horse creek Farms Utilities Corp.  
Attn: Debby Crayton  
March 13, 2015  
Page 4 of 6

business days following the faxed or electronic transmission. You should contact the Office of Administrative Hearings with all questions regarding the filing fee and/or the details of the filing process.

The mailing address and telephone and fax numbers for the Office of Administrative Hearings are as follows:

Office of Administrative Hearings  
6714 Mail Service Center  
Raleigh, NC 27699-6714  
Tel: (919) 733-2698  
Fax: (919) 733-3478

You must also mail or hand deliver a copy of the written petition to:

Sam M. Hayes, General Counsel  
NC DENR  
1601 Mail Service Center  
Raleigh, NC 27699-1601

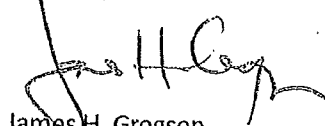
AND

Wastewater Branch – PERCS Unit  
Division of Water Resources  
1617 Mail Service Center  
Raleigh, NC 27699-1617

Failure to exercise one of the options above within thirty (30) days of receipt of this letter, as evidenced by an internal date/time received stamp (not a postmark), will result in this matter being referred to the Attorney General's Office for collection of the penalty through a civil action. Please be advised that additional penalties may be assessed for violations that occur after the review period of this assessment.

Please be advised that any continuing violation(s) may be the subject of a new enforcement action, including an additional penalty. If you have any questions about this civil penalty assessment, please contact Joanne Steenhuis in the Wilmington Regional Office at (910) 796-7215.

Sincerely,



James H. Gregson  
Regional Supervisor  
Wilmington Regional Office  
Water Quality Regional Operations Section

#### ATTACHMENTS

cc: Regional Supervisor w/ attachments  
PERCS Unit Enforcement File w/ attachments  
Central Files w/ attachments  
WiRO Files w/ attachments

**ATTACHMENT A**

Horse Creek Farms Utilities Corporation

CASE NUMBER: PC-2016-0008

PERMIT: WQCSD0063

FACILITY: Horse Creek Farms Utilities Collection System

COUNTY: Onslow

REGION: Wilmington

**Other Violations**

PENALTY	MONITORING REPORT	AREA	DESCRIPTION	VIOLATION DATE	VIOLATION TYPE
1,000.00		Pump Station	The pump stations have not been maintained as required.	12/11/14	Violation detected during inspection
1,000.00		Lines/Right-of-Ways/ Aerial Lines	The rights-of-ways and easements have not been maintained as required..	12/11/14	Violation detected during inspection

### JUSTIFICATION FOR REMISSION REQUEST

DWQ Case Number: PC-2015-0008

County: Onslow

Assessed Party: Horse Creek Farms Utility Corporation

Deemed Permit No.: WQCSD0063

Amount Assessed: \$2276.01

Please use this form when requesting remission of this civil penalty. You must also complete the "Request For Remission, 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 Director to consider in evaluating your request for remission. Please be aware that a request for remission is limited to consideration of the five factors listed below as they may relate to the reasonableness of the amount of the civil penalty assessed. 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. § 143B-282.1(c), remission of a civil penalty may be granted only when one or more of the following five factors apply. 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) one or more of the civil penalty assessment factors in N.C.G.S. 143B-282.1(b) were wrongfully applied to the detriment of the petitioner (*the assessment factors are listed in the civil penalty assessment document*);
- ☐ (b) the violator 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) 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) the violator had not been assessed civil penalties for any previous violations;
- ☐ (e) payment of the civil penalty will prevent payment for the remaining necessary remedial actions (*i.e., explain how payment of the civil penalty will prevent you from performing the activities necessary to achieve compliance*).

#### EXPLANATION:

COUNTY OF Onslow

IN THE MATTER OF ASSESSMENT  
OF CIVIL PENALTIES AGAINST

Deemed PERMIT NO. WQCSD0063

**CASE NO. PC-2015-0008**

This the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

ADDRESS

TELEPHONE



North Carolina Department of Environment and Natural Resources

Pat McCrory  
Governor

Donald R. van der Vaart  
Secretary

March 18, 2015

**CERTIFIED MAIL # 7010 0290 0003 0833 8956**  
**RETURN RECEIPT REQUESTED**

Horse Creek Farms Utilities Corporation  
Attn: Debby Crayton  
PO Box 14046  
New Bern, NC 28561-4046

**SUBJECT: ASSESSMENT OF CIVIL PENALTY**  
Violations of 15A NCAC 02T .0403 & Deemed Perr  
Horse Creek Farms Utility Corporation  
Horse Creek Farms Collection Systems  
Case No. PC-2015-0008  
Onslow County

U.S. Postal Service™	
<b>CERTIFIED MAIL™ RECEIPT</b>	
(Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at <a href="http://www.usps.com">www.usps.com</a>	
<b>OFFICIAL USE</b>	
Postage \$	
Certified Fee	2.85
Return Receipt Fee (Endorsement Required)	2.30
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees \$	
Sent To: <u>Horse Creek Farms Utilities Corp.</u>	
Street, Apt. No., or PO Box No. <u>Attn: Debby Crayton PO Box 14046</u>	
City, State, ZIP+4	

Dear Mrs. Crayton:

This letter transmits a Notice of penalty and enforcement costs)

This assessment is based upon the Farms Collection system owned a 2014 and December 11, 2014. The requirements and conditions found in Attachment A to this letter.

Based upon the above facts, I conclude that you have violated the terms, conditions or requirements shown in Attachment A, a civil penalty may be assessed based upon the requirements of a permit required to be obtained.

Based upon the above findings of fact, the Secretary of the Department of Environment and Natural Resources, I, James H. Gregson, Wilkes County, hereby make the following conclusions:

**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:

**HORSE CREEK FARMS UTILITIES CORP.**  
**Attn: Debby Crayton**  
**P.O. Box 14046**  
**NEW BERN, NC**  
**28561-4046**

2. Article Number (Transfer)

7010 0290 0003 0833 8956

PS Form 3811, July 2013

Domestic Return Receipt

Horse Creek Farms Utility Corporation

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature <input checked="" type="checkbox"/> <u>Debby Crayton</u>	<input type="checkbox"/> Agent <input type="checkbox"/> Addressee
B. Received by (Printed Name) <u>NEW BERN, NC</u>	C. Date of Delivery <u>APR 1 2015</u>
D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
3. Service Type <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Priority Mail Express™ <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> Collect on Delivery	
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	

## **Lewis, Steven**

---

**From:** Steenhuis, Joanne  
**Sent:** Friday, April 24, 2015 8:31 AM  
**To:** Lewis, Steven  
**Subject:** RE: HCF Penalty Remission for PC-2015-0008  
**Attachments:** horse creek farms collections.pdf; horse creek farms nov.pdf

A copy of the assessment letter went to the PERCS unit with attachments, I don't have a scanned copy of that.

---

**From:** Lewis, Steven  
**Sent:** Thursday, April 23, 2015 3:07 PM  
**To:** Steenhuis, Joanne  
**Subject:** FW: HCF Penalty Remission for PC-2015-0008

Joanne – When you get a chance, could you email the NOV and penalty assessment to me, please? And any other info related to the case. Thanks.

---

**From:** Scott Smart [<mailto:ssmart@envirolinkinc.com>]  
**Sent:** Thursday, April 23, 2015 12:11 PM  
**To:** Lewis, Steven  
**Cc:** debby crayton; Steenhuis, Joanne  
**Subject:** FW: HCF Penalty Remission for PC-2015-0008

Mr. Lewis,

As discussed, attached is the justification for remission of PC-2015-008. Please let us know if you need any additional information to process this request.

Scott Smart, PE  
Senior Quality Manger  
Envirolink Inc.  
[ssmart@envirolinkinc.com](mailto:ssmart@envirolinkinc.com)  
252-235-4900- Office  
252-290-5646 –Mobile

This E-mail (including attachments) is confidential, intended only for the named recipient(s) and may contain confidential or proprietary information. If you are not the intended recipient(s), you are hereby notified that the dissemination, distribution, or copying of this message is strictly prohibited. If you receive this message in error, or are not the named recipient(s), please notify the sender and delete this email from your computer. Thank you.

**Lewis, Steven**

---

**From:** Lewis, Steven  
**Sent:** Thursday, April 30, 2015 10:49 AM  
**To:** 'Scott Smart'  
**Cc:** debby crayton; Steenhuis, Joanne  
**Subject:** RE: HCF Penalty Remission for PC-2015-0008

Thanks, Scott. I have emailed the regional office for their input. When I get that, the central office will consider the remission request at the next remissions conference, probably in the first week of June.

---

**From:** Scott Smart [<mailto:ssmart@envirolinkinc.com>]  
**Sent:** Thursday, April 23, 2015 12:11 PM  
**To:** Lewis, Steven  
**Cc:** debby crayton; Steenhuis, Joanne  
**Subject:** FW: HCF Penalty Remission for PC-2015-0008

Mr. Lewis,

As discussed, attached is the justification for remission of PC-2015-008. Please let us know if you need any additional information to process this request.

Scott Smart, PE  
Senior Quality Manger  
Envirolink Inc.  
[ssmart@envirolinkinc.com](mailto:ssmart@envirolinkinc.com)  
252-235-4900- Office  
252-290-5646 –Mobile

This E-mail (including attachments) is confidential, intended only for the named recipient(s) and may contain confidential or proprietary information. If you are not the intended recipient(s), you are hereby notified that the dissemination, distribution, or copying of this message is strictly prohibited. If you receive this message in error, or are not the named recipient(s), please notify the sender and delete this email from your computer. Thank you.

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

### STIPULATION OF FACTS

**CASE NO. PC-2015-0008**

This the 23<sup>rd</sup> day of April, 2015

Dee Hey Clayton, Pres.  
SIGNATURE

## Horse Creek Farms Exhibits

PO Box 14046

New Bern, NC 28561

252-670-9933



Please use this form when requesting remission of this civil penalty. You must also complete the "Request For Remission, 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 Director to consider in evaluating your request for remission. Please be aware that a request for remission is limited to consideration of the five factors listed below as they may relate to the reasonableness of the amount of the civil penalty assessed. 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. § 143B-282.1(c), remission of a civil penalty may be granted only when one or more of the following five factors apply. 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) one or more of the civil penalty assessment factors in N.C.G.S. 143B-282.1(b) were wrongfully applied to the detriment of the petitioner (*the assessment factors are listed in the civil penalty assessment document*);
- ☐ (b) the violator 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) 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) the violator had not been assessed civil penalties for any previous violations;
- X ☒ (e) payment of the civil penalty will prevent payment for the remaining necessary remedial actions (*i.e., explain how payment of the civil penalty will prevent you from performing the activities necessary to achieve compliance*).

**EXPLANATION:**

Horse Creek Farms has been unable to finance the maintenance on the pump stations and ROW of easements in the system. For this reason, Horse Creek Farms has been in negotiations on the sale of their system to the financially viable Old North State Water Company. Horse Creek Farms and Old North State Water Company are still negotiating purchase price. The cost of this penalty would negatively impact these negotiations, further jeopardizing or delaying the remedial actions.



North Carolina Department of Environment and Natural Resources

Pat McCrory  
Governor

Donald R. van der Vaart  
Secretary

June 2, 2015

Horse Creek Farms Utilities Corporation  
Attn: Debby Crayton  
PO Box 14046  
New Bern, NC 28561-4046

**CERTIFIED MAIL 7013 2630 0001 8998 1451**  
**RETURN RECEIPT REQUESTED**

SUBJECT: Remission Request  
Civil Penalty Assessment  
Horse Creek Farms Collection System  
Onslow County  
Permit No. WQCSD0063  
PC-2015-0008

Dear Ms. Crayton,

In accordance with North Carolina General Statute 143-215.6A(f), the Director of the North Carolina Division of Water Quality considered the information you submitted in support of your request for remission and did not find grounds to modify the civil penalty assessment of \$2,276.01. A copy of the Director's decision is attached.

Two options are available to you at this stage of the remission process:

**1) You may pay the penalty.**

If you decide to pay the penalty please make your check payable to the Department of Environment and Natural Resources (DENR). Send the payment within thirty (30) calendar days of your receipt of this letter to the attention of:

Mr. Steve Lewis  
Division of Water Resources PERCS Unit  
1617 Mail Service Center  
Raleigh, NC 27699-1617

**OR**

1617 Mail Service Center, Raleigh, North Carolina 27699-1617  
Location: 512 N. Salisbury St. Raleigh, North Carolina 27604  
Phone: 919-807-6300 \ FAX: 919-807-6492 \ Customer Service: 1-877-623-6748  
Internet: [www.ncwaterquality.org](http://www.ncwaterquality.org)

- 2) You may decide to have the Environmental Management Commission's (EMC) Committee on Civil Penalty Remissions make the final decision on your remission request.

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 Director of the North Carolina Division of Water Quality will be delivered to the Committee on Civil Penalty Remissions for final agency decision.

If you or your representative would like to speak before the Committee, you must complete and return the attached Request for Oral Presentation Form within thirty (30) calendar days of receipt of this letter. Send the completed form to:

Mr. Steve Lewis  
Pretreatment, Emergency Response, Collection Systems Unit  
Division of Water Resources  
1617 Mail Service Center  
Raleigh, NC 27699-1617

The EMC Chairman will review the supporting documents and your request for an oral presentation (if you make the request). If the Chairman determines that there is a compelling reason to require a presentation, you will be notified of when and where you should appear. If a presentation is not required, the final decision will be based upon the written record.

If you have any questions, please call me at (919) 807-6308.

Sincerely,



Steve Lewis  
Pretreatment, Emergency Response and  
Collection Systems Unit  
Division of Water Resources, NCDENR

cc: Enforcement File PC-2015-0008  
Jim Gregson, Wilmington Regional Office Supervisor  
Joanne Steenhuis, WIRO  
Central Files

**DIVISION OF WATER RESOURCES  
CIVIL PENALTY REMISSION FACTORS**

Case Number: PC-2015-0008  
Assessed Entity: Horse Creek Farms

Region: Wilmington

County: Onslow  
Permit: WQCSD0063

- ☐ (a) Whether one or more of the civil penalty assessment factors were wrongly applied to the detriment of the petitioner:
- ☐ (b) Whether the violator promptly abated continuing environmental damage resulting from the violation:
- ☐ (c) Whether the violation was inadvertent or a result of an accident:
- ☐ (d) Whether the violator had been assessed civil penalties for any previous violations:
- ☒ (e) Whether payment of the civil penalty will prevent payment for the remaining necessary remedial actions:
- Horse Creek Farms states that they have been unable to finance the maintenance on the pump stations and right-of-way easements. They have been in negotiations to sell their system to Old North State Water Company. The cost of the penalty would negatively impact the negotiations further jeopardizing or delaying remedial actions.
  - *Summarize Region's position for denial/partial/full remission*

In response to the Notice of Violation / Notice of Intent to Assess Horse Creek Farm indicates that the problems discovered during the inspection will be taken care of by Old North State Water Corporation (ONSWC) once the sale of the system is complete. There has been no attempt by Horse Creek Farms to resolve the issues other than seeking quotes to have ROWs cleared. Unless Horse Creek Farms can produce a deed as proof that the facility has been transferred to ONSWC, the Wilmington Office is not in support of remitting any of the penalty.

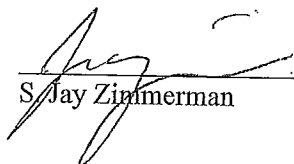
---

**DECISION (Check One)**

Request Denied ☒

Full Remission ☐ Retain Enforcement Costs? Yes ☐ No ☐

Partial Remission ☐ \$ \_\_\_\_\_ (Enter Amount)

  
S. Jay Zimmerman \_\_\_\_\_ Date \_\_\_\_\_

COUNTY OF ONSLOW

DWR Case Number **PC-2015-0008**IN THE MATTER OF ASSESSMENT  
OF CIVIL PENALTIES AGAINST:**REQUEST FOR ORAL PRESENTATION**HORSE CREEK FARMS UTILITY  
CORPORATION

I hereby request to make an oral presentation before the Environmental Management Commission's Committee on Civil Penalty Remissions 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 Environmental Management Commission and may be either granted or denied.
- Making a presentation will require the presence of myself and/or my representative during a Committee 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 to five (5) minutes in length.

The North Carolina State Bar's Authorized Practice of Law Committee 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 Committee on Remissions are quasi-judicial. You should consider how you intend to present your case to the Committee 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 Committee, 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 are granted an opportunity to make an oral presentation before the Committee, then you do not need legal representation before the Committee; 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 you are a corporation, partnership or municipality and are granted an opportunity to make an oral presentation before the Committee, 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 form 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 Committee on Civil Penalty Remissions may choose not to proceed with hearing your case if the Committee is informed that a violation of the State Bar occurs.

This the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

SIGNATURE \_\_\_\_\_

TITLE (President, Owner, etc.) \_\_\_\_\_

ADDRESS \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

TELEPHONE (\_\_\_\_) \_\_\_\_\_

**SENDER: COMPLETE THIS SECTION**

■ Complete items 1, 2, and 3. Also complete  
if Restricted Delivery is desired.  
your name and address on the reverse  
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:

HORSE CREEK FARMS  
UTILITIES CORP.  
ATTN: DEBBY CRAYTON  
PO BOX 14046  
NEW BERN, NC 28561-  
4046

2. Article Number  
(Transfer from service label)

7013 2630 0001 8998 1451

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature ☐ Agent  
X *Deby Crayton* ☐ Addressee

B. Received by (Printed Name) NC C. Date of Delivery

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

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540