

ROY COOPER

Governor

MICHAEL S. REGAN

Secretary

S. DANIEL SMITH

Director



NORTH CAROLINA
Environmental Quality

June 18, 2020

Certified Mail

Return Receipt Requested

7018 1830 0001 8036 5010

Emily W. Murphy
Administrator
US General Services Administration
1800 F. Street, NW
Washington, DC 20405
emily.murphy@gsa.gov

Delivered via email and certified mail

Subject: Notice of Violation and Notice of Intent to Enforce
Unpermitted Wastewater Discharges
Terry Sanford Federal Building, 310 New Bern Ave, Raleigh, North Carolina
Wake County

Dear Administrator Murphy:

The Division of Water Resources (DWR) of the North Carolina Department of Environmental Quality (DEQ) received a copy of an *Alert Memorandum: Raw Sewage from the Terry Sanford Federal Building and Courthouse in Raleigh, North Carolina, is Discharging into Local Waterways* (Alert Memorandum), dated June 3, 2020. The Alert Memorandum was sent from the U.S. General Services Administration's (GSA) Office of Inspector General to the Commissioner of Public Building Services (PBS) and describes the unauthorized discharge of raw sewage from the Terry Sanford Federal Building to local waters in Raleigh, North Carolina.

DWR also received a copy of a *Notification of Ongoing Illicit Connection and Illicit Discharge at the Terry Sanford Federal Building, 310 New Bern Ave, Raleigh, North Carolina* (Notification), dated May 29, 2020. The Notification was sent from GSA to the City of Raleigh's Energy Services Department, Stormwater Unit.

The Alert Memorandum and Notification communicated, in part, the following:

- The Terry Sanford Federal Building has separate pipes to transfer stormwater and raw sewage out of the building. However, some of these pipes are cross connected, causing raw sewage to discharge into the local stormwater system. The cross-connections have existed since the building was constructed in 1969 and have been compounded by renovations, which have connected additional plumbing to the already cross-connected pipes. (Alert Memorandum)
- Although PBS Region 4 personnel have known about this issue since at least 2012, GSA has not corrected the cross-connected pipes or notified the EPA or other appropriate authorities of the problem. (Alert Memorandum)



North Carolina Department of Environmental Quality | Division of Water Resources
512 North Salisbury Street | 1611 Mail Service Center | Raleigh, North Carolina 27699-1611
919.707.9000

- Illicit connections and illicit discharges from the Terry Sanford Federal Building at 310 New Bern Ave, Raleigh 27601 have occurred since at least 2012. (Notification)
- GSA had been made aware of several discoveries of sewage piping and vent lines connected to the roof stormwater evacuation drains on the building since at least 2012. These connections cause wastewater to move through stormwater lines when the facilities are used. (Notification)
- In 2018 through 2019, GSA performed a series of dye tests for further identification purposes. (Notification)

In addition, on June 10, 2020 DWR received an email from PBS explaining the number of facilities affected and that the facilities are unavailable for use as of June 5, 2019. However, the information provided failed to detail how each specific fixture was secured to ensure that discharge cannot occur or how the fixtures have been locked out such that they are unable to be put back into service.

The illicit connections and illicit discharges of wastewater as detailed in the correspondence above are illegal discharges and constitute violations of North Carolina General Statute 143-215.1 (a) (1).

I. Written Response. To address the violations and immediate concerns of DWR, please respond in writing to the following item within 7 days of receipt of this correspondence.

- 1) Please clearly detail what fixtures are known to be cross connected and specifically detail how each fixture is secured such that use, operations, and additions of waste (discharges) cannot occur. If this is accomplished by signage or flagging, please clearly indicate as such in your response.

II. Site visit. DWR staff intends to conduct an inspection of the Terry Sanford Federal Building. **Within 7 days of receipt of this letter,** contact Scott Vinson, the DWR Raleigh Regional Supervisor at (919) 791-4252 (scott.vinson@ncdenr.gov) to discuss the scheduling of an inspection. During the inspection, it will be important for GSA staff members to be present who can identify the location of fixtures and explain how ongoing use of these fixtures with the cross connections are secured from further use or how the cross connections are otherwise abated.

III. Written Response within 30 days. To address the violations and DWR other concerns, please respond in writing to the following items within 30 days of receipt of this correspondence.

- 1) Please explain how long the cross connections have been in use in the Federal Building.
- 2) Please provide an estimate of the volume of waste that has been discharged daily and explain how these volumes were calculated.
- 3) Please explain why the cross connections were not corrected despite discovery and notification.
- 4) Please explain what steps you have taken to ensure that you have identified all cross connected fixtures that are present at the building and that no cross connections remain unidentified.
- 5) Please detail in your response when GSA determined illicit wastewater discharges were present, how GSA was notified, and what triggered this investigation of the Illicit connections and illicit discharges of wastewater.

- 6) Please provide information detailing the receipt of all complaints, documented occurrences, or notification of wastewater or wastewater backups, fixture flooding, waste flooding into common areas, restrooms, workspace in response to storm events or backups due to the cross connections at the Terry Sanford Federal Building.
- 7) Are there other facilities, other than the Terry Sanford Federal Building, that GSA oversees in North Carolina? What measures are in place to ensure those facilities correctly oversee and manage their wastewater infrastructure? Please explain how those expectations differ than those applied to the Terry Sanford Federal Building.
- 8) Please provide a schedule with dates detailing when all the cross connections have been or will be repaired and when such illicit connections and discharges are no longer present

GSA must cease all illegal discharges into waters of the state as soon as possible and take appropriate actions to ensure future compliance. DWR is evaluating appropriate actions to address past and ongoing noncompliance.

In addition, I would like to invite you and/or any other representatives from GSA to contact me as soon as possible to arrange a time to discuss measures that GSA plans to take to resolve the violations described in this letter.

Within 7 days of receipt, please respond to this letter by: 1) providing a written response to the requested item I. 1 noted above; 2) contacting Scott Vinson at 919-791-4252 regarding scheduling a site visit; and 3) contacting me to discuss how GSA will resolve the violations. Also, within 30 days of receipt of this letter provide a written response to Item III 1-8. Please send your written responses to my attention at 512 North Salisbury Street, Raleigh NC 27699-1611.

Thank you for your attention to this matter. If you have any questions please do not hesitate to contact me at (919) 707-9014 or (danny.smith@ncdenr.gov).

Sincerely,



S. Daniel Smith, Director
Division of Water Resources

cc: DWR Raleigh Regional Office – Scott Vinson, Regional Supervisor
Water Quality Permitting Section – Complex Permitting Branch
Division of Energy Mineral and Land Resources – Brian Wrenn, Director
Brian Stern, US General Services Administration, Regional Administrator,
Southeast Sunbelt Region 4, 77 Forsyth Street, Atlanta, GA 30303
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