



NORTH CAROLINA
Environmental Quality

ROY COOPER

Governor

MICHAEL S. REGAN

Secretary

S. DANIEL SMITH

Director

January 6, 2021

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

CM#7019 2970 0001 3139 9760

DC Mills Farm Inc.
1764 Lynman Road
Chinquapin, NC 28521

Subject: **Notice of Violation/Notice of Intent to Enforce**
DC Mills Farm #52-13
AWS520013
Jones County
NOV-2021-DV-0001

Dear Mrs. Mills:

On December 21, 2020, staff of the NC Division of Water Resources (DWR), Water Quality Regional Operations Section (WQROS) received notification that there was a lagoon failure and a discharge of wastewater at your facility.

As a result of this incident, you are hereby notified that, having been permitted to have a non-discharge permit for the subject animal waste disposal system pursuant to 15A NCAC 2T Section .1300, you have had a discharge of wastewater to surface water in conflict with your Certified Animal Waste Management Plan and the Swine Waste System General Permit No. AWG100000 that you are covered to operate under. Associated violations follow.

Violation 1:

Failure to prevent a discharge of wastewater to surface waters in accordance with the facility's Certified Animal Waste Management Plan in accordance with Condition I.1. of Swine Waste System General Permit No. AWG100000.

On December 21, 2020, the Division was notified by NC Soil and Water Conservation (NCSWC) of a lagoon failure, which caused a discharge of wastewater to surface water. The Division conducted a site visit on December 21, 2020 and found a vertical hole on the inside of



North Carolina Department of Environmental Quality | Division of Water Resources

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252.946.6481

the southwest bank of the lagoon and another vertical hole on the outside toe of the dike. The hole on the outside of the lagoon was approximately 100 feet to the southeast of the inside hole. The diameter of the holes was approximately 5 feet, but the depths of the holes are unknown. The discharge of wastewater originated from the hole on the outside of the lagoon. Based on available information, approximately 1 million gallons of wastewater was released and entered the nearby Tuckahoe Creek, which drains to the Trent River in Jones County.

Required Corrective Action for Violation 1:

Take action to prevent any further wastewater discharge. Please note, any further discharges from the lagoon system can be viewed as a separate violation and subject to further and separate enforcement actions. The Division recommends keeping lagoon level low by irrigating when conditions permit. Pump and haul can also be used on approved fields. This would be an ideal time to remove sludge from the lagoon. If you choose to remove sludge or pump and haul wastewater, please consult with your technical specialist.

Please work with an engineer to develop a certified repair plan that will prevent future structural risk (see condition II.27 in permit). The repair plan must be approved by the Division prior to implementation. There is a possibility that a repair to the lagoon will not be achievable to prevent future environmental risks. If a repair plan is not possible, the lagoon would need to be closed out by current NRCS standards.

Violation 2:

Failure to designate an Operator in Charge in accordance with the facility's Certified Animal Waste Management Plan in accordance with Condition II.16. of Swine Waste System General Permit No. AWG100000.

The Division does not have record of an Operator in Charge with a valid certification. The operator on file failed to pay fees and therefore has an invalid license.

Required Corrective Action for Violation 2:

Please designate an operator with a valid certificate.

Violation 3:

Failure to issue a press release within 48 hours of discovery that the discharge reached surface waters in accordance with the facility's Certified Animal Waste Management Plan and in accordance with Condition III.19. of Swine Waste System General Permit No. AWG100000.

The discharge was discovered on December 21, 2020, and the facility has not provided confirmation that a press release was issued within 48 hours.

Required Corrective Action for Violation 3:

The facility should work to issue a press release in accordance with requirements if it has not already done so.

Violation 4:

Failure to issue a public notice within 10 days of a discharge of 15,000 gallons or more in accordance with Condition III.20. of Swine Waste System General Permit No. AWG100000 and General Statute 143-215.10C(h)(2). The public notice must be placed in a newspaper having general circulation in the county in which the discharge occurred and the county immediately downstream within 10 days of the discharge.

The discharge was discovered on December 21, 2020 and the facility failed to provide proof of public notice within 10 days of the discharge.

Required Corrective Action for Violation 4:

The facility should work to issue a public notice as described in Permit Condition III.20. if it has not already done so.

You are required to take any necessary action to address the above violation. You are required to provide a written response to this Notice, including any additional information that you wish to provide related to this incident that you wish for the Division to consider, within 10 days of receipt of this letter. Please include in your response all corrective actions already taken and a schedule for completion of any corrective actions not addressed. **Your response must also include 2020 irrigation, freeboard & rainfall, waste analysis, sludge survey information and any historical information you have on the lagoon.**

As a result of the violations in this Notice, this office is considering a recommendation for a civil penalty assessment to the Director of the Division. If you wish to present an explanation for the violations cited, or if you believe there are other factors, which should be considered, please send such information to me in writing within ten (10) days following receipt of this letter. Your response will be reviewed, and, if an enforcement action is still deemed appropriate, it will be forwarded to the Director and included for consideration.

Failure to comply with conditions in a permit may result in a recommendation of enforcement action, to the Director of the Division of Water Resources who may issue a civil penalty assessment of not more than twenty-five thousand (\$25,000) dollars against any "person" who violates or fails to act in accordance with terms, conditions, or requirements of a permit under authority of G.S. 143-215.6A.

If you have any questions concerning this Notice, please contact me at (252) 948-3939.

Sincerely,

David May

David May, L.G., Supervisor
Water Quality Regional Operations Section
Division of Water Resources
Washington Regional Office

cc: DWR - WQROS - CAFO Unit – Central Office
Jones County Soil and Water Conservation District
NCDSWC - WaRO
WaRO Laserfiche Files
Smithfield Hog Production