



Application for North Carolina
Department of Environmental Quality
Division of Water Infrastructure

North Carolina

**Wastewater Treatment Plant
Supplemental Funding**

Submitted by:
Town of Waynesville

Fall 2022

McGill Associates, PA
55 Broad Street, Asheville, NC 28801
828.252.0575 | mcgillassociates.com

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Town of Waynesville – Supplemental Funding for WWTP Improvements

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Application Form



North Carolina Department of Environmental Quality

Division of Water Infrastructure

Application for Funding



(Last updated: July 2022)

1. General Information

Applicant Name Town of Waynesville	County Haywood	Unique Entity Identifier (UEI) LTFMMKCSKK99
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Project Name WWTP Supplemental Funding	Federal Tax ID # 56-6001367	PWSID or NPDES # (if applicable) NC0025321
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Applicant Type		Funding Amount Requested
<input checked="" type="checkbox"/> Municipality <input type="checkbox"/> Non-Profit Water Corporation <input type="checkbox"/> County <input type="checkbox"/> Council of Government or Non-Profit Entity <input type="checkbox"/> Water and Sewer District Partnering with Municipality or County for <input type="checkbox"/> Water and Sewer Authority LASII Stormwater Project <input type="checkbox"/> Sanitary District <input type="checkbox"/> Other (Specify:)		\$29,140,200
		Total Project Cost
		\$29,423,000

Funding Type(s) Requested

Drinking Water or Wastewater Planning <input type="checkbox"/> Asset Inventory and Assessment (AIA) <input type="checkbox"/> Merger/Regionalization Feasibility (MRF) Study <input type="checkbox"/> Pre-Construction Planning Grant (without construction) <input type="checkbox"/> Stormwater Planning Grant (LASII) <input type="checkbox"/> Develop and Implement a New Stormwater Utility (LASII)	Construction Project <input type="checkbox"/> Drinking Water <input checked="" type="checkbox"/> Wastewater <input type="checkbox"/> CWSRF Green Project: stream restoration, stormwater SCM, reclaimed water <input type="checkbox"/> CDBG-Infrastructure (CDBG-I) <input type="checkbox"/> Stormwater Construction (LASII)
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CDBG-I only:
 LMI Determination Method: LMI Percentage:
 ACS Survey

Acceptance of Funding Offer (for Construction Projects only)
 These questions will be used to identify the best funding fit. Funding from the American Rescue Plan Act (ARPA) and CDBG-I is available as grants, and principal forgiveness is available from the State Revolving Funds.

- I am willing to accept funding that includes federal conditions. Yes No
- I will only accept a funding offer (loan and/or grant) if a minimum of \$0 is offered as a grant or principal forgiveness. *Enter \$0 if you are willing to accept a loan offer with no grant or principal forgiveness.*
- Because of the potential hardship related to a State Revolving Fund and/or State Reserve Program loan, this application seeks to replace the \$24,545,900 loan awarded to the Town of Waynesville Wastewater Treatment Plant Improvements Phase I (Project No. CS370930-01) with grant funding. *Note: loans that have already received disbursements are not eligible.*

2. Drinking Water and Wastewater System Parameters (Not applicable for stormwater projects)

Residential Sewer Connections	Residential Water Connections	
4346	6024	
Non-Residential Sewer Connections	Non-Residential Water Connections	
694	775	
Monthly Sewer Bill per 5,000 gallons	Monthly Water Bill per 5,000 gallons	
35.81	23.62	
Percentage of Utility Bills Collected and Rate Increase Percentages		
Year	Percentage of Utility Bills Collected	Rate Increase Percentage
2020-2021	95.8%	3% Water/10% Sewer
2019-2020	99.0%	9.09%
2018-2019	99.7%	8.36%
2017-2018	99.5%	5.41%
2016-2017	99.6%	4.08%

3. Applicant Contact Information**Authorized Representative Name:** Rob Hites**Authorized Representative Title:** Town Manager**Mailing Address Line 1:** P.O. Box 100**Mailing Address Line 2:****City:** Waynesville**State:** North Carolina**Zip Code:** 28786**Physical Address Line 1:** 16 South Main Street**Physical Address Line 2:****Physical Address City:** Waynesville**Physical Address State:** North Carolina**Physical Address Zip Code:** 28786**Phone Number:** 828-452-2401**Email Address:** rhites@waynesvillenc.gov**4. Application Preparer Contact Information****Firm Name:** McGill Associates, PA**Contact Name:** Alison Heim**Mailing Address Line 1:** 55 Broad Street**Mailing Address Line 2:****City:** Asheville**State:** North Carolina**Zip Code:** 28801**Physical Address Line 1:** 55 Broad Street**Physical Address Line 2:****Physical Address City:** Asheville**Physical Address State:** North Carolina**Physical Address Zip Code:** 28801**Phone Number:** 828-252-0575**Email Address:** Alison.heim@mcgillassociates.com**5. Engineer Contact Information**Is the engineering firm different from the application preparer? Yes No**Engineering Firm Name:** McGill Associates**Contact Name:** MJ Chen**Mailing Address 1:** 55 Broad Street**Mailing Address 2:****City:** Asheville**State:** North Carolina**Zip Code:** 28801**Physical Address Line 1:** 55 Broad Street**Physical Address Line 2:****Physical Address City:** Asheville**Physical Address State:** North Carolina**Physical Address Zip Code:** 28801**Phone Number:** 828-252-0575**Email Address:** mj.chen@mcgillassociates.com

6. Project Description (see Instructions)

Currently, the Town of Waynesville has received a LOIF and subsequent documents from DWI to award \$24,545,900 in CWSRF funding to the subject project (\$500,000 in principal forgiveness). However, the total construction cost of the project is \$29,423,000, which leaves a funding shortfall in the amount of \$4,877,100. Therefore, this application has two main objectives: 1) fully fund the subject project through DWI programs; 2) replace as much of the SRF loan funding with ARPA or principal forgiveness as the town is eligible for (\$15,000,000 for at-risk communities like Waynesville). **The revised award being requested totals \$29,140,200 which is comprised of \$15,000,000 in ARPA grant funding, \$13,140,200 in CWSRF loan and \$1,000,000 in CWSRF principal forgiveness.**

In recent years Waynesville’s wastewater treatment plant (WWTP) has received numerous notices of violations (NOVs) from the North Carolina Department of Environmental Quality (NCDEQ) for sewer system overflows and permit limit exceedances of its National Pollutant Discharge Elimination System Permit (NPDES) since 2016. Civil penalties and fines have been paid with increasing frequency in the last several years. It is believed that the majority of the compliance issues were caused by aged and inadequate equipment and structures. The newest additions to the liquids and solids treatment processes were made in 2000 and 2001, respectively. All of the concrete basins, except for the anaerobic digester, are 50+ years old and the anaerobic digester is over 35 years old. Many of the mechanical components are at least 20 years old.

This project will consist of the replacement or rehabilitation of some component of every unit process at the WWTP, including but not limited to:

1. Replacement of the existing headworks with a new headworks to be housed in a new structure, consisting of new mechanical fine screens, vortex grit removal, and a grit classifier.
2. Replacement of the primary clarifiers with primary disk filters for primary treatment.
3. Installation of an influent pump station with four submersible solids handling pumps.
4. Rehabilitation of the existing aeration basins, including concrete rehabilitation, and replacement of air piping and new aeration diffusers.
5. Installation of new blowers and new control panels to control blowers with variable frequency drives using dissolved oxygen data from aeration basins.
6. Rehabilitation of the existing rectangular secondary clarifiers including raising the wall (depth), new sludge removal systems, scum removal systems, and effluent troughs.
7. Replacement of existing return activated sludge pumps and waste activated sludge pumps.
8. Conversion of the existing blower building to a liquid chemical storage and feed building with storage tanks, dosing pumps and piping.
9. Construction of a non-potable effluent water reuse system to provide primary filter backwash water and plant washdown water.
10. Replacement of mechanical components in primary and secondary sludge thickeners.
11. Rehabilitation of the belt filter press, including replacement of the polymer feed system and repair of the control panel.

The purpose of the project goal is to implement necessary improvements to bring the wastewater treatment plant into full and stable compliance with its NPDES discharge permit. This project will not increase capacity and 100% of the project cost is to replace/rehabilitate aged infrastructure.

Estimated number of new connections served by Drinking Water or Wastewater construction project: 0

For Drinking Water and Wastewater Construction, CDBG-I, CWSRF Green Projects, Pre-Construction Planning Grants:

- The proposed project is a result of an Asset Inventory and Assessment grant previously awarded by the Division.
- The proposed project is a result of a Merger / Regionalization Feasibility Study grant previously awarded by the Division.
- None of the above.

7. Additional Information for Consideration

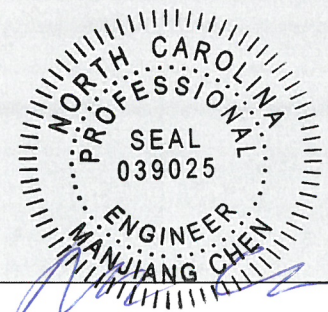
Prior to being designated as “at-risk”, the Town of Waynesville received a CSWRF loan of \$19,545,900 (CS370930-01) in July 2019 and supplementary loan of \$5,000,000 in July 2022. With the Town being on the verge of Distressed status, any and all grant funding will be critical to ensuring the long-term viability of Waynesville’s utility enterprise fund. The Town of Waynesville is seeking \$15 million ARPA grant with the remainder SRF loan.

8a. Project Budget for All Construction Projects and Drinking Water/Wastewater Pre-Construction Planning Grants only.

**This budget is comprised of 100% division funding requests since the project has already been awarded funding under SRF Project No. CS370930-01 and the current request is to replace that funding with \$15 million VUR/ARPA funds.*

	Division Funding Requested	Other Local Funding Source(s)	Total Cost Amount
<u>Construction Costs</u>			
Mobilization/General Requirements	\$642,611		\$642,611
Primary Treatment Facility	\$12,073,909		\$12,073,909
Aeration Basin and Blowers	\$2,578,369		\$2,578,369
Secondary Clarifiers and RAS/WAS Pump Station	\$3,679,269		\$3,679,269
Chemical System Improvements	\$639,398		\$639,398
Chlorine Contact Basin Modifications	\$160,653		\$160,653
Reuse Pump Station	\$267,755		\$267,755
Sludge Thickener Rehabilitation	\$235,088		\$235,088
Solids Handling Improvements	\$2,940,695		\$2,940,695
Yard Piping	\$1,001,402		\$1,001,402
Site Work	\$1,069,305		\$1,069,305
Sludge Removal	\$53,551		\$53,551
Existing Blower Building Roof Insulation	\$16,065		\$16,065
Existing Blower Building Wood Replacement	\$2,570		\$2,570
Rock Excavation	\$364,360		\$364,360
<i>Contingency (10% of construction costs):</i>	\$1,286,250		\$1,286,250
Access Roads	\$150,000		\$150,000
<i>Construction Subtotal:</i>	\$27,161,300	\$ -	\$27,161,300
<u>Engineering Costs</u>			
Design and Permitting	\$1,332,300	\$ -	\$1,332,300
Bidding and Awarding	\$19,500	\$ -	\$19,500
Construction Administration and Observation	\$467,100	\$ -	\$467,100
Post Construction Service	\$10,000	\$ -	\$10,000
<i>Engineering Subtotal:</i>	\$1,828,900	\$ -	\$1,828,900
<u>Administration Costs</u>			
Legal Testing	\$100,000	\$ -	\$100,000
Engineering Report Preparation	\$30,000	\$ -	\$30,000
Other: Bond Attorney	\$20,000	\$ -	\$20,000
Other: Loan Closing	\$ -	\$282,800	\$282,804
<i>Administration Subtotal:</i>	\$150,000	\$282,804	\$432,804
TOTAL PROJECT COST:	\$29,140,200	\$282,800	\$29,423,000

A Professional Engineer signature and seal for the estimate must be provided in the space to the right for the application to be considered complete.



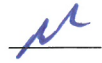
9/27/2022

8b. Project Budget for AIA and MRF Grants, and Training and/or Rate Study Components to Drinking Water or Wastewater Projects. Do <i>not</i> use for Pre-Construction Planning Grants, or any type of LASII Stormwater project.	
Add additional lines as needed.	
	Division Funding Requested
N/A	
TOTAL DIVISION FUNDING REQUESTED:	

8c. Project Budget for Stormwater Planning Grant (LASII) and Grant to Develop and Implement a New Stormwater Utility (LASII). Do <i>not</i> use for any other project type, including stormwater construction (LASII).	
1. If the application includes a request for funds to <u>both</u> Develop and Implement a New Stormwater Utility <u>and</u> other Stormwater Planning work, <u>the budget shown below must be labeled and shown separately.</u>	
2. Add additional lines as needed.	
	Division Funding Requested
N/A	
TOTAL DIVISION FUNDING REQUESTED FOR STORMWATER PLANNING GRANT (LASII):	
TOTAL DIVISION FUNDING REQUESTED TO DEVELOP AND IMPLEMENT A NEW STORMWATER UTILITY (LASII):	

Certification by Authorized Representative

The attached statements and exhibits are hereby made part of this application, and the undersigned representative of the Applicant certifies that the information in this application and the attached statements and exhibits are true, correct, and complete to the best of his/her knowledge and belief. By initialing each item and signature at the end of this application, he/she further certifies that:



1. as Authorized Representative, he/she has been authorized to file this application by formal action of the governing body;



2. the governing body agrees to provide for proper short-term and long-term maintenance and operation of the approved project after its completion;



3. the Applicant has substantially complied with or will comply with all federal, state, and local laws, rules, and regulations and ordinances as applicable to this project;



4. the Applicant will adopt and place into effect on or before the completion of the project a schedule of fees and charges which will provide for the adequate and proper operation, maintenance, and administration and repayment of all principal and interest on loans (if applicable) of the project [if not applicable, initial "N/A"];



5. the Applicant has followed proper accounting and fiscal reporting procedures, as evidenced by the Applicant's most recent audit report, and that the Applicant is in substantial compliance with provision of the general fiscal control laws of the State;



6. the Project Budget for all construction projects and pre-construction planning grants provided in this application form (Section 8a, if applicable) includes all funding requested from all sources of funding proposed for this project;



7. the (Town or County), North Carolina is organized and chartered under the laws of North Carolina, or the special purpose unit of local government is incorporated under the laws of North Carolina. All officials and employees are aware of, and in full compliance with NCGS 14-234, "Public officers or employees benefiting from public contracts; exceptions." (For units of local government only. All others should initial "N/A");



8. the Applicant acknowledges that all loans and Viable Utility Reserve grants are subject to approval by the Local Government Commission (not applicable for CDBG-I or stormwater projects);



9. the Applicant acknowledges that if the application is for a drinking water or wastewater project and any one of the local government units involved in the project is designated as distressed by the State Water Infrastructure Authority and the Local Government Commission, the local government unit(s) must complete the viable utility requirements in NCGS 159G-45(b) by conducting an asset assessment and rate study, participate in a training program, and develop a short-term and long-term action plan considering infrastructure repair, maintenance, and management, continuing education, and long-term financial management plan. Additional conditions may be imposed on the local government(s) designated as distressed by the State Water Infrastructure Authority and/or the Local Government Commission. (Initial "N/A" if does not apply to project type or all local governments involved in the project).



10. the Applicant acknowledges that, in accordance with G.S. 120-157.2, for local government debt to be issued greater than \$1,000,000, the local government must report to Committee Chairs, Committee Assistant, and the Fiscal Research Division of the General Assembly at least 45 days prior to presentation before the Local Government Commission (For units of local government only. All others, and CDBG-I and stormwater (LASII) applicants should initial "N/A"); and



11. if the Applicant receives a grant with American Rescue Plan Act (ARPA) State Fiscal Recovery Funds, the Applicant acknowledges and accepts the following conditions:

- a) all ARPA project funds must be reimbursed by December 31, 2026;
- b) project funds will not be used to pay existing debt or as a match for other federal funds;
- c) if the project is also funded with other federal funds, the federal requirements of the other funds will apply to the ARPA funds; and
- d) for projects receiving ten million dollars or more in ARPA funding: recipients must certify or provide plans and reports meeting federal requirements on reporting on prevailing wage rates, project labor agreements, and related information as specified in the U.S. Treasury's [Compliance and Reporting Guidance for the State and Local Fiscal Recovery Funds](#).

Completeness Checklist

In addition to this application, the following items must be included in the application package to be eligible or to successfully claim priority points. **Failure to include or properly document an item marked with * will result in an incomplete and ineligible application which will not be considered for funding.** Please initial that each item is included in this submittal. If not applicable for the project, please initial "N/A".

- ML Resolution by Governing Body of Applicant with Certification by Recording Officer * †
- ML Resolution by Governing Body of Applicant to Develop and Implement a Stormwater Utility with a Stormwater Enterprise Fund * † [for 'Develop and Implement a New Stormwater Utility' project only; *replaces* "Resolution by Governing Body of Applicant with Certification by Recording Officer" above]
- ML Comprehensive Narrative to Claim Points in the Priority Rating System *
- ML Documentation to Support the Comprehensive Narratives, including maps or images as needed
- ML Applicable Priority Rating System Form to Claim Points † [for Construction Projects and Pre-Construction Planning Grants only]
- ML Affordability Calculator † or handwritten affordability calculations [not applicable to CDBG-I, AIA, MRF, or stormwater projects (LASII)]
- ML Fund Transfer Certification with appropriate box checked * † [not applicable to CDBG-I or stormwater projects (LASII)]
- ML Water & Sewer Financial Information Form † [not applicable to stormwater projects (LASII)]
- ML Commitment of Other Funds Form, Low to Moderate Income Documentation, and Federal Compliance Documents* † [for CDBG-I applications only]
- ML Stormwater Entity Eligibility Certification Form * † [for stormwater projects (LASII) only]
- ML Current rate sheets and NC Water & Sewer Rate Form† in effect on application deadline (for both water and sewer if the utility provides both water and sewer, or for water or sewer depending on the utility service) [not applicable to stormwater projects (LASII)]
- ML Current stormwater fees in effect on application deadline [for stormwater projects (LASII) only if fees apply]
- ML PE Seal on Project Budget * [for Construction Projects and Pre-Construction Planning Grants only]

* Required in the application package. Failure to include or properly document will result in an incomplete and ineligible application which will not be considered for funding.

† Forms and templates are available separately on the [Division's application webpage](#).

Submittal Information

All application packages must be submitted electronically at <https://edocs.deq.nc.gov/Forms/OPA-ARPA>

See Instructions on completing the form online.

Online submittal of the application package is sufficient for all applications, except for CDBG-Infrastructure applications.

For CDBG-Infrastructure applications only: in addition to submitting the application package electronically at the link above, you must **send one (1) original hard copy*** of the application package to:

Mailing Address† (US Postal Service only)

Division of Water Infrastructure
1633 Mail Service Center
Raleigh, NC 27699-1633

Physical Address (FedEx, UPS)‡

Division of Water Infrastructure – 8th Floor, Archdale Building
512 North Salisbury Street
Raleigh, NC 27604
919.707.9160

* Provide a hard copy that is bound (e.g., report cover with fasteners, plastic report combs, spiral or 3-ring binders). No paper clips, staples or binder clasps.

† Please allow two weeks for delivery if mailing via the US Postal Service.

‡ For all courier services, please use the physical address, as having a courier deliver to the mailing address will delay package delivery.

Application Signature

**Original signature is required for the application.
Application with no signature is incomplete and ineligible for consideration.**



SIGNATURE OF AUTHORIZED REPRESENTATIVE

Rob Hites
TYPED NAME

Town Manager
TYPED TITLE

9/22/2022
DATE

Resolution

RESOLUTION No. R-05-22
RESOLUTION BY GOVERNING BODY OF APPLICANT

WHEREAS; The Federal Clean Water Act Amendments of 1987 and the North Carolina Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of wastewater treatment plant upgrades and

WHEREAS; The Town of Waynesville has need for and intends to construct a wastewater treatment improvement project, and

WHEREAS; The Town of Waynesville intends to request State loan and/or grant assistance for the project,

NOW THEREFORE BE IT RESOLVED, BY THE BOARD OF ALDERMEN OF THE TOWN OF WAYNESVILLE:

That Town of Waynesville, the **Applicant**, will arrange financing for all remaining costs of the project, if approved for a State loan and/or grant award.

That the **Applicant** will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the Board of Aldermen of the Applicant agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the Town of Waynesville to make scheduled repayment of the loan, to withhold from the Town of Waynesville any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

That the **Applicant** will provide for efficient operation and maintenance of the project on completion of construction thereof.

That Gary Caldwell, Mayor, and Rob Hites, Town Manager, the **Authorized Officials**, and successors so titled, is hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a loan and/or grant to aid in the study of or construction of the project described above.

That the **Authorized Officials**, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

CERTIFICATION BY RECORDING OFFICER

The undersigned duly qualified and acting (title of officer) of the Town of Waynesville does hereby certify: That the above/attached resolution is a true and correct copy of the resolution authorizing the filing of an application with the State of North Carolina, as regularly adopted at a legally convened meeting of the Board of Aldermen of the Town of Waynesville duly held on the 26th day of April, 2022; and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office. IN WITNESS WHEREOF, I have hereunto set my hand this 26th day of April, 2022.


(Signature of Recording Officer)




Eddie Ward, Town Clerk

That the **Applicant** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the 26 day of APRIL, 2022 at

16 South Main Street, PO Box 100 Waynesville NC 28786.



(Signature of Authorized Official)

TOWN MANAGER

(Title)

MINUTES OF THE TOWN OF WAYNESVILLE BOARD OF ALDERMEN

Regular Meeting

April 12, 2022

THE WAYNESVILLE BOARD OF ALDERMEN held a regular meeting on Tuesday, April 12, 2022, at 6:00 pm. in the Town Hall Board Room located at 9 South Main Street Waynesville, NC.

A. CALL TO ORDER

Mayor Gary Caldwell called the meeting to order at 6:04 pm with the following members present:

Mayor Gary Caldwell
Mayor Pro Tem Julia Freeman
Alderman Jon Feichter
Alderman Chuck Dickson
Alderman Anthony Sutton

The following staff members were present:

Rob Hites, Town Manager
Jesse Fowler, Assistant Town Manager
Eddie Ward, Town Clerk
Martha Bradley, Town Attorney
David Adams, Police Chief
Brandon Gilmore, Assistant Police Chief
Joey Webb, Fire Chief
Misty Hagood, Finance Director
Elizabeth Teague, Development Services Director
Members of the Development Services Team
Public Services Director, Jeff Stines
Assistant Public Services Director, Ricky Foster
Wastewater Treatment Superintendent, Jeff Evans
Fire Marshall, Darrell Calhoun

The following media representatives was present:

Becky Johnson, Mountaineer
Cory Vallancourt, Smoky Mountain News

Manager's Report

- Rob Hites, Town Manager

Presentation on WWTP Project (design, bids, borrowing, grants)

The Town and McGill Associates have been working to alter the design of the Wastewater Treatment Plant to reduce the price from \$28,600,00.00, and it has been submitted to the DENR staff and received their informal

approval. They have also requested the Division of Environmental Infrastructure (DEI) use their administrative discretion to increase our loan by 10% or \$1,900,000.00. In addition, they are asking the LCG to grant a further increase in the loan by an additional \$2,100,000.00. We are applying for a \$5 million grant to eliminate the need for this additional loan amount.

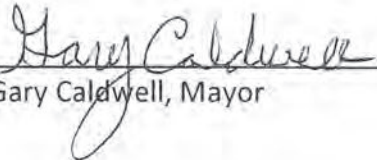
Manager Hites told the Board that the impact is minimal on rates with the additional \$4 million in loans. He said if the Town borrows the addition money, the rate for sewer usage would increase to \$49.95 by 2029.

A motion was made by Alderman Anthony Sutton, seconded by Alderman Chuck Dickson, to receive the presentation and approve Resolution # R-03-22 to carry out the design, loan increases and grants. The motion passed unanimously.

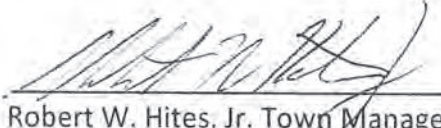
Manager Hites told the Board that in addition to the services that McGill and Associates are providing to write this grant, provide reporting for the grant, and carry the project through, they are requiring an amendment to their contract in the amount of \$15,000.00. The Town is also requesting a modification of the Special Order of Consent to permit us to have an addition 150 thousand gallons of flow. He explained to the Board that there is still 2.9 million gallons of capacity in the Treatment Plant.

A motion was made by Alderman Chuck Dickson, seconded by Alderman Anthony Sutton to add another \$30,000.00 to the McGill Contract for additional services provided. The motion passed unanimously.

ATTEST:



Gary Caldwell, Mayor



Robert W. Hites, Jr. Town Manager



Eddie Ward, Town Clerk

I certify as follows: that the foregoing resolution was properly adopted at a meeting of the Board of Alderman of the Town of Waynesville, North Carolina; that this meeting was properly called and held on April 12, 2022; that a quorum was present and acting throughout this meeting; and that this resolution has not been modified or amended and remains in full effect as of today.

Dated this 12th day of April 2022.

[SEAL]



Eddie Ward, Town Clerk



Town of Waynesville
Regular Meeting April 12, 2022

Financial Information



North Carolina Department of Environmental Quality
Division of Water Infrastructure
Water & Sewer Financial Information Form
 (revised July 2022)



Complete the following information related to your system's Enterprise Fund. If your Enterprise Funds are separate for water and sewer, *please supply sheets for the appropriate fund.*

1. Supply the required information below.

Combined System
 Water System
 Sewer System

Unit Name: Town of Waynesville

Fund Name: Sewer Fund

2. Provide the following information for the past three fiscal years *for which an audit has been completed and submitted to the Local Government Commission.*

	Fiscal Years		
	2019	2020	2021
Operating Revenues			
Customer Charges	2,809,568	2,923,464	2,960,305
Connection Fees	33,916	89,863	101,376
Other Revenue			
Total Operating Revenues	2,843,484	3,013,327	3,061,681
Expenditures			
<i>Administration</i>			
Salaries			
Other	360,510	381,110	364,080
<i>Operations</i>			
Salaries	1,042,232	1,080,771	1,031,180
Other	1,197,811	1,081,030	773,545
Total Expenditures	2,600,553	2,542,911	2,168,805
Other (do not include depreciation)			
Debt principal			
Interest			
Capital outlay	234,426	505,321	161,536
Capital reserve			
Transfer from (to) other funds			110,000
Other (list):			
Total Other	234,426	505,321	51,536
Net Income (Loss)	8,505	(34,905)	841,340

(OVER)

3. Certification. Please read and sign below.

I attest that the fiscal information provided in this form, to the best of my knowledge, is accurate, complete, true, and matches audits for the past three years. I further attest that, to the best of my knowledge, if the Town of Waynesville (Local government unit) has made any transfers within the past three years, these transfers are shown in Item #2 of this form.

Misty Hagood

SIGNATURE OF
FINANCE OFFICER

9-22-22

DATE

Misty Hagood

TYPED NAME

Finance Director

TYPED TITLE

Fund Transfer Certification



**North Carolina Department of Environmental Quality
Division of Water Infrastructure
Fund Transfer Certification
(Not needed for CDBG-I or LASII stormwater projects)**



(Revised: July 2022)

§ 159G-37(b) requires that all local governments applying for funding from the Clean Water State Revolving Fund, the Wastewater Reserve, the Drinking Water State Revolving Fund, or the Drinking Water Reserve for water or wastewater projects certify that no funds received from water or wastewater utility operations have been transferred to the local government's general fund for the purpose of supplementing the resources of the general fund since July 1, 2014. The prohibition contained in § 159G-37(b) shall not be interpreted to include payments made to the local government to reimburse the general fund for expenses paid from that fund that are reasonably allocable to the regular and ongoing operations of the utility, including, but not limited to, rent and shared facility costs, engineering and design work, plan review, and shared personnel costs. **Note:** A payment in lieu of taxes (PILOT) is not a disqualifying transfer so long as the PILOT reimburses these specific expenses. All other PILOTS are considered transfers.

Complete this form and have your Authorized Representative sign it. **You must check a box; otherwise, the application will be considered incomplete.**

Applicant's Certification:

I, as a representative of the Town of Waynesville, hereby certify that since July 1, 2014,
(Local Government Unit)
funds received from the water and/or wastewater utility have: **(CHOOSE ONE)**

- not been transferred from the water and/or sewer enterprise fund to the general fund, **OR**
- been transferred from the water and/or sewer enterprise fund to the general fund **AND** were reasonably allocable to the regular and ongoing operations of the utility in accordance with § 159G-37(b), **OR**
- been transferred from the water / sewer enterprise fund to the general fund via PILOT. Revenues from PILOT were used only for water / sewer utility operations.

If you don't check one of the boxes above, this form is considered incomplete, and the application will be ineligible.

Any transfers must be consistent with the information provided in the Division's Water & Sewer Financial Information Form and must be accurately reflected in the audits as reported by the Local Government Unit to the Local Government Commission since July 1, 2014.

Misty Hagood

9-22-22

SIGNATURE OF AUTHORIZED REPRESENTATIVE OR FINANCIAL OFFICER

DATE

Misty Hagood

Finance Director

TYPED NAME

TYPED TITLE

Priority Rating Form for Construction Projects

Priority Rating System Score Sheet for Wastewater Projects

2022 PRIORITY RATING SYSTEM for Wastewater Projects			
<p>Instructions: For each line item, mark “X” to claim the points for that line item. Be sure that your narrative includes justification for every line item claimed. At the end of each category, provide the total points claimed for each program in the subtotal row for that category. Then add the subtotals from each category and enter the Total of Points for All Categories in the last line. Note that some categories have a maximum allowed points that may be less than the total of individual line items.</p>			
Line Item #	Category 1 – Project Purpose (Points will be awarded for only one Project Purpose)	Claimed Yes/No	Points
1.A	Project will consolidate a nonviable drinking water or wastewater utility		25
1.B	Project will resolve failed or failing infrastructure issues		20
1.C	Project will rehabilitate or replace infrastructure, including replacement by a regionalization project	Yes	12
1.C.1	Treatment units, pumps and/or pump stations to be rehabilitated or replaced are greater than 20 years old, OR lines, or tanks to be rehabilitated or replaced are greater than 40 years old	Yes	8
1.D	Project will expand infrastructure		2
1.D.1	Treatment units, pumps and/or pump stations to be rehabilitated or replaced are greater than 20 years old, OR lines, storage tanks, drinking water wells or intake structures to be rehabilitated or replaced are greater than 40 years old		8
1.E	Project will provide service to disadvantaged areas		20
1.F	Reserved for other programs		
1.G	Project will provide stream/wetland/buffer restoration		10
1.G.1	Restoration project that includes restoration of a first order stream and includes stormwater infiltration SCMs		5

2022 PRIORITY RATING SYSTEM for Wastewater Projects			
1.G.2	Restoration project that includes restoration and/or protection of riparian buffers to at least 30 feet on both sides of the stream		5
1.H	Project will provide SCMs to treat existing sources of pollution		10
1.H.1	Project that includes SCMs in series that achieve at least 35% nutrient reduction (both TN and TP) and 85% TSS reduction		10
1.I	Project will provide reclaimed water/usage or rainwater harvesting/usage		10
Maximum points for Category 1 – Project Purpose			25
Subtotal claimed for Category 1 – Project Purpose			20
Line Item #	Category 2 – Project Benefits	Claimed Yes/No	Points
2.A – 2.B	Reserved for other programs		
2.C	Project provides a specific environmental benefit		
2.C.1	Project replaces or repairs certain sewer lines, eliminates failed onsite wastewater system or non-discharge system, or resolves managerial, technical & financial issues		15
2.C.2	Project eliminates malfunctioning onsite wastewater systems		10
2.D	Project addresses promulgated but not yet effective regulations		10
2.E	Project directly addresses enforcement documents		
2.E.1	Project directly addresses an EPA Administrative Order for a local government Applicant located in a Tier 1 county, or addresses an existing or pending SOC, or a DEQ Administrative Order, OR	X	5
2.E.2	Project directly resolves a Notice of Violation or Notice of Deficiency		

2022 PRIORITY RATING SYSTEM for Wastewater Projects			
2.F	Project includes system merger or regionalization		
2.F.1	Project includes system merger OR		10
2.F.2	Project includes system regionalization or partnership		5
2.G – 2.H.2	Reserved for other programs		
2.H.3	Project addresses an emerging contaminant without an MCL		10
2.I	Project improves treated water quality by adding or upgrading a unit process	X	3
2.J – 2.M	Reserved for other programs		
2.N	Project provides resiliency for critical system functions		
2.N.1	Project relocates infrastructure from inside 100-year floodplain to outside 500-year floodplain OR		8
2.N.2	Project relocates infrastructure out of a 100-year floodplain OR		5
2.N.3	Project relocates infrastructure from between the 100-year and 500-year floodplains to outside the 500-year floodplain OR		3
2.N.4	Project fortifies or elevates infrastructure within floodplain OR		4
2.N.5	Project improves ability to assure continued operation during flood events OR		4
2.N.6	Project reduces the size of infrastructure as a result of a buyout or other abrupt loss of population OR		4
2.N.7	Project provides redundancy/resiliency for critical treatment and/or transmission/distribution system functions including cybersecurity and/or backup electrical power source.		3

2022 PRIORITY RATING SYSTEM for Wastewater Projects			
2.O	Project directly benefits subwatersheds that are impaired as noted on the most recent version of the Integrated Report		20
2.P	Project directly benefits specific classified waters		10
2.Q	Project will result in elimination of an NPDES discharge		3
2.R	Primary purpose of the project is to achieve at least 20% reduction in energy use		5
2.S	Reserved for other programs		
Maximum points for Category 2 – Project Benefits			35
Subtotal claimed for Category 2 – Project Benefits			8
Line Item #	Category 3 – System Management	Claimed Yes/No	Points
3.A	Capital Planning Activities		
3.A.1	Applicant has implemented an Asset Management Plan as of the date of application OR	X	10
3.A.2	Applicant has a current Capital Improvement Plan (CIP) that spans at least 10 years and proposed project is included in the plan		2
3.B	System Operating Ratio is greater than or equal to 1.00 based on a current audit, or is less than 1.00 and unit cost is greater than 2.5% of MHI	X	5
3.C – 3.E	Reserved for other programs		
Maximum points for Category 3 – System Management			15
Subtotal claimed for Category 3 – System Management			15
Line Item #	Category 4 – Affordability	Claimed Yes/No	Points
4.A	Residential Connections		

2022 PRIORITY RATING SYSTEM for Wastewater Projects			
4.A.1	Less than 10,000 residential connections OR		2
4.A.2	Less than 5,000 residential connections OR	X	4
4.A.3	Less than 1,000 residential connections		8
4.B	Current Monthly Combined Utility Rates at 5,000 Usage		
4.B.1	Greater than \$79 OR		4
4.B.2	Greater than \$90 OR		6
4.B.3	Greater than \$107 OR		8
4.B.4	Greater than \$129		10
4.C	Local Government Unit (LGU) Indicators		
4.C.1	3 out of 5 LGU indicators worse than state benchmark OR		3
4.C.2	4 out of 5 LGU indicators worse than state benchmark OR		5
4.C.3	5 out of 5 LGU indicators worse than state benchmark	X	7
4.D	Project benefits disadvantaged areas		5
4.E – 4.G	Reserved for other programs		
Maximum points for Category 4 – Affordability			25
Subtotal claimed for Category 4 – Affordability			11
Total of Points for All Categories			54

Narrative

PRIORITY POINTS NARRATIVE TOWN OF WAYNESVILLE FALL 2022 CWSRF

WWTP IMPROVEMENTS PROJECT (PHASE I)

Category 1: Project Purpose

(20 points of 25 points claimed)

1.C – Project Will Rehabilitate or Replace Infrastructure (12 Point)

The Town of Waynesville owns and operates a wastewater treatment plant (WWTP) with a permitted capacity of 6 million gallons per day (MGD). The WWTP has aging structures and equipment, which has been impairing treatment performance. As a result, Waynesville's has had difficulties staying in compliance with its National Pollutant Discharge Elimination System (NPDES) permit and has received numerous violations and civil penalties for excessive fecal coliform, total suspended solids (TSS), 5-day biological oxygen demand (BOD₅), and nitrogen ammonia in effluent.

This proposed project consists of the rehabilitation/replacement of the existing treatment process, including:

1. Replacement of the existing headworks with a new headworks to be housed in a new structure, consisting of new mechanical fine screens, vortex grit removal, and a grit classifier.
2. Replacement of the primary clarifiers with primary disk filters for primary treatment
3. Installation of an influent pump station with four submersible solids handling pumps
4. Rehabilitation of the existing aeration basins, including concrete rehabilitation, and replacement of air piping and new aeration diffusers.
5. Installation of new blowers and new control panels to control blowers with variable frequency drives using dissolved oxygen data from aeration basins
6. Rehabilitation of the existing rectangular secondary clarifiers including raising the wall, new sludge removal systems, scum removal systems, and effluent troughs.
7. Replacement of existing return activated sludge pumps and waste activated sludge pumps.
8. Conversion of the existing blower building to a liquid chemical storage and feed building with storage tanks, dosing pumps and piping.
9. Modification of chlorine contact basins.
10. Construction of a non-potable effluent water reuse system to provide primary filter backwash water and plant washdown water.
11. Replacement of mechanical components in primary and secondary sludge thickeners.
12. Rehabilitation of the belt filter press, including replacement of the polymer feed system and repair of the control panel.

This project will not increase capacity. The project goal is to implement necessary improvements to bring the wastewater treatment plant into full and stable compliance with its NPDES discharge permit.

1.C.1 - Replace and Rehabilitate Aged Infrastructures Greater Than 20 Years Old (8 Points)

The majority of the Town of Waynesville's WWTP was constructed between 1975-1976. Documentation of age includes a copy of one of the original plant drawings dated November 1975. This project will be replacing components of the WWTP that qualify for aging infrastructure, as the treatment units being rehabilitated or replaced are well over 20 years old. 100% of this project construction costs are for replacing infrastructure that is aged. Photos excerpted from the 8-31-18 Medlock & Associates' Structural Conditions Assessment included in the attachments visually illustrate some of these WWTP structural issues due to excessive age of many components.

Category 2: Project Benefits

(8 points of 35 points claimed)

2.E.1 - Project Directly Addresses an Existing SOC (5 Points)

Due to the age of the plant and deterioration of equipment and structures, the ability to make adjustments in operational practice is limited. The overall facility is in marginal operational condition.

Between 2017 and 2019, 24 NOVs have been received for exceedance of effluent parameter limits.

The Town committed to developing a long-term solution to address WWTP issues. First, the Town allocated some operational and management financial resources to refurbishment of existing mechanical screen, replace missing diffusers in aeration basins, and limited surface repairs to some concrete structures. The Town has undertaken various actions to address non-compliance at the WWTP including:

1. Reviewed and identified alternatives for providing a treatment system capable of consistently meeting its permit limits;
2. Coordinated and reviewed the recommended alternative with DWR Regional and Local Office staff and incorporate input from the agency into the general WWTP Improvements Plan;
3. Engaged DEQ to discuss the development of a Special Order by Consent (SOC) to formalize the needed improvements at the WWTP;
4. Developed and submitted a SOC application; and
5. Proceeded with the steps necessary to accomplish the WWTP Capital Improvement Program (CIP).

A SOC was issued in December 2020 by the North Carolina Environmental Management Commission to the Town, which gave temporary relaxed effluent limits for TSS and Fecal Coliform till further corrective measurements are in place.

Although with having an SOC in place gives some operational margins when the Town is working on measurements and plans to improve the WWTP, the proposed project will ultimately address stipulated actions to bring the WWTP back to compliance and the SOC will be dismissed.

As discussed in 2.E.1, the Town has made some operational changes. However, without improvements and upgrades of existing infrastructure, the plant is not able to achieve consistent treatment performance. This project will revamp the aged and ineffective treatment units at the WWTP which will in turn allow wastewater to treat properly so that the effluent released from the WWTP will be in compliance with the effluent limits. The proposed project will lead to compliance with North Carolina General Statute in the following ways:

1. Improvements to the aeration basins equipment and controls will more efficiently remove BOD₅, Ammonia, and TSS in wastewater to be compliant with effluent discharge limits.
2. Raising the wall of existing secondary clarifiers to create additional depth for improved solids settling and separation.
3. Replacement of sludge removal systems in the secondary clarifiers would facilitate the sludge removal from the secondary clarifiers and provide better operational controls.

With these rehabilitation and improvements, this project will provide overall treatment reliability to ensure that the plant is in regulatory compliance.

2.1 – Project Improves treated water quality by adding or upgrading a unit process (3 Points)

The WWTP currently treats wastewater through a conventional activated sludge (suspended growth) process, consisting of influent screening to remove coarse inorganic material, grit removal, primary clarification, biological treatment, secondary clarification, and disinfection and dechlorination prior to discharge of the treated effluent. Biosolids produced by the treatment process receive primary treatment including thickening using gravity thickeners prior to dewatering. The WWTP has a permit for distribution of Class A residuals. Previously, anaerobically digested biosolids were processed by an alkaline stabilization process where lime/cement kiln dust and heat were used to produce a product which meets 503 standards for Class A biosolids. This Class A product was distributed to local farmers as a soil amendment. The anaerobic digester was taken out of service in 2019. Since 2020 all solids were disposed of in the White Oak landfill. The Town is in the process of securing funds for installation of diffusers and blowers to convert the former anaerobic digester to an aerated sludge holding tank.

As demonstrated in line item 2.E. above, the effluent levels from the WWTP are consistently reported above the allowable limits for fecal coliform, BOD₅, and TSS, and this project aims to upgrade the treatment process so that the WWTP can operate more efficiently and disposal of effluent that is within compliance limits of its NPDES permit.

In addition to the replacement/rehabilitation of many WWTP components, the WWTP upgrades will include new components that improve water quality by adding or upgrading a unit process. In particular, the installation of primary filters will provide better BOD₅ and TSS removal performance compared with primary clarifiers while occupying a significantly smaller footprint. The proposed mechanical screens are sized for 1/4" openings where the existing screen has 3/8" openings. The screening system includes a screenings compactor and handling components to make the system more user friendly. The new vortex grit removal system will have improved performance over the current outdated aerated grit removal technology. With all these improvements the plant will provide better and more consistent pollutant removal efficacy even during the high flow events. Attached is a proposed site plan.

Category 3: System Management

(15 points of 15 points claimed)

3.A.1- Asset Management Plan (10 Points)

The Town of Waynesville has adopted and implemented an Asset Management Plan, which was adopted in April 2019. The AMP incorporates all four key areas: (1) Inventory of assets; (2) Condition assessment; (3) Capital Improvement plan with projected cost estimates; and (4) Operation and maintenance plan.

Inventory of Assets

The adopted AMP includes a detailed description of the sewer system treatment and collections assets, with a map of the entire sewer system in the Appendix.

- The Town maintains one wastewater treatment plant, located along Richland Creek, where it meets Jones Cove Branch. The treatment plant was constructed in 1970s and includes the following components: influent channel with a self-cleaning screen and a manual bar screen, a grit chamber, two circular primary clarifiers, intermediate pump station with three pumps, aeration basins, two secondary rectangular clarifiers, a return/waste activated sludge pump station, a dual channel chlorine contact basin and dichlorination basin, a 600,000 gallon sludge holding tank, one primary sludge thickener, one secondary sludge thickener, belt filter press, and a lime pasteurization system. Upon treatment, wastewater is discharged to the Richland Creek. The AMP includes a schematic of the wastewater treatment plant.
- There are no sewer pump stations in the service area. All sewage flows by gravity to the WWTP through sewer collection system.
- There are approximately 547,000 LF of gravity sewer lines. The distribution of gravity main pipe sizes and materials are presented in the AMP along with estimated ages. Nearly half of the sewer lines are 8" lines, 30% are 6" lines, with the remainder mostly being between 10"-30" lines. Most of the system pipes (69%) are made from vitrified clay, with the next most common material is polyvinyl chloride at 24%. A small percentage of the pipes are made from cast iron, CIPP, or ductile iron. A majority of the system lines (over 300,000 LF) were installed in the 1940s and have not been replaced since. The next active installation decades were the 1990s and 2000s at 50,000 LF each, and the 1970s at about 45,000 LF of pipe installation.

The adopted AMP includes a detailed description of the sewer system treatment and collections assets, with a map of the entire sewer system in the Appendix.

Condition Assessment:

In the AMP an inventory of assets is presented along with the asset's respective function, size, material, age, and condition. Assets are grouped into classes according to their type. Such categorization allows inferences to be drawn across asset classes and investment plans to be prioritized. For each asset group, subgroups can be created according to the common traits of the asset (i.e. diameter, material, etc.). The number of subgroups formed depends upon the amount of information available and the degree of detail required in the asset management process.

In addition, since different asset classes have different useful lives, it is essential to define asset life categories to allow appropriate transparency to be achieved, especially related to the Town's asset depreciation policy. Appropriate categorizations are: Very Short, Short, Medium, Long and Very Long,

defined as follows:

- Very Short asset lives are up to 5 years. Computers, hot water washers, and flow meters are examples of assets that have very short lives.
- Short asset lives range from 6 to 15 years. Scales, backhoes, vehicles, and rollers have short lives.
- Medium asset lives are from 16 to 30 years long. Assets with medium lives generally are mechanical assets such as pumps, process plants, filter bed media, screens, and scrubbers.
- Long asset lives are between 31 and 50 years long. Assets that have long lives are generally mechanical assets such as filter bed structures, steel storage tanks, some buildings, and some treatment works.
- Very Long asset lives are typically more than 50 years. Long-lived assets are generally operational structures such as spillways, lines, and some treatment works.

This assessment is based on age and materials and current condition from records and operator Knowledge. Based on condition ratings a rehabilitation/replacement priority list was created and incorporated in the capital improvement plan and as actions in the operations and maintenance plan.

Capital Improvement Plan (CIP) with Projected Cost Estimates (Updated)

The Town of Waynesville has a current Capital Improvement Plan (CIP) that spans 10-years. This CIP was adopted as part of the budget for Fiscal Year 2021-2022 at the monthly Town Council Meeting on April 2022. The CIP matrix, which is prioritized by Year of Implementation and is based on the actual system inventory and assessment completed in the first two components of the AMP, is attached showing the proposed project in FY 2023-2032.

Operation And Maintenance Plan

The Town of Waynesville maintains all manufacturer and system component operation and maintenance (O&M) manuals. To ensure assets are maintained and managed effectively and efficiently the Town of Waynesville has adopted an O&M Plan as part of this AMP. The O&M Plan consists of preventive, which implements the manufacturer recommended O&M activities at the recommended intervals and emergency/reactive maintenance. The Town maintains logbooks to document O&M activities completed for all relevant equipment within the collection and treatment systems. The O&M plan, coupled by the maintenance history logs, allow the Town to project and schedule required annual O&M activities.

A copy of the Town's Wastewater Asset Management Plan is provided in Appendix B of the Supporting Documentation. A copy of the Council meeting minutes adopting the AMP is included in the documentation.

3.B – Operating Ratio (5 Points)

The most recent audit year for Town of Hot Springs is the fiscal year ended June 30, 2021. The Town has a combined water and sewer fund; therefore, the calculations in this section are combined as well.

From Water and Sewer Fund Statement of Revenues and Expenditures for FY 2021:
(Included with Supporting Documents)

Operating Expenditures	\$2,168,805
Debt Principal	\$0
Interest	\$0
Capital Outlay	\$161,536
Total Expenses	\$2,330,341
Operating Revenues	\$3,061,681
Operating Ratio (Revenue / Expenses)	1.31

Category 4: Affordability

(11 of 25 Points claimed)

4.A.2.- Less than 5,000 residential connections (4 Points)

The Town of Waynesville has 4,261 residential sewer connections and is claiming 4 points for this line item.

4.C.1 - 5 out of 5 LGU indicators worse than state benchmark (5 Points)

4.C.1. LGU Indicators Worse Than the State Benchmarks

The Town of Waynesville has 5/5 economic indicators worse than the state benchmarks and is claiming 5 points for this line item.

Economic Indicator	Data	Worse Than State Benchmark?
Population Change	4.48%	Yes
Poverty Rate	14	Yes
Median Household Income	\$56,642	Yes
Unemployment	7.1	Yes
Calculated Prop. Val. per Capita	\$125,015	Yes

Current Rates Sheets

Town of Waynesville 2022 - 2023 Fee Schedule

Effective July 1, 2022 - June 30, 2023

GENERAL FUND	
Utility Accounts	
New Account Fee	\$25.00
Reconnection Fee	\$50.00
After Hours	\$100.00
Return Check Fee (Insufficient Funds)	\$25.00
Theft investigation charge (meter tampering)	\$ 75.00 per occurrence
Fire Protection Charges (per month, per meter)	
Residential	\$8.00
Commercial	\$12.80
Mobile Home Parks	\$8.00
Motels, Hotels, Cottages	\$ 3.20 per unit, \$160 maximum
<p>Fire protection charges are billed to all water accounts located outside the city limits, unless the area has been designated as a fire district subject to a tax imposed by Haywood County. A fire district may contract for fire protection with the Town of Waynesville. Should a fire protection contract be executed with the Town of Waynesville, the tax collected by Haywood County will be remitted to the Town of Waynesville in lieu of the per month charges stated above.</p>	
Miscellaneous	
Copies - Black and White, per page	\$0.10
Copies - Color, per page	\$0.20
Copies- 24"-48" plot map copy - Black and White, per page	\$3.00
Copies- 24"-48" plot map - Color, per page	\$10.00
Weed, Brush Removal, or Mowing	\$150.00 for the first hour
Each Additional Hour	\$100.00/hour
SANITATION & SOLID WASTE COLLECTION (monthly fees)	
Residential Garbage (1 weekly pickup)	\$10.00
Commercial Garbage (1 weekly pickup)	\$22.97
<i>Dumpster Lease and Dumpster Collection Services no longer offered as of July 1, 2021.</i>	

CEMETERY	
Call Out (weekends, holidays, outside normal operating hours)	\$200.00
<i>John Taylor and Shook Survey Sections</i>	
Traditional Burial Space	\$1,500.00
(\$1,000 to perpetual care fund/\$500 to General Fund)	
<i>Columbarium Area</i>	
Columbarium Niche	\$1,500.00
(\$1,000 to perpetual care fund/\$500 to General Fund, includes partial engraving of door.)	
Opening/Closing of Columbarium Niche	\$200.00
(Includes completion of engraving of granite door, Town staff removing & replacing door.)	
In Ground Space for Cremations (Urn Garden)	\$1,000.00
(\$600 to perpetual care fund/\$200 to General Fund/ \$200 for flat granite stone)	
<p>Urn Garden (in-ground inurnment) includes excavating and filling burial space by Town personnel, placement and engraving of granite marker to include the addition of date of death.</p>	

POLICE DEPARTMENT	
Police Reports (per report)	\$2.00
Off Duty Security (4 hour minimum)	\$25.00 per hour
Parking Violations	
Overtime Parking	\$5.00
Parking in Restricted Area	\$10.00
Double Parking	\$10.00
Parking in Handicapped Space	\$100.00
Parking in Prohibited Area	\$10.00
Parking Too Close to Intersection	\$10.00
Parking in Wrong Direction	\$10.00
Parking in Alley Way	\$10.00
Obstructing Traffic Lane	\$10.00
Improper Parking	\$10.00
Parking in Loading Area	\$10.00
Parking in No Parking Zone	\$10.00
Parking in Fire Zone	\$50.00
Parking Too Close to Fire Hydrant	\$10.00
Parking Too Close to Stop Sign	\$10.00
Parking Across Lines	\$10.00
Parking in Crosswalk	\$10.00
Blocking Private Driveway	\$10.00
Persons violating parking regulations shall be subject to the above schedule of civil penalties to be recovered by the Town of Waynesville in civil action.	
DOWNTOWN MSD	
Festival Vendor Fees	
Booth Space	\$140.00
Double Booth Space	\$255.00
Commercial Food Vendor Booth Space	\$185.00
Commercial Food Vendor Double Booth Space	\$295.00
Non-profit Food Vendor Booth Space	\$125.00
Non-profit Food Vendor Double Booth Space	\$190.00
Parade Entry Fees	
Non-profit vehicle/float	\$25.00
Commercial vehicle/float	\$40.00
Business Licenses	
Schedule B (State Regulated)	
Maximum penalty is 25% of the privilege license tax due	
Penalties are automatic, and may be recovered using the same collection methods available for the collection of privilege license taxes.	

PLANNING DEPARTMENT	
Planning & Zoning Permits	
Stand alone Land Dev Permit or Zoning Verification Letter	\$25.00
Certificate of LDS Compliance Zoning Verification/Zoning Letter	\$25.00
Temporary Use Permit other than mobile food vendors	No charge
Temporary Use Permit for mobile food vendors	\$50.00
Land Disturbing Permit	\$25.00
Local Land Disturbing Permit (1000 sf < 1 acre)	\$75.00
Floodplain Development Permit	\$25.00
Operating without a Land Disturbance, Zoning or Occupancy Permit	\$200.00
Minor Site Plan Review	
Single family or duplex residence	\$25.00
Multi-family with less than 8 units	\$100.00
Non-residential development or expansion up to 1,000 sq ft	\$100.00
Bed and Breakfast or Inns	\$100.00
Major Site Plan Review	
Multi-family residential	\$100.00 for up to 8 units and \$20/unit greater than 8
Non-residential development or expansion over 1,000 sq ft	\$200.00
Hotel/Motel	\$400.00
Subdivision (Minor)	\$50 + \$10/lot
Subdivision (Major)	\$200 + \$10/lot
Stormwater Review Fee	
≤ 3 acres	\$750 + engineering review fee minimum \$200
> 3 acres	\$1200 + engineering review fee minimum \$200
Monopole Wireless Communications Tower	\$1,000.00
First Layer Parking Increase	\$500.00
All Others, in addition to site plan review fees	\$200.00
Historic Preservation Commission	
Local Landmark Designation	\$200.00
Designation of Historic District	No charge
Certificate of Appropriateness (Minor)	\$25.00
Certificate of Appropriateness (Major)	\$25.00
Board of Adjustment	
Appeal of Administrative Decision	\$250.00
Variance Request	\$250.00
Text Amendment	\$500.00

Map Amendment (Rezoning)	
1 acre or less	\$500.00
Each additional acre	\$50.00
Conditional District - 1 acre or less	\$500.00
Each additional acre	\$100.00
Vested Right	\$200.00
Sign Permits	\$4.00 per sq. ft. - \$40 min.
Voluntary Annexation	\$200.00

Inspections	
New Single Family Dwelling/Single Family Additions (Crawl Space or Slab on Grade)	
0 to 1,000 square feet	\$.40 per sq. ft.
1,001 to 1,500 square feet	\$.45 per sq. ft.
1,501 to 2,000 square feet	\$.50 per sq. ft.
Over 2,000 square feet	\$.50 per sq. ft. and \$50.00 for each increase of 500 sq. ft.
Minimum	\$75.00 per trade
Unfinished Basement	\$100.00
Attached Garage	\$75.00
Homeowners Recovery Fund (per G.S. 87-15.6)	\$10.00
Single Family Alterations	
SQUARE FOOTAGE	
0-1000	\$.25 per sq. ft. - minimum \$75.00
1001 - 1500	\$.25 per sq. ft.
1501 - 2000	\$.25 per sq. ft.
2001 - 2500	\$.25 per sq. ft.
2501 - 3000	\$.25 per sq. ft.
3001-up	\$.25 per sq. ft. and \$50.00 for each increase of 500 sq. ft.
Deck Permit	
Uncovered Deck	\$100.00
	additional trades are \$75 per trade
Covered Deck	\$150.00
	additional trades are \$75 per trade
Modular Home	\$400.00
Manufactured Homes	
Single wide	\$200.00
Double wide	\$300.00
Triple wide	\$400.00
(Deck permit required over 35 sq. ft. of deck)	
Accessory Building (does not include trades)	

Includes Electric, Plumbing and A/C	\$75.00 each and \$.40 per sq. ft.
Miscellaneous Residential & Commercial	
Electric Service Change	\$75.00
Demolition permit	\$100.00
HVAC changeout	\$75.00
Gas Line	\$75.00
Water/Sewer line Replacement	\$75.00
Retaining wall	\$100.00
Swimming Pool	\$150.00
Permit renewal fee	\$50.00
Plumbing, electric, and mechanical not covered elsewhere (\$75.00 minimum charge per trade)	\$75.00 per trade
Other Permits and Fees	
Day Care & Home Care	\$75.00
ABC Inspection	\$200.00
Driveway Permit	\$150.00
Solar Panel	\$150.00
Starting construction without permit	Double the Permit Fee
Residential Re-roof	\$0.00
Commercial Re-roof	\$100.00
Occupancy Use	\$75.00
Plan Review - Commercial	\$.05 per sq ft
Fire Sprinkler and Fire Alarm Plan Review	\$150.00
Fire Sprinkler and Fire Alarm Permit Fee - no permit fee if submitted at time of application and part of the approved plans	\$150.00
Special Events Permit	\$50.00
Tent Inspection	\$50.00
Additional / Re-Inspection (each) after first fail	\$50.00
Pre-permit inspection (walk through commercial)	\$50.00
Commercial Building	
	\$.50/sq. ft.
Minimum	\$75.00 per trade

RECREATION DEPARTMENT							
Recreation Center	Admission			Memberships			
Category	Daily	6 Visits	12 Visits	1 Month	3 Months	6 Months	Yearly
Family of 4**	\$ 20.00	\$ 87.00	\$ 161.00	\$ 79.00	\$ 195.00	\$ 376.00	\$ 726.00
(Additional family members are \$12.70 per month)							
Family of 2**	\$ 11.00	\$ 47.00	\$ 80.00	\$ 65.00	\$ 156.00	\$ 297.00	\$ 568.00
Individual Adult (18 - 59 yrs)	\$ 8.00	\$ 37.00	\$ 59.00	\$ 52.00	\$ 116.00	\$ 218.00	\$ 409.00
Individual Child (5 - 11 yrs)	\$ 4.00	\$ 19.00	\$ 24.00	\$ 34.00	\$ 64.00	\$ 112.00	\$ 198.00
Individual Youth (12 - 17 yrs)	\$ 6.00	\$ 24.00	\$ 34.00	\$ 39.00	\$ 76.00	\$ 139.00	\$ 251.00
OR Full-Time Student (College or High School) with valid ID) OR Special (Senior Citizen (60 + yrs) OR Handicapped)							
Individual Spectator (5-99 yrs)	\$ 2.00						
Children (0 - 4 yrs)				\$1.00			
Corporate Membership Rate (available to businesses with five (5) or more employees as members)							
If total Corporate Membership drops below the 5 employee minimum, a 30 day grace period is allowed to obtain a 5th member. Proof of business may be required to obtain this rate.							
Category	Daily	6 Visits	12 Visits	1 Month	3 Months	6 Months	Yearly
Family of 4**	N/A		\$ 64.00		\$ 156.00	\$ 301.00	\$ 576.00
(Additional family members are \$10.40 per month)							
Family of 2**	N/A		\$ 52.00		\$ 124.00	\$ 237.00	\$ 449.00
Individual Adult (18 - 59 yrs)	N/A		\$ 42.00		\$ 84.00	\$ 173.00	\$ 320.00
Individual Youth (12 - 17 yrs)	N/A		\$ 31.00		\$ 62.00	\$ 110.00	\$ 193.00
OR Full-Time Student (College or High School) with valid ID) OR Special (Senior Citizen (60 + yrs) OR Handicapped)							
Individual Spectator (5-99 yrs)	\$ 2.00						
Children (0 - 4 yrs)				FREE			
Memberships (Regular and Corporate)							
1 Month memberships expire one month from date of purchase.							
1 and 3 Month memberships must be paid in full.							
Consecutive monthly payment options are available for 6 Month and 12 Month Memberships. If a member fails to make the required payments, any future memberships must be paid in full or pay 1 month in full then can go back to regular payments.							
Admission Passes							
Daily, 6 Visit and 12 Visit passes are not considered memberships.							
12 visit passes expire one calendar year from date of purchase.							
6 visit passes expire 6 months from date of purchase.							
Family: an individual, spouse, or dependent children that can be claimed on taxes. Step-children and adopted children qualify. Court documentation is required to include foster children on a family membership. Anyone age 25 or over (other than parents), engaged couples, couples living together, older siblings, aunts, cousins, or grandchildren DO NOT qualify for the family rate.							

Group Rate (Daily visit for groups of 15 or more non-members. Available only with advance notice.)		
Individual Adult (18 - 59 yrs)		\$7.00
Individual Child (5 - 11 yrs)		\$3.00
Individual Youth (12 - 17 yrs)		\$5.00
Recreation Center Rental Rates		
Multi-purpose Rooms		
<i>*Rates are Based on Two Hour Minimum</i>		
1 Room		\$52.00
Kitchen + 1 Room		\$135.00
Kitchen + 2 Rooms		\$200.00
If utilizing for more than two hours (i.e. 3 hours or more) will be charged for an additional block of time.		
Gymnasium (Capacity 709) (10 am - 12 noon; 1 - 3 pm; 4 - 6 pm) - applicable to operating hours		
Entire Gym		\$140.00
1/2 of the Gym		\$70.00
Volleyball Setup		No Charge
Athletic Programs		
Softball Field Rental		
All day		\$115.00
Night only		\$55.00
Other Fees and Charges		
Bleacher Rental (5 row, for 24 hours)		\$40.00
Shelter Rental (8 am - 12 noon; 1 - 5 pm)		\$50.00
Child Care		
Members		No Charge
Non-Members		\$7.00 / hour
Rental of greenspace - no shelter		\$50.00 min or \$2.00 per person
Old Armory		
Daily Admission		\$2.00
Current Recreation Center members		No Charge
Individuals ages 17 and under, 60 and above, special needs, or involved with a program at the Armory		No Charge
Base Camp on the Go Festival Fees (2 hour minimum)		
Up to 50 participants		\$100 per hour
51 to 100 participants		\$200 per hour
101 plus participants		\$250 per hour
Refundable damage deposit		\$250.00
* Renter responsible for additional fees if crowd exceeds the anticipated number		

Water Fund		
Water Rates		
	Inside	Outside
Bulk Sales (contract)	\$1.57/100 cf.	\$2.69/100 cf.
Industrial Sales	\$1.63/100 cf.	\$2.82/100 cf.
Retail Sales (Residential and Commercial)		
(Base Charge) 0-275 cubic foot	\$16.66	\$30.04
> 275 cubic foot	\$1.82/100 cf.	\$3.24/100 cf.
Irrigation Only Meter		
(Base Charge) 0-275 cubic foot	\$16.66	\$30.04
> 275 cubic foot	\$2.74/100 cf.	\$4.03/100 cf.
Pump Fee (per pump)		
	\$7.39	\$11.54
Sales From Fire Hydrant		\$.02401/gallon
Illegal Hydrant Connection/Use		\$75.00
Barber's Orchard Water System		
3/4" meter		\$5.00 + Town outside rate
1" meter		\$10.00 + Town outside rate
1 - 1/2" meter		\$50.00 + Town outside rate
Maggie Valley Sanitary District		
0 - 10,000 gallons		\$2,874.94
All over 10,000 gallons (per 1,000 gal.)		\$11.75/1,000 gal.
Fire Line Connection (monthly)		
<2 inch	\$2.92	\$6.57
<4 inch	\$11.66	\$26.24
<6 inch	\$23.39	\$52.61
>6 inch	\$40.95	\$91.10
Deposits		
(tenant-occupied accounts only)	\$40.00	\$60.00
Refund, transfer and application of deposit policies are the same as for electric deposits.		
Late Payment Penalty (applied to any arrears balance)		1.0% per month
Reconnection Fee		\$50.00
Reconnection Fee After 4 PM or on Weekends		\$100.00
Tampering Fee		
First offense		\$200.00
Second offense (or if service is disconnected)		\$500.00
Third offense (meter will be removed)		Full cost of tap and connection fee
Meter Testing Fee (reimbursable if beyond 2.5% off)		\$75.00

Meter Relocation Fee		\$200.00 plus cost of specialized equipment, if necessary
Water Tap		
Residential (5/8" x 3/4")		\$1,250.00
Special (3/4" x 3/4")		\$1,375.00
1"		\$1,562.00
1 1/2"		\$2,125.00
2"		\$3,125.00
Greater than 2"		\$1,300 + Costs
Water Capacity Fees - effective July 1, 2018		
Per gallon per day		\$2.62
Residential Water and Sewer Capacity Fees are capped at \$100,000 combined		

It is the policy of the Town of Waynesville to establish a schedule of "System Development Fees in accordance with Article 8 of Chapter 162 of the North Carolina General Statutes. The fees are intended to defray the cost of the water and sewer infrastructure as calculated in a report by McGill Associates dated March, 2018 and titled "Cost-Justified Water and Wastewater System Development Fees Report".

*Equivalent

flow rates will be per the North Carolina Administrative Code 15A: NCAC 18C.0409 and NCAC 02T.0114 (Authority NCGS 130A-315; 103A-317)

Sewer Fund		
Sewer Rates (Based on water consumption unless separately metered)		
Late Payment Penalty (applied to any arrears balance)		1.0% per month
	Inside	Outside
Bulk Sales (Industrial, min. 5,000 gpd)	\$2.6631/100 cf.	\$4.5356/100 cf.
Industrial Waste Surcharges		
	BOD	\$147.25/1,000 lbs.
	COD	\$73.62/1,000 lbs.
	TSS	\$73.62/1,000 lbs.
Retail Sales (Residential and Commercial)		
	Inside	Outside
(Base Charge) 0-275 cubic foot	\$23.58	\$42.62
>275 cubic foot	\$3.42/100 cf.	\$6.26/100 cf.
Flat Rate Sewer Only		\$60.00
Connection Fee		\$25.00
After Hours Connection Fee		\$75.00

Industrial User Permits	Inside	Outside
Annual Fee	\$1,000.00	\$2,000.00
Application Fee	\$200.00	\$400.00

Hauled Wastewater	
Septic Tank (domestic only)	\$0.0342/gallon \$49.30 minimum
Industrial Waste (non-domestic)	\$0.0342/gallon \$99.02 minimum
Industrial Waste (out of county)	\$0.06903/gallon \$148.78 minimum
All unit prices are applied to tanker capacity without regard to fill percentage	
Grease Blockage	\$250.00/minimum on callout
Sewer Tap	
4"	\$1,250.00
6" and larger	\$1,562.00
Sewer Capacity Fee - effective July 1, 2018	
Per Gallon per Day	\$3.05
Residential Water and Sewer Capacity Fees are capped at \$100,000 combined	
<p>In addition to the tap fee, new connections to the sewage system of the Town of Waynesville shall pay a sewer capacity fee based on wastewater design flow rate determined from the table of minimum allowable design daily flow in 15A NCAC, 02T.0114 of the Environmental Management regulations contained in the North Carolina Administrative Code.</p> <p>For the tributary sewer systems of Junaluska Sanitary District, Town of Clyde or Maggie Valley, wastewater flow allocation letters will be charged the sewer capacity fee at the outside rate. Lake Junaluska Assembly will be charged the sewer capacity fee for flow allocation letters at the inside rate (in consideration of their participation between 1942 and 1990 in the costs of sewer trunk and treatment plant facilities). The minimum flow rate is 240 GPD.</p> <p><i>It is the policy of the Town of Waynesville to establish a schedule of "System Development Fees in accordance with Article 8 of Chapter 162 of the North Carolina General Statutes. The fees are intended to defray the cost of the water and sewer infrastructure as calculated in a report by McGill Associates dated March, 2018 and titled "Cost-Justified Water and Wastewater System Development Fees Report". *Equivalent flow rates will be per the North Carolina Administrative Code 15A: NCAC 18C.0409 and NCAC 02T.0114 (Authority NCGS 130A-315; 103A-317)</i></p>	
Electric Fund	
Electric Rates	
Waynesville's electric rates are reviewed and adjusted monthly based on power costs billed by town's supplier for wholesale rates. Monthly reviews will determine fuel adjustments to be added to based rates shown below.	
All electric sales are subject to a 7% sales tax imposed by the State of North Carolina, with the exception of electric sales to the State of North Carolina or United States government, which are exempt from the sales tax.	
Residential & Commercial fuel adjustment added to base rate as of January 1, 2018 is \$ 0.00000 per kWh.	
Late Payment Penalty (applied to any arrears balance)	1.0% per month

Residential		
	Base Charge	\$13.86
	All kWh(s)	\$0.11795/kWh
Residential Solar (Accounts established prior to 4/26/22)		
	Base Charge	\$40.13
	All kWh(s)	\$0.068796/kWh
Net Meter Residential Solar Rate Rider (20kW Max. Sized to Existing Consumption)		
	Base Charge in addition to residential base rate	\$10.00
	Residential Rate	\$0.11795/kWh
	Solar Power Credit	\$.0125 less than residential rate
Commercial, Single Phase (No Demand)		
	Base Charge	\$13.86
	1 - 700 kWh	\$0.139130/kWh
	701 - 4,000 kWh	\$0.111717/kWh
	All over 4,000 kWh	\$0.106731/kWh
Commercial, Three Phase (No Demand)		
	Base Charge	\$21.36
	1 - 700 kWh	\$0.139130/kWh
	701 - 4,000 kWh	\$0.111717/kWh
	All over 4,000 kWh	\$0.106731/kWh
Net Metering Commercial Solar Rate Rider (150 kW max. Sized to Existing Consumption)		
	Base Charge in addition to commercial base rate	\$10.00
	1 - 700 kWh	\$0.139130/kWh
	701 - 4,000 kWh	\$0.111717/kWh
	All over 4,000 kWh	\$0.106731/kWh
	Solar Power Credit	\$0.08
Net Metering Governmental Solar Rate Rider (150 kW max. Sized to Existing Consumption)		
	Base Charge in addition to commercial base rate	\$10.00
	1 - 700 kWh	\$0.139130/kWh
	701 - 4,000 kWh	\$0.111717/kWh
	All over 4,000 kWh	\$0.106731/kWh
	Solar Power Credit	\$0.08
Demand Accounts		
Demand meters are placed on all commercial accounts with an actual or anticipated 12 month average consumption of at least 5,000 kWh per month.		
Accounts will be removed from demand service rates when the calendar year average declines below a 5,000 kWh per month average or the nature of the operation is changed to the extent that the average consumption will be less than 5,000 kWh per month.		

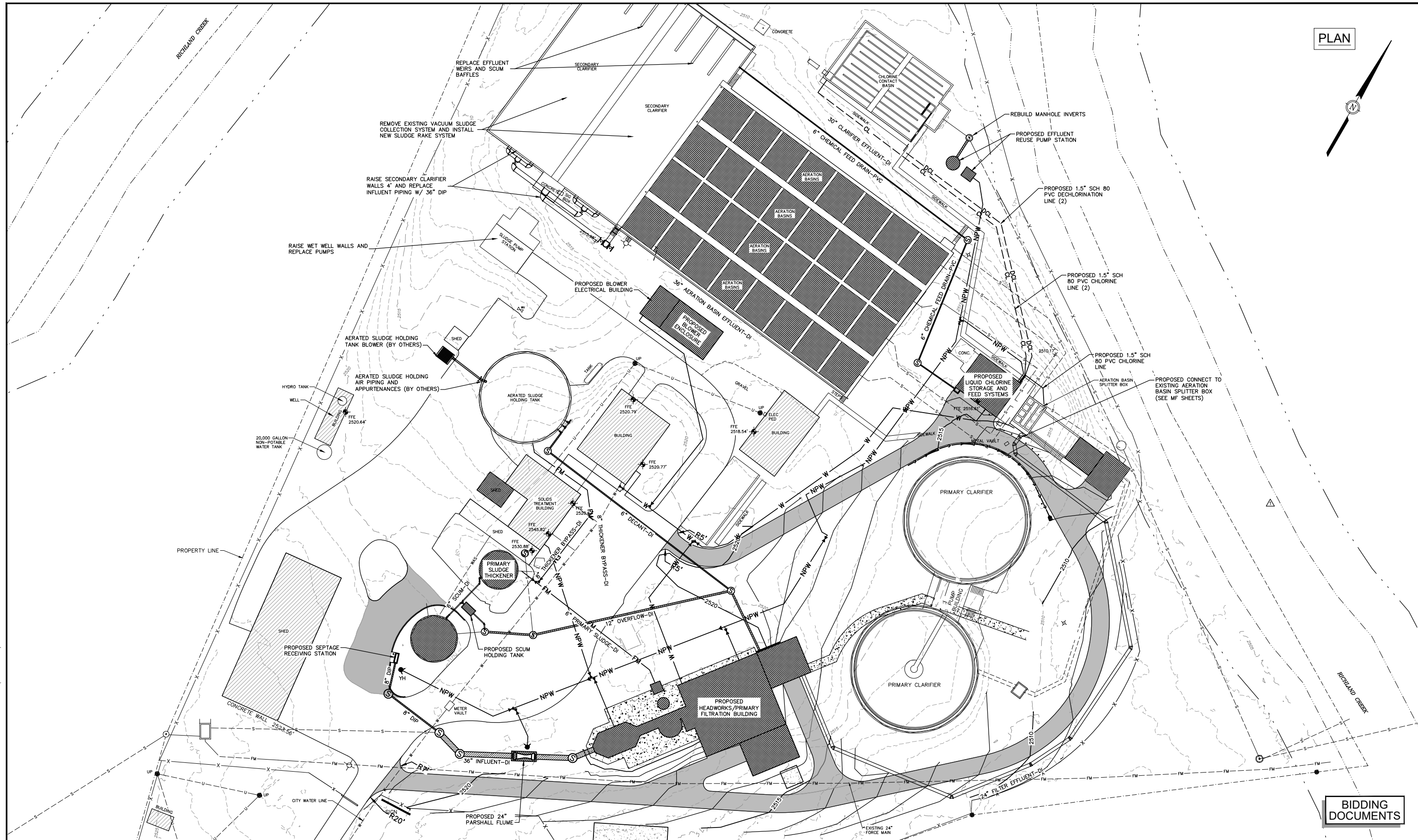
Three Phase		
	Base Charge	\$15.90
	Usage	\$0.081811/kWh
Single Phase		
	Base Charge	\$13.86
	Usage	\$0.081811/kWh
In addition to the kilowatt hours charges, peak metered demand is billed at \$7.4639 per kilowatt of peak demand per month.		
Industrial Accounts		
Industrial rates are used on all industrial accounts with an actual or anticipated 12 month average consumption of at least 1,500,000 kWh per month.		
Industrial fuel adjustment added to base rate as of January 1, 2018 is \$ 0.00000 per kWh.		
Three Phase		
	Base Charge	\$15.90
	Usage	\$0.060128/kWh
In addition to the kilowatt hours charges, peak metered demand is billed at \$15.92 per kilowatt of peak demand per month.		
Renewable Energy and Efficiency Portfolio Standards (REPS)		
In 2007, the North Carolina General Assembly passed legislation that requires utility companies to develop an increasing supply of alternative energy resources, with 3% of their total supply coming from renewable by 2013 and 12% from renewable by 2021. Utility companies are charging their customers to recover the cost of the renewable energy they purchase. In turn the Town is passing along these costs to its customers. These charges (REPS) are set each December by our power supplier.		
	Residential	\$0.56
	Commercial	\$4.50
	Industrial	\$35.00
Deposits (tenant-occupied accounts only)		
	Residential (with Electric Heat)	\$170.00
	Residential (without Electric Heat)	\$120.00
	Commercial	\$200.00
Deposits may be refunded at customer request if the most recent twelve months of billings have been paid before a late-payment penalty has been added. Deposits available at termination of service are applied to unpaid utility balances and any excess deposit is refunded to customer.		
Deposits may be transferred to a new account when customer is moving if the current account is paid in full. The final bill at the current location will be transferred to the new location if not paid in full within thirty (30) days of billing.		
Area Lighting Fixture		
	30 to 140 LED/Sodium Vapor, 100w/ 9,500 lumen Semi-Enclosed	\$12.00
	150 to 215 LED/Sodium Vapor, 400w/50,000 lumen Enclosed	\$25.00
	220 to 280 LED/Metal Halide, 400w/40,000 lumen Flood	\$40.00
Lighting Fixtures (no longer available to new customers)		
	Sodium Vapor, 150w/16,000 lumen Semi-Enclosed	\$14.00
	Sodium Vapor, 400w/50,000 lumen Flood	\$28.00

Mercury, 175w/ 7,000 lumen Semi-Enclosed	\$10.00
Special Area Lighting Pole	
If other than distribution pole, add monthly charge per pole	
Wood	\$4.00
Or, a one-time pole charge	\$200.00
Underground service for area lighting	
Monthly	\$3.62
Or a one-time charge	\$181.00
Underground Service for New Homes (Up to 4/0 wire)	
0 - 100 feet of wire from pole to house	\$200.00
All wire over 100 feet	\$2.00/ft.
Underground Service for Existing Homes That Change from Overhead (Up to 4/0 wire)	
Opening and Closing of Ditch	\$70.00/hr
All wire	\$2.00/ft.
3 Phase Underground Service	
4/0 wire	\$2.00/ft.
350 mcm	\$2.50/ft.
500 mcm	\$3.95/ft.
Opening and Closing of Ditch	\$70.00/hr
If a customer digs his own ditch, the ditch must meet electrical code before the Town will put wire into the ditch.	
Reconnection Fee	\$50.00
Reconnection Fee After 4 PM or on Weekends	\$100.00
Broken Seal on Electric Meter	\$50.00
Tampering Fee	
First offense	\$200.00
Second offense (or if service is disconnected)	\$500.00
Third offense (meter will be removed)	Full cost of tap and connection fee
Meter Testing Fee (reimbursable if beyond 2.5% off)	\$75.00
Meter Relocation Fee	\$200.00 plus cost of specialized equipment, if nec

Supporting Documents

- **Project Map**
- **Documents Showing Greater Than 20 and 40-Year Equipment and Facilities**
- **Asset Management Plan and Capital Improvement Plan**
- **SOC and Documentation of NPDES Permit Violations**
- **System Operations Ratio Calculations**
- **Monthly Water and Sewer Rate Calculations**
- **LGU Indicators Worksheet**

Project Map



P:\2019\19.00330\WAYNESVILLE\WWTTP UPGRADE DESIGN & CONSDRAWINGS\SEWER\19.00330 SITE (FUNDING APP)\DWG PLOT DATE 3/30/2022 2:29 PM MICHAEL WHITEBURG

55 Broad Street
Asheville, NC 28801
828.252.0575
NC Firm License # C-0459
mcgillassociates.com



SIGNED AND DATED:

NO.	DATE	BY	DESCRIPTION
1	11/05/21	NBH	ADDENDUM No. 2

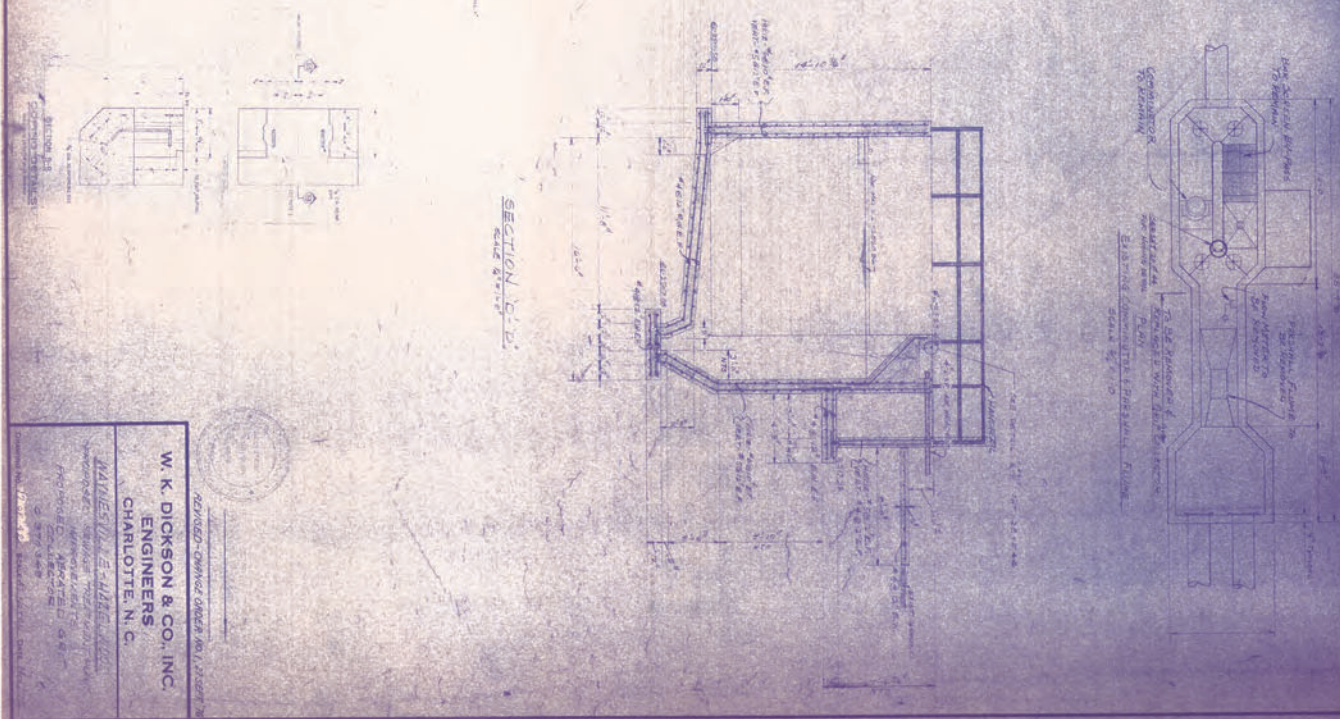
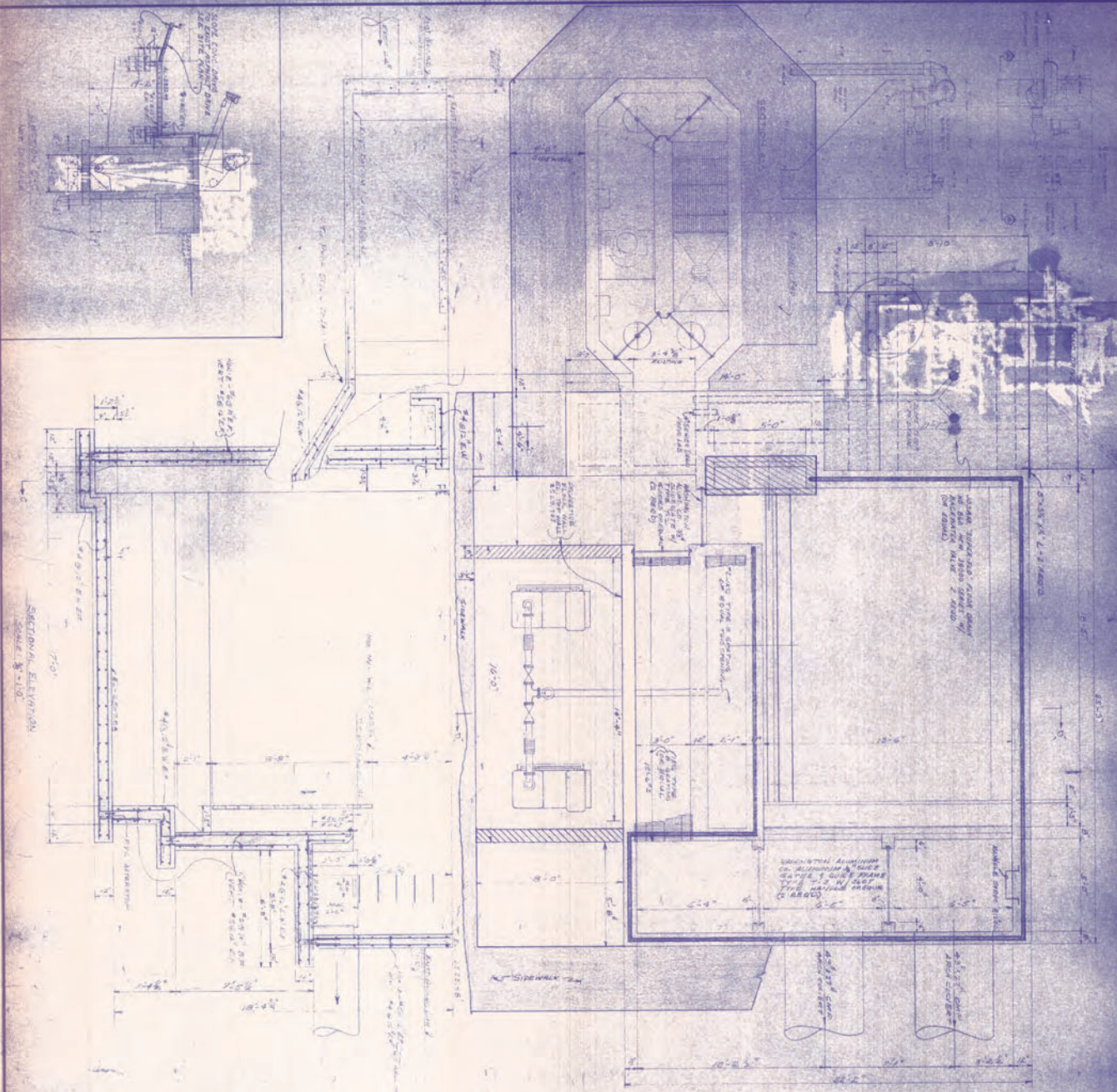
THIS DOCUMENT HAS BEEN DIGITALLY SIGNED AND SEALED IN ACCORDANCE WITH THE STANDARD CERTIFICATION REQUIREMENTS FOUND IN NC ADMINISTRATIVE CODE 21-56.1103(E). THIS DIGITAL SIGNATURE HAS BEEN FOUND BY THE NC BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS TO MEET THESE STANDARDS. PLEASE CONTACT THE SIGNER IF YOU NEED ASSISTANCE IN VALIDATING THE SIGNATURE.

WASTEWATER TREATMENT PLANT IMPROVEMENTS PHASE I
CWSRF PROJECT NO. CS370930-01
TOWN OF WAYNESVILLE
HAYWOOD COUNTY, NORTH CAROLINA

OFFICE MANAGER	DESIGNER
M. CATHEY	N. HERINGER
PROJECT MANAGER	REVIEWER
MJ CHEN	-

DATE	PROJECT #	FUNDING #
FEBRUARY 2022	19.00330	CS370930-01

**Documents Showing Greater Than 20 and 40-Year
Equipment and Facilities**



W. K. DICKSON & CO., INC.
 ENGINEERS
 CHARLOTTE, N. C.

REVISED - CHANGED DIMENSIONS IN 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

FIGURES

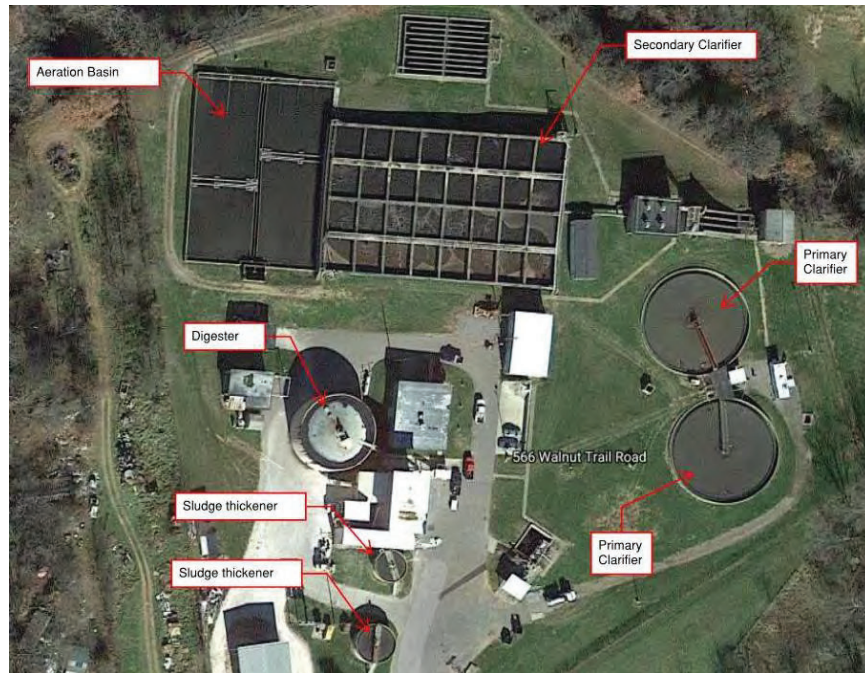


Figure 1. Waynesville wastewater treatment plant.



Figure 2. Concrete at primary clarifier is stained but in generally good condition.



Figure 3. Annular drainage trough at primary clarifier.



Figure 4. Typical crack at primary clarifier. Red arrow indicates metal form tie.



Figure 5. Crack at primary clarifier with minor leakage.



Figure 6. Spalled concrete coincident with leaking crack at primary clarifier.



Figure 7. Severely delaminated concrete at base of primary clarifier.



Figure 8. Aeration basin. Walkway (red arrow) tops interior wall that separates chambers. Horizontal braces (yellow arrow) provide lateral stability to walls.



Figure 9. Concrete at aeration basin is in generally good condition.



Figure 10. Typical cracks with efflorescence at north perimeter wall of aeration basin



Figure 11. Minor flexural crack and delaminating concrete at horizontal brace.



Figure 12. Freeze-thaw cracking at guardrail post penetration.



Figure 13. Localized delaminations and spalling at aeration basin walkway.



Figure 14. Widespread spalling and raveling of concrete at aeration basin walkway.



Figure 15. Cracks with efflorescence and corrosion staining at digester.



Figure 16. Sludge thickener structures. Concrete is in generally good condition.



Figure 17. Leaking pipe at north-most sludge thickener.

Capital Improvements Plan

	TOTAL ESTIMATED COST	CURRENT 2022	YEAR 1 2023	YEAR 2 2024	YEAR 3 2025	YEAR 4 2026	YEAR 5 2027	YEAR 6 2028	YEAR 7 2029	YEAR 8 2030	YEAR 9 2031	YEAR 10 2032
EQUIPMENT												
TOOLS - MAINTENANCE	\$ 200,000			\$ 50,000	\$ 50,000		\$ 15,000	\$ 35,000				
TOOLS - TREATMENT	\$ 210,000		\$ 10,000	\$ 20,000	\$ 20,000	\$ 15,000	\$ 30,000	\$ 20,000	\$ 15,000	\$ 15,000	\$ 25,000	\$ 10,000
EQUIPMENT	\$ 880,000		\$ 250,000	\$ 20,000			\$ 80,000	\$ 20,000	\$ 80,000	\$ 30,000		
VEHICLES	\$ 630,000			\$ 70,000	\$ 110,000	\$ 40,000	\$ 80,000	\$ 130,000	\$ 120,000			
LINE REPLACEMENTS												
MISCELLANEOUS REPLACEMENTS	\$ 1,474,250		\$ 127,000	\$ 127,000	\$ 126,950	\$ 128,500	\$ 130,000	\$ 130,000	\$ 130,000	\$ 104,800	\$ 130,000	\$ 130,000
INFILTRATION/INFLOW IMPROVEMENTS	\$ 2,531,700		\$ 190,000	\$ 190,000	\$ 190,000	\$ 195,000	\$ 195,000	\$ 195,000	\$ 247,200	\$ 226,600	\$ 176,700	\$ 172,700
SOUTH WAYNESVILLE SANITARY SEWER SYSTEM IMPROVEMENTS			\$ -	\$ 2,000,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
TREATMENT PLANT IMPROVEMENTS												
WWTP PLANT UPGRADE/REPLACEMENT (PHASE 1)	\$ 29,723,150		\$ 28,965,200									
WWTP PLANT UPGRADE (PHASE 2)	\$ 9,522,340											
WASTEWATER IMPROVEMENTS SUBTOTAL												
	\$ 45,171,440	\$ -	\$ 29,542,200	\$ 2,477,000	\$ 496,950	\$ 378,500	\$ 530,000	\$ 530,000	\$ 592,200	\$ 376,400	\$ 331,700	\$ 312,700

RESOLUTION NO. R-07-22

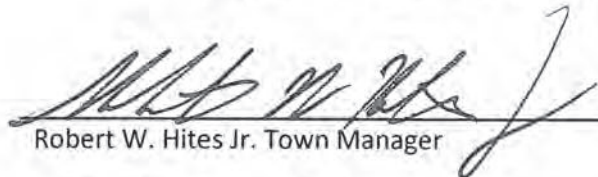
RESOLUTION BY THE WAYNESVILLE BOARD OF ALDERMEN

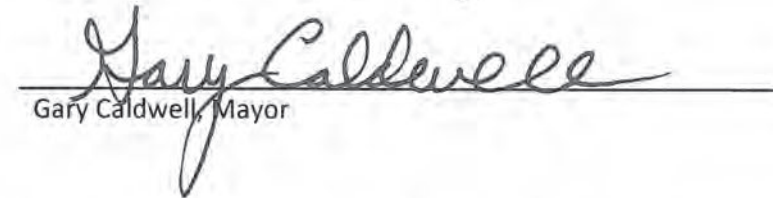
- WHEREAS, The Town of Waynesville has a current Capital Improvement Plan (CIP) for the Sewer Enterprise Fund that spans 10-years, and
- WHEREAS, The Town of Waynesville held a Meeting of the Board of Aldermen on April 26, 2022, to present the 10-Year Sewer CIP, and
- WHEREAS, An application for funding submitted to the North Carolina Department of Environment Quality (DEQ) Division of Water Infrastructure (DWI) may earn points if the Applicant has a CIP adopted by the Town Council within two years of the application date.

NOW THEREFORE BE IT RESOLVED, BY THE BOARD OF ALDERMEN:

That Town of Waynesville does hereby adopt the Capital Improvement Plan (CIP) as updated for the Fiscal Year 2021-22 budget, as presented at the April 26, 2022, Town Council Meeting.

Adopted this the 26th day of April 2022 at Waynesville, North Carolina.

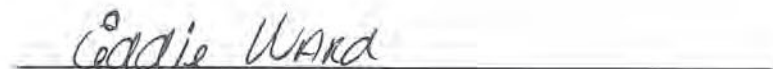

Robert W. Hites Jr. Town Manager


Gary Caldwell, Mayor

CERTIFICATION BY RECORDING OFFICER

The undersigned duly qualified and acting Town Clerk of the Town of Waynesville does hereby certify: That the above/attached resolution is a true and correct copy of the resolution authorizing the adoption of the 10-Year Capital Improvement Plan, as regularly adopted at a legally convened meeting of the Board of Aldermen of the Town of Waynesville duly held on the 26th day of April, 2022; and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office. IN WITNESS WHEREOF, I have hereunto set my hand this 26th day of April, 2022.


Signature


Town Clerk, Eddie Ward



MINUTES OF THE TOWN OF WAYNESVILLE BOARD OF ALDERMEN
Regular Meeting
April 26, 2022

THE WAYNESVILLE BOARD OF ALDERMEN held a regular meeting on Tuesday April 26, 2022, at 6:00 pm. in the Town Hall Board Room located at 9 South Main Street Waynesville, NC.

A. CALL TO ORDER

Mayor Gary Caldwell called the meeting to order at 6:05 pm with the following members present:

- Mayor Gary Caldwell
- Mayor Pro Tem Julia Freeman
- Alderman Jon Feichter
- Alderman Chuck Dickson
- Alderman Anthony Sutton

The following staff members were present:

- Rob Hites, Town Manager
- Jesse Fowler, Assistant Town Manager
- Eddie Ward, Town Clerk
- Martha Bradley, Town Attorney
- Police Chief David Adams
- Assistant Police Chief Brandon Gilmore
- Development Services Director, Elizabeth Teague
- Byron Hickox, Land Use Administrator
- Olga Grooman, Planner
- David Kelley, Chief Building Inspector
- Tom Maguire, Building Inspector
- Sam Cullen, Code Enforcement
- Jeff Stines, Public Services Director
- Fire Chief Joey Webb
- Assistant Police Chief, Chris Mehaffey
- Misty Hagood, Finance Director

The following media representative was present:

- Becky Johnson, Mountaineer
- Cory Vaillancort, Smoky Mountain News

Updated Capital Improvement Plan (CIP) for Wastewater Treatment Plant and Inflow/Infiltration program.

- Rob Hites Town Manager

Town Manager Rob Hites explained to the Board that the Town plans to apply for \$15 million dollars in grant funds through the State's ARP program. The application deadline for the grant is May 2, 2022. As a requirement of the grant application is to provide a recent update of the Capital Improvement Plan for the Wastewater Treatment Plant, and the Collection System (inflow/infiltration). Public Services Director Jeff Stines has been working with Keith Webb of McGill Associates and they have completed a CIP that states our current needs.

Manager Hites gave details of the updated CIP and asked the Board to Approve Resolution R-05-22 for the intention to request grant assistant for the project and R-07-22 to adopt the Capital Improvement Plan as updated for the Fiscal Year 2021-2022 budget.

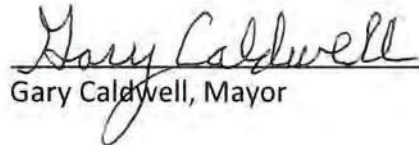
A motion was made by Alderman Anthony Sutton, seconded by Alderman Chuck Dickson to approve Resolution # R-07-22 adopting a Capital Improvement Plan for the Wastewater Treatment Plant. The motion carried unanimously.

A motion was made by Alderman Anthony Sutton, seconded by Alderman Chuck Dickson, to approve Resolution # R-05-22 to approve an additional \$233,100.00 in services to address design and plant performance issues required by the North Carolina Department of Environmental Quality's Divisions of Environmental Infrastructure and Environmental Quality. The motion passed unanimously.

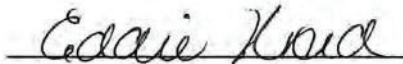
ATTEST:



Robert W. Hites, Town Manager



Gary Caldwell, Mayor



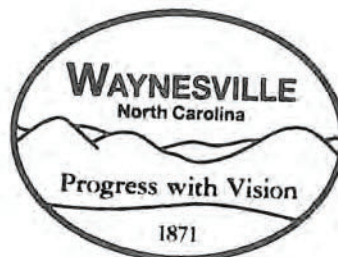
Eddie Ward, Town Clerk

I certify as follows: that the foregoing resolution was properly adopted at a meeting of the Board of Alderman of the Town of Waynesville, North Carolina; that this meeting was properly called and held on April 26, 2022; that a quorum was present and acting throughout this meeting; and that this resolution has not been modified or amended and remains in full effect as of today. Dated this 26th day of April 2022.

[SEAL]



Eddie Ward, Town Clerk



*Town of Waynesville
Board of Aldermen
Regular Meeting April 26, 2022*

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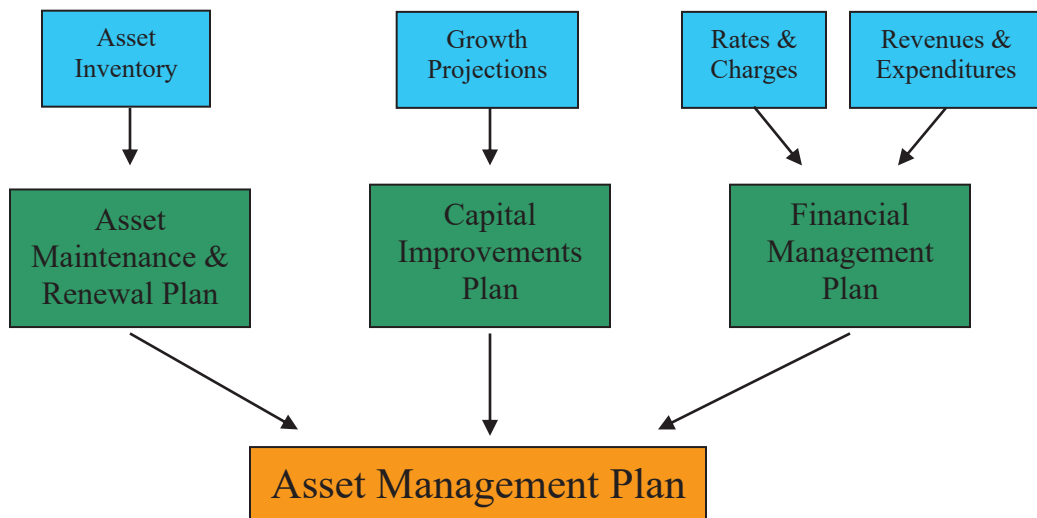
APPENDICES 26

INTRODUCTION

The purpose of an asset management plan is to present a strategy for operating and maintaining key assets in a sustainable and cost-effective manner so that the Town continues to provide the appropriate and required level of service for current and future users. This wastewater asset management plan for Waynesville achieves several purposes as listed below:

- It provides a description of components of the sewer system.
- It estimates the value of the sewer system assets.
- It provides financial forecasts of expenditures, including maintenance and capital costs.
- It creates a timeline for improvements that will ensure financial resources are used wisely.
- It satisfies the requirements of North Carolina House Bill 1744, which includes asset management planning in a list of common criteria that receive priority for loan and grant funding.

The Town's sewer asset management plan is based upon audited financial statements, historic records, personal knowledge of the Town of Waynesville's staff, and capital needs collected by the Town and its consultants. As depicted below, it provides for a process that will provide current documentation, maintain an asset inventory, and assess valuations. Because of constantly changing variables in those areas and limited information, this asset plan should be reviewed annually, updated, and revised so it keeps an accurate description of the sewer system.



DESCRIPTION OF THE SEWER SYSTEM

The Town manages its water and sewer systems as a separate enterprise funds. The costs to operate the water and sewer distribution, collection and treatment assets are separately recorded within each respective fund but some other costs including administration are distributed within both funds, as shown in the Town audits. The water fund operates with a budget of approximately \$2.7 million and serves over 6,300 customers. The sewer fund operates with a budget of approximately \$1.7 million and serves over 4,800 customers.

This report is intended to address only the wastewater fund assets.

Asset Details

This plan categorizes the Town's sewer assets into two major groups. These include:

1. Sewer Collection Assets
2. Treatment and Other Assets

Sewer Treatment and Collection Assets

The Town maintains one sewer treatment plant, located along Richland Creek, where it meets Jones Cove Branch. There are no sewer pump stations; all sewage flows by gravity to the plant through a network of various types and sizes of pipe. Upon treatment, wastewater is discharged to the Pigeon River below Richland Creek. This sewer collection system comprises approximately 547,000 feet of mains and lines. The distribution of gravity and force main pipe sizes and materials are presented in Figures 1 and 2, with installation decades shown in Figure 3. The data used for the figures is attached in the Appendix.

FIGURE 1

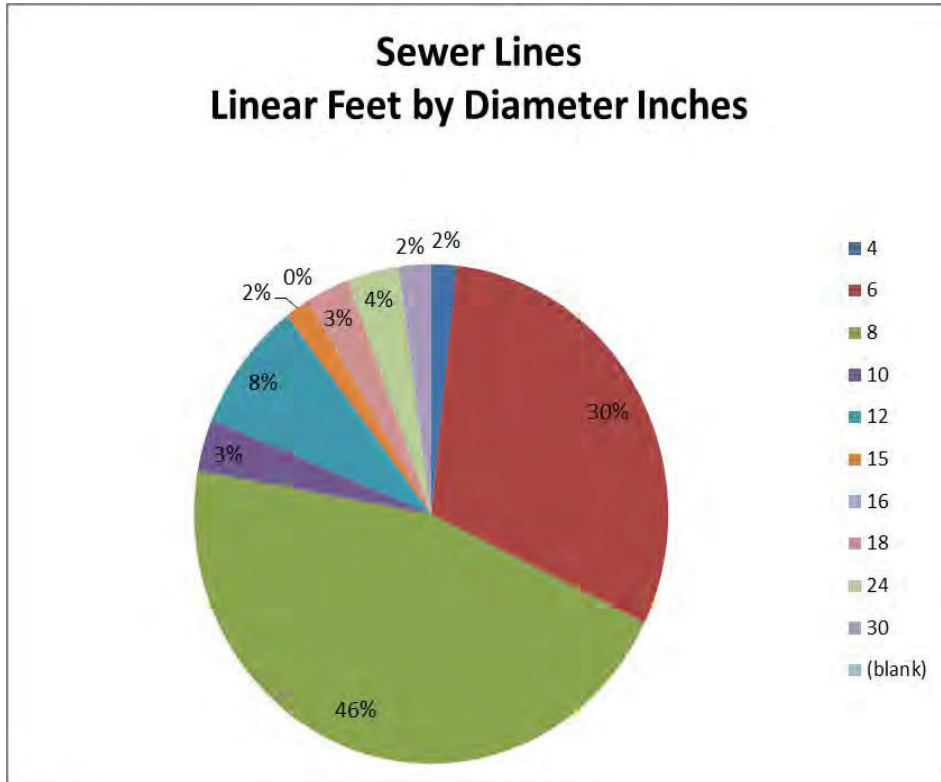


FIGURE 2

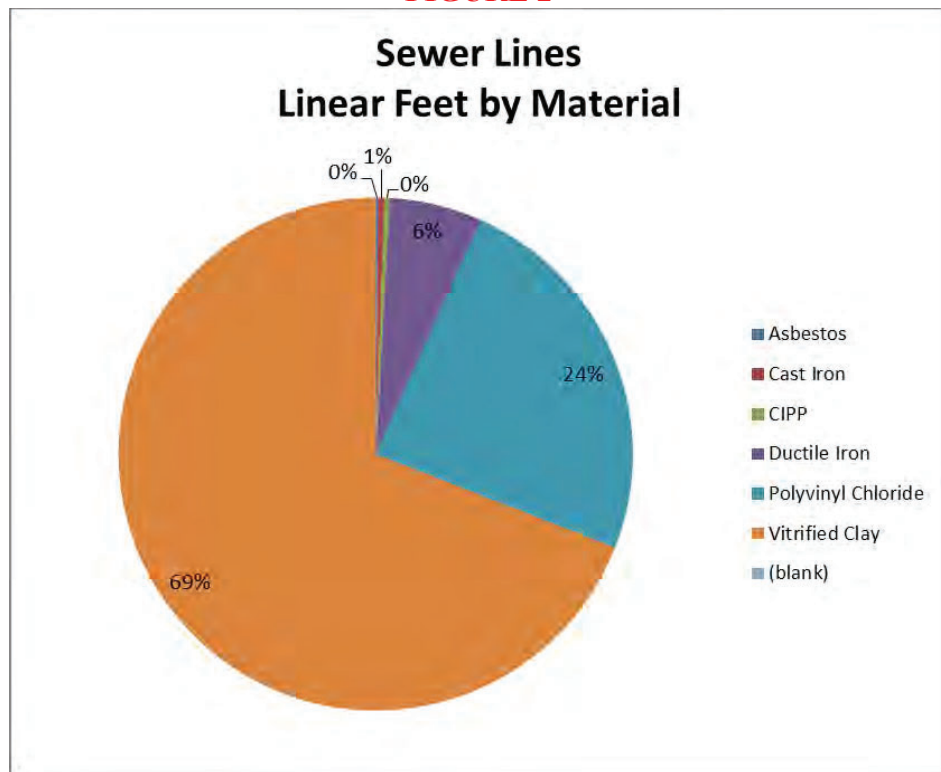
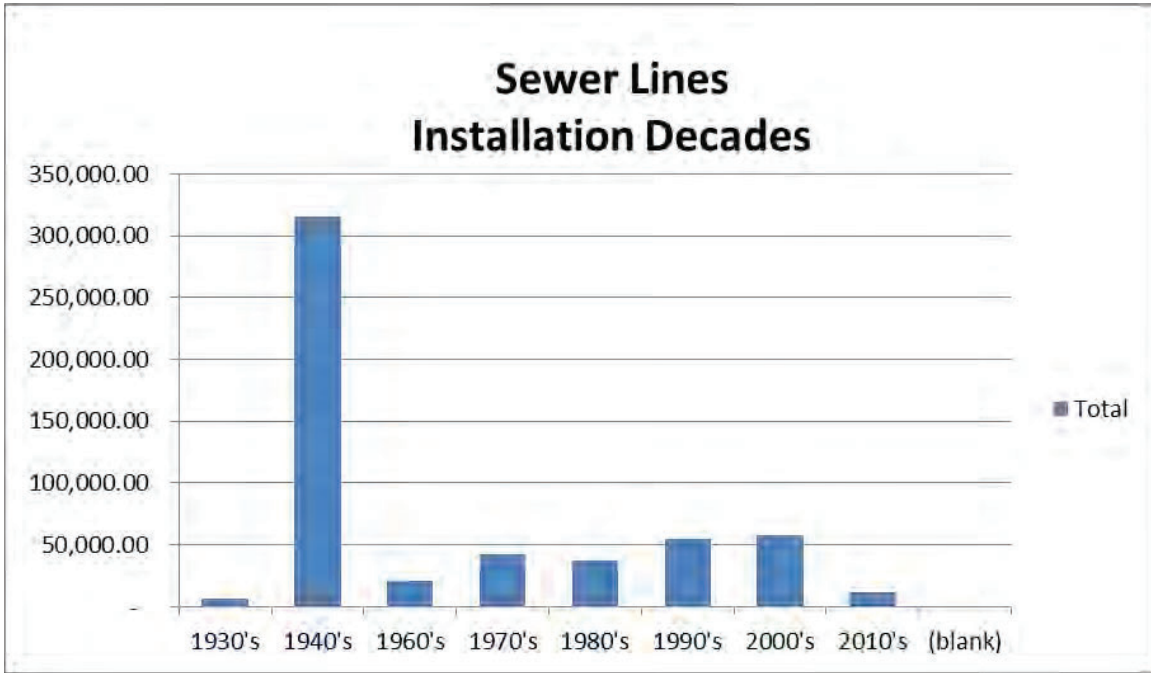


FIGURE 3



ASSET CATEGORIZATION

For effective analysis, assets are grouped into classes according to their type. Such categorization allows inferences to be drawn across asset classes and investment plans to be prioritized. For each asset group, subgroups can be created according to the common traits of the asset (i.e. diameter, material, etc.). The number of subgroups formed depends upon the amount of information available and the degree of detail required in the asset management process.

In addition, since different asset classes have different useful lives, it is essential to define asset life categories to allow appropriate transparency to be achieved, especially related to the Town's asset depreciation policy. Appropriate categorizations are: Very Short, Short, Medium, Long and Very Long, defined as follows:

- **Very Short** asset lives are up to 5 years. Computers, hot water washers, and flow meters are examples of assets that have very short lives.
- **Short** asset lives range from 6 to 15 years. Scales, backhoes, vehicles, and rollers have short lives.
- **Medium** asset lives are from 16 to 30 years long. Assets with medium lives generally are mechanical assets such as pumps, process plants, filter bed media, screens, and scrubbers.
- **Long** asset lives are between 31 and 50 years long. Assets that have long lives are generally mechanical assets such as filter bed structures, steel storage tanks, some buildings, and some treatment works.
- **Very Long** asset lives are typically more than 50 years. Long-lived assets are generally operational structures such as spillways, lines, and some treatment works.

The key implementation issue is the availability of data to create and populate the groups and sub-groups created. Within the Town of Waynesville's sewer system, some of the key data is not known. An important part of the implementation strategy is, therefore, to make assumptions to infer missing data, or alternatively, by extrapolating from known data.

ASSET VALUATION AND USEFUL LIFE

Asset Life Cycle

Assets have a life cycle through which they progress from the initial concept to the final disposal. Depending on the type of asset, its lifecycle may vary from 5 years to over 50 years. Key stages in the asset life cycle are:

- **Asset planning**
The period when the new asset is designed. Decisions made at this time influence the cost of operating the asset and the lifespan of the asset. Alternative, non-asset solutions must also be considered.
- **Asset creation or acquisition**
When the asset is purchased, constructed or vested. Capital cost, design and construction standards, commissioning the asset, and guarantees by suppliers influence the cost of operating the asset and the lifespan of the asset.
- **Asset operations and maintenance**
When the asset is operated and maintained. Operation relates to several elements, including efficiency, power costs and throughput. This is usually more applicable to mechanical plant rather than static assets, such as pipes. Maintenance relates to preventative maintenance where minor work is carried out to prevent work that is more expensive in the future and reactive maintenance where a failure is fixed.
- **Asset condition and performance monitoring**
When the asset is examined and checked to ascertain the remaining life of the asset, what corrective action is required including maintenance, rehabilitation or renewal and within what time.
- **Asset rehabilitation and renewal**
When the asset is restored or replaced to ensure that the required level of service can be delivered.
- **Asset disposal and rationalization**
Where a failed or redundant asset is sold off, put to another use, or abandoned.

Asset Failure Modes

Generally, it is assumed that physical failure is the critical failure mode for many assets. However, asset management recognizes that other manners are relevant and are often critical for effective delivery of services. The range of failures include:

- **Structural**
The physical condition of the asset is the measure of deterioration, service potential and remaining life.
- **Capacity**
The level of under or over capacity of the asset is measured against the required level of service to establish the remaining life.
- **Level of service**
Reliability of the asset or performance targets are not achieved.
- **Cost or economic impact**
The cost to maintain or operate an asset is greater than the economic return.
- **Obsolescence**
Technical change or lack of replacement parts can render an asset uneconomic to operate or maintain.

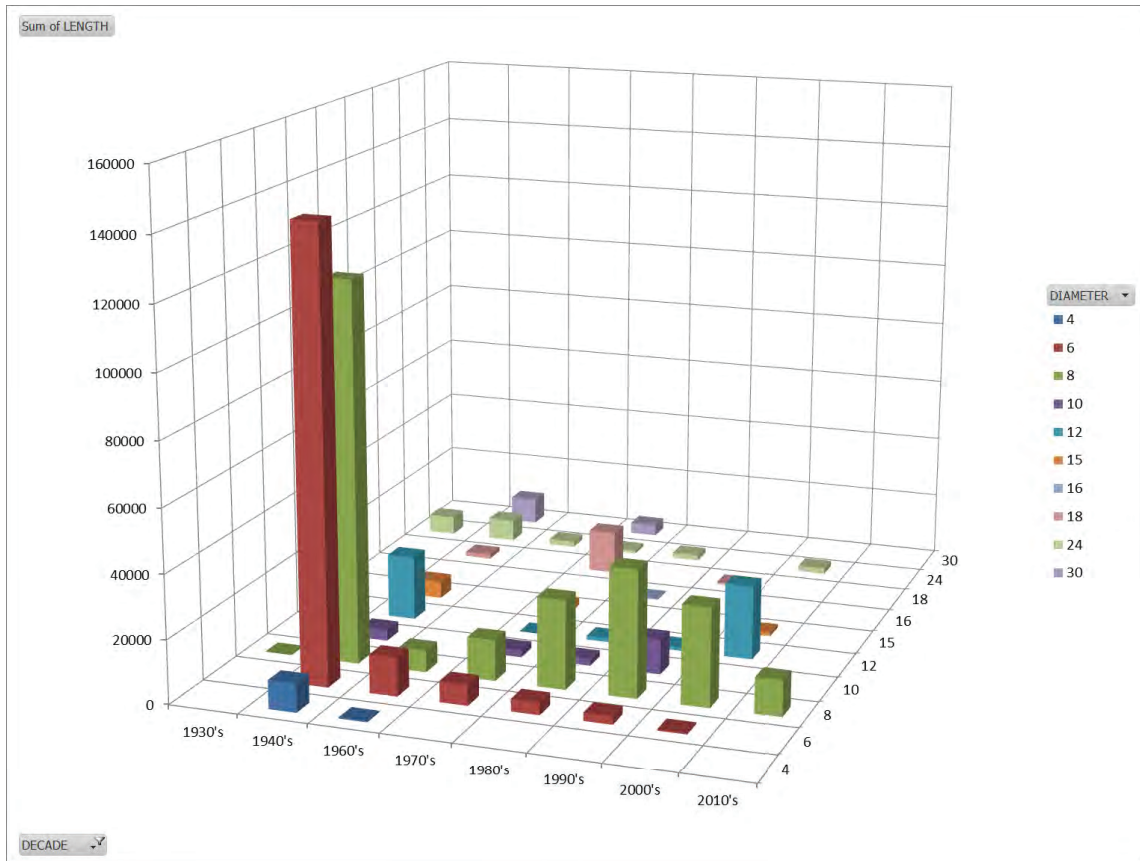
It is important to know the expected length of an asset's lifecycle and how it will likely fail in order to properly determine future needs.

Asset Valuation Method

A valuation of the sewer assets was undertaken in FY 2014. Considering the data that was available, the valuation approach used was Depreciated Replacement Cost for sewer lines and Depreciated Original Cost for the other assets. Replacement cost is the cost of building the existing infrastructure using present day technology but maintaining the originally designed level of service. Depreciated Replacement Cost recognizes the wear and tear and deterioration of assets by calculating the depreciable component of Replacement Cost proportioned by the ratio of remaining useful life to economic life on a straight-line basis.

Sewer line length and diameter figures from the last asset management plan and Town records were used to estimate the costs of replacing the lines today. Total linear feet of lines were subtotaled into their respective diameters and then multiplied by an average replacement cost per foot for each size. The estimated replacement value of the sewer lines total **\$31.9 million**. After determining the replacement value, the age of each of the lines was used to estimate how much depreciation has occurred and how much residual value remains. Details of the ages of the sewer lines by diameter are shown in Figures 4.

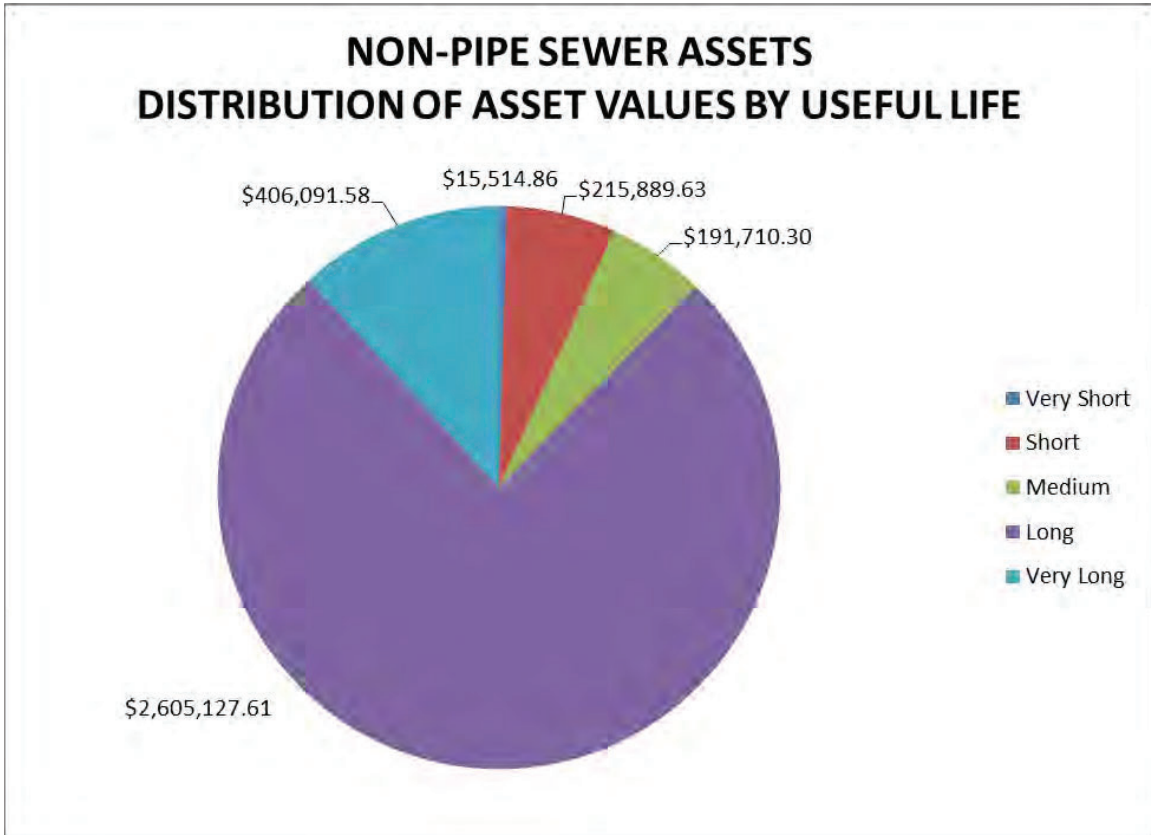
FIGURE 4
SEWER LINES
LINEAL FEET BY INSTALL DECADE AND DIAMETER



Straight-line depreciation and average life of 50 years for sewer lines was used in the calculations. In addition, it was assumed that a line that is older than its useful life or one with an unknown age retains 10% of its replacement value. As a result, the depreciated values of the sewer lines are estimated to be **\$8.9 million**.

The value of the sewer assets other than lines were depreciated on a straight-line basis over their nominal working life. Figures 5 show the depreciated values of the other water and sewer assets by Useful Life category.

FIGURE 5



When combined, the depreciated values of these other sewer assets total \$3.4 million. It should be noted that the value of these non-line assets using this methodology is significantly lower than what is necessary to replace them today. Inflation of costs since the installation dates is not considered in depreciation reports. This discrepancy would be seen in the value of the sewer lines if they were analyzed using the same methodology. Additional data that is currently unavailable is necessary to value the non-line assets using other methodologies.

REPLACEMENT & REFURBISHMENT PROGRAM

Current/Preventive Asset Maintenance

Maintenance is the regular ongoing day-to-day work necessary to keep assets operating including instances where portions of the asset fail and need immediate repair to make the asset operational again. This includes:

- Routine Maintenance – Ongoing work aimed at maintaining individual component asset function and serviceability rather than expanding service.
- Renewals – Component replacements at or near the end of its life.

The projected costs to maintain or replace current sewer lines are expected to be great in the future because 63% of sewer lines were installed during or before the 1960s. Many of these lines are over 60 years old, are near the end of their useful lives, and have a significant risk of failure. The lines were grouped together and sorted by diameter so varying costs can be assigned to each respective size. By multiplying the average cost per linear foot by the respective lengths, the estimated costs to replace the water and sewer lines over 40 years old are approximately \$24.2 million, as shown in Table 6.

FIGURE 6
PRE-1970s SEWER LINES
REPLACEMENT COSTS

DIAMETER INCHES	LENGTH BY DECADE				REPLACEMENT COST/FOOT	ESTIMATED COST
	1930'S	1940'S	1960'S	TOTAL		
4		9,006	397	9,403	\$ 40.00	376,120
6		140,944	12,064	153,008	\$ 50.00	7,650,400
8	83	119,442	6,849	126,374	\$ 65.00	8,214,310
10		3,436		3,436	\$ 75.00	257,700
12		20,417		20,417	\$ 80.00	1,633,360
15		5,365		5,365	\$ 80.00	429,200
18		1,444		1,444	\$ 100.00	144,400
24	5,958	7,053	1,834	14,845	\$ 200.00	2,969,000
30		8,381		8,381	\$ 300.00	2,514,300
TOTALS	6,041	315,488	21,144	342,673		24,188,790

Risk Assessment

It is probable that the Town of Waynesville will have multiple failures of their sewer assets during the next 20 years. More than half of all sewer lines were installed during or before the 1960s and are many are more than 60 years old. Since the expected useful life of such lines has ended and the assets are fully depreciated, the sewer systems are exposed to the risk of service outages and substantial infiltration or inflow. A liability exists that is greater than what is shown in the CIP; the CIP focuses on averages that reflect risk.

Adding New Assets

As new assets are purchased by the Town of Waynesville, the costs to refurbish and maintain the overall system will increase. It is prudent to know how long an asset can operate before funds must be spent to maintain its level of service. Equally as important is recognizing how long an asset will likely operate before it will need to be replaced. Figure 7 illustrates the estimated time after an asset purchase before required financial obligations are anticipated to arise and the asset's estimated useful life:

FIGURE 7
NEW LINE ASSETS
TIMETABLE OF MAINTENANCE AND USEFUL LIFE

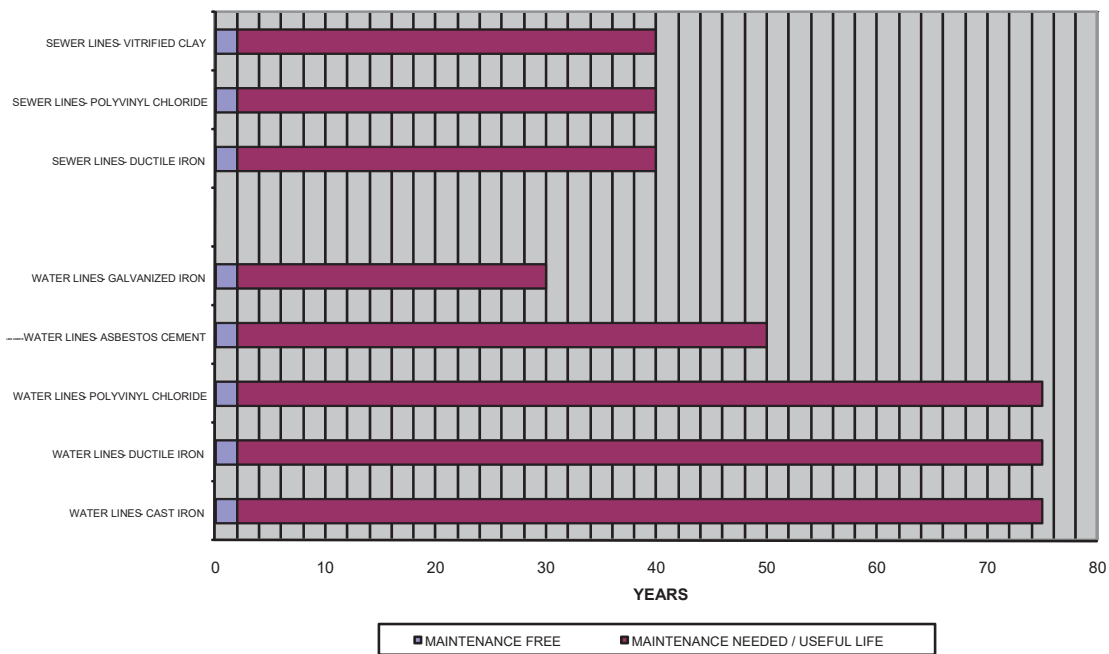


FIGURE 8
NEW BUILDING ASSETS
TIMETABLE OF MAINTENANCE AND USEFUL LIFE

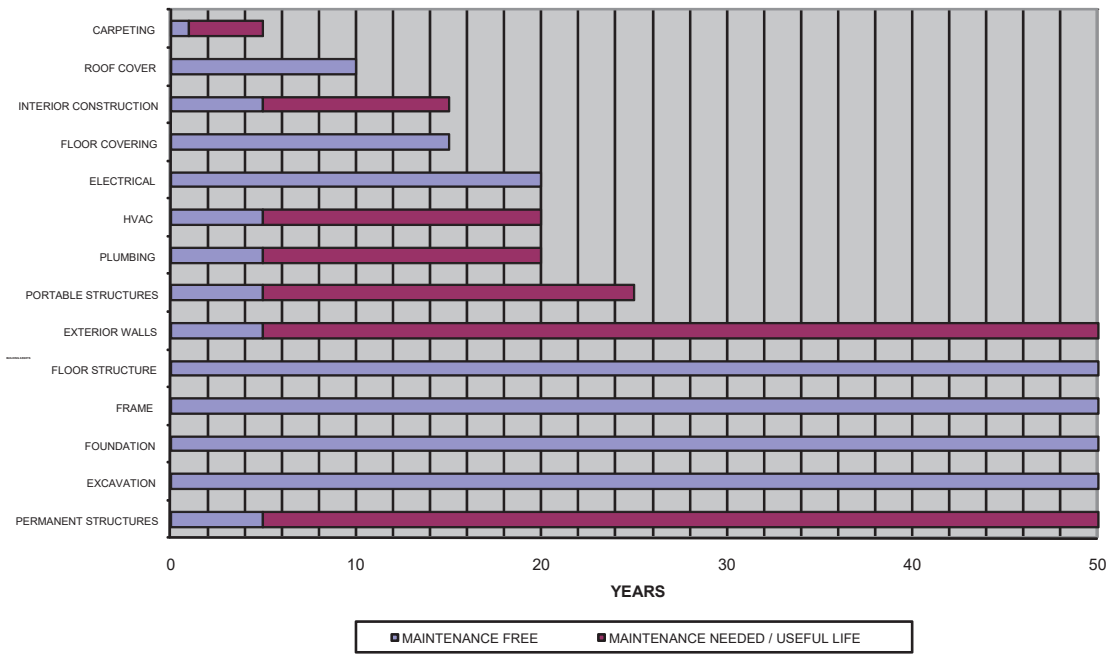
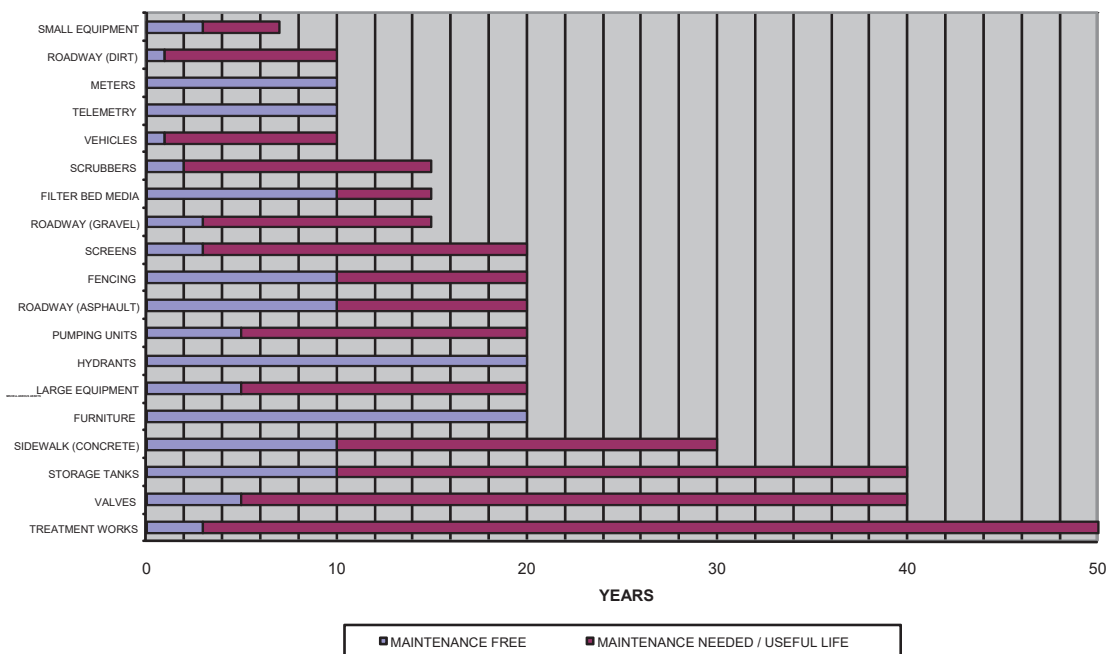


FIGURE 9
NEW MISCELLANEOUS ASSETS
TIMETABLE OF MAINTENANCE AND USEFUL LIFE



Conclusions

The maintenance needs for the Town of Waynesville are always changing. Over time, some assets will be removed because they have reached the end of their useful lives. As a result, the existing asset inventory will slowly diminish. However, as assets are eliminated, new assets will be added to the system, either to replace old assets or to provide new services or technologies. It is imperative that the Town continue to enhance its GIS capabilities and data to ensure that the knowledge of asset characteristics and conditions are recorded and closely monitored. Knowing the key “what, when, and where” features of assets will facilitate understand regarding assets are at greatest risk of failure, what service levels are expected from these assets, and what is sufficient information to insure optimal use of limited funds.

OPERATION AND PREVENTATIVE MAINTENANCE (O&M) PLAN

In the past, maintenance, repair, and rehabilitation has been planned and performed on a "fix as needed" basis. While successful at keeping the overall system operating, it has left some gaps in system efficiency and increased the risk of asset failure. To ensure assets are maintained and managed effectively and efficiently the Town of Waynesville has adopted an O&M Plan. The O&M Plan consists of preventive and emergency/reactive maintenance. In this section, the strategy for O&M varies by the asset, criticality, condition and operating history.

Preventive Maintenance

Preventive maintenance is carried out because of a planned maintenance program (such as regularly scheduled asset repairs) that addresses historically problematic operations (such as blockages and root infestation). Mechanical equipment must be maintained according to manufacturer's recommendations to achieve maximum return on investment. The O&M Plan's Preventive Maintenance shall include, but is not limited to, the following:

1. Routine Pump Station Inspection and Maintenance Program: This will include at a minimum:
 - a) Inspecting, cleaning and removing debris from the pump station structure, outside perimeter and wet well (sewer pump stations).
 - b) Inspecting and performing manufacturer-recommended routine maintenance of pumps and other mechanical equipment.
 - c) Verifying the proper operation of the alarms, telemetry system and auxiliary equipment.
 - e) Other testing procedures as recommended by the manufacturer.
 - f) Annual flow meter calibration (at a minimum).
 - g) Pump stations not connected to telemetry systems must be inspected at least daily. Pump stations with telemetry must be inspected at least once per week.

Preventive Maintenance documentation will be in a checklist form that will remain at the pump station, or in the office of the Public Works Director. The pump manufacturer's operation and maintenance manual shall be reviewed to develop operation and maintenance requirements for the pump inspection and maintenance program.

Town of Waynesville – Pump Station Check List Form:

- a) Check wet well level periodically, more frequently when high flows expected or have occurred.
- b) Record hours of running time from elapsed time meters at least once per week and check for equal running times on each pump.
- c) Inspect control panel switches for proper positioning.
- d) Test alarms.
- e) Check valves for proper operation/position.
- f) Valves functioning, normally open valves are open, normally closed valves are closed.
- g) Confirm valve lever arms and weights are ok.
- h) Check for unusual pump noise or vibration.
- i) Check amp readings. Note discrepancies.
- j) Confirm pumps appear seated properly.
- k) Confirm no leakage observed.
- l) Check pump retrieval chains are secured.
- m) Confirm guide rails and brackets are aligned and fastened.
- n) Note any rust or loose parts.
- o) Confirm piping and valves not leaking, bolts and nuts are tight.
- p) Confirm any rusty parts have been replaced, cleaned or painted.
- q) Record flow rate observed during site visit.
- r) Check and record pressure gauge readings during observed flow rate. Note any changes from normal readings.
- s) At least once per week, manually pump down the wet well to check for and remove debris.
 - o Inspect floats and transducer and cables and remove all debris to insure proper operation.
 - o Untangle twisted cables that may affect the automatic cycle operation.
 - o Check control settings.
 - o If a pump is removed, place the lead pump selector switch on the number of the pump remaining in operation.
 - o Inspect the pump hand/off/automatic selector switch. Turn to off. Fill up wet well with water until high water is activated. Turn to auto and check if both pumps operate automatically with slight delay between each. Pump until pump shuts off. Fill water until the lead pump starts. When the lead pump starts, shut off water. Allow pump to lower the wet well until the pump shuts off.
 - o Check pumps for blockage and any abnormalities in operation.

- t) Confirm generator is automatically exercising on schedule at start-up. Periodically manually throw main disconnect to check the Automatic Transfer Switch (ATS) and generator operation.
- u) Cut grass, pick up trash, remove debris, walk around perimeter, inspect fencing, landscaping, look for vandalism or evidence of trespassing, security concerns.

2. Right of Way Maintenance:

- a. Track right of way clearing and maintenance to show work activity throughout the year. This may be a map that is highlighted and dated to show the work performed or some type of written form that indicates the location, date, observations and activity.

3. Schedule for Testing Emergency and Standby Equipment:

- a. Use a checklist that shows when equipment is scheduled for and has been tested, equipment location and testing procedures (or reference to where they can be found).

4. Collection System Cleaning Program Plan:

- a. Record the date, location of cleaning, type of cleaning and other general observations during cleaning (type of debris, quantity, etc.). At least 10% of the entire collection system should be cleaned each year.

5. Bulk Water Meter Calibration:

- a. The bulk water meter(s) will be calibrated based on a mutually agreed upon timeframe between the Town of Waynesville and Two Rivers Utilities. Records from each calibration will be reviewed and kept on file.

6. Sanitary Sewer Overflow (SSO) Evaluation Log:

- a. Document all SSOs using the State form or similar. It is required that any type of spill, reportable or not, be documented. Spills that are reported to the State should be on the required form.

9. Inspection & Maintenance Logs: These must be maintained for all inspections of:

- a. Collection system lines
- b. Pump stations
- c. Wastewater system-related equipment.

Logs shall include the date and time, inspector's name, items inspected, findings and any maintenance, repairs or corrective actions taken or recommended. These records must be maintained for a minimum of three years. NOTE: Pump stations not connected to telemetry systems must be inspected at least daily. Pump stations with telemetry must be inspected at least once per week.

10. Construction Record Drawings and Specifications for Modifications/Extensions:

a. These must be maintained for the life of that portion of the collection system and incorporated into the comprehensive map of the entire system within one year of construction completion.

11. High Priority Line Inspection Form:

a. All aerial lines, sub-waterway crossings, siphons, lines contacting surface water, lines positioned parallel to stream banks and subject to eroding in such a manner that may threaten the line and any other segment of the system that is designated as high priority must be inspected every six months. The log must state the area inspected, the date, method of inspection and any corrective actions initiated or performed.

12. Complaint Log:

a. This log should be used to record customer complaints. The date, complaint location, problem, inspection date, inspector, observation, corrective action initiated or performed, and any follow up.

13. Annual Budget Planning:

a. The Public Works Department shall prepare an annual budget request to the Town Manager for spare parts inventory, supplies and chemicals that will be needed solely in the operation of the sewer system for approval by the Town Council subject to Town audit requirements. The Public Works Department shall maintain this inventory with documentation of actual costs incurred according to the Town accounting system requirements. The Public Works Department should provide support documentation on needed asset replacement for Capital Improvements that exceed \$5,000. Table 1 below provides a summary of the preventive maintenance tasks.

Figure 10 - Preventive Maintenance Summary

Task Name	Frequency
Collection System: Check pumping stations. month(s)	1st Wednesday every 1
Collection System: Check sewer lines and manholes.	1st Monday of January
Generator: Check fuel & oil.	1st Thursday every month(s)
Generator: Supervise preventive maintenance to emergency generator(s).	2nd Wednesday of June
Grit Removal: Check wet well pumps.	1st Wednesday of June
Check security equipment / emergency response plans.	2nd Wednesday of June
Check power sources and back-up power.	2nd Wednesday of June
Visually inspect and maintain wet well pumps.	1st Wednesday every month
Manholes: Routine Maintenance	Once every 2 years per manhole
Check each gravity main line	at least once a year
Check force main line & Air Release Valve	at least once a year
Compare billing totals against total water purchased	1st Monday every 1 month(s)

Emergency/Reactive Maintenance

Emergency/Reactive maintenance is carried out because of customer requests or sudden asset failures. Sanitary sewer overflows, for example, often occur due to blockage of sewer lines, infiltration/inflow and heavy rainfall, malfunction of pump stations, broken sewer lines, or a combination of these problems. Understanding system vulnerabilities and their locations and working to maintain, rehabilitate, or improve those areas reduces the risk of emergency/reactive maintenance and its associated consequences. Continued development and use of the Asset Management Plan is intended to significantly reduce emergency and reactive maintenance.

Deferred Maintenance

Deferred maintenance is any maintenance, repair, restoration or replacement work that system operators know of, that should have been accomplished before now, and that has not been performed. The deferred maintenance burden grows on the Town each budget year if equipment and other assets are not maintained, rehabilitated or replaced as required. The largest items of deferred maintenance for the Town of Waynesville are its underground assets, i.e., buried gravity mains, and force mains. Out of sight and out of mind, underground assets are easy to forget in an O&M plan and an annual budget. The following is a statement of the utility's plan to reduce overall deferred maintenance over the following 10 years:

Using GIS mapping of the entire water and sewer system, this Asset Management Plan, asset inventory, and our own routine inspections we will identify the segments of the system that are the most vulnerable due to deferred maintenance and develop a schedule for addressing those areas over the next 10 years.

FINANCIAL MANAGEMENT STRATEGY

Capital Improvements Plan

The Capital Improvements Plan (CIP) reflects proposed or planned sewer capital improvements for the next 10 years within the current Town owned sewer system. These needs are based upon the knowledge of Town staff and its consultants. As is illustrated in Figure 11, there are 11 capital improvement line items proposed for the sewer fund. Each column represents the annual project costs for each of the next 10 years. The estimated cost of the projects totals over \$24.8 million.

Due to the financial demands that these projects would place upon the funds, the analysis assumes that each improvement is planned to be paid either by a capital outlay in a specific fiscal year or by debt resulting in an annual debt service payment. The annual capital outlay spending is projected to range between \$650,000 and \$780,000. The most significant debt projects during the next 10 years are denoted in differentiating colors.

- \$329,000 for equipment and vehicle replacements.
- \$17,400,000 for WWTP upfit/replacement
- \$3,000,000 for nutrient removal at the wastewater treatment plant.

Revenue Requirement

The yearly required revenues for the Town of Waynesville's water and sewer funds are comprised of all the expenditures necessary to ensure consistent, quality service to all users. These expenditures ensure proper operation and maintenance of equipment, development and perpetuation of the system, and maintenance of the utilities' financial integrity. These cost components are divided into the following categories:

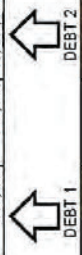
• Administration	\$ 370,000
• Operation Department	\$1,630,000
• Maintenance Department	\$ 700,000
• Debt service	\$ 54,352
• Capital outlay	\$ 484,000
TOTAL	\$3,238,352

The total of all the above items is the estimated required revenue for the Town's sewer funds FY 2020.

Figure 11

**TOWN OF WAYNESVILLE
WASTEWATER ENTERPRISE FUND CAPITAL IMPROVEMENTS PLAN
MARCH 2019**

FISCAL YEAR 2018-19	ESTIMATED CURRENT COST	YEAR 1 2019	YEAR 2 2020	YEAR 3 2021	YEAR 4 2022	YEAR 5 2023	YEAR 6 2024	YEAR 7 2025	YEAR 8 2026	YEAR 9 2027	YEAR 10 2028	YEARS 11-20 2029+
EQUIPMENT												
TOOLS - MAINTENANCE	611,100		52,000	53,600	105,000	108,200	55,000	56,700	58,400	60,200	62,000	63,900
TOOLS - TREATMENT	666,600	134,000	138,000	138,000	142,100	146,400	20,000	20,600	21,200	21,800	22,500	23,200
EQUIPMENT	1,087,000	154,000	95,000	150,000	106,000	100,000	45,000	100,000	110,000	125,000	100,000	1,135,000
VEHICLES	893,700	59,700	182,000	94,900	110,000	135,000	45,000	80,000	90,000	50,000	50,000	1,200,000
LINE REPLACEMENTS												
MISCELLANEOUS REPLACEMENTS	1,450,000		75,000	150,000	155,000	160,000	165,000	170,000	175,000	180,000	220,000	
INFILTRATION / INFLOW IMPROVEMENTS	1,750,000		75,000	150,000	175,000	300,000	150,000	200,000	225,000	250,000	225,000	3,000,000
TREATMENT PLANT IMPROVEMENTS												
WWTP PLANT UPGRADE/REPLACEMENT(PHASE 1)	17,000,000				17,000,000							
BRIDGE OF LINE REPLACEMENTS	440,000	190,000					250,000					
NUTRIENT REMOVAL (PHASE 2)	0											3,000,000
LAND ACQUISITION	400,000											
MISCELLANEOUS CAPITAL INVESTMENTS												
MISCELLANEOUS CAPITAL INVESTMENTS	500,000		200,000	20,000	25,000	30,000	35,000	40,000	45,000	50,000	55,000	60,000
WASTEWATER IMPROVEMENTS SUBTOTAL	24,800,400	403,700	813,000	755,600	18,220,100	979,600	765,000	667,300	724,600	737,000	734,500	8,335,000
DEBT PACKAGES												
DEBT 1			329,000									
DEBT 2					17,400,000							
ANNUAL CAPITAL OUTLAY	\$7,499,500	\$403,700	\$484,000	\$755,600	\$820,100	\$550,600	\$765,000	\$667,300	\$724,600	\$737,000	\$734,500	\$8,335,000
TOTAL NEW OPERATING COSTS					25,000		25,750	26,523	27,318	28,138	28,982	29,851



Debt Service Requirements

The sewer funds had no outstanding debt obligations in FY 2018. Due to the substantial revisions to the wastewater capital improvements plan, there are three significant debt events planned that relate to extensive investments in the Town’s wastewater treatment plant. Each of the proposed debt obligations and their total annual payments over the next ten fiscal years are as follows:

	<u>Debt One</u>	<u>Debt Two</u>	<u>Debt Three</u>
Loan Principal	\$329,000	\$17,400,000	\$3,000,000
Term	7 years	20 years	20 years
Annual debt service	\$54,352	SRF Amortization	SRF Amortization
Source	Conventional	NC SRF	NC SRF
Initial Year	2020	2022	2027

Financial Analysis

The financial analysis Figure 12 is organized using columns and rows that show different fiscal years and line item revenues and expenditures. The far-left column lists the titles for line item revenues and expenditures followed to the right by audited data for FY 2016-2018 and estimated data for FY 2019. Using the historical trends and knowledge of the Town’s plans, the next ten columns depict the projected revenues and expenditures for the next ten fiscal years.

Each row represents either a revenue or expenditure, taken from the headings used in the audit. The rows in the upper half of the table contain current revenue sources followed by expenditures in the lower half of the table. The rows near the bottom show the net income and the unrestricted net assets, which are the result of deducting all expenditures from revenues each year. Also shown at the bottom of the table are new debt issuance assumptions in certain fiscal years when debt is proposed to help finance capital projects from the CIP.

In conducting the financial analysis, we gathered the Town’s audited financial statements from for the previous three years, along with the Year-end report and budget for FY 2019. Capital outlays were separated to ensure the figures used for projections were consistent with prior years. Historical trends for each of the line items were analyzed to anticipate how each revenue and expenditure would change over the next ten years. After calculating the growth trends, we projected that sewer revenues would grow by an annual average rate of 1% as seen in the financial analysis in Table 12. Regarding expenditures, we projected that Administration expense would grow by an average rate of 2.4%, and Operations and Maintenance Departments would grow by 2.25%.

In order to maintain a positive net income with the planned large capital improvement projects, the analysis assumes that funds will be acquired by borrowing capital and by spending down fund balance. Debt issuance is packaged and spaced in time to avoid debt service stacking that is unnecessarily burdensome on the funds. The remaining yearly

capital requirements over the next ten years will be paid by annual capital outlays that average about \$700,000 annually. The planned methods to finance the improvements in the CIP are shown in Figure 12.

The sewer fund's net income would remain positive over six of the next 10 years providing that the proposed increases in revenue from rates are implemented. An unrestricted net asset amount of \$1,349,339 is achieved by Year 10.

The proposed revenue increases over the next 10 years are high enough to yield sustainable operations for each enterprise fund. Due to the aggressive capital investments in wastewater infrastructure, the demands on user rates are substantial, but necessary to address failing infrastructure and regulatory mandates by the state.

Figure 12

**TOWN OF WAYNESVILLE
WASTEWATER ENTERPRISE FUND
FINANCIAL ANALYSIS MODEL 2019 -- SRF**

LINE ITEM	AUDIT 2017	AUDIT 2018	ESTIMATE 2019	YEAR 1 2020	YEAR 2 2021	YEAR 3 2022	YEAR 4 2023	YEAR 5 2024	YEAR 6 2025	YEAR 7 2026	YEAR 8 2027	YEAR 9 2028	YEAR 10 2029
SEWER REVENUES:													
SEWER CHARGES	1.0%	2,463,362	2,636,064	2,813,000	2,800,000	2,828,000	2,866,280	2,884,843	2,913,691	2,942,828	2,972,266	3,001,979	3,031,999
SEWER TAP FEES	1.0%	30,400	17,125	20,000	20,000	20,200	20,402	20,606	20,812	21,020	21,230	21,443	21,657
OTHER REVENUE (INCLUDES SDF)	1.0%	5,038	10,652	48,000	104,000	75,000	45,000	45,450	46,905	48,364	49,827	51,295	52,768
TOTAL REVENUES		2,498,800	2,663,841	2,881,000	2,924,000	2,923,200	2,921,682	2,950,899	2,980,408	3,010,212	3,040,314	3,070,717	3,101,424
NEW SOURCES OF REVENUE:													
REVENUE FROM RESIDENTIAL PROJECTS				10,000	10,000	5,000	0	0	0	0	0	0	0
NEW REVENUES FROM RATES				282,000	709,230	996,698	1,432,716	1,872,691	2,021,063	2,080,963	2,141,422	2,202,495	2,264,179
PERCENTAGE INCREASE				10.0%	15.0%	10.0%	15.0%	15.0%	5.0%	2.0%	2.0%	2.0%	2.0%
TOTAL REVENUES		2,498,800	2,663,841	2,881,000	3,642,430	3,923,660	4,383,614	4,853,289	5,031,296	5,121,267	5,212,139	5,303,919	5,396,617
SEWER FUND EXPENDITURES:													
FINANCE AND ADMINISTRATION	2.40%	148,802	186,180	363,000	370,000	378,880	387,973	397,284	406,819	416,693	426,581	436,819	447,303
OPERATIONS DEPARTMENT	2.25%	1,171,591	1,325,727	1,597,000	1,630,000	1,686,676	1,704,176	1,742,519	1,781,726	1,821,816	1,862,806	1,904,719	1,947,576
MAINTENANCE DEPARTMENT	2.25%	565,822	629,126	683,000	700,000	731,854	746,321	765,168	782,374	799,978	817,977	836,382	855,200
NEW OPERATING COSTS FROM CIP	2.25%						25,000	25,750	26,523	27,318	28,138	28,982	29,851
TOTAL OPERATING EXPENDITURES		1,886,215	2,141,033	2,643,000	2,700,000	2,761,305	2,824,003	2,913,125	2,979,453	3,047,294	3,116,682	3,187,653	3,260,241
CAPITAL OUTLAY				403,700	484,000	755,600	820,100	650,600	765,000	667,300	724,600	737,000	734,500
CURRENT DEBT SERVICE		0	0	0	0	0	0	0	0	0	0	0	0
NEW DEBT				54,352	54,352	1,124,297	1,124,297	1,124,297	1,124,297	1,124,297	1,124,297	1,124,297	1,124,297
TRANSFERS TO OTHER FUNDS		139,070	93,210										
TOTAL EXPENDITURES		2,025,285	2,234,243	3,046,700	3,238,352	3,571,257	4,768,400	4,868,751	4,838,832	4,965,680	5,048,960	5,119,038	5,216,882
REVENUES OVER EXPENDITURES		473,515	429,698	-165,700	-22,352	71,173	-844,820	-304,407	-15,462	192,404	155,688	163,169	180,735
ACCRUAL ADJUSTMENTS		-543,629	-312,228										
NET INCOME		-70,114	117,370	-165,700	-22,352	71,173	-844,820	-304,407	-15,462	192,404	155,688	163,169	180,735
CUMULATIVE NET INCOME		NA	1,754,000	1,686,300	1,565,948	1,637,121	792,301	487,894	472,442	664,846	820,533	983,723	1,168,604
PPR CENT CUMULATIVE NET INCOME		NA	81.92%	60.09%	58.00%	59.29%	28.06%	16.75%	15.88%	21.82%	26.33%	30.86%	35.64%
NEW DEBT:													
LOAN AMOUNT				\$ 329,000									
PAYMENT				\$ 17,400,000									
ANNUAL PAYMENTS				\$ 27,176									
RATE				\$ 4.00%									
TERM				7									
FUNDING SOURCE				160A-20									
				SRF									

SEWER REVENUE RECOMMENDATIONS

As a result of our analysis, we have projected the following sewer revenue increases from sewer users. These increases would only affect fixed and volume charges but not tap, System Development Fees or miscellaneous fees. However, as the total value of the sewer system substantially increases, the system Development Fees should probably also be increased to reflect an accurate equity contribution by new users. These revenue increases are arranged in time to minimize the impact to most users as shown below and in the financial analysis table.

- 10% annual sewer revenue increase in FY 2020.
- 15% annual sewer revenue increase in FY 2021.
- 10% annual sewer revenue increase in FY 2022.
- 15% annual sewer revenue increase in FY 2023.
- 15% annual sewer revenue increase in FY 2024.
- 5% annual sewer revenue increases in FY 2025.
- 2% annual sewer revenue increases in FY 2026 through 2029.

CONCLUSIONS

Reactive, emergency maintenance is typically the most expensive type of maintenance and should make up a minimal amount of total maintenance effort. Instead, time-based preventive and/or predictive strategies should comprise most of the effort. Some assets, especially very dynamic assets, such as pump stations can leave discernable clues as to their capacity to perform. When determining the most cost-effective maintenance strategy for a given asset, the likelihood of failure and the consequence of failure should be considered. Operating to failure may be the most cost-effective maintenance strategy for a given asset, but only when coupled with a carefully developed failure response plan.

Because the Town's expects change over time, this Asset Management Plan is a living document and should be reviewed annually and updated at least every two years, to maintain compliance with DEQ guidelines. It will further develop as additional information about the Town's sewer assets is collected in terms of condition, performance and service delivery. For example, basic data is not available for the oldest lines in the downtown area. Additional information about this infrastructure such as the years of pipe installation would be beneficial. However, the effectiveness of the sewer Asset Management Plan should be monitored in various ways and the results used in the updating and revision of the plan. For example, the cost of gathering appropriate condition data is a fundamental issue, especially for buried infrastructure where intervention can have significant operational consequences in terms of closing down the system to facilitate access.

Asset management is a continual planning process that should be integrated with all other planning efforts. This Asset Management Plan will act as a source of information from which other plans can utilize and as a vehicle for the development of advanced asset management practices in the future, which will allow improved decision-making techniques.

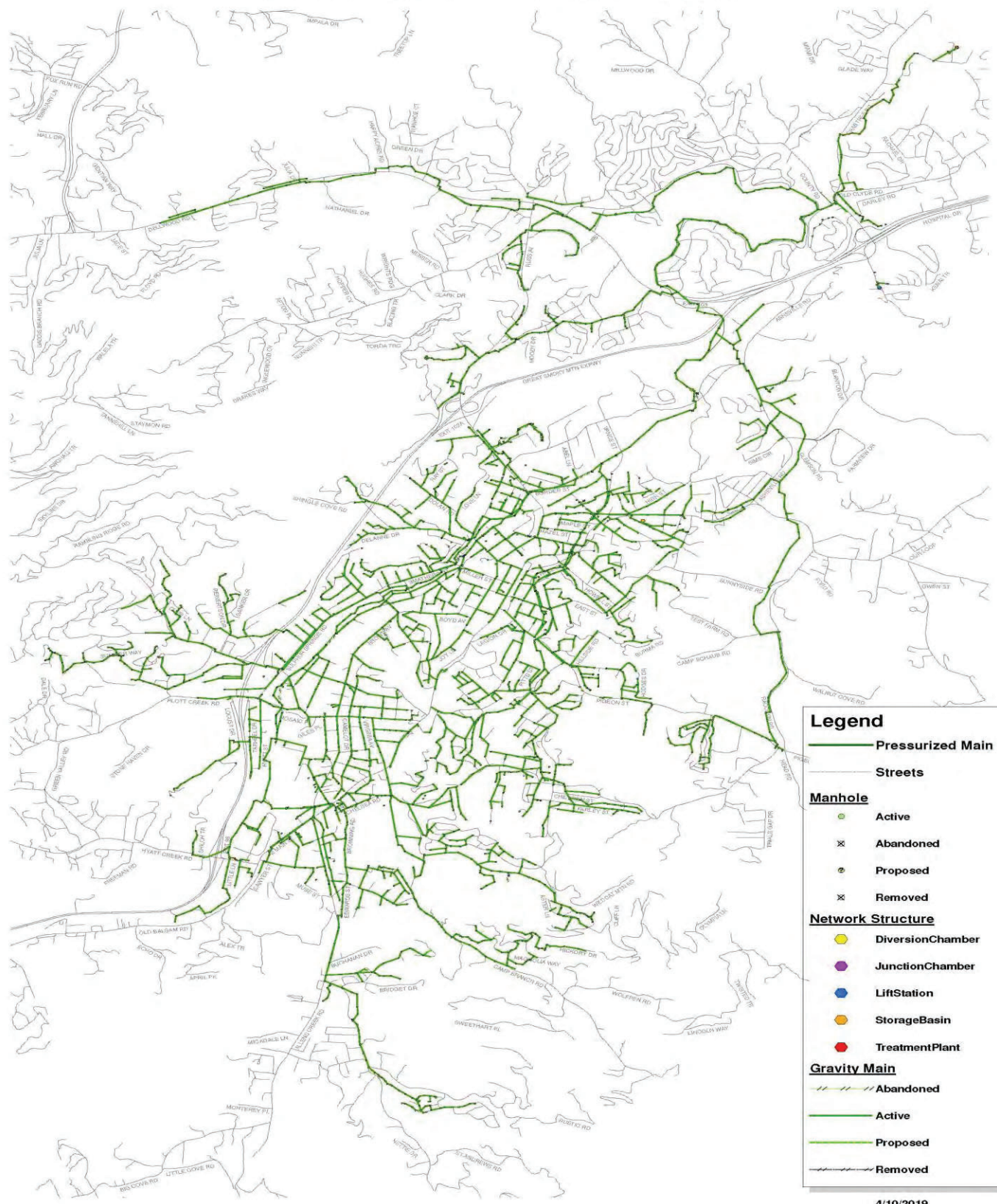
APPENDICES

SEWER LINE DATA

TOWN OF WAYNESVILLE LINEAR FEET OF SEWER LINES BY MATERIAL AND INSTALL DECADE

Sum of LENGTH	MATERIAL						
DECADE	Asbestos	Cast Iron	CIPP	Ductile Iron	Polyvinyl Chloride	Vitrified Clay	Grand Total
1930's						6,040.36	6,040.36
1940's	708.89	1,492.35		3,421.73	7,534.84	302,330.91	315,488.71
1960's				1,192.26	1,051.94	18,899.63	21,143.83
1970's	78.41	190.00		84.06	2,257.31	39,921.82	42,531.59
1980's				898.08	30,387.44	6,157.26	37,442.78
1990's		523.78		4,005.77	48,266.05	2,415.53	55,211.13
2000's			1,828.29	22,217.92	31,850.85	1,831.10	57,728.17
2010's					11,291.00		11,291.00
Grand Total	787.30	2,206.12	1,828.29	31,819.81	132,639.43	377,596.60	546,877.56

WAYNESVILLE, NC SEWER FACILITIES



4/10/2019

Documentation of NPDES Permit Violations

NORTH CAROLINA
ENVIRONMENTAL MANAGEMENT COMMISSION

COUNTY OF HAYWOOD

IN THE MATTER OF)	
NORTH CAROLINA)	SPECIAL ORDER BY CONSENT
NPDES PERMIT NC0025321)	
HELD BY)	EMC SOC WQ S19-005
TOWN OF WAYNESVILLE)	
)	

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

- I. The Town and the Commission hereby stipulate the following:
 - (a) The Town holds North Carolina NPDES permit NC0025321 for operation of the Town of Waynesville wastewater treatment plant (WWTP) and for making an outlet therefrom for the discharge of treated wastewater to the Pigeon River, currently classified C waters of this State in the French Broad River Basin. The Town is unable to consistently comply with effluent limitations for Total Suspended Solids (TSS) and fecal coliform as set forth in NPDES Permit NC0025321. Compliance will require preparation of plans and specifications for construction and operation of an upgraded WWTP and continued reduction of inflow and infiltration (I&I) within the collection system.
 - (b) Noncompliance with final effluent limits constitutes causing and contributing to pollution of the waters of this State named above, and the Town is within the jurisdiction of the Commission as set forth in G.S. Chapter 143, Article 21.
 - (c) The Town has secured funding for the planning, design and construction of improvements to the current WWTP, which includes upgrade of the headworks, removal of primary clarifiers and replacement with primary drum filters, rehabilitation of the current aeration basins, installation of two new circular secondary clarifiers, improvements in solids management, conversion of the anaerobic digester to an aerated sludge holding tank and conversion from gas to liquid disinfection. Completion of the project will provide the Town with the ability to adequately treat incoming wastewater, properly manage solids and aid the facility in returning to compliance with NPDES Permit No. NC0025321.
 - (d) Since this Special Order is by Consent, neither party will file a petition for a contested case or for judicial review concerning its terms.
2. The Town, desiring to comply with the permit identified in paragraph 1(a) above, hereby agrees to do the following:
 - (a) The Town has outstanding civil penalty assessments for NPDES permit NC0025321 that total \$20,645.48. The Town has violations that have not been assessed by the Division to-date that approximate \$22,500. As settlement of all violations, including those assessed and pending, the

Town agrees to pay an upfront penalty of \$4,129.00, with the remaining amount of \$16,516.48 to be held in abeyance until the successful completion of this SOC. Upon the successful completion of this SOC, the remaining penalty amount held in abeyance (\$16,516.48 assessed) will be remitted in full and the assessment of pending violations waived. Should the Special Order of Consent not reach successful conclusion, the full remaining assessed penalty of \$16,516.48 will be due immediately by check payable to the North Carolina Department of Environmental Quality and forwarded to the Director. The Division retains the right to address those violations not assessed approximating \$22,500 if the SOC is not successfully completed.

- (b) Undertake the following activities in accordance with the indicated time schedule:
- (1) Within **60 days**, following the issuance of the SOC, submit an update on current I&I reduction efforts and a copy of the Town's current collection system CIP.
 - (2) On or before **April 15, 2021**, submit approvable plans for an Authorization to Construct.
 - (3) On or before **November 1, 2020**, submit and/or make available online the flow measurements obtained from the meter installed downstream of the intermediate pump station.
 - (4) Four (4) months following issuance of the AtoC, advertise project, receive bids & receive authority to award for the construction of plant improvements
 - (5) Three (3) months following receipt of authority to award the construction contract, begin construction of the plant improvements as outlined in the AtoC.
 - (6) Twenty-four (24) months after beginning construction, complete construction of the Waynesville WWTP improvements.
 - (7) Three (3) months following completion of construction, achieve compliance with the NPDES Permit NC0025321.
 - (8) Provide quarterly progress reports summarizing activities undertaken by the Town regarding the construction of the WWTP. Reports will also provide a summary of the performance of the Town's existing WWTP during the previous quarter, and detail efforts made to optimize the WWTP during that time.
 - (9) Provide semi-annual progress reports on the Town's concurrent efforts to address and remove significant sources of I&I. Additionally, updated copies of the Town's CS CIP shall be submitted as they become available. Reports may be provided by hard copy or electronic means and shall be received by the NC DEQ Asheville Regional Office and the DWR Central Office no later than the 10th day following the end of the quarter during the period of time the Order is in effect.
- (c) During the time in which this Special Order by Consent is effective, comply with the interim

effluent limitations contained in Attachment A. Under this Special Order of Consent, **only the parameters listed below have been modified from the most current NPDES Permit in effect.** The following reflects only the limitations that have been modified from NPDES requirements by this Order:

Parameter	Units	Current Permit Limits		Modified Limits (SOC)	
		Monthly Average	Weekly Average	Monthly Average	Weekly Average
Total Suspended Solids (TSS)	mg/L	30	45	45	100
Fecal Coliform	mg/L	200	400	200	600

(d) No later than thirty (30) calendar days after any date identified for accomplishment of any activity listed in paragraph 2. (b) (1) – (7) above, submit to the Director of DWR a **written notice** of compliance (including the date compliance was achieved along with supporting documentation if applicable) or noncompliance therewith. In the case of noncompliance, the notice shall include a statement of the reason(s) for noncompliance, remedial action(s) taken, and a statement identifying the extent to which subsequent dates or times for accomplishment of listed activities may be affected.

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

SOC Violation	Stipulated Penalty
Failure to meet a schedule date listed in paragraphs 2.(b)(1) through 2.(b)(6).	\$1000 per missed schedule date within the first seven (7) days of tardiness; \$750 per day thereafter.
Failure to submit progress reports as required by paragraph 2.(b)(7&8).	\$1000 for the first violation; penalty doubles with each subsequent assessment for late reports.
Failure to maintain compliance with any modified limit contained in the SOC.	\$1000 for exceeding monthly average limit; \$500 for exceeding weekly average limits.,
Monitoring frequency violations for modified parameters	\$100.00 per omitted value per parameter

4. The Town and the Commission agree that the stipulated penalties are not due if the Town satisfies DWR that noncompliance was caused solely by:

- (a) An act of God;
- (b) An act of war;
- (c) An intentional act or omission of a third party, but this defense shall not be available if the act or omission is that of an employee or agent of the defendant or if the act or omission occurs in connection with a contractual relationship with the permittee;
- (d) An extraordinary event beyond the permittee's control. Contractor delays or failure to obtain

funding will not be considered as events beyond the permittee's control; or

(e) Any combination of the above causes.

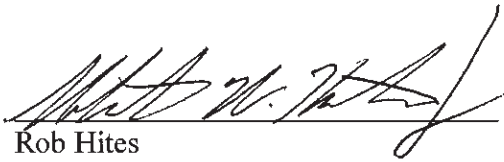
Failure within thirty (30) days of receipt of written demand to pay the penalties, or challenge them by a contested case petition pursuant to G.S. 150B-23, will be grounds for a collection action, which the Attorney General is hereby authorized to initiate. The only issue in such an action will be whether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

5. This Special Order by Consent and any terms and/or conditions contained herein, hereby supersede any and all previous Special Orders, Enforcement Compliance Schedule Letters, terms, conditions, and limits contained therein issued in connection with NPDES permit NC0025321.
6. Failure to meet the schedule dates identified in section 2 may terminate this Special Order by Consent and require the Town to comply with the terms and conditions contained in permit NC0025321.
7. Noncompliance with the terms of this Special Order by Consent is subject to enforcement action in addition to the above stipulated penalties, including injunctive relief pursuant to G.S. 143-215.6.C.
8. In accordance with the provisions of G.S. 143-215.67(b) the Commission allows the Town of Waynesville to accept the additional waste specified below to its waste disposal system. The approval of additional flow will be in the form of an issued sewer extension permit.

Project	Gallons per Day
Total Projected New Flow Over Term of SOC to Provide Minimum Reasonable Service	155,000
Total	155,000

8. The permittee, upon signature of this Special Order by Consent, will be expected to comply with all schedule dates, terms, and conditions of this document.
9. This Special Order by Consent shall expire July 1, 2024.

For the Town of Waynesville:

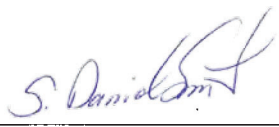


Rob Hites
Town Manager

10/26/2020

Date

For the North Carolina Environmental Management Commission



Director, Division of Water Resources

12/31/2020

Date

**Wastewater Treatment Plant Improvements Phase 1
Town of Waynesville, North Carolina**

Date of Notice	Parameter	Time of Occurrence	Effluent Value	Limit	Fine
March 23, 2020	bypass of primary effluent	February 6, 2020	114,000 gal	n/a	
April 13, 2020	bypass of primary effluent	February 11, 2020	35,000 gal,	n/a	\$2,630.37
	bypass of primary effluent	February 13, 2020	70,000 gal	n/a	
	bypass of primary effluent	March 25, 2020	44,000 gal	n/a	\$1,380.37
May 26, 2020	bypass of primary effluent	April 20, 2020	100,000 gal	n/a	\$3,130.37
November 24, 2020	influent monitoring	September 22-30, 2020	n/a	n/a	
May 20, 2021	Total Suspended Solids	Moith of February 2021	59.05	45	\$5,024.43
	Total Suspended Solids	Week of March 20, 2021	126.6	100	
	Total Suspended Solids	Month of March 2021	72.83	45	
	BOD, 5-day Concentratio	Week of March 27, 2021	63.8	45	
June 9, 2021	BOD, 5-day Concentratio	Month of March 2021	40.26	30	
	Total Suspended Solids	Month of April 2021	64.1	45	
July 1, 2021	BOD, 5-day Concentratio	Month of April 2022	34.43	30	\$2,124.43
	Total Suspended Solids	Week of May 1, 2021	118.2	100	
	Total Suspended Solids	Week of May 8, 2021	112.4	100	
	Total Suspended Solids	Month of May 2021	68.45	45	
September 7, 2021	Fecal Coliform	Week of July 17, 2021	1584.66	600	\$624.43
September 21, 2021	Fecal Coliform	Week of August 21, 2021	679.64	600	\$2,124.43
	Total Suspended Solids	Week of August 7, 2021	102	100	
	Total Suspended Solids	Month of August 2021	61.36	45	
October 29, 2021	Total Suspended Solids	Month of September 2021	54.1	45	\$1,113.78
November 29, 2021	Fecal Coliform	Week of October 9, 2021	1094.06	600	
	Total Suspended Solids	Week of October 9, 2021	131.6	100	
	Total Suspended Solids	Month of October 2021	57.62	45	
	Oxygen, Dissolved	10/7/2021	5.5	6	
Jnauary 18, 2022	Total Suspended Solids	Month of December 2021	86	45	
	BOD, 5-day Concentratio	Week of December 25, 2021	58.33	45	
	BOD, 5-day Concentratio	Month of December 2021	43.84	30	
February 21, 2022	Total Suspended Solids	Week of January 1, 2022	155.67	100	
	Total Suspended Solids	Week of January 8, 2022	100.8	100	
	Total Suspended Solids	Week of January 22	125.5	100	
	Total Suspended Solids	Month of January 2022	85.15	45	
	BOD, 5-day Concentratio	Week of January 1, 2022	61.67	45	
	BOD, 5-day Concentratio	Week of January 8, 2022	49.6	45	
	BOD, 5-day Concentratio	Week of January 22	73.5	45	
	BOD, 5-day Concentratio	Month of January 2022	47.55	30	

ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

S. DANIEL SMITH
Director



NORTH CAROLINA
Environmental Quality

March 23, 2020

Gary Caldwell, Mayor
Town of Waynesville
PO Box 100
Waynesville, NC 28786

SUBJECT: **NOTICE OF VIOLATION**
Tracking Number: NOV-2020-PC-0168
Unauthorized Bypass
Permit No. NC0025321
County: Haywood

Dear Mr. Caldwell:

A review has been conducted of the self-reported Bypass 5-Day Report submitted by Mark Jones on February 10, 2020. The Division's Asheville Regional Office (ARO) concludes that the Town of Waynesville violated Permit Condition Part II.C.4.c.1: *Bypass from the treatment facility is prohibited and the Permit Issuing Authority may take enforcement action against a Permittee for bypass.*

Specific incident cited in the violation includes the following:

A 114,000-gallon unauthorized bypass of primary effluent from the basin prior to the primary effluent pump building to Richland Creek occurred on February 6, 2020.

This Notice of Violation (NOV) is being issued for the noted violation of North Carolina General Statute (G.S.) 143-215.1 and the facility's NPDES Permit. Remedial actions, if not already implemented, should be taken to correct the above noncompliance and to prevent future noncompliance.

If you have any questions, please do not hesitate to contact Mikal Willmer with the Water Quality Section of the Asheville Regional Office at (828) 296-4686 or via email at mikal.willmer@ncdenr.gov.

Sincerely,

DocuSigned by:

7E617A38295848C

G. Landon Davidson, P.G., Regional Supervisor
Water Quality Regional Operations Section
Asheville Regional Office
Division of Water Resources, NCDEQ

EC: WQS-ARO Server, LF

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ROY COOPER

Governor

MICHAEL S. REGAN

Secretary

S. DANIEL SMITH

Director

NORTH CAROLINA
Environmental Quality

CERTIFIED MAIL #:7019 1640 0000 1354 3415
RETURN RECEIPT REQUESTED

April 13, 2020

Gary Caldwell, Mayor
 Town of Waynesville
 PO Box 100
 Waynesville, NC 28786

SUBJECT: **NOTICE OF VIOLATION & INTENT TO ISSUE CIVIL PENALTY**
Tracking Number: NOV-2020-PC-0171
 Unauthorized Bypass
 Permit No. NC0025321
 County: Haywood

Dear Mr. Caldwell:

A review has been conducted of the self-reported Bypass 5-Day Reports submitted by Mark Jones on February 12 and February 13, 2020. The Division's Asheville Regional Office (ARO) concludes that the Town of Waynesville violated Permit Condition Part II.C.4.c.1: *Bypass from the treatment facility is prohibited and the Permit Issuing Authority may take enforcement action against a Permittee for bypass.*

Specific incidents cited in the violation include the following:

- 1. A 35000-gallon unauthorized bypass from the basin prior to the primary effluent pump building to Richland Creek occurred on February 11, 2020.**
- 2. A 70000-gallon unauthorized bypass from the basin prior to the primary effluent pump building to Richland Creek occurred on February 13, 2020**

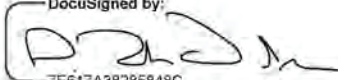
This Notice of Violation/Notice of Intent to Enforce (NOV/NOI) is being issued for the noted violations of North Carolina General Statute (G.S.) 143-215.1 and the facility's NPDES Permit. Pursuant to G.S. 143-215.6A, a civil penalty of not more than \$25,000.00 may be assessed against any person who violates or fails to act in accordance with terms, conditions or requirements of any permit issued pursuant to G.S. 143-215.1.

Please submit a written response to this Notice of Violation. Your response is to be received by the regional office **within 60 days** following receipt of this violation. A detailed timeline of the immediate response and corrective action taken to abate the bypass by facility staff was submitted along with the 5-day report. The ARO requests the Town include any additional documentation regarding the long-term plan to help prevent further equipment failures. The submittal will be considered in determining whether the Division will assess a civil penalty for the cited violations.



If you have any questions, please do not hesitate to contact Mikal Willmer with the Water Quality Section of the Asheville Regional Office at (828) 296-4686 or via email at mikal.willmer@ncdenr.gov.

Sincerely,

DocuSigned by:

7E617A38285848C...

G. Landon Davidson, P.G., Regional Supervisor
Water Quality Regional Operations Section
Asheville Regional Office
Division of Water Resources, NCDEQ

EC: WQS-ARO Server, LF

G:\WR\WQ\Haywood\Wastewater\Municipal\Waynesville WWTP 25321\Violations\Bypasses\2020\NC0025321_NOVNOI2020PC0171_20200413

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- 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.

Gary Caldwell, Mayor
Town of Waynesville
PO Box 100
Waynesville, NC 28786



9590 9402 5735 0003 0248 21

7019 1640 0000 1354 3415

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature
[Handwritten Signature]

B. Received by (Printed Name)
Robert Caldwell

C. Date of Delivery
 APR 14 2020

Is delivery address different from item #1? YES No
 If YES, enter delivery address below.

APR 16 2020
 Regional Operations
 Regional Office

- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Restricted Delivery

Domestic Return Receipt

04/13/2020 mw
 NOV-2020-PC-0171
 Unauthorized Bypass
 HAYWO

ROY COOPER
Governor
MICHAEL S. REGAN
Secretary
S. DANIEL SMITH
Director



NORTH CAROLINA
Environmental Quality

CERTIFIED MAIL #: 7019 1640 0000 1354 3422
RETURN RECEIPT REQUESTED

April 13, 2020

Gary Caldwell, Mayor
Town of Waynesville
PO Box 100
Waynesville, NC 28786

SUBJECT: **NOTICE OF VIOLATION & INTENT TO ISSUE CIVIL PENALTY**
Tracking Number: NOV-2020-PC-0197
Unauthorized Bypass
Permit No. NC0025321
County: Haywood

Dear Mr. Caldwell:

A review has been conducted of the self-reported Bypass 5-Day Report submitted by Mark Jones on March 25, 2020. The Division's Asheville Regional Office (ARO) concludes that the Town of Waynesville violated Permit Condition Part II.C.4.c.1: *Bypass from the treatment facility is prohibited and the Permit Issuing Authority may take enforcement action against a Permittee for bypass.*

Specific incident cited in the violation includes the following:

- 1. A 44000-gallon unauthorized bypass from the primary effluent pump building area to Richland Creek occurred on March 25, 2020.**

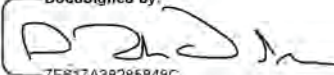
This Notice of Violation/Notice of Intent to Enforce (NOV/NOI) is being issued for the noted violations of North Carolina General Statute (G.S.) 143-215.1 and the facility's NPDES Permit. Pursuant to G.S. 143-215.6A, a civil penalty of not more than \$25,000.00 may be assessed against any person who violates or fails to act in accordance with terms, conditions or requirements of any permit issued pursuant to G.S. 143-215.1.

Please submit a written response to this Notice of Violation. Your response is to be received by the regional office **within 60 days** following receipt of this violation. The submittal will be considered in determining whether the Division will assess a civil penalty for the cited violations.



If you have any questions, please do not hesitate to contact Mikal Willmer with the Water Quality Section of the Asheville Regional Office at (828) 296-4686 or via email at mikal.willmer@ncdenr.gov.

Sincerely,

DocuSigned by:

7E617A38285846C...

G. Landon Davidson, P.G., Regional Supervisor
Water Quality Regional Operations Section
Asheville Regional Office
Division of Water Resources, NCDEQ

EC: WQS-ARO Server, LF

G:\WR\WQ\Haywood\Wastewater\Municipal\Waynesville WWTP 25321\Violations\Bypasses\2020\NC0025321_NOVNOI2020PC0197_20200413

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- 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:

Gary Caldwell, Mayor
Town of Waynesville
PO Box 100
Waynesville, NC 28786



9590 9402 5735 0003 0248 14

7019 1640 0000 1354 342E

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature
 X *[Signature]* Agent Address

B. Received by (Printed Name) *[Signature]* Date of Delivery *[Signature]*

C. Is delivery address different from item 1? Yes No

If Yes, enter delivery address below:
APR 18 2020

- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

3. Service Time
 04/13/2020 mw
 NOV-2020-PC-0197
 Unauthorized Bypass
 HAYWO

Domestic Return Receipt



ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

S. DANIEL SMITH
Director

CERTIFIED MAIL #: 7019 1640 0000 1354 3927
RETURN RECEIPT REQUESTED

May 26, 2020

Rob Hites, Town Manager
Town of Waynesville
PO Box 100
Waynesville, NC 28786

SUBJECT: **NOTICE OF VIOLATION & INTENT TO ISSUE CIVIL PENALTY**

Tracking Number: NOV-2020-PC-0425 ←

Unauthorized Bypass
Permit No. NC0025321

Typo, tracking number is
NOV-2020-PC-0245

Dear Mr. Hites:

A review has been conducted of the self-reported Bypass 5-Day Report submitted by Mark Jones on April 30, 2020. The Division's Asheville Regional Office (ARO) concludes that the Town of Waynesville violated Permit Condition Part II.C.4.c1: *Bypass from the treatment facility is prohibited and the Permit Issuing Authority may take enforcement action against a Permittee for bypass.*

Specific incident cited in the violation includes the following:

A 100,000-gallon unauthorized bypass of partially treated wastewater from the primary effluent pump building area to Richland Creek occurred on April 30, 2020.

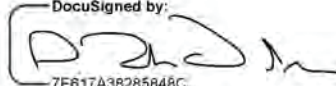
This Notice of Violation/Notice of Intent to Enforce (NOV/NOI) is being issued for the noted violation of North Carolina General Statute (G.S.) 143-215.1 and the facility's NPDES Permit. Pursuant to G.S. 143-215.6A, a civil penalty of not more than \$25,000.00 may be assessed against any person who violates or fails to act in accordance with terms, conditions or requirements of any permit issued pursuant to G.S. 143-215.1.

Please submit a written response to this Notice of Violation (email is acceptable). Your response is to be received by the regional office **within 60 days** following receipt of this violation. The submittal will be considered in determining whether the Division will assess a civil penalty for the cited violations.



If you have any questions, please do not hesitate to contact Mikal Willmer with the Water Quality Section in the Asheville Regional Office at (828) 296-4686 or via email at mikal.willmer@ncdenr.gov.

Sincerely,

DocuSigned by:

7E817A38285848C

G. Landon Davidson, P.G., Regional Supervisor
Water Quality Regional Operations Section
Asheville Regional Office
Division of Water Resources, NCDEQ

Ec: LF

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the card so that we can return the card to you.
- Attach this card to the back of the envelope or on the front if space permits.

1. A
Rob Hites, Town Manager
Town of Waynesville
PO Box 100
Waynesville, NC 28786



9590 9402 5735 0003 0249 51

7019 1640 0000 1354 3927

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature
[Handwritten Signature]
X Agent Address
B. Received by (Printed Name)
C. Date of Delivery
5-28-20

D. Is delivery address different from item A? Yes No
If YES, enter delivery address below:
[Handwritten Address]

- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt with Confirmation™
- Signature Confirmation™
- Restricted Delivery

05/27/2020 mw
NOV-2020-PC-0425
Unauthorized Bypass
Permit # NC002517
HAYWO

Domestic Return Receipt

DIVISION OF WATER RESOURCES- CIVIL PENALTY ASSESSMENT

Violator: Town of Waynesville

Facility Name: Waynesville WWTP

Permit Number: NC0025321

County: Haywood

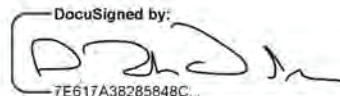
Case Number: PC-2020-0019

ASSESSMENT FACTORS

- 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;**
The extent of harm is unknown. Richland Creek is a Class C water protected for secondary recreational use. Unpermitted bypasses of treatment units to surface waters may be detrimental but not readily quantifiable. No fish kill reported immediately following the bypass.
- 2) **The duration and gravity of the violation;**
Approximately 35,000 gallons and 70,000 gallons of primary effluent discharged to Richland Creek on February 11 and 13, 2020, respectively.
- 3) **The effect on ground or surface water quantity or quality or on air quality;**
The effect on surface water is unknown. Unpermitted bypasses of treatment units to surface waters may be detrimental but not readily quantifiable. No fish kill reported immediately following the bypass.
- 4) **The cost of rectifying the damage;**
Exact costs of corrective action are unknown.
- 5) **The amount of money saved by noncompliance;**
The exact amount of money saved by noncompliance is unknown. Money saved would include the costs of upgrades to the treatment units of the facility.
- 6) **Whether the violation was committed willfully or intentionally;**
We do not believe the violation was committed willfully or intentionally. Many of the treatment components are reaching the end of their useable life span and need replacement. The Town has applied for an SOC and it is currently in draft.
- 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**
There have been zero (0) civil penalties for bypasses within the previous 12 months and one (1) civil penalty for a bypass in the previous five years.
- 8) **The cost to the State of the enforcement procedures.**
\$130.37

6/17/2020

Date

DocuSigned by:

7E617A38285848C...

**G. Landon Davidson, P.G., Regional Supervisor
Water Quality Regional Operations Section
Asheville Regional Office
Division of Water Resources, NCDEQ**

ROY COOPER
Governor
MICHAEL S. REGAN
Secretary
S. DANIEL SMITH
Director



Certified Mail #7019 1640 0000 1354 3224
Return Receipt Requested

June 16, 2020

Gary Caldwell
Town of Waynesville
PO Box 100
Waynesville, NC 28786

SUBJECT: Notice of Violation and Assessment of Civil Penalty
for Violations of North Carolina General Statute (G.S.) 143-215.1(a)(6)
and NPDES WW Permit No. NC0025321
Town of Waynesville
Waynesville WWTP
Case No. PC-2020-0019
Haywood County

Dear Permittee:

This letter transmits a Notice of Violation and assessment of civil penalty in the amount of \$2,630.37 (\$2,500 civil penalty + \$130.37 enforcement costs) against the Town of Waynesville.

This assessment is based upon the following facts: An unpermitted bypass of 35,000 gallons of primary effluent to Richland Creek from the Waynesville WWTP occurred on February 11, 2020. An additional unpermitted bypass of 75,000 gallons of primary effluent to Richland Creek from the Waynesville WWTP occurred on February 13, 2020. A review of the 5-day reports, discussions with facility staff and response to the Notice of Violation and Intent to Issue Civil Penalty (NOV-2020-PC-0171) have shown the subject facility to be in violation of the conditions and limitations found in NPDES WW Permit No. NC0025321. The violations reported and reviewed by the Division are summarized in Attachment A to this letter.

Based upon the above facts, I conclude as a matter of law that the Town of Waynesville violated the terms, conditions or requirements of NPDES WW Permit No. NC0025321 and G.S. 143-215.1(a)(6) 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 Environmental Quality and the Director of the Division of Water Resources, I, G. Landon Davidson, P.G., Regional Office Supervisor, Asheville Regional Office hereby make the following civil penalty assessment against the Town of Waynesville :

\$1,000.00 For 1 of 1 violation of the conditions and limitations specified in NPDES WW Permit No. NC0025321, through an unpermitted bypass of primary effluent to Richland Creek on February 11, 2020.

\$1,500.00 For 1 of 1 violation of the conditions and limitations specified in NPDES WWP Permit No. NC0025321 through an unpermitted bypass of primary effluent to Richland Creek on February 13, 2020.

\$2,500.00 **TOTAL CIVIL PENALTY**

\$130.37 Enforcement Costs

\$2,630.37 **TOTAL AMOUNT DUE**

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 (30) 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 Environmental Quality (*do not include waiver form*). Payment of the penalty will not foreclose further enforcement action for any continuing or new violation(s). Please submit payment to the attention of:

Wastewater Branch
Division of Water Resources
1617 Mail Service Center
Raleigh, North Carolina 27699-1617

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
Division of Water Resources
1617 Mail Service Center
Raleigh, North Carolina 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) 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:

6714 Mail Service Center
Raleigh, NC 27699 6714
Tel: (919) 431-3000
Fax: (919) 431-3100

One (1) copy of the petition must also be served on DEQ as follows:

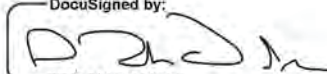
Mr. William F. Lane, General Counsel
Department of Environmental Quality
1601 Mail Service Center
Raleigh, North Carolina 27699-1601

Please indicate the case number (as found on page one of this letter) on the petition.

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.

If you have any questions, please contact Mikal Willmer with the Division of Water Resources staff of the Asheville Regional Office at 828-296-4500 or via email at mikal.willmer@ncdenr.gov.

Sincerely,

DocuSigned by:

7E617A38285848C

G. Landon Davidson, P.G., Regional Supervisor
Water Quality Regional Operations Section
Asheville Regional Office
Division of Water Resources, NCDEQ

ATTACHMENTS: Justification for Remission Request

Attachment A

EC: LF

JUSTIFICATION FOR REMISSION REQUEST

Case Number: PC-2020-0019
Assessed Party: Town of Waynesville
Permit No.: NC0025321

County: Haywood

Amount Assessed: \$2,630.37

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:

STATE OF NORTH CAROLINA

DEPARTMENT OF ENVIRONMENTAL QUALITY

COUNTY OF

IN THE MATTER OF ASSESSMENT
OF CIVIL PENALTIES AGAINST

)
)
)

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

**Town of Waynesville
Waynesville WWTP**

)
)
)

PERMIT NO. NC0025321

CASE NO. PC-2020-0019

Having been assessed civil penalties totaling \$2,630.37 for violation(s) as set forth in the assessment document of the Division of Water Resources dated June 16, 2020, the undersigned, desiring to seek remission of the civil penalty, does hereby waive the right to an administrative hearing in the above-stated matter and does stipulate that the facts are as alleged in the assessment document. The undersigned further understands that all evidence presented in support of remission of this civil penalty must be submitted to the Director of the Division of Water Resources within thirty (30) days of receipt of the notice of assessment. No new evidence in support of a remission request will be allowed after (30) days from the receipt of the notice of assessment.

This the _____ day of _____, 20____

SIGNATURE

ADDRESS

TELEPHONE

ATTACHMENT A

Town of Waynesville

CASE NUMBER: PC-2020-0019

PERMIT NO: NC0025321

REGION: Asheville

FACILITY: Waynesville WWTP

COUNTY: Haywood

VIOLATION DATE	AREA	VIOLATION TYPE	VIOLATION DESCRIPTION	PENALTY AMOUNT
02/11/2020	Primary Clarifier	Unauthorized Bypass	35,000-gallon unpermitted bypass of primary effluent to Richland Creek occurred from the the Waynesville WWTP.	\$1000.00
02/13/2020	Primary Clarifier	Unauthorized Bypass	70,000-gallon unpermitted bypass of primary Effluent to Richland Creek occurred from the Waynesville WWTP.	\$1500.00

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- 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:

Gary Caldwell
Town of Waynesville
PO Box 100
Waynesville, NC 28786



9590 9402 5735 0003 0176 01

2. Tracking Number (transfer from service label)

7019 1640 0000 1354 3224

PS Form 3811, July 2015 PSN 7530-02-000-0000

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee

B. Received by (Printed Name) Waynesville Regional Office

C. Date of Delivery 06-22-20

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

JUN 24 2020



Water Quality Regional Operations
Asheville Regional Office

3. Service Type Priority Mail Express®
 Registered Mail™
 Registered Mail Restricted Delivery
 Return Receipt for Merchandise
 Signature Confirmation™
 Signature Confirmation Restricted Delivery

06/19/2020 mw
PC-2020-0019
Waynesville WWTP -
NC0025321
HAYWO

Domestic Return Receipt

DIVISION OF WATER RESOURCES- CIVIL PENALTY ASSESSMENT

Violator: Town of Waynesville

Facility Name: Waynesville WWTP

Permit Number: NC0025321

County: Haywood

Case Number: PC-2020-0020

ASSESSMENT FACTORS

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;

The extent of harm is unknown. Richland Creek is a Class C water protected for secondary recreational use. Unpermitted bypasses of treatment units to surface waters may be detrimental but not readily quantifiable. No fish kill reported immediately following the bypass.

2) The duration and gravity of the violation;

Approximately 44,000 gallons of primary effluent discharged to Richland Creek on March 25, 2020.

3) The effect on ground or surface water quantity or quality or on air quality;

The effect on surface water is unknown. Unpermitted bypasses of treatment units to surface waters may be detrimental but not readily quantifiable. No fish kill reported immediately following the bypass.

4) The cost of rectifying the damage;

Exact costs of corrective action are unknown.

5) The amount of money saved by noncompliance;

The exact amount of money saved by noncompliance is unknown. Money saved would include the costs of upgrades to the treatment units of the facility.

6) Whether the violation was committed willfully or intentionally;

We do not believe the violation was committed willfully or intentionally. Many of the treatment components are reaching the end of their useable life span and need replacement. The Town has applied for an SOC and it is currently in draft.

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

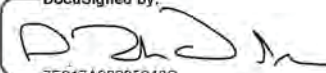
There has been one (1) civil penalty for a bypass within the previous 12 months and two (2) civil penalties for bypasses in the previous five years.

8) The cost to the State of the enforcement procedures.

\$130.37

6/19/2020

Date

DocuSigned by:

7E617A38285848C

**G. Landon Davidson, P.G., Regional Supervisor
Water Quality Regional Operations Section
Asheville Regional Office
Division of Water Resources, NCDEQ**

ROY COOPER
Governor
MICHAEL S. REGAN
Secretary
S. DANIEL SMITH
Director



Certified Mail #7019 1640 0000 1354 3231
Return Receipt Requested

June 17, 2020

Gary Caldwell
Town of Waynesville
PO Box 100
Waynesville, NC 28786

SUBJECT: Notice of Violation and Assessment of Civil Penalty
for Violations of North Carolina General Statute (G.S.) 143-215.1(a)(6)
and NPDES WW Permit No. NC0025321
Town of Waynesville
Waynesville WWTP
Case No. PC-2020-0020
Haywood County

Dear Permittee:

This letter transmits a Notice of Violation and assessment of civil penalty in the amount of \$1,380.37 (\$1,250 civil penalty + \$130.37 enforcement costs) against the Town of Waynesville.

This assessment is based upon the following facts: An unpermitted bypass of 44,000 gallons of primary effluent to Richland Creek from the Waynesville WWTP occurred on March 25, 2020. A review of the 5-day reports, discussions with facility staff and response to the Notice of Violation and Intent to Issue Civil Penalty (NOV-2020-PC-0197) have shown the subject facility to be in violation of the conditions and limitations found in NPDES WW Permit No. NC0025321. The violation reported and reviewed by the Division is summarized in Attachment A to this letter.

Based upon the above facts, I conclude as a matter of law that the Town of Waynesville violated the terms, conditions or requirements of NPDES WW Permit No. NC0025321 and G.S. 143-215.1(a)(6) 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 Environmental Quality and the Director of the Division of Water Resources, I, G. Landon Davidson, P.G., Regional Office Supervisor, Asheville Regional Office hereby make the following civil penalty assessment against the Town of Waynesville :

\$1,250.00 For 1 of 1 violation of the conditions and limitations specified in NPDES WW Permit No. NC0025321, through an unpermitted bypass of primary effluent to Richland Creek on March 25, 2020

\$1,250.00 **TOTAL CIVIL PENALTY**

\$130.37 Enforcement Costs

\$1,380.37 **TOTAL AMOUNT DUE**

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 (30) 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 Environmental Quality (*do not include waiver form*). Payment of the penalty will not foreclose further enforcement action for any continuing or new violation(s). Please submit payment to the attention of:

Wastewater Branch
Division of Water Resources
1617 Mail Service Center
Raleigh, North Carolina 27699-1617

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
Division of Water Resources
1617 Mail Service Center
Raleigh, North Carolina 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) 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:

6714 Mail Service Center
Raleigh, NC 27699 6714
Tel: (919) 431-3000
Fax: (919) 431-3100

One (1) copy of the petition must also be served on DEQ as follows:

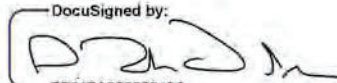
Mr. William F. Lane, General Counsel
Department of Environmental Quality
1601 Mail Service Center
Raleigh, North Carolina 27699-1601

Please indicate the case number (as found on page one of this letter) on the petition.

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.

If you have any questions, please contact Mikal Willmer with the Division of Water Resources staff of the Asheville Regional Office at 828-296-4500 or via email at mikal.willmer@ncdenr.gov.

Sincerely,

DocuSigned by:

7E617A38285848C

G. Landon Davidson, P.G., Regional Supervisor
Water Quality Regional Operations Section
Asheville Regional Office
Division of Water Resources, NCDEQ

ATTACHMENTS: Justification for Remission Request

Attachment A

EC: LF

JUSTIFICATION FOR REMISSION REQUEST

Case Number: PC-2020-0020
Assessed Party: Town of Waynesville
Permit No.: NC0025321

County: Haywood
Amount Assessed: \$1380.37

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:

STATE OF NORTH CAROLINA

DEPARTMENT OF ENVIRONMENTAL QUALITY

COUNTY OF

IN THE MATTER OF ASSESSMENT
OF CIVIL PENALTIES AGAINST

)
)
)

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

**Town of Waynesville
Waynesville WWTP**

)
)
)

PERMIT NO. NC0025321

CASE NO. PC-2020-0020

Having been assessed civil penalties totaling \$1380.37 for violation(s) as set forth in the assessment document of the Division of Water Resources dated June 17, 2020, the undersigned, desiring to seek remission of the civil penalty, does hereby waive the right to an administrative hearing in the above-stated matter and does stipulate that the facts are as alleged in the assessment document. The undersigned further understands that all evidence presented in support of remission of this civil penalty must be submitted to the Director of the Division of Water Resources within thirty (30) days of receipt of the notice of assessment. No new evidence in support of a remission request will be allowed after (30) days from the receipt of the notice of assessment.

This the _____ day of _____, 20____

SIGNATURE

ADDRESS

TELEPHONE

ATTACHMENT A

Town of Waynesville

CASE NUMBER: PC-2020-0020

PERMIT NO: NC0025321

REGION: Asheville

FACILITY: Waynesville WWTP

COUNTY: Haywood

VIOLATION DATE	AREA	VIOLATION TYPE	VIOLATION DESCRIPTION	PENALTY AMOUNT
03/25/2020	Primary Clarifier	Unauthorized Bypass	44,000-gallon unpermitted bypass of primary effluent to Richland Creek occurred from the the Waynesville WWTP.	\$1250.00

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- 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:

Gary Caldwell
 Town of Waynesville
 PO Box 100
 Waynesville, NC 28786



9590 9402 5735 0003 0177 48

7019 1640 0000 1354 3231

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature *[Handwritten Signature]*
 Agent
 Addressee

B. Received by (Printed Name)
[Handwritten: Gary Caldwell]

C. Date of Delivery
[Handwritten: 6-22-20]

D. Is delivery address different from item 1? Yes No
 If YES, enter delivery address below:

[Handwritten: JUN 24 2020]

[Handwritten: Thanks!]



[Handwritten: Regional Operations]

3. Service Options
- Priority Mail Express®
 - Registered Mail™
 - Registered Mail Restricted Delivery
 - Return Receipt for Merchandise
 - Signature Confirmation™
 - Signature Confirmation Restricted Delivery

06/19/2020 mw
 PC-2020-0020
 Waynesville WWTP -
 NC0025321

Domestic Return Receipt

[Handwritten: HAYWO]

DIVISION OF WATER RESOURCES- CIVIL PENALTY ASSESSMENT

Violator: Town of Waynesville

Facility Name: Waynesville WWTP

Permit Number: NC0025321

County: Haywood

Case Number: PC-2020-0028

ASSESSMENT FACTORS

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;

The extent of harm is unknown. Richland Creek is a Class C water protected for secondary recreational use. Unpermitted bypasses of treatment units to surface waters may be detrimental but not readily quantifiable. No fish kill reported immediately following the bypass.

2) The duration and gravity of the violation;

Approximately 100,000 gallons of primary effluent discharged to Richland Creek on April 30, 2020.

3) The effect on ground or surface water quantity or quality or on air quality;

The effect on surface water is unknown. Unpermitted bypasses of treatment units to surface waters may be detrimental but not readily quantifiable. No fish kill reported immediately following the bypass.

4) The cost of rectifying the damage;

Exact costs of corrective action are unknown.

5) The amount of money saved by noncompliance;

The exact amount of money saved by noncompliance is unknown. Money saved would include the costs of upgrades to the treatment units of the facility.

6) Whether the violation was committed willfully or intentionally;

We do not believe the violation was committed willfully or intentionally. Many of the treatment components are reaching the end of their useable life span and need replacement. The Town has applied for an SOC and it is currently in draft.

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

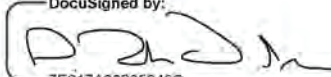
There have been (2) civil penalties for a bypass within the previous 12 months.

8) The cost to the State of the enforcement procedures.

\$130.37

8/5/2020

Date

DocuSigned by:

7E617A38285848C...

G. Landon Davidson, P.G., Regional Supervisor
Water Quality Regional Operations Section
Asheville Regional Office
Division of Water Resources, NCDEQ

ROY COOPER
Governor
MICHAEL S. REGAN
Secretary
S. DANIEL SMITH
Director



Certified Mail #7019 1640 0000 1354 4313
Return Receipt Requested

August 3, 2020

Gary Caldwell
Town of Waynesville
PO Box 100
Waynesville, NC 28786

SUBJECT: Notice of Violation and Assessment of Civil Penalty
for Violations of North Carolina General Statute (G.S.) 143-215.1(a)(6)
and NPDES WW Permit No. NC0025321
Town of Waynesville
Waynesville WWTP
Case No. PC-2020-0028
Haywood County

Dear Permittee:

This letter transmits a Notice of Violation and assessment of civil penalty in the amount of \$3,130.37 (\$3,000 civil penalty + \$130.37 enforcement costs) against the Town of Waynesville.

This assessment is based upon the following facts: An unpermitted bypass of 100,000 gallons of primary effluent to Richland Creek from the Waynesville WWTP occurred on April 30, 2020. A review of the 5-day reports, discussions with facility staff and response to the Notice of Violation and Intent to Issue Civil Penalty (NOV-2020-PC-0245) have shown the subject facility to be in violation of the conditions and limitations found in NPDES WW Permit No. NC0025321. The violation reported and reviewed by the Division is summarized in Attachment A to this letter.

Based upon the above facts, I conclude as a matter of law that the Town of Waynesville violated the terms, conditions or requirements of NPDES WW Permit No. NC0025321 and G.S. 143-215.1(a)(6) 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 Environmental Quality and the Director of the Division of Water Resources, I, G. Landon Davidson, P.G., Regional Office Supervisor, Asheville Regional Office hereby make the following civil penalty assessment against the Town of Waynesville :

\$3,000.00 For 1 of 1 violation of the conditions and limitations specified in NPDES WW Permit No. NC0025321, through an unpermitted bypass of primary effluent to Richland Creek on April 30, 2020

\$3,000.00 **TOTAL CIVIL PENALTY**

\$130.37 Enforcement Costs

\$3,130.37 **TOTAL AMOUNT DUE**

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 (30) 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 Environmental Quality (*do not include waiver form*). Payment of the penalty will not foreclose further enforcement action for any continuing or new violation(s). Please submit payment to the attention of:

Wastewater Branch
Division of Water Resources
1617 Mail Service Center
Raleigh, North Carolina 27699-1617

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
Division of Water Resources
1617 Mail Service Center
Raleigh, North Carolina 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) 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:

6714 Mail Service Center
Raleigh, NC 27699 6714
Tel: (919) 431-3000
Fax: (919) 431-3100

One (1) copy of the petition must also be served on DEQ as follows:

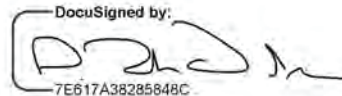
Mr. William F. Lane, General Counsel
Department of Environmental Quality
1601 Mail Service Center
Raleigh, North Carolina 27699-1601

Please indicate the case number (as found on page one of this letter) on the petition.

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.

If you have any questions, please contact Mikal Willmer with the Division of Water Resources staff of the Asheville Regional Office at 828-296-4500 or via email at mikal.willmer@ncdenr.gov.

Sincerely,

DocuSigned by:

7E617A38285848C

G. Landon Davidson, P.G., Regional Supervisor
Water Quality Regional Operations Section
Asheville Regional Office
Division of Water Resources, NCDEQ

ATTACHMENTS: Justification for Remission Request

Attachment A

Ec: LF

JUSTIFICATION FOR REMISSION REQUEST

Case Number: PC-2020-0028
Assessed Party: Town of Waynesville
Permit No.: NC0025321

County: Haywood

Amount Assessed: \$3,130.37

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:

STATE OF NORTH CAROLINA

DEPARTMENT OF ENVIRONMENTAL QUALITY

COUNTY OF

IN THE MATTER OF ASSESSMENT
OF CIVIL PENALTIES AGAINST

)
)
)

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

**Town of Waynesville
Waynesville WWTP**

)
)
)

PERMIT NO. NC0025321

CASE NO. PC-2020-0028

Having been assessed civil penalties totaling \$3,130.37 for violation(s) as set forth in the assessment document of the Division of Water Resources dated August 3, 2020, the undersigned, desiring to seek remission of the civil penalty, does hereby waive the right to an administrative hearing in the above-stated matter and does stipulate that the facts are as alleged in the assessment document. The undersigned further understands that all evidence presented in support of remission of this civil penalty must be submitted to the Director of the Division of Water Resources within thirty (30) days of receipt of the notice of assessment. No new evidence in support of a remission request will be allowed after (30) days from the receipt of the notice of assessment.

This the _____ day of _____, 20____

SIGNATURE

ADDRESS

TELEPHONE

ATTACHMENT A

Town of Waynesville

CASE NUMBER: PC-2020-0028

PERMIT NO: NC0025321

REGION: Asheville

FACILITY: Waynesville WWTP

COUNTY: Haywood

VIOLATION DATE	AREA	VIOLATION TYPE	VIOLATION DESCRIPTION	PENALTY AMOUNT
04/30/2020	Primary Clarifier	Unauthorized Bypass	100,000-gallon unpermitted bypass of primary effluent to Richland Creek occurred from the the Waynesville WWTP.	\$3000.00

Tracking Number: 70191640000013544313

Your item has been delivered and is available at a PO Box at 9:12 am on August 10, 2020 in WAYNESVILLE, NC 28786.

Status:

Delivered

August 10, 2020 at 9:12 am
Delivered, PO Box
WAYNESVILLE, NC 28786

Printed August 14, 2020 for Mikal Willmer re: PC-2020-0028

Waynesville, NC

COMPLETE THIS SECTION ON DELIVERY

COMPLETE THIS SECTION

1. Article Addressed to:

Gary Caldwell
Town of Waynesville
PO Box 100
Waynesville, NC 28786

2. Article Number

9590 9402 5735 0003 0191 55

7019 1640 0000 1354 4313

Waynesville WWTP
AYW023321
HAYWO

3. Service Type

Priority Mail Express®
Registered Mail™
Registered Mail Restricted Delivery
Priority Mail
Registered Mail Restricted Delivery Merchandise
Return Receipt for Merchandise
Signature Confirmation™
Restricted Delivery

08/07/2020 mww
PC-2020-0028
Waynesville WWTP
AYW023321
HAYWO

4. Received by (Printed Name)

Signature

5. Date of Delivery

AUG 10 2020

6. Is delivery address different from item 1? Yes No
if YES, enter delivery address below.

7. Agent

8. Return Receipt for Merchandise

9. Signature Confirmation™

10. Restricted Delivery

Domestic Return Receipt

USPS

THANKS!

AUG 10 2020

Waynesville Regional Operations

ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

S. DANIEL SMITH
Director



NORTH CAROLINA
Environmental Quality

Certified Mail #7020 1290 0001 1766 8071
Return Receipt Requested

November 24, 2020

Gavin A Brown
Town of Waynesville
PO Box 100
Waynesville, NC 28786-0100

SUBJECT: NOTICE OF VIOLATION & INTENT TO ASSESS CIVIL PENALTY

Tracking Number: NOV-2020-MV-0152
Permit No. NC0025321
Waynesville WWTP
Haywood County

Dear Permittee:

A review of the September 2020 Discharge Monitoring Report (DMR) for the subject facility revealed the violation(s) indicated below:

Monitoring Violation(s):

Sample Location	Parameter	Date	Monitoring Frequency	Type of Violation
001 Influent	Flow, in conduit or thru treatment plant (50050)	9/22/2020	Continuous	Frequency Violation
001 Influent	Flow, in conduit or thru treatment plant (50050)	9/23/2020	Continuous	Frequency Violation
001 Influent	Flow, in conduit or thru treatment plant (50050)	9/24/2020	Continuous	Frequency Violation
001 Influent	Flow, in conduit or thru treatment plant (50050)	9/25/2020	Continuous	Frequency Violation
001 Influent	Flow, in conduit or thru treatment plant (50050)	9/26/2020	Continuous	Frequency Violation



Monitoring Violation(s):

Sample Location	Parameter	Date	Monitoring Frequency	Type of Violation
001 Influent	Flow, in conduit or thru treatment plant (50050)	9/27/2020	Continuous	Frequency Violation
001 Influent	Flow, in conduit or thru treatment plant (50050)	9/28/2020	Continuous	Frequency Violation
001 Influent	Flow, in conduit or thru treatment plant (50050)	9/29/2020	Continuous	Frequency Violation
001 Influent	Flow, in conduit or thru treatment plant (50050)	9/30/2020	Continuous	Frequency Violation

A Notice of Violation/Intent to Issue Civil Penalty is being issued for the noted violation of North Carolina General Statute (G.S.) 143-215.1 and the facility's NPDES WW Permit. 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.

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 along with any information provided on the submitted Monitoring Report(s). 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 this problem 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. 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.

Reminder: Pursuant to Permit Condition 6 in Section E, the Permittee is required to verbally notify the Regional Office as soon as possible, not to exceed 24 hours, from first knowledge of any non-compliance at the facility including limit violations, bypasses of, or failure of a treatment unit. A written report may be required within 5 days if directed by Division staff. Prior notice should be given for anticipated or potential problems due to planned maintenance activities, taking units off-line, etc.



If you have any questions concerning this matter or to apply for an SOC, please contact Mikal Willmer of the Asheville Regional Office at 828-296-4686 or via email at mikal.willmer@ncdenr.gov.

Sincerely,

DocuSigned by:
Daniel Boss
E397192DABFB4FF...

Daniel Boss, Assistant Regional Supervisor
Water Quality Regional Operations Section
Asheville Regional Office
Division of Water Resources, NCDEQ

cc: LF
Jeff Stines, Public Services Director



ROY COOPER
Governor
DIONNE DELLI-GATTI
Secretary
S. DANIEL SMITH
Director



Certified Mail # 7019 0700 0000 8867 9501
Return Receipt Requested

April 21, 2021

Jeff Stines
Town of Waynesville
PO Box 100
Waynesville, NC 28786-0100

SUBJECT: **NOTICE OF VIOLATION**
EMC-SOC-WQ-S19-005
Tracking Number: NOV-2021-LV-0260
Permit No. NC0025321
Waynesville WWTP
Haywood County

Dear Permittee:

On December 31, 2020, the Environmental Management Commission entered into the subject Special Order by Consent (SOC) whereby the subject WWTP was granted relaxed effluent limitations from those imposed by the NPDES Permit, in exchange for Waynesville's commitment to a schedule of wastewater treatment plant improvements that will return the WWTP to compliance with the terms of the NPDES Permit. The SOC contains provisions for the assessment of stipulated penalties when modified limits are exceeded or schedule dates are not met.

A review of the **February 2021** Discharge Monitoring Report (DMR) for the subject facility revealed the violation indicated below:

Limit Exceedance Violation:

Parameter	Date	Interim Limit	Reported Value	Violation Type
Solids, Total Suspended-concentration (CO530)	2/28/2021	45 mg/L	59.05 mg/L	Monthly Average Exceeded

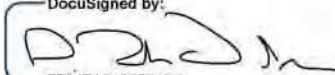
You are directed to take any immediate remedial actions necessary to correct the problems that have led to this violation. Section III of the SOC stipulates penalties for noncompliance with any modified limits contained in the SOC. Section IV of the SOC lists certain conditions under which the stipulated penalties are not due.



If you have information that will establish, to the satisfaction of the Division of Water Resources, that the conditions set forth in Section IV have been met, you must submit this information in writing (email is acceptable) to the Asheville Regional Office within ten (10) days after receipt of this notice. If the Division is not satisfied that the conditions set forth in Section IV have been met, this Office will proceed with assessment of stipulated penalties as provided in the SOC.

Should you have any questions, please do not hesitate to contact me at 828-296-4500 or Mikal Willmer at 828-296-4686 or via email at mikal.willmer@ncdern.gov

Sincerely,

DocuSigned by:

7E617A38285848C...

G. Landon Davidson, P.G., Regional Supervisor
Water Quality Regional Operations Section
Asheville Regional Office
Division of Water Resources, NCDEQ



ROY COOPER
Governor
DIONNE DELLI-GATTI
Secretary
S. DANIEL SMITH
Director



Certified Mail # 7019 0700 0000 8867 6654
Return Receipt Requested

May 10, 2021

Gavin A Brown
Town of Waynesville
PO Box 100
Waynesville, NC 28786-0100

SUBJECT: NOTICE OF VIOLATION & INTENT TO ASSESS CIVIL PENALTY
EMC-SOC-WQ-S19-005

Tracking Number: NOV-2021-LV-0334
Permit No. NC0025321
Waynesville WWTP
Haywood County

Dear Permittee:

On December 31, 2020, the Environmental Management Commission entered into the subject Special Order by Consent (SOC) whereby the subject WWTP was granted relaxed effluent limitations from those imposed by the NPDES Permit, in exchange for Waynesville's commitment to a schedule of wastewater treatment plant improvements that will return the WWTP to compliance with the terms of the NPDES Permit. The SOC contains provisions for the assessment of stipulated penalties when modified limits are exceeded or schedule dates are not met.

A review of the **March 2021** Discharge Monitoring Report (DMR) for the subject facility revealed the violation(s) indicated below:

Limit Exceedance Violation(s):

Sample Location	Parameter	Date	Limit Value	Reported Value	Type of Violation
001 Effluent	Solids, Total Suspended - Concentration (CO530)	3/20/2021	100	126.6	Weekly Average Exceeded - SOC
001 Effluent	Solids, Total Suspended - Concentration (CO530)	3/31/2021	45	72.83	Monthly Average Exceeded - SOC
001 Effluent	BOD, 5-Day (20 Deg. C) - Concentration (CO310)	3/27/2021	45	63.8	Weekly Average Exceeded
001 Effluent	BOD, 5-Day (20 Deg. C) - Concentration (CO310)	3/31/2021	30	40.26	Monthly Average Exceeded



Relating to the TSS Violations – SOC:

You are directed to take any immediate remedial actions necessary to correct the problems that have led to this violation. Section III of the SOC stipulates penalties for noncompliance with any modified limits contained in the SOC. Section IV of the SOC lists certain conditions under which the stipulated penalties are not due.

If you have information that will establish, to the satisfaction of the Division of Water Resources, that the conditions set forth in Section IV have been met, you must submit this information in writing (email is acceptable) to the Asheville Regional Office within ten (10) days after receipt of this notice. If the Division is not satisfied that the conditions set forth in Section IV have been met, this Office will proceed with assessment of stipulated penalties as provided in the SOC.

Relating to the BOD violations:

A Notice of Violation/Intent to Issue Civil Penalty is being issued for the noted violation of North Carolina General Statute (G.S.) 143-215.1 and the facility's NPDES WW Permit. 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.

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 along with any information provided on the submitted Monitoring Report(s). 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 this problem 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.

Reminder: Pursuant to Permit Condition 6 in Section E, the Permittee is required to verbally notify the Regional Office as soon as possible, not to exceed 24 hours, from first knowledge of any non-compliance at the facility including limit violations, bypasses of, or failure of a treatment unit. A written report may be required within 5 days if directed by Division staff. Prior notice should be given for anticipated or potential problems due to planned maintenance activities, taking units off-line, etc.

If you have any questions concerning this matter, please contact Lauren Armeni of the Asheville Regional Office at 828-296-4500.

Sincerely,

DocuSigned by:
Daniel Boss

E397192DABFB4FF

Daniel Boss, Assistant Regional Supervisor
Water Quality Regional Operations Section
Asheville Regional Office
Division of Water Resources, NCDEQ

Ec: LF



ROY COOPER
Governor

JOHN NICHOLSON
Deputy Secretary

S. DANIEL SMITH
Director



NORTH CAROLINA
Environmental Quality

Certified Mail # 7009 1680 0000 7515 5534
Return Receipt Requested

June 9, 2021

Gary Caldwell
Town of Waynesville
PO Box 100
Waynesville, NC 28786-0100

SUBJECT: NOTICE OF VIOLATION & INTENT TO ASSESS CIVIL PENALTY
EMC-SOC-WQ-S19-005

Tracking Number: NOV-2021-LV-0441

Permit No. NC0025321

Waynesville WWTP

Haywood County

Dear Permittee:

On December 31, 2020, the Environmental Management Commission entered into the subject Special Order by Consent (SOC) whereby the subject WWTP was granted relaxed effluent limitations from those imposed by the NPDES Permit, in exchange for Waynesville's commitment to a schedule of wastewater treatment plant improvements that will return the WWTP to compliance with the terms of the NPDES Permit. The SOC contains provisions for the assessment of stipulated penalties when modified limits are exceeded or schedule dates are not met.

A review of the **April 2021** Discharge Monitoring Report (DMR) for the subject facility revealed the violation(s) indicated below:

Limit Exceedance Violation(s):

Sample Location	Parameter	Date	Limit Value	Reported Value	Type of Violation
001 Effluent	Solids, Total Suspended - Concentration (CO530)	4/30/2021	45	64.1	Monthly Average Exceeded - SOC
001 Effluent	BOD, 5-Day (20 Deg. C) - Concentration (CO310)	4/30/2021	30	34.43	Monthly Average Exceeded



Relating to the TSS Violation – SOC:

You are directed to take any immediate remedial actions necessary to correct the problems that have led to this violation. Section III of the SOC stipulates penalties for noncompliance with any modified limits contained in the SOC. Section IV of the SOC lists certain conditions under which the stipulated penalties are not due.

If you have information that will establish, to the satisfaction of the Division of Water Resources, that the conditions set forth in Section IV have been met, you must submit this information in writing (email is acceptable) to the Asheville Regional Office within ten (10) days after receipt of this notice. If the Division is not satisfied that the conditions set forth in Section IV have been met, this Office will proceed with assessment of stipulated penalties as provided in the SOC.

Relating to the BOD Violation:

A Notice of Violation/Intent to Issue Civil Penalty is being issued for the noted violation of North Carolina General Statute (G.S.) 143-215.1 and the facility's NPDES WW Permit. 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.

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 along with any information provided on the submitted Monitoring Report(s). 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 this problem 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. 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.

Reminder: Pursuant to Permit Condition 6 in Section E, the Permittee is required to verbally notify the Regional Office as soon as possible, not to exceed 24 hours, from first knowledge of any non-compliance at the facility including limit violations, bypasses of, or failure of a treatment unit. A written report may be required within 5 days if directed by Division staff. Prior notice should be given for anticipated or potential problems due to planned maintenance activities, taking units off-line, etc.



If you have any questions concerning this matter, please contact Lauren Armeni of the Asheville Regional Office at 828-296-4667.

Sincerely,

DocuSigned by:
Daniel Boss
E597192DABFB4FF.

Daniel Boss, Assistant Regional Supervisor
Water Quality Regional Operations Section
Asheville Regional Office
Division of Water Resources, NCDEQ

Ec: LF



DIVISION OF WATER RESOURCES - CIVIL PENALTY ASSESSMENT

Violator: Town of Waynesville

Facility Name: Waynesville WWTP

Permit Number: NC0025321

County: Haywood

Case Number: SP-2021-0002

ASSESSMENT FACTORS

- 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;**
The extent of harm is unknown. All effluent violations may be detrimental to the receiving stream but may not be immediately quantifiable. No assessment for SOC violations.
- 2) **The duration and gravity of the violation;**
BOD exceeded the weekly and monthly average permit limits by 31.8% and 41.2%, respectively. No assessment for SOC violations.
- 3) **The effect on ground or surface water quantity or quality or on air quality;**
The effect on surface water is unknown. All effluent violations may be detrimental to the receiving stream but may not be immediately quantifiable. No assessment for SOC violations.
- 4) **The cost of rectifying the damage;**
The cost of rectifying the damage is unknown. No assessment for SOC violations.
- 5) **The amount of money saved by noncompliance;**
The amount of money saved by noncompliance is unknown. No assessment for SOC violations.
- 6) **Whether the violation was committed willfully or intentionally;**
We do not believe the violation was committed willfully or intentionally. The facility is currently under a SOC and an AtoC was submitted in April 2021. No assessment for SOC violations.
- 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**
There have been three CPAs issued in the past 12 months.
- 8) **The cost to the State of the enforcement procedures.**

\$124.43

6/8/2021

Date

DocuSigned by:
Daniel Boss
E397192DABFB4FF

Daniel Boss, Assistant Regional Supervisor
Water Quality Regional Operations Section
Asheville Regional Office
Division of Water Resources, NCDEQ

ROY COOPER

Governor

JOHN NICHOLSON

Interim Secretary

S. DANIEL SMITH

Director



Certified Mail # 7009 1680 0000 7515 5527

Return Receipt Requested

June 09, 2021

Gavin A Brown
Town of Waynesville
PO Box 100
Waynesville, NC 28786-0100

SUBJECT: Notice of Violation and Assessment of Civil Penalty
for Violations of North Carolina General Statute (G.S.) 143-215.1(a)(6),
NPDES WW Permit No. NC0025321, and SOC WQ S19-005
Town of Waynesville
Waynesville WWTP
Case No. SP-2021-0002
Haywood County

Dear Permittee:

This letter transmits a Notice of Violation and assessment of civil penalty in the amount of \$5,024.43 (\$4,900.00 civil penalty + \$124.43 enforcement costs) against Town of Waynesville.

This assessment is based upon the following facts: a review has been conducted of the Discharge Monitoring Report (DMR) submitted by Town of Waynesville for the month of March 2021. This review has shown the subject facility to be in violation of the discharge limitations and/or monitoring requirements found in NPDES WW Permit No. NC0025321 and SOC WQS19-005. The violations, which occurred in March 2021, are summarized in Attachment A to this letter.

Based upon the above facts, I conclude as a matter of law that Town of Waynesville violated the terms, conditions or requirements of NPDES WW Permit No. NC0025321, G.S. 143-215.1(a)(6), and SOC WQ S19-005 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 Environmental Quality and the Director of the Division of Water Resources, I, Daniel Boss, Assistant Regional Supervisor, Asheville Regional Office hereby make the following civil penalty assessment against Town of Waynesville:

<u>\$2,400.00</u>	<u>1</u> of 1 violations of G.S. 143-215.1(a)(6) and Permit No. NC0025321, by discharging waste water into the waters of the State in violation of the Permit Monthly Average for <u>BOD, 5-Day (20 Deg. C) - Concentration</u>
<u>\$1,000.00</u>	<u>1</u> of 1 violations of SOC WQS19-005, by discharging waste water into the waters of the State in violation of the Permit Monthly Average for <u>Solids, Total Suspended - Concentration</u>
<u>\$1,000.00</u>	<u>1</u> of 1 violations of G.S. 143-215.1(a)(6) and Permit No. NC0025321, by discharging waste water into the waters of the State in violation of the Permit Weekly Average for <u>BOD, 5-Day (20 Deg. C) - Concentration</u>
<u>\$500.00</u>	<u>1</u> of 1 violations of SOC WQS19-005, by discharging waste water into the waters of the State in violation of the Permit Weekly Average for <u>Solids, Total Suspended - Concentration</u>
<u>\$4,900.00</u>	TOTAL CIVIL PENALTY
<u>\$124.43</u>	Enforcement Costs
<u>\$5,024.43</u>	TOTAL AMOUNT DUE

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 (30) 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 Environmental Quality (*do not include waiver form*). Payment of the penalty will not foreclose further enforcement action for any continuing or new violation(s). Please submit payment to the attention of:

Wastewater Branch
Division of Water Resources
1617 Mail Service Center
Raleigh, North Carolina 27699-1617

Option 2: Submit a written request for remission or mitigation including a detailed justification for such Request (Option not available for SOC Limit Violations):

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
Division of Water Resources
1617 Mail Service Center
Raleigh, North Carolina 27699-1617

Option 3: File a petition for an administrative hearing with the Office of Administrative Hearings (Option not available for SOC Limit Violations):

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) 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:

6714 Mail Service Center
Raleigh, NC 27699 6714
Tel: (919) 431-3000
Fax: (919) 431-3100

One (1) copy of the petition must also be served on DEQ as follows:

Mr. William F. Lane, General Counsel
Department of Environmental Quality
1601 Mail Service Center
Raleigh, North Carolina 27699-1601

Please indicate the case number (as found on page one of this letter) on the petition.

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.

If you have any questions, please contact Lauren Armeni with the Division of Water Resources staff of the Asheville Regional Office at (828) 296-4667 or via email at lauren.armeni@ncdenr.gov.

Sincerely,

DocuSigned by:
Daniel Boss
E397192DABFB4FF

Daniel Boss, Assistant Regional Supervisor
Water Quality Regional Operations Section
Asheville Regional Office
Division of Water Resources, NCDEQ

ATTACHMENTS: Attachment A

Ec: LF

JUSTIFICATION FOR REMISSION REQUEST

Case Number: SP-2021-0002
Assessed Party: Town of Waynesville
Permit No.: NC0025321

County: Haywood

Amount Assessed: \$5,024.43

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:

STATE OF NORTH CAROLINA

DEPARTMENT OF ENVIRONMENTAL QUALITY

COUNTY OF HAYWOOD

IN THE MATTER OF ASSESSMENT
OF CIVIL PENALTIES AGAINST

Town of Waynesville
Waynesville WWTP

PERMIT NO. NC0025321

)
)
)
)
)
)
)

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

CASE NO. SP-2021-0002

Having been assessed civil penalties totaling \$5,024.43 for violation(s) as set forth in the assessment document of the Division of Water Resources dated June 9, 2021, the undersigned, desiring to seek remission of the civil penalty, does hereby waive the right to an administrative hearing in the above-stated matter and does stipulate that the facts are as alleged in the assessment document. The undersigned further understands that all evidence presented in support of remission of this civil penalty must be submitted to the Director of the Division of Water Resources within thirty (30) days of receipt of the notice of assessment. No new evidence in support of a remission request will be allowed after (30) days from the receipt of the notice of assessment.

This the _____ day of _____, 20____

SIGNATURE

ADDRESS

TELEPHONE

ATTACHMENT A**Town of Waynesville****CASE NUMBER: SP-2021-0002****PERMIT: NC0025321****REGION: Asheville****FACILITY: Waynesville WWTP****COUNTY: Haywood****LIMIT VIOLATION(S)****SAMPLE LOCATION: Outfall 001 - Effluent**

Violation Date	Report Month/Yr	Parameter	Frequency	Unit of Measure	Limit Value	Calculated Value	% Over Limit	Violation Type	Penalty Amount
3/27/2021	3-2021	BOD, 5-Day (20 Deg. C) - Concentration	5 X week	mg/l	45	63.8	41.8	Weekly Average Exceeded	\$1,000.00
3/31/2021	3-2021	BOD, 5-Day (20 Deg. C) - Concentration	5 X week	mg/l	30	40.26	34.2	Monthly Average Exceeded	\$2,400.00
3/20/2021	3-2021	Solids, Total Suspended - Concentration Exceeded SOC LVs	5 X week	mg/l	100	126.6	26.6	Weekly Average	\$500.00
3/31/2021	3-2021	Solids, Total Suspended - Concentration Exceeded SOC LVs	5 X week	mg/l	45	72.83	61.8	Monthly Average	\$1,000.00

ROY COOPER
Governor

ELIZABETH S. BISER
Secretary

S. DANIEL SMITH
Director



NORTH CAROLINA
Environmental Quality

Certified Mail # 7021 0350 0000 1637 6131
Return Receipt Requested

July 1, 2021

Gary Caldwell, Mayor
Town of Waynesville
PO Box 100
Waynesville, NC 28786-0100

SUBJECT: NOTICE OF VIOLATION & INTENT TO ASSESS CIVIL PENALTY
EMC-SOC-WQ-S19-005

Tracking Number: NOV-2021-LV-0488
Permit No. NC0025321
Waynesville WWTP
Haywood County

Dear Permittee:

On December 31, 2020, the Environmental Management Commission entered into the subject Special Order by Consent (SOC) whereby the subject WWTP was granted relaxed effluent limitations from those imposed by the NPDES Permit, in exchange for Waynesville's commitment to a schedule of wastewater treatment plant improvements that will return the WWTP to compliance with the terms of the NPDES Permit. The SOC contains provisions for the assessment of stipulated penalties when modified limits are exceeded or schedule dates are not met.

A review of the May 2021 Discharge Monitoring Report (DMR) for the subject facility revealed the violation(s) indicated below:

Limit Exceedance Violation(s):

Sample Location	Parameter	Date	Limit Value	Reported Value	Type of Violation
001 Effluent	Solids, Total Suspended - Concentration (CO530)	5/1/2021	100	118.2	Weekly Average Exceeded - SOC
001 Effluent	Solids, Total Suspended - Concentration (CO530)	5/8/2021	100	112.4	Weekly Average Exceeded - SOC
001 Effluent	Solids, Total Suspended - Concentration (CO530)	5/31/2021	45	68.45	Monthly Average Exceeded - SOC
001 Effluent	BOD, 5-Day (20 Deg. C) - Concentration (CO310)	5/31/2021	30	32.15	Monthly Average Exceeded



Relating to the TSS Violations – SOC:

You are directed to take any immediate remedial actions necessary to correct the problems that have led to this violation. Section III of the SOC stipulates penalties for noncompliance with any modified limits contained in the SOC. Section IV of the SOC lists certain conditions under which the stipulated penalties are not due. If you have information that will establish, to the satisfaction of the Division of Water Resources, that the conditions set forth in Section IV have been met, you must submit this information in writing (email is acceptable) to the Asheville Regional Office within ten (10) days after receipt of this notice. If the Division is not satisfied that the conditions set forth in Section IV have been met, this Office will proceed with assessment of stipulated penalties as provided in the SOC.

Relating to the BOD Violation:

A Notice of Violation/Intent to Issue Civil Penalty is being issued for the noted violation of North Carolina General Statute (G.S.) 143-215.1 and the facility's NPDES WW Permit. 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.

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 along with any information provided on the submitted Monitoring Report(s). 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 this problem 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. 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.

Reminder: Pursuant to Permit Condition 6 in Section E, the Permittee is required to verbally notify the Regional Office as soon as possible, not to exceed 24 hours, from first knowledge of any non-compliance at the facility including limit violations, bypasses of, or failure of a treatment unit. A written report may be required within 5 days if directed by Division staff. Prior notice should be given for anticipated or potential problems due to planned maintenance activities, taking units off-line, etc.

If you have any questions concerning this matter or to apply for an SOC, please contact Lauren Armeni of the Asheville Regional Office at 828-296-4667.

Sincerely,

DocuSigned by:
Daniel Boss

ESB710DD48EBAFF
Daniel Boss, Assistant Regional Supervisor
Water Quality Regional Operations Section
Asheville Regional Office
Division of Water Resources, NCDEQ

Ec: LF



DIVISION OF WATER RESOURCES - CIVIL PENALTY ASSESSMENT

Violator: Town of Waynesville

Facility Name: Waynesville WWTP

Permit Number: NC0025321

County: Haywood

Case Number: SP-2021-0005

ASSESSMENT FACTORS

- 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;**
No assessment for SOC limit violations. No penalties are being assessed for the BOD monthly average limit violation.
- 2) **The duration and gravity of the violation;**
No assessment for SOC limit violations.
- 3) **The effect on ground or surface water quantity or quality or on air quality;**
No assessment for SOC limit violations.
- 4) **The cost of rectifying the damage;**
No assessment for SOC limit violations.
- 5) **The amount of money saved by noncompliance;**
No assessment for SOC limit violations.
- 6) **Whether the violation was committed willfully or intentionally;**
No assessment for SOC limit violations.
- 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**
No assessment for SOC limit violations.
- 8) **The cost to the State of the enforcement procedures.**

\$124.43

7/22/2021

Date

DocuSigned by:
Daniel Boss
E397192DABFB4FF...

**Daniel Boss, Assistant Regional Supervisor
Water Quality Regional Operations Section
Asheville Regional Office
Division of Water Resources, NCDEQ**

ROY COOPER
Governor
ELIZABETH S. BISER
Secretary
S. DANIEL SMITH
Director



Certified Mail # 7021 0350 0000 1637 6315
Return Receipt Requested

July 22, 2021

Gary Caldwell, Mayor
Town of Waynesville
PO Box 100
Waynesville, NC 28786-0100

SUBJECT: Notice of Violation and Assessment of Civil Penalty
for Violations of North Carolina General Statute (G.S.) 143-215.1(a)(6)
and NPDES WW Permit No. NC0025321, and SOC WQ S19-005
Town of Waynesville
Waynesville WWTP
Case No. SP-2021-0005
Haywood County

Dear Permittee:

This letter transmits a Notice of Violation and assessment of civil penalty in the amount of \$2,124.43 (\$2,000.00 civil penalty + \$124.43 enforcement costs) against Town of Waynesville.

This assessment is based upon the following facts: a review has been conducted of the Discharge Monitoring Report (DMR) submitted by Town of Waynesville for the month of May 2021. This review has shown the subject facility to be in violation of the discharge limitations and/or monitoring requirements found in NPDES WW Permit No. NC0025321 and SOC WQ S19-005. The violations, which occurred in May 2021, are summarized in Attachment A to this letter.

Based upon the above facts, I conclude as a matter of law that Town of Waynesville violated the terms, conditions or requirements of NPDES WW Permit No. NC0025321 and G.S. 143-215.1(a)(6), and SOC WQ S19-005 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 Environmental Quality and the Director of the Division of Water Resources, I, G. Landon Davidson, P.G., Regional Supervisor, Asheville Regional Office hereby make the following civil penalty assessment against Town of Waynesville:

<u>\$0.00</u>	<u>0</u> of 1 violations of G.S. 143-215.1(a)(6) and Permit No. NC0025321, by discharging waste water into the waters of the State in violation of the Permit Monthly Average for <u>BOD, 5-Day (20 Deg. C) - Concentration</u>
<u>\$1,000.00</u>	<u>1</u> of 1 violations of SOC WQ S10-005, by discharging waste water into the waters of the State in violation of the Permit Monthly Average for <u>Solids, Total Suspended - Concentration</u>
<u>\$1,000.00</u>	<u>2</u> of 2 violations of SOC WQ S10-005, by discharging waste water into the waters of the State in violation of the Permit Weekly Average for <u>Solids, Total Suspended - Concentration</u>
<u>\$2,000.00</u>	TOTAL CIVIL PENALTY
<u>\$124.43</u>	Enforcement Costs
<u>\$2,124.43</u>	TOTAL AMOUNT DUE

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 (30) 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 Environmental Quality (*do not include waiver form*). Payment of the penalty will not foreclose further enforcement action for any continuing or new violation(s). Please submit payment to the attention of:

Wastewater Branch
Division of Water Resources
1617 Mail Service Center
Raleigh, North Carolina 27699-1617

Option 2: Submit a written request for remission or mitigation including a detailed justification for such request (Option not available for SOC Limit Violations):

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
Division of Water Resources
1617 Mail Service Center
Raleigh, North Carolina 27699-1617

Option 3: File a petition for an administrative hearing with the Office of Administrative Hearings (Option not available for SOC Limit Violations):

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) 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:

6714 Mail Service Center
Raleigh, NC 27699 6714
Tel: (919) 431-3000
Fax: (919) 431-3100

One (1) copy of the petition must also be served on DEQ as follows:

Mr. William F. Lane, General Counsel
Department of Environmental Quality
1601 Mail Service Center
Raleigh, North Carolina 27699-1601

Please indicate the case number (as found on page one of this letter) on the petition.

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.

If you have any questions, please contact Lauren Armeni with the Division of Water Resources staff of the Asheville Regional Office at (828) 296-4667 or via email at lauren.armeni@ncdenr.gov.

Sincerely,

DocuSigned by:

E387192DABFB4FF...

Daniel Boss, Assistant Regional Supervisor
Water Quality Regional Operations Section
Asheville Regional Office
Division of Water Resources, NCDEQ

ATTACHMENTS: Attachment A

Ec: Laserfiche

ATTACHMENT A**Town of Waynesville****CASE NUMBER: SP-2021-0005****PERMIT: NC0025321****REGION: Asheville****FACILITY: Waynesville WWTP****COUNTY: Haywood****LIMIT VIOLATION(S)****SAMPLE LOCATION: Outfall 001 - Effluent**

Violation Date	Report Month/Yr	Parameter	Frequency	Unit of Measure	Limit Value	Calculated Value	% Over Limit	Violation Type	Penalty Amount
5/31/2021	5-2021	BOD, 5-Day (20 Deg. C) - Concentration	5 X week	mg/l	30	32.15	7.2	Monthly Average Exceeded	\$0.00
5/1/2021	5-2021	Solids, Total Suspended - Concentration	5 X week	mg/l	100	118.2	18.2	Weekly Average Exceeded	\$500.00
5/8/2021	5-2021	Solids, Total Suspended - Concentration	5 X week	mg/l	100	112.4	12.4	Weekly Average Exceeded	\$500.00
5/31/2021	5-2021	Solids, Total Suspended - Concentration	5 X week	mg/l	45	68.45	52.1	Monthly Average Exceeded	\$1,000.00

ROY COOPER
Governor
ELIZABETH S. BISER
Secretary
S. DANIEL SMITH
Director



Certified Mail # 7021 0350 0000 1637 5936
Return Receipt Requested

September 7, 2021

Jeff Stines
Town of Waynesville
PO Box 100
Waynesville, NC 28786-0100

SUBJECT: NOTICE OF VIOLATION & INTENT TO ASSESS CIVIL PENALTY
EMC-SOC-WQ-S19-005

Tracking Number: NOV-2021-LV-0663
Permit No. NC0025321
Waynesville WWTP
Haywood County

Dear Permittee:

On December 31, 2020, the Environmental Management Commission entered into the subject Special Order by Consent (SOC) whereby the subject WWTP was granted relaxed effluent limitations from those imposed by the NPDES Permit, in exchange for Waynesville's commitment to a schedule of wastewater treatment plant improvements that will return the WWTP to compliance with the terms of the NPDES Permit. The SOC contains provisions for the assessment of stipulated penalties when modified limits are exceeded or schedule dates are not met.

A review of the **July 2021** Discharge Monitoring Report (DMR) for the subject facility revealed the violation(s) indicated below:

Parameter	Date	Interim Limit	Reported Value	Violation Type
Coliform, Fecal MF, MFC Broth, 44.5 C (31616)	7/17/2021	600	1,584.66	Weekly Geometric Mean Exceeded



You are directed to take any immediate remedial actions necessary to correct the problems that have led to this violation. Section III of the SOC stipulates penalties for noncompliance with any modified limits contained in the SOC. Section IV of the SOC lists certain conditions under which the stipulated penalties are not due. If you have information that will establish, to the satisfaction of the Division of Water Resources, that the conditions set forth in Section IV have been met, you must submit this information in writing (email is acceptable) to the Asheville Regional Office within ten (10) days after receipt of this notice. If the Division is not satisfied that the conditions set forth in Section IV have been met, this Office will proceed with assessment of stipulated penalties as provided in the SOC.

If you have any questions concerning this matter, please contact Lauren Armeni of the Asheville Regional Office at 828-296-4667 or via email at Lauren.Armeni@ncdenr.gov

Sincerely,

DocuSigned by
Daniel Boss
E397192DABFB4FF...

Daniel Boss, Assistant Regional Supervisor
Water Quality Regional Operations Section
Asheville Regional Office
Division of Water Resources, NCDEQ

Ec: LF



ROY COOPER
Governor
ELIZABETH S. BISER
Secretary
S. DANIEL SMITH
Director



Certified Mail # 7021 0350 0000 1637 6018
Return Receipt Requested

September 20, 2021

Jeff Stines, Director of Public Services
Town of Waynesville
PO Box 100
Waynesville, NC 28786-0100

SUBJECT: NOTICE OF VIOLATION & INTENT TO ASSESS CIVIL PENALTY
EMC-SOC-WQ-S19-005

Tracking Number: NOV-2021-LV-0694
Permit No. NC0025321
Waynesville WWTP
Haywood County

Dear Permittee:

On December 31, 2020, the Environmental Management Commission entered into the subject Special Order by Consent (SOC) whereby the subject WWTP was granted relaxed effluent limitations from those imposed by the NPDES Permit, in exchange for Waynesville's commitment to a schedule of wastewater treatment plant improvements that will return the WWTP to compliance with the terms of the NPDES Permit. The SOC contains provisions for the assessment of stipulated penalties when modified limits are exceeded or schedule dates are not met.

A review of the **August 2021** Discharge Monitoring Report (DMR) for the subject facility revealed the violation(s) indicated below:

Parameter	Date	Interim Limit	Reported Value	Violation Type
Coliform, Fecal MF, MFC Broth, 44.5 C (31616)	8/21/2021	600	679.64	Weekly Geometric Mean Exceeded
Solids, Total Suspended – Concentration (CO530)	8/7/2021	100	102	Weekly Average Exceeded
Solids, Total Suspended – Concentration (CO530)	8/31/2021	45	61.36	Monthly Average Exceeded



You are directed to take any immediate remedial actions necessary to correct the problems that have led to this violation. Section III of the SOC stipulates penalties for noncompliance with any modified limits contained in the SOC. Section IV of the SOC lists certain conditions under which the stipulated penalties are not due. If you have information that will establish, to the satisfaction of the Division of Water Resources, that the conditions set forth in Section IV have been met, you must submit this information in writing (email is acceptable) to the Asheville Regional Office within ten (10) days after receipt of this notice. If the Division is not satisfied that the conditions set forth in Section IV have been met, this Office will proceed with assessment of stipulated penalties as provided in the SOC.

If you have any questions concerning this matter, please contact Lauren Armeni of the Asheville Regional Office at 828-296-4667 or via email at Lauren.Armeni@ncdenr.gov

Sincerely,

DocuSigned by:
Daniel Boss
E397192DABFB4FF

Daniel Boss, Assistant Regional Supervisor
Water Quality Regional Operations Section
Asheville Regional Office
Division of Water Resources, NCDEQ

Ec: Laserfiche



DIVISION OF WATER RESOURCES - CIVIL PENALTY ASSESSMENT

Violator: Town of Waynesville
Facility Name: Waynesville WWTP
Permit Number: NC0025321
County: Haywood
Case Number: SP-2021-0008

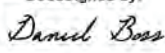
ASSESSMENT FACTORS

- 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;**
No assessment for SOC limit violations.
- 2) **The duration and gravity of the violation;**
No assessment for SOC limit violations.
- 3) **The effect on ground or surface water quantity or quality or on air quality;**
No assessment for SOC limit violations.
- 4) **The cost of rectifying the damage;**
No assessment for SOC limit violations.
- 5) **The amount of money saved by noncompliance;**
No assessment for SOC limit violations.
- 6) **Whether the violation was committed willfully or intentionally;**
No assessment for SOC limit violations.
- 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**
No assessment for SOC limit violations.
- 8) **The cost to the State of the enforcement procedures.**

\$124.43

10/5/2021

Date

DocuSigned by:

E397192DABFB4FF...

**Daniel Boss, Assistant Regional Supervisor
Water Quality Regional Operations Section
Asheville Regional Office
Division of Water Resources, NCDEQ**

ROY COOPER
Governor
ELIZABETH S. BISER
Secretary
S. DANIEL SMITH
Director



Certified Mail # 7020 1290 0001 1766 9696
Return Receipt Requested

October 05, 2021

Gary Caldwell, Mayor
Town of Waynesville
16 S Main St
PO Box 100
Waynesville, NC 28786

SUBJECT: Notice of Violation and Assessment of Civil Penalty
for Violations of North Carolina General Statute (G.S.) 143-215.1(a)(6), NPDES WW Permit No.
NC0025321, and SOC WQ S19-005
Town of Waynesville
Waynesville WWTP
Case No. SP-2021-0008
Haywood County

Dear Permittee:

This letter transmits a Notice of Violation and assessment of civil penalty in the amount of \$624.43 (\$500.00 civil penalty + \$124.43 enforcement costs) against Town of Waynesville.

This assessment is based upon the following facts: a review has been conducted of the Discharge Monitoring Report (DMR) submitted by Town of Waynesville for the month of July 2021. This review has shown the subject facility to be in violation of the discharge limitations and/or monitoring requirements found in NPDES WW Permit No. NC0025321 and SOC WQ S19-005. The violations, which occurred in July 2021, are summarized in Attachment A to this letter.

Based upon the above facts, I conclude as a matter of law that Town of Waynesville violated the terms, conditions or requirements of NPDES WW Permit No. NC0025321, G.S. 143-215.1(a)(6), and SOC WQ S19-005 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 Environmental Quality and the Director of the Division of Water Resources, I, Daniel Boss, Assistant Regional Supervisor, Asheville Regional Office hereby make the following civil penalty assessment against Town of Waynesville:

\$500.00 1 of 1 violations of SOC WQ S19-005, by discharging waste water into the waters of the State in violation of the Permit Weekly Geometric Mean for **Coliform, Fecal MF, MFC Broth, 44.5 C**

\$500.00 **TOTAL CIVIL PENALTY**

\$124.43 Enforcement Costs

\$624.43 **TOTAL AMOUNT DUE**

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 (30) 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 Environmental Quality (*do not include waiver form*). Payment of the penalty will not foreclose further enforcement action for any continuing or new violation(s). Please submit payment to the attention of:

Wastewater Branch
Division of Water Resources
1617 Mail Service Center
Raleigh, North Carolina 27699-1617

Option 2: Submit a written request for remission or mitigation including a detailed justification for such Request (Option not available for SOC Limit Violations):

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
Division of Water Resources
1617 Mail Service Center
Raleigh, North Carolina 27699-1617

Option 3: File a petition for an administrative hearing with the Office of Administrative Hearings (Option not available for SOC Limit Violations):

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) 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:

6714 Mail Service Center
Raleigh, NC 27699 6714
Tel: (919) 431-3000
Fax: (919) 431-3100

One (1) copy of the petition must also be served on DEQ as follows:

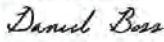
Mr. William F. Lane, General Counsel
Department of Environmental Quality
1601 Mail Service Center
Raleigh, North Carolina 27699-1601

Please indicate the case number (as found on page one of this letter) on the petition.

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.

If you have any questions, please contact Lauren Armeni with the Division of Water Resources staff of the Asheville Regional Office at (828) 296-4667 or via email at lauren.armeni@ncdenr.gov.

Sincerely,

DocuSigned by:

E397192DABFB4FF..

Daniel Boss, Assistant Regional Supervisor
Water Quality Regional Operations Section
Asheville Regional Office
Division of Water Resources, NCDEQ

ATTACHMENTS: Attachment A

Ec: Laserfiche

ATTACHMENT A

Town of Waynesville

CASE NUMBER: SP-2021-0008

PERMIT: NC0025321

REGION: Asheville

FACILITY: Waynesville WWTP

COUNTY: Haywood

LIMIT VIOLATION(S)

SAMPLE LOCATION: Outfall 001 - Effluent

Violation Date	Report Month/Yr	Parameter	Frequency	Unit of Measure	Limit Value	Calculated Value	% Over Limit	Violation Type	Penalty Amount
7/17/2021	7-2021	Coliform, Fecal MF, MFC Broth, 44.5 C	5 X week	#/100ml	600	1,584.66	164.1	Weekly Geometric Mean Exceeded	\$500.00

DIVISION OF WATER RESOURCES - CIVIL PENALTY ASSESSMENT

Violator: Town of Waynesville

Facility Name: Waynesville WWTP

Permit Number: NC0025321

County: Haywood

Case Number: SP-2021-0009

ASSESSMENT FACTORS

- 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;**
No assessment for SOC limit violations.
- 2) **The duration and gravity of the violation;**
No assessment for SOC limit violations.
- 3) **The effect on ground or surface water quantity or quality or on air quality;**
No assessment for SOC limit violations.
- 4) **The cost of rectifying the damage;**
No assessment for SOC limit violations.
- 5) **The amount of money saved by noncompliance;**
No assessment for SOC limit violations.
- 6) **Whether the violation was committed willfully or intentionally;**
No assessment for SOC limit violations.
- 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**
No assessment for SOC limit violations.
- 8) **The cost to the State of the enforcement procedures.**

\$124.43

10/8/2021

Date

DocuSigned by:
Daniel Boss
E397192DABFB4FF...

**Daniel Boss, Assistant Regional Supervisor
Water Quality Regional Operations Section
Asheville Regional Office
Division of Water Resources, NCDEQ**

ROY COOPER
Governor
ELIZABETH S. BISER
Secretary
S. DANIEL SMITH
Director



Certified Mail # 7020 1290 0001 1766 9788
Return Receipt Requested

October 11, 2021

Gary Caldwell, Mayor
Town of Waynesville
PO Box 100
Waynesville, NC 28786-0100

SUBJECT: Notice of Violation and Assessment of Civil Penalty
for Violations of North Carolina General Statute (G.S.) 143-215.1(a)(6), NPDES WW Permit No.
NC0025321, and SOC WQ S19-005
Town of Waynesville
Waynesville WWTP
Case No. SP-2021-0009
Haywood County

Dear Permittee:

This letter transmits a Notice of Violation and assessment of civil penalty in the amount of \$2,124.43 (\$2,000.00 civil penalty + \$124.43 enforcement costs) against Town of Waynesville.

This assessment is based upon the following facts: a review has been conducted of the Discharge Monitoring Report (DMR) submitted by Town of Waynesville for the month of August 2021. This review has shown the subject facility to be in violation of the discharge limitations and/or monitoring requirements found in NPDES WW Permit No. NC0025321 and SOC WQ S19-005. The violations, which occurred in August 2021, are summarized in Attachment A to this letter.

Based upon the above facts, I conclude as a matter of law that Town of Waynesville violated the terms, conditions or requirements of NPDES WW Permit No. NC0025321, G.S. 143-215.1(a)(6), and SOC WQ S19-005 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 Environmental Quality and the Director of the Division of Water Resources, I, Daniel Boss, Assistant Regional Supervisor, Asheville Regional Office hereby make the following civil penalty assessment against Town of Waynesville:

- \$1,000.00 1 of 1 violations of SOC WQ S19-005 by discharging waste water into the waters of the State in violation of the Permit Monthly Average for **Solids, Total Suspended - Concentration**

- \$500.00 1 of 1 violations of SOC WQ S19-005 by discharging waste water into the waters of the State in violation of the Permit Weekly Average for **Solids, Total Suspended - Concentration**

- \$500.00 1 of 1 violations of SOC WQ S19-005 by discharging waste water into the waters of the State in violation of the Permit Weekly Geometric Mean for **Coliform, Fecal MF, MFC Broth, 44.5 C**

- \$2,000.00 **TOTAL CIVIL PENALTY**
- \$124.43 Enforcement Costs
- \$2,124.43 **TOTAL AMOUNT DUE**

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 (30) 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 Environmental Quality (*do not include waiver form*). Payment of the penalty will not foreclose further enforcement action for any continuing or new violation(s). Please submit payment to the attention of:

Wastewater Branch
Division of Water Resources
1617 Mail Service Center
Raleigh, North Carolina 27699-1617

Option 2: Submit a written request for remission or mitigation including a detailed justification for such Request (Option not available for SOC Limit Violations):

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
Division of Water Resources
1617 Mail Service Center
Raleigh, North Carolina 27699-1617

Option 3: File a petition for an administrative hearing with the Office of Administrative Hearings (Option not available for SOC Limit Violations):

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) 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:

6714 Mail Service Center
Raleigh, NC 27699 6714
Tel: (919) 431-3000
Fax: (919) 431-3100

One (1) copy of the petition must also be served on DEQ as follows:

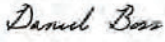
Mr. William F. Lane, General Counsel
Department of Environmental Quality
1601 Mail Service Center
Raleigh, North Carolina 27699-1601

Please indicate the case number (as found on page one of this letter) on the petition.

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.

If you have any questions, please contact Lauren Armeni with the Division of Water Resources staff of the Asheville Regional Office at (828) 296-4667 or via email at lauren.armeni@ncdenr.gov.

Sincerely,

DocuSigned by:

E397192DABFB4FF

Daniel Boss, Assistant Regional Supervisor
Water Quality Regional Operations Section
Asheville Regional Office
Division of Water Resources, NCDEQ

ATTACHMENTS: Attachment A

Cc: Laserfiche

ATTACHMENT A**Town of Waynesville****CASE NUMBER: SP-2021-0009****PERMIT: NC0025321****REGION: Asheville****FACILITY: Waynesville WWTP****COUNTY: Haywood****LIMIT VIOLATION(S)****SAMPLE LOCATION: Outfall 001 - Effluent**

Violation Date	Report Month/Yr	Parameter	Frequency	Unit of Measure	Limit Value	Calculated Value	% Over Limit	Violation Type	Penalty Amount
8/21/2021	8-2021	Coliform, Fecal MF, MFC Broth, 44.5 C	5 X week	#/100ml	600	679.64	13.3	Weekly Geometric Mean Exceeded	\$500.00
8/7/2021	8-2021	Solids, Total Suspended - Concentration	5 X week	mg/l	100	102	2.0	Weekly Average Exceeded	\$500.00
8/31/2021	8-2021	Solids, Total Suspended - Concentration	5 X week	mg/l	45	61.36	36.4	Monthly Average Exceeded	\$1,000.00

ROY COOPER
Governor
ELIZABETH S. BISER
Secretary
S. DANIEL SMITH
Director



Certified Mail # 7021 0350 0000 1637 6698
Return Receipt Requested

October 29, 2021

Gary Caldwell, Mayor
Town of Waynesville
PO Box 100
Waynesville, NC 28786-0100

SUBJECT: NOTICE OF VIOLATION & INTENT TO ASSESS CIVIL PENALTY
EMC-SOC-WQ-S19-005

Tracking Number: NOV-2021-LV-0806
Permit No. NC0025321
Waynesville WWTP
Haywood County

Dear Permittee:

On December 31, 2020, the Environmental Management Commission entered into the subject Special Order by Consent (SOC) whereby the subject WWTP was granted relaxed effluent limitations from those imposed by the NPDES Permit, in exchange for Waynesville's commitment to a schedule of wastewater treatment plant improvements that will return the WWTP to compliance with the terms of the NPDES Permit. The SOC contains provisions for the assessment of stipulated penalties when modified limits are exceeded or schedule dates are not met.

A review of the **September 2021** Discharge Monitoring Report (DMR) for the subject facility revealed the violation(s) indicated below:

Parameter	Date	Interim Limit	Reported Value	Violation Type
Solids, Total Suspended – Concentration (CO530)	9/30/2021	45	54.1	Monthly Average Exceeded



You are directed to take any immediate remedial actions necessary to correct the problems that have led to this violation. Section III of the SOC stipulates penalties for noncompliance with any modified limits contained in the SOC. Section IV of the SOC lists certain conditions under which the stipulated penalties are not due. If you have information that will establish, to the satisfaction of the Division of Water Resources, that the conditions set forth in Section IV have been met, you must submit this information in writing (email is acceptable) to the Asheville Regional Office within ten (10) days after receipt of this notice. If the Division is not satisfied that the conditions set forth in Section IV have been met, this Office will proceed with assessment of stipulated penalties as provided in the SOC.

If you have any questions concerning this matter or to apply for an SOC, please contact Lauren Armeni of the Asheville Regional Office at 828-296-4667.

Sincerely,

DocuSigned by
Daniel Boss
E397192DABFB4FF..

Daniel Boss, Assistant Regional Supervisor
Water Quality Regional Operations Section
Asheville Regional Office
Division of Water Resources, NCDEQ

Ec: Laserfiche



DIVISION OF WATER RESOURCES - CIVIL PENALTY ASSESSMENT

Violator: Town of Waynesville
Facility Name: Waynesville WWTP
Permit Number: NC0025321
County: Haywood
Case Number: SP-2021-0013

ASSESSMENT FACTORS

- 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;**
No assessment for SOC limit violations.
- 2) **The duration and gravity of the violation;**
No assessment for SOC limit violations.
- 3) **The effect on ground or surface water quantity or quality or on air quality;**
No assessment for SOC limit violations.
- 4) **The cost of rectifying the damage;**
No assessment for SOC limit violations.
- 5) **The amount of money saved by noncompliance;**
No assessment for SOC limit violations.
- 6) **Whether the violation was committed willfully or intentionally;**
No assessment for SOC limit violations.
- 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**
No assessment for SOC limit violations.
- 8) **The cost to the State of the enforcement procedures.**

\$113.78

11/18/2021

Date

DocuSigned by:

Daniel Boss

E397192DABFB4FF...

**Daniel Boss, Assistant Regional Supervisor
Water Quality Regional Operations Section
Asheville Regional Office
Division of Water Resources, NCDEQ**

ROY COOPER
Governor
ELIZABETH S. BISER
Secretary
S. DANIEL SMITH
Director



Certified Mail # 7017 1070 0000 1776 4587
Return Receipt Requested

November 19, 2021

Gary Caldwell, Mayor
Town of Waynesville
PO Box 100
Waynesville, NC 28786-0100

SUBJECT: Notice of Violation and Assessment of Civil Penalty
for Violations of North Carolina General Statute (G.S.) 143-215.1(a)(6), NPDES WW Permit No.
NC0025321, and SOC WQ S19-005
Town of Waynesville
Waynesville WWTP
Case No. SP-2021-0013
Haywood County

Dear Permittee:

This letter transmits a Notice of Violation and assessment of civil penalty in the amount of \$1,113.78 (\$1,000.00 civil penalty + \$113.78 enforcement costs) against Town of Waynesville.

This assessment is based upon the following facts: a review has been conducted of the Discharge Monitoring Report (DMR) submitted by Town of Waynesville for the month of September 2021. This review has shown the subject facility to be in violation of the discharge limitations and/or monitoring requirements found in NPDES WW Permit No. NC0025321 and SOC WQ S19-005. The violations, which occurred in September 2021, are summarized in Attachment A to this letter.

Based upon the above facts, I conclude as a matter of law that Town of Waynesville violated the terms, conditions or requirements of NPDES WW Permit No. NC0025321, G.S. 143-215.1(a)(6), and SOC WQ S19-005 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 Environmental Quality and the Director of the Division of Water Resources, I, Daniel Boss, Assistant Regional Supervisor, Asheville Regional Office hereby make the following civil penalty assessment against Town of Waynesville:

\$1,000.00 1 of 1 violations of SOC WQ S19-005 by discharging waste water into the waters of the State in violation of the Permit Monthly Average for **Solids, Total Suspended - Concentration**

\$1,000.00 **TOTAL CIVIL PENALTY**

\$113.78 Enforcement Costs

\$1,113.78 **TOTAL AMOUNT DUE**

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 (30) 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 Environmental Quality (*do not include waiver form*). Payment of the penalty will not foreclose further enforcement action for any continuing or new violation(s). Please submit payment to the attention of:

Wastewater Branch
Division of Water Resources
1617 Mail Service Center
Raleigh, North Carolina 27699-1617

Option 2: Submit a written request for remission or mitigation including a detailed justification for such Request (Option not available for SOC Limit Violations):

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
Division of Water Resources
1617 Mail Service Center
Raleigh, North Carolina 27699-1617

Option 3: File a petition for an administrative hearing with the Office of Administrative Hearings (Option not available for SOC Limit Violations):

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) 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:

6714 Mail Service Center
Raleigh, NC 27699 6714
Tel: (919) 431-3000
Fax: (919) 431-3100

One (1) copy of the petition must also be served on DEQ as follows:


Mr. William F. Lane, General Counsel
Department of Environmental Quality
1601 Mail Service Center
Raleigh, North Carolina 27699-1601

Please indicate the case number (as found on page one of this letter) on the petition.

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.

If you have any questions, please contact Lauren Armeni with the Division of Water Resources staff of the Asheville Regional Office at (828) 296-4667 or via email at lauren.armeni@ncdenr.gov.

Sincerely,

DocuSigned by:

E397192DABFB4FF..

Daniel Boss, Assistant Regional Supervisor
Water Quality Regional Operations Section
Asheville Regional Office
Division of Water Resources, NCDEQ

ATTACHMENTS: Attachment A

Ec: Laserfiche

ATTACHMENT A

Town of Waynesville

CASE NUMBER: SP-2021-0013

PERMIT: NC0025321

REGION: Asheville

FACILITY: Waynesville WWTP

COUNTY: Haywood

LIMIT VIOLATION(S)

SAMPLE LOCATION: Outfall 001 - Effluent

Violation Date	Report Month/Yr	Parameter	Frequency	Unit of Measure	Limit Value	Calculated Value	% Over Limit	Violation Type	Penalty Amount
9/30/2021	9-2021	Solids, Total Suspended - Concentration	5 X week	mg/l	45	54.1	20.2	Monthly Average Exceeded	\$1,000.00

ROY COOPER
Governor
ELIZABETH S. BISER
Secretary
S. DANIEL SMITH
Director



Certified Mail # 7017 1070 0000 1776 4631
Return Receipt Requested

November 29, 2021

Gary Caldwell, Mayor
Town of Waynesville
PO Box 100
Waynesville, NC 28786-0100

SUBJECT: NOTICE OF VIOLATION & INTENT TO ASSESS CIVIL PENALTY
EMC-SOC-WQ-S19-005

Tracking Number: NOV-2021-LV-0882
Permit No. NC0025321
Waynesville WWTP
Haywood County

Dear Permittee:

On December 31, 2020, the Environmental Management Commission entered into the subject Special Order by Consent (SOC) whereby the subject WWTP was granted relaxed effluent limitations from those imposed by the NPDES Permit, in exchange for Waynesville's commitment to a schedule of wastewater treatment plant improvements that will return the WWTP to compliance with the terms of the NPDES Permit. The SOC contains provisions for the assessment of stipulated penalties when modified limits are exceeded or schedule dates are not met.

A review of the October 2021 Discharge Monitoring Report (DMR) for the subject facility revealed the violation(s) indicated below:

Limit Exceedance Violation(s):

Sample Location	Parameter	Date	Limit Value	Reported Value	Type of Violation
001 Effluent	Coliform, Fecal MF, MFC Broth, 44.5 C (31616)	10/9/2021	600	1,094.06	Weekly Geometric Mean Exceeded - SOC
001 Effluent	Solids, Total Suspended - Concentration (CO530)	10/9/2021	100	131.6	Weekly Average Exceeded - SOC
001 Effluent	Solids, Total Suspended - Concentration (CO530)	10/31/2021	45	57.62	Monthly Average Exceeded - SOC
001 Effluent	Oxygen, Dissolved (DO) (00300)	10/7/2021	6	5.5	Daily Minimum Not Reached



Relating to the Fecal Coliform and TSS Violations – SOC:

You are directed to take any immediate remedial actions necessary to correct the problems that have led to this violation. Section III of the SOC stipulates penalties for noncompliance with any modified limits contained in the SOC. Section IV of the SOC lists certain conditions under which the stipulated penalties are not due. If you have information that will establish, to the satisfaction of the Division of Water Resources, that the conditions set forth in Section IV have been met, you must submit this information in writing (email is acceptable) to the Asheville Regional Office within ten (10) days after receipt of this notice. If the Division is not satisfied that the conditions set forth in Section IV have been met, this Office will proceed with assessment of stipulated penalties as provided in the SOC.

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 along with any information provided on the submitted Monitoring Report(s). 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 this problem 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.

Reminder: Pursuant to Permit Condition 6 in Section E, the Permittee is required to verbally notify the Regional Office as soon as possible, not to exceed 24 hours, from first knowledge of any non-compliance at the facility including limit violations, bypasses of, or failure of a treatment unit. A written report may be required within 5 days if directed by Division staff. Prior notice should be given for anticipated or potential problems due to planned maintenance activities, taking units off-line, etc.

If you have any questions concerning this matter, please contact Lauren Armeni of the Asheville Regional Office at 828-296-4667.

Sincerely,

DocuSigned by:

Daniel Boss

E397192DABFB4FF

Daniel Boss, Assistant Regional Supervisor
Water Quality Regional Operations Section
Asheville Regional Office
Division of Water Resources, NCDEQ

Ec: Laserfiche



ROY COOPER
Governor
ELIZABETH S. BISER
Secretary
S. DANIEL SMITH
Director



Certified Mail # 7020 1290 0001 1766 8965
Return Receipt Requested

January 18, 2022

Gary Caldwell, Mayor
Town of Waynesville
PO Box 100
Waynesville, NC 28786-0100

SUBJECT: NOTICE OF VIOLATION & INTENT TO ASSESS CIVIL PENALTY
EMC-SOC-WQ-S19-005

Tracking Number: NOV-2022-LV-0045
Permit No. NC0025321
Waynesville WWTP
Haywood County

Dear Permittee:

On December 31, 2020, the Environmental Management Commission entered into the subject Special Order by Consent (SOC) whereby the subject WWTP was granted relaxed effluent limitations from those imposed by the NPDES Permit, in exchange for Waynesville's commitment to a schedule of wastewater treatment plant improvements that will return the WWTP to compliance with the terms of the NPDES Permit. The SOC contains provisions for the assessment of stipulated penalties when modified limits are exceeded or schedule dates are not met.

A review of the December 2021 Discharge Monitoring Report (DMR) for the subject facility revealed the violation(s) indicated below:

Limit Exceedance Violation(s):

Sample Location	Parameter	Date	Limit Value	Reported Value	Type of Violation
001 Effluent	Solids, Total Suspended - Concentration (CO530)	12/31/2021	45	86	Monthly Average Exceeded - SOC
001 Effluent	BOD, 5-Day (20 Deg. C) - Concentration (CO310)	12/25/2021	45	58.33	Weekly Average Exceeded
001 Effluent	BOD, 5-Day (20 Deg. C) - Concentration (CO310)	12/31/2021	30	43.84	Monthly Average Exceeded



Relating to the TSS Violation – SOC:

You are directed to take any immediate remedial actions necessary to correct the problems that have led to this violation. Section III of the SOC stipulates penalties for noncompliance with any modified limits contained in the SOC. Section IV of the SOC lists certain conditions under which the stipulated penalties are not due. If you have information that will establish, to the satisfaction of the Division of Water Resources, that the conditions set forth in Section IV have been met, you must submit this information in writing (email is acceptable) to the Asheville Regional Office within ten (10) days after receipt of this notice. If the Division is not satisfied that the conditions set forth in Section IV have been met, this Office will proceed with assessment of stipulated penalties as provided in the SOC.

Relating to the BOD Violations:

A Notice of Violation/Intent to Issue Civil Penalty is being issued for the noted violation of North Carolina General Statute (G.S.) 143-215.1 and the facility's NPDES WW Permit. 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.

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 along with any information provided on the submitted Monitoring Report(s). 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 this problem 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. 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.

Reminder: Pursuant to Permit Condition 6 in Section E, the Permittee is required to verbally notify the Regional Office as soon as possible, not to exceed 24 hours, from first knowledge of any non-compliance at the facility including limit violations, bypasses of, or failure of a treatment unit. A written report may be required within 5 days if directed by Division staff. Prior notice should be given for anticipated or potential problems due to planned maintenance activities, taking units off-line, etc.

If you have any questions concerning this matter, please contact Lauren Armeni of the Asheville Regional Office at 828-296-4667.

Sincerely,

DocuSigned by:
Daniel Boss

Daniel Boss, Assistant Regional Supervisor
Water Quality Regional Operations Section
Asheville Regional Office
Division of Water Resources, NCDEQ

Ec: Laserfiche



ROY COOPER
Governor
ELIZABETH S. BISER
Secretary
S. DANIEL SMITH
Director



SENT VIA ELECTRONIC MAIL ONLY: NO HARD COPY WILL BE MAILED.

January 21, 2022

Gary Caldwell, Mayor
Town of Waynesville
Email: gcaldwell@waynesvillenc.gov

SUBJECT: **NOTICE OF DEFICIENCY**
Tracking Number: NOD-2022-MV-0004
Permit No. NC0025321
Waynesville WWTP
Haywood County

Dear Permittee:

A review of the December 2021 Discharge Monitoring Report (DMR) for the subject facility revealed the deficiency(s) indicated below:

Monitoring Deficiency(s):

Sample Location	Parameter	Date	Monitoring Frequency	Type of Deficiency
001 Effluent	Bis (2-Ethylhexyl) Phthalate - Concentration (CO100)	12/31/2021	Quarterly	Frequency Violation

Please be aware that non-compliance with your permit could result in enforcement action by the Division of Water Resources for these and any additional violations of State law. The Asheville Regional Office encourages you to take all necessary actions to bring your facility into compliance.

If you should need any assistance or would like to discuss this non-compliance situation, please contact Lauren Armeni of the Asheville Regional Office at 828-296-4667.

Sincerely,

DocuSigned by:
Daniel Boss
E397192DABFB4FF

Daniel Boss, Assistant Regional Supervisor
Water Quality Regional Operations Section
Asheville Regional Office
Division of Water Resources, NCDEQ

Ec: Laserfiche
Jeff Evans (ORC)



DIVISION OF WATER RESOURCES - CIVIL PENALTY ASSESSMENT

Violator: Town of Waynesville
Facility Name: Waynesville WWTP
Permit Number: NC0025321
County: Haywood
Case Number: LV-2022-0043

ASSESSMENT FACTORS – BOD Violations Only

- 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;**
The extent of harm is unknown. All effluent violations may be detrimental to the receiving stream but may not be immediately quantifiable.
- 2) The duration and gravity of the violation;**
The weekly and monthly average was exceeded for BOD by 29.6% and 46.1%, respectively.
- 3) The effect on ground or surface water quantity or quality or on air quality;**
The effect on surface water is unknown. All effluent violations may be detrimental to the receiving stream but may not be immediately quantifiable.
- 4) The cost of rectifying the damage;**
The cost of rectifying the damage is unknown.
- 5) The amount of money saved by noncompliance;**
The amount of money saved by noncompliance is unknown.
- 6) Whether the violation was committed willfully or intentionally;**
We do not believe 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**
There have been seven CPAs issued in the past 12 months.
- 8) The cost to the State of the enforcement procedures.**
\$113.78

2/9/2022

Date

DocuSigned by:
Daniel Boss
E397192DABFB4FF..

Daniel Boss, Assistant Regional Supervisor
Water Quality Regional Operations Section
Asheville Regional Office
Division of Water Resources, NCDEQ

ROY COOPER
Governor
ELIZABETH S. BISER
Secretary
S. DANIEL SMITH
Director



Certified Mail # 7021 2720 0000 1254 5103
Return Receipt Requested

February 09, 2022

Gary Caldwell, Mayor
Town of Waynesville
PO Box 100
Waynesville, NC 28786-0100

SUBJECT: Notice of Violation and Assessment of Civil Penalty
for Violations of North Carolina General Statute (G.S.) 143-215.1(a)(6), NPDES WW Permit No.
NC0025321, and SOC WQ S19-005
Town of Waynesville
Waynesville WWTP
Case No. LV-2022-0043
Haywood County

Dear Permittee:

This letter transmits a Notice of Violation and assessment of civil penalty in the amount of \$6,213.78 (\$6,100.00 civil penalty + \$113.78 enforcement costs) against Town of Waynesville.

This assessment is based upon the following facts: a review has been conducted of the Discharge Monitoring Report (DMR) submitted by Town of Waynesville for the month of December 2021. This review has shown the subject facility to be in violation of the discharge limitations and/or monitoring requirements found in NPDES WW Permit No. NC0025321 and SOC WQ S19-005. The violations, which occurred in December 2021, are summarized in Attachment A to this letter.

Based upon the above facts, I conclude as a matter of law that Town of Waynesville violated the terms, conditions or requirements of NPDES WW Permit No. NC0025321, G.S. 143-215.1(a)(6), and SOC WQ S19-005 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 Environmental Quality and the Director of the Division of Water Resources, I, Daniel Boss, Assistant Regional Supervisor, Asheville Regional Office hereby make the following civil penalty assessment against Town of Waynesville:

<u>\$3,600.00</u>	<u>1</u> of 1 violations of G.S. 143-215.1(a)(6) and Permit No. NC0025321, by discharging waste water into the waters of the State in violation of the Permit Monthly Average for <u>BOD, 5-Day (20 Deg. C) - Concentration</u>
<u>\$1,000.00</u>	<u>1</u> of 1 violations of SOC WQ S19-005, by discharging waste water into the waters of the State in violation of the Permit Monthly Average for <u>Solids, Total Suspended - Concentration</u>
<u>\$1,500.00</u>	<u>1</u> of 1 violations of G.S. 143-215.1(a)(6) and Permit No. NC0025321, by discharging waste water into the waters of the State in violation of the Permit Weekly Average for <u>BOD, 5-Day (20 Deg. C) - Concentration</u>
<u>\$6,100.00</u>	TOTAL CIVIL PENALTY
<u>\$113.78</u>	Enforcement Costs
<u>\$6,213.78</u>	TOTAL AMOUNT DUE

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 (30) 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 (BOD Violations Only), **OR**
- (3) Submit a written request for an administrative hearing (BOD Violations Only)

Option 1: Submit payment of the penalty:

Payment should be made directly to the order of the Department of Environmental Quality (*do not include waiver form*). Payment of the penalty will not foreclose further enforcement action for any continuing or new violation(s). Please submit payment to the attention of:

Wastewater Branch
Division of Water Resources
1617 Mail Service Center
Raleigh, North Carolina 27699-1617

Option 2: Submit a written request for remission or mitigation including a detailed justification for such Request (BOD Violations Only):

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
Division of Water Resources
1617 Mail Service Center
Raleigh, North Carolina 27699-1617

Option 3: File a petition for an administrative hearing with the Office of Administrative Hearings (BOD Violations Only):

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) 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:

6714 Mail Service Center
Raleigh, NC 27699 6714
Tel: (919) 431-3000
Fax: (919) 431-3100

One (1) copy of the petition must also be served on DEQ as follows:

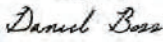
Mr. William F. Lane, General Counsel
Department of Environmental Quality
1601 Mail Service Center
Raleigh, North Carolina 27699-1601

Please indicate the case number (as found on page one of this letter) on the petition.

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.

If you have any questions, please contact Lauren Armeni with the Division of Water Resources staff of the Asheville Regional Office at (828) 296-4667 or via email at lauren.armeni@ncdenr.gov.

Sincerely,

DocuSigned by:

E397192DABFB4FF...

Daniel Boss, Assistant Regional Supervisor
Water Quality Regional Operations Section
Asheville Regional Office
Division of Water Resources, NCDEQ

ATTACHMENTS: Justification for Remission Request, Attachment A

Ec: Laserfiche

JUSTIFICATION FOR REMISSION REQUEST

Case Number: LV-2022-0043
Assessed Party: Town of Waynesville
Permit No.: NC0025321

County: Haywood

Amount Assessed: \$6,213.78

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:

STATE OF NORTH CAROLINA

DEPARTMENT OF ENVIRONMENTAL QUALITY

COUNTY OF HAYWOOD

IN THE MATTER OF ASSESSMENT
OF CIVIL PENALTIES AGAINST

Town of Waynesville
Waynesville WWTP

PERMIT NO. NC0025321

)
)
)
)
)
)
)

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

CASE NO. LV-2022-0043

Having been assessed civil penalties totaling \$6,213.78 for violation(s) as set forth in the assessment document of the Division of Water Resources dated February 09, 2022, the undersigned, desiring to seek remission of the civil penalty, does hereby waive the right to an administrative hearing in the above-stated matter and does stipulate that the facts are as alleged in the assessment document. The undersigned further understands that all evidence presented in support of remission of this civil penalty must be submitted to the Director of the Division of Water Resources within thirty (30) days of receipt of the notice of assessment. No new evidence in support of a remission request will be allowed after (30) days from the receipt of the notice of assessment.

This the _____ day of _____, 20____

SIGNATURE

ADDRESS

TELEPHONE

ATTACHMENT A**Town of Waynesville****CASE NUMBER: LV-2022-0043****PERMIT: NC0025321****REGION: Asheville****FACILITY: Waynesville WWTP****COUNTY: Haywood****LIMIT VIOLATION(S)****SAMPLE LOCATION: Outfall 001 - Effluent**

Violation Date	Report Month/Yr	Parameter	Frequency	Unit of Measure	Limit Value	Calculated Value	% Over Limit	Violation Type	Penalty Amount
12/25/2021	12-2021	BOD, 5-Day (20 Deg. C) - Concentration	5 X week	mg/l	45	58.33	29.6	Weekly Average Exceeded	\$1,500.00
12/31/2021	12-2021	BOD, 5-Day (20 Deg. C) - Concentration	5 X week	mg/l	30	43.84	46.1	Monthly Average Exceeded	\$3,600.00
12/31/2021	12-2021	Solids, Total Suspended - Concentration	5 X week	mg/l	45	86	91.1	Monthly Average Exceeded	\$1,000.00

ROY COOPER
Governor
ELIZABETH S. BISER
Secretary
S. DANIEL SMITH
Director



Certified Mail # 7021 2720 0000 1254 5202
Return Receipt Requested

February 21, 2022

Gary Caldwell, Mayor
Town of Waynesville
PO Box 100
Waynesville, NC 28786-0100

SUBJECT: NOTICE OF VIOLATION & INTENT TO ASSESS CIVIL PENALTY
EMC-SOC-WQ-S19-005

Tracking Number: NOV-2022-LV-0132
Permit No. NC0025321
Waynesville WWTP
Haywood County

Dear Permittee:

On December 31, 2020, the Environmental Management Commission entered into the subject Special Order by Consent (SOC) whereby the subject WWTP was granted relaxed effluent limitations from those imposed by the NPDES Permit, in exchange for Waynesville's commitment to a schedule of wastewater treatment plant improvements that will return the WWTP to compliance with the terms of the NPDES Permit. The SOC contains provisions for the assessment of stipulated penalties when modified limits are exceeded or schedule dates are not met.

A review of the January 2022 Discharge Monitoring Report (DMR) for the subject facility revealed the violation(s) indicated below:

Limit Exceedance Violation(s):

Sample Location	Parameter	Date	Limit Value	Reported Value	Type of Violation
001 Effluent	Solids, Total Suspended - Concentration (CO530)	1/1/2022	100	155.67	Weekly Average Exceeded - SOC
001 Effluent	Solids, Total Suspended - Concentration (CO530)	1/8/2022	100	100.8	Weekly Average Exceeded - SOC
001 Effluent	Solids, Total Suspended - Concentration (CO530)	1/22/2022	100	125.5	Weekly Average Exceeded - SOC
001 Effluent	Solids, Total Suspended - Concentration (CO530)	1/31/2022	45	85.15	Monthly Average Exceeded - SOC
001 Effluent	BOD, 5-Day (20 Deg. C) -	1/1/2022	45	61.67	Weekly Average Exceeded



Concentration (CO310)					
001 Effluent	BOD, 5-Day (20 Deg. C) - Concentration (CO310)	1/8/2022	45	49.6	Weekly Average Exceeded
001 Effluent	BOD, 5-Day (20 Deg. C) - Concentration (CO310)	1/22/2022	45	73.5	Weekly Average Exceeded
001 Effluent	BOD, 5-Day (20 Deg. C) - Concentration (CO310)	1/31/2022	30	47.55	Monthly Average Exceeded

Relating to the TSS Violation – SOC:

You are directed to take any immediate remedial actions necessary to correct the problems that have led to this violation. Section III of the SOC stipulates penalties for noncompliance with any modified limits contained in the SOC. Section IV of the SOC lists certain conditions under which the stipulated penalties are not due. If you have information that will establish, to the satisfaction of the Division of Water Resources, that the conditions set forth in Section IV have been met, you must submit this information in writing (email is acceptable) to the Asheville Regional Office within ten (10) days after receipt of this notice. If the Division is not satisfied that the conditions set forth in Section IV have been met, this Office will proceed with assessment of stipulated penalties as provided in the SOC.

Relating to the BOD Violations:

A Notice of Violation/Intent to Issue Civil Penalty is being issued for the noted violation of North Carolina General Statute (G.S.) 143-215.1 and the facility's NPDES WW Permit. 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.

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 along with any information provided on the submitted Monitoring Report(s). 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 this problem 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. 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.

Reminder: Pursuant to Permit Condition 6 in Section E, the Permittee is required to verbally notify the Regional Office as soon as possible, not to exceed 24 hours, from first knowledge of any non-compliance at the facility including limit violations, bypasses of, or failure of a treatment unit. A written report may be required within 5 days if directed by Division staff. Prior notice should be given for anticipated or potential problems due to planned maintenance activities, taking units off-line, etc.



If you have any questions concerning this matter, please contact Lauren Armeni of the Asheville Regional Office at 828-296-4667.

Sincerely,

DocuSigned by:

Daniel Boss

E397192DABFB4FF

Daniel Boss, Assistant Regional Supervisor
Water Quality Regional Operations Section
Asheville Regional Office
Division of Water Resources, NCDEQ

cc: Laserfiche



DIVISION OF WATER RESOURCES - CIVIL PENALTY ASSESSMENT

Violator: Town of Waynesville
Facility Name: Waynesville WWTP
Permit Number: NC0025321
County: Haywood
Case Number: LV-2022-0079

ASSESSMENT FACTORS – BOD Violations Only

- 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;**
The extent of harm is unknown. All effluent violations may be detrimental to the receiving stream but may not be immediately quantifiable.
- 2) **The duration and gravity of the violation;**
The weekly averages were exceeded for BOD by 37.0% and 63.3%, respectively. The monthly average was exceeded for BOD by 58.5%.
- 3) **The effect on ground or surface water quantity or quality or on air quality;**
The effect on surface water is unknown. All effluent violations may be detrimental to the receiving stream but may not be immediately quantifiable.
- 4) **The cost of rectifying the damage;**
The cost of rectifying the damage is unknown.
- 5) **The amount of money saved by noncompliance;**
The amount of money saved by noncompliance is unknown.
- 6) **Whether the violation was committed willfully or intentionally;**
We do not believe 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**
There have been eight CPAs issued in the past 12 months.
- 8) **The cost to the State of the enforcement procedures.**

\$113.78

3/17/2022

Date

DocuSigned by:
Daniel Boss
E397192DABFB4FF...

**Daniel Boss, Assistant Regional Supervisor
Water Quality Regional Operations Section
Asheville Regional Office
Division of Water Resources, NCDEQ**

ROY COOPER
Governor
ELIZABETH S. BISER
Secretary
S. DANIEL SMITH
Director



Certified Mail # 7021 2720 0000 1254 5509
Return Receipt Requested

March 18, 2022

Gary Caldwell, Mayor
Town of Waynesville
PO Box 100
Waynesville, NC 28786-0100

SUBJECT: Notice of Violation and Assessment of Civil Penalty
for Violations of North Carolina General Statute (G.S.) 143-215.1(a)(6), NPDES WW Permit No.
NC0025321, and SOC WQ S19-005
Town of Waynesville
Waynesville WWTP
Case No. LV-2022-0079
Haywood County

Dear Permittee:

This letter transmits a Notice of Violation and assessment of civil penalty in the amount of \$9,363.78 (\$9,250.00 civil penalty + \$113.78 enforcement costs) against Town of Waynesville.

This assessment is based upon the following facts: a review has been conducted of the Discharge Monitoring Report (DMR) submitted by Town of Waynesville for the month of January 2022. This review has shown the subject facility to be in violation of the discharge limitations and/or monitoring requirements found in NPDES WW Permit No. NC0025321 and SOC WQ S19-005. The violations, which occurred in January 2022, are summarized in Attachment A to this letter.

Based upon the above facts, I conclude as a matter of law that Town of Waynesville violated the terms, conditions or requirements of NPDES WW Permit No. NC0025321, G.S. 143-215.1(a)(6), and SOC WQ S19-005 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 Environmental Quality and the Director of the Division of Water Resources, I, Daniel Boss, Assistant Regional Supervisor, Asheville Regional Office hereby make the following civil penalty assessment against Town of Waynesville:

<u>\$3,750.00</u>	<u>1</u> of 1 violations of G.S. 143-215.1(a)(6) and Permit No. NC0025321, by discharging waste water into the waters of the State in violation of the Permit Monthly Average for <u>BOD, 5-Day (20 Deg. C) - Concentration</u>
<u>\$1,000.00</u>	<u>1</u> of 1 violations of SOC WQ S19-005, by discharging waste water into the waters of the State in violation of the Permit Monthly Average for <u>Solids, Total Suspended - Concentration</u>
<u>\$3,000.00</u>	<u>2</u> of 3 violations of G.S. 143-215.1(a)(6) and Permit No. NC0025321, by discharging waste water into the waters of the State in violation of the Permit Weekly Average for <u>BOD, 5-Day (20 Deg. C) - Concentration</u>
<u>\$1,500.00</u>	<u>3</u> of 3 violations of SOC WQ S19-005, by discharging waste water into the waters of the State in violation of the Permit Weekly Average for <u>Solids, Total Suspended - Concentration</u>
<u>\$9,250.00</u>	TOTAL CIVIL PENALTY
<u>\$113.78</u>	Enforcement Costs
<u>\$9,363.78</u>	TOTAL AMOUNT DUE

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 (30) 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 (BOD Violations Only), **OR**
- (3) Submit a written request for an administrative hearing (BOD Violations Only)

Option 1: Submit payment of the penalty:

Payment should be made directly to the order of the Department of Environmental Quality (*do not include waiver form*). Payment of the penalty will not foreclose further enforcement action for any continuing or new violation(s). Please submit payment to the attention of:

Wastewater Branch
Division of Water Resources
1617 Mail Service Center
Raleigh, North Carolina 27699-1617

Option 2: Submit a written request for remission or mitigation including a detailed justification for such Request (BOD Violations Only):

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
Division of Water Resources
1617 Mail Service Center
Raleigh, North Carolina 27699-1617

Option 3: File a petition for an administrative hearing with the Office of Administrative Hearings (BOD Violations Only):

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) 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:

6714 Mail Service Center
Raleigh, NC 27699 6714
Tel: (919) 431-3000
Fax: (919) 431-3100

One (1) copy of the petition must also be served on DEQ as follows:


Mr. William F. Lane, General Counsel
Department of Environmental Quality
1601 Mail Service Center
Raleigh, North Carolina 27699-1601

Please indicate the case number (as found on page one of this letter) on the petition.

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.

If you have any questions, please contact Lauren Armeni with the Division of Water Resources staff of the Asheville Regional Office at (828) 296-4667 or via email at lauren.armeni@ncdenr.gov.

Sincerely,

DocuSigned by:

E397192DABFB4FF

Daniel Boss, Assistant Regional Supervisor
Water Quality Regional Operations Section
Asheville Regional Office
Division of Water Resources, NCDEQ

ATTACHMENTS: Justification for Remission Request, Attachment A

Ec: Laserfiche

JUSTIFICATION FOR REMISSION REQUEST

Case Number: LV-2022-0079
Assessed Party: Town of Waynesville
Permit No.: NC0025321

County: Haywood

Amount Assessed: \$9,363.78

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:

STATE OF NORTH CAROLINA

DEPARTMENT OF ENVIRONMENTAL QUALITY

COUNTY OF HAYWOOD

IN THE MATTER OF ASSESSMENT
OF CIVIL PENALTIES AGAINST

Town of Waynesville
Waynesville WWTP

PERMIT NO. NC0025321

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

CASE NO. LV-2022-0079

Having been assessed civil penalties totaling \$9,363.78 for violation(s) as set forth in the assessment document of the Division of Water Resources dated March 18, 2022, the undersigned, desiring to seek remission of the civil penalty, does hereby waive the right to an administrative hearing in the above-stated matter and does stipulate that the facts are as alleged in the assessment document. The undersigned further understands that all evidence presented in support of remission of this civil penalty must be submitted to the Director of the Division of Water Resources within thirty (30) days of receipt of the notice of assessment. No new evidence in support of a remission request will be allowed after (30) days from the receipt of the notice of assessment.

This the _____ day of _____, 20____

SIGNATURE

ADDRESS

TELEPHONE

ATTACHMENT A**Town of Waynesville****CASE NUMBER: LV-2022-0079****PERMIT: NC0025321****REGION: Asheville****FACILITY: Waynesville WWTP****COUNTY: Haywood****LIMIT VIOLATION(S)****SAMPLE LOCATION: Outfall 001 - Effluent**

Violation Date	Report Month/Yr	Parameter	Frequency	Unit of Measure	Limit Value	Calculated Value	% Over Limit	Violation Type	Penalty Amount
1/1/2022	1-2022	BOD, 5-Day (20 Deg. C) - Concentration	5 X week	mg/l	45	61.67	37.0	Weekly Average Exceeded	\$1,500.00
1/8/2022	1-2022	BOD, 5-Day (20 Deg. C) - Concentration	5 X week	mg/l	45	49.6	10.2	Weekly Average Exceeded	\$0.00
1/22/2022	1-2022	BOD, 5-Day (20 Deg. C) - Concentration	5 X week	mg/l	45	73.5	63.3	Weekly Average Exceeded	\$1,500.00
1/31/2022	1-2022	BOD, 5-Day (20 Deg. C) - Concentration	5 X week	mg/l	30	47.55	58.5	Monthly Average Exceeded	\$3,750.00
1/1/2022	1-2022	Solids, Total Suspended - Concentration	5 X week	mg/l	100	155.67	55.7	Weekly Average Exceeded	\$500.00
1/8/2022	1-2022	Solids, Total Suspended - Concentration	5 X week	mg/l	100	100.8	0.8	Weekly Average Exceeded	\$500.00
1/22/2022	1-2022	Solids, Total Suspended - Concentration	5 X week	mg/l	100	125.5	25.5	Weekly Average Exceeded	\$500.00
1/31/2022	1-2022	Solids, Total Suspended - Concentration	5 X week	mg/l	45	85.15	89.2	Monthly Average Exceeded	\$1,000.00

System Operations Ratio Calculations

Category 3- System Management

3.B. System Operating Ratio is Greater than 1

Town of Waynesville	
Fiscal Year 2021	
Operating Ratio Formula:	
$\frac{\textit{Operating Revenues}}{\textit{Total Exp. + Debt Principal + Interest + Cap Outlay}} =$	Operating Ratio 1.31
Formula Inputs:	
Operating Revenues	3,061,681
Total Expenditures	2,168,805
Debt Principal	-
Interest	-
Capital Outlay	161,536

Monthly Water and Sewer Rate Calculations

Town of Waynesville	
Fiscal Year 2023	
Combined Water and Bill as percent of MHI	
$\frac{\text{Current Combined Residential Water and Sewer Bill 5,000 gal/mo}}{(\text{Median Household Income}/12)} \times 100 =$	Unit Cost
$\frac{\$60.86}{\$40,911/12} \times 100 =$	1.79%
Formula Inputs:	
Water Bill	\$ 23.82
Sewer Bill	\$ 37.04
Combined Water & Sewer Bill	\$ 60.86
Median Household Income	\$ 40,911

Town of Waynesville	
FY23 Sewer Rate	
Monthly Water Bill: 5,000 gallons	
Water Base Charges: 2,057 gallons included	= \$ 16.66
Volume Charge: \$2.433 / 1,000 gal x 2.943	= \$ 7.16
Total Water	\$ 23.82
Monthly Sewer Bill: 5,000 gallons	
Sewer Base Charges: 2,057 gallons included	= \$ 23.58
Volume Charge: \$4.572 / 1,000 gal x 2.943	= \$ 13.46
Total Sewer	\$ 37.04
Combined Monthly Water and Sewer Bill	= \$ 60.86

LGU Indicators Worksheet

NC Division of Water Infrastructure Fall 2022 Affordability Calculator

← Complete data entry cells in yellow

Updated 8/8/2022. This tool can be used by Applicants to determine eligibility for grant/principal forgiveness funding and to complete the affordability calculations in the application for funding.

Enter Name of Applicant:

STEP 1: Applicant's Designation and Assessment Criteria Score

Select Applicant from menu:	Waynesville, Town of	If applying for a project with more than one local government unit, select the local government that is either designated as distressed or has the greatest VUR Assessment Criteria score.
Designated as "Distressed" in accordance with NCGS 159G-45?	No	
Max VUR Assessment Criteria Score (2021 and 2022):	8	
Wholesale-only service provider?	No	

STEP 2: Residential Connections

How many wastewater residential connections does your system contain?	4,346
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STEP 3: Local Government Unit (LGU) Economic Indicators

Enter your local government unit parameters and service area coverage as shown below. Select local government(s) in your service area.

<input type="button" value="Push to Clear All"/> Select LGU from menu → <input type="text" value="Waynesville, Town of"/>					Total:				
Enter name of LGU (if not listed above) →					100%		State	Worse than State	
LGU Coverage (% of service area)	100%						Benchmarks are:	Benchmark?	
Population:	10,145								
Population Change	3.65%				3.65%	<=	4.48%	Yes	
Poverty Rate	20.4				20.4	>=	14.0	Yes	
Median Household Income	\$40,911				\$40,911	<=	\$56,642	Yes	
Unemployment Rate	7.3				7.3	>=	7.1	Yes	
Total Appraised Value of Property	\$1,228,800,617								
Calculated Prop. Val. per Capita	\$121,124	\$0	\$0	\$0	\$121,124	<=	\$125,015	Yes	
								# of Indicators worse than State Benchmark	5

STEP 4: Existing Revenues

Enter the following information below.

Operating Revenues _{Water & Sewer} :	\$3,061,681
Total Expenditures _{Water & Sewer} :	\$2,168,805
Debt Principal _{Water & Sewer} :	\$0
Interest _{Water & Sewer} :	\$0
Project Cost:	\$29,423,000
Calculated Operating Ratio _{Future} :	0.84

Step 5: Water/Sewer Utility Information

Combined water and sewer provider, or single service?	Combined water and sewer provider	Current monthly bill for 5,000 gallons:	
Is your project a water or wastewater project?	Wastewater	Water Rate	Sewer Rate
"Effective" combined water & sewer bill for 5,000 gallons:	\$60.86	\$23.82	\$37.04
Number of wastewater non-residential connections:	694		
Calculated total number of wastewater connections:	5,040		
Project cost per connection per month:	\$24.32		

Eligibility for American Rescue Plan Act (ARPA) Grant Funding

ARPA grants are administered through the Viable Utility Reserve and the State Reserves. All local government utilities and non-profit water corporations are eligible recipients of ARPA grants for planning/study projects. Local government units designated as distressed or categorized as At-Risk Systems are eligible for ARPA grants for construction projects (see your eligibility below). Additionally, all local government utilities and non-profit water corporations are eligible recipients of ARPA grants for construction if the project is primarily to provide service to disadvantaged, underserved areas. ARPA funding is up to 100% grant and is not subject to the percentage limits of the Affordability Criteria for SRF Principal Forgiveness/SRP grant eligibility. ARPA funds are subject to availability and limits specified in the Administration Plan.

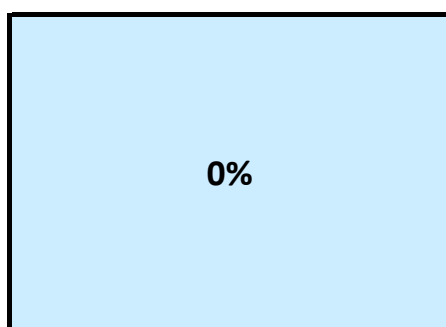
[See the ARPA Administration Plan on the Division's website for more details.](#)

If applicant is a local government unit, eligible for ARPA project construction grants for At-Risk Systems and for planning/study grants from the State Reserves.

Eligibility for State Revolving Fund (SRF) Principal Forgiveness and State Reserve Program Grants (not ARPA-funded)

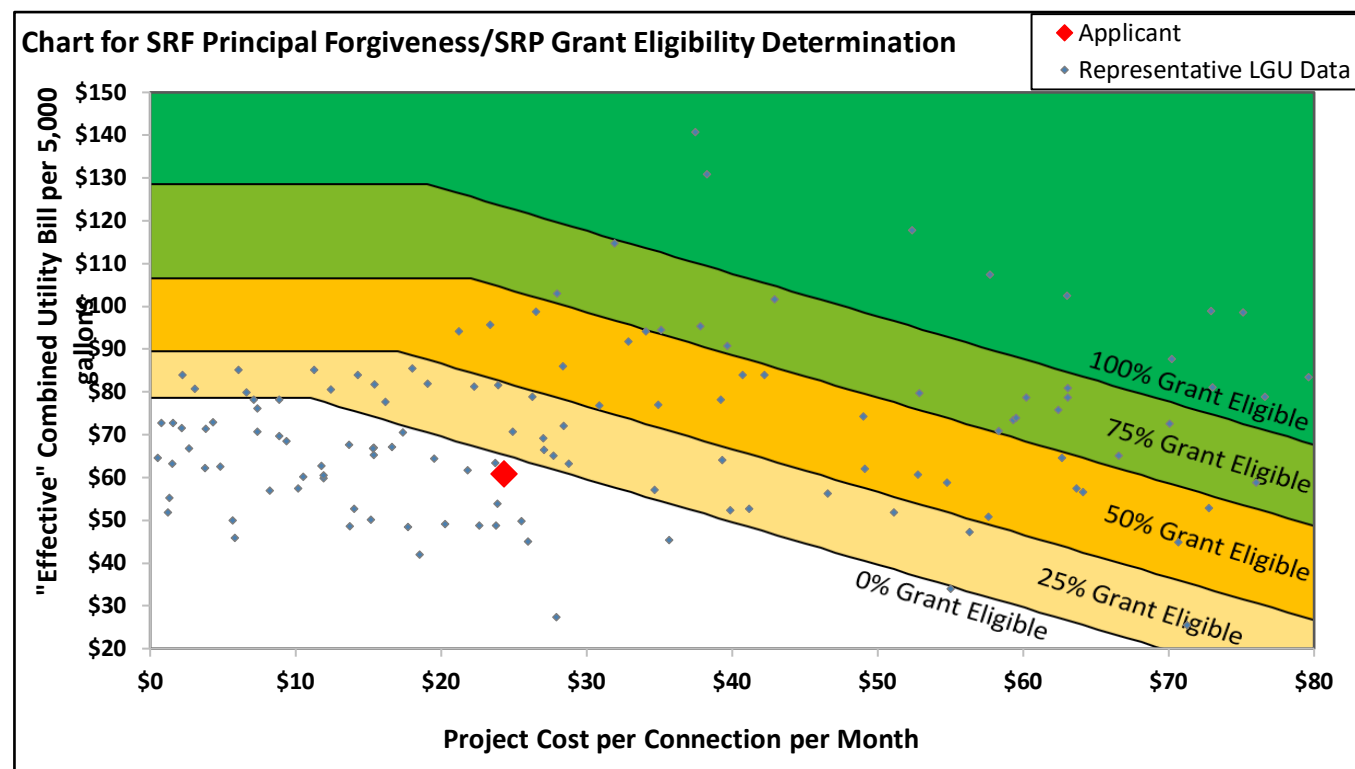
Eligibility is limited by the percentage below, funding request amount, caps on SRF principal forgiveness or SRP grants based on project type, and PF or grant availability.

Percentage of funding request amount eligible for SRF Principal Forgiveness or SRP grant:



Limit not applicable to ARPA grants.

Graph is truncated:
\$0-\$80 (X-axis), \$20-\$150 (Y-axis)



* Representative LGU data plotted using Project Cost in Step 4, and project type selection (Water or Wastewater) in Step 5.