



Tiffany Qualls <tiffanyqualls@jacksonnc.org>

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## DWR NOV-2019-PC-0727 - WCU Millennial Campus Apartments

1 message

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**Annino, Amy M** <amy.annino@ncdenr.gov>

Mon, Nov 4, 2019 at 4:26 PM

To: "David Brown (david.w.brown@usace.army.mil)" <david.w.brown@usace.army.mil>, "Haupt, Mac" <mac.haupt@ncdenr.gov>, "Leslie, Andrea J" <andrea.leslie@ncwildlife.org>, "Aiken, Stan E" <stan.aiken@ncdenr.gov>, "Yankura, Kaylie" <kaylie.yankura@ncdenr.gov>, Steve Beasley <stevebeasley@jacksonnc.org>, "tiffanyqualls@jacksonnc.org" <tiffanyqualls@jacksonnc.org>, Gregory Hoffman <ghoffman@cdcgo.com>, Joe Walker <jwalker@email.wcu.edu>, Robert Jones <robertjones@zdc.com>  
Cc: Clement Riddle <clement@cwenv.com>, Britten Yant <britten@cwenv.com>

Please see attached DWR Notice of Violation for the subject property.

### Amy Annino

Environmental Specialist – Asheville Regional Office

Water Quality Regional Operations Section

NCDEQ – Division of Water Resources

828 296 4656 office

[amy.annino@ncdenr.gov](mailto:amy.annino@ncdenr.gov)

2090 U.S. Hwy. 70

Swannanoa, N.C. 28711



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NORTH CAROLINA  
*Environmental Quality*

ROY COOPER

*Governor*

MICHAEL S. REGAN

*Secretary*

LINDA CULPEPPER

*Director*

November 4, 2019

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Zimmer Development Company  
Attn: Mr. Jeffery L. Zimmer  
111 Princess Street  
Wilmington, NC 28401

**Return Receipt #**  
**7019 0700 0000 8867 5947**

Western Carolina University  
Attn: Mr. Joe Walker, PE  
Associate Vice Chancellor of Facilities Management  
3476 Old Cullowhee Road  
Cullowhee, NC 28723

**Return Receipt #**  
**7019 0700 0000 8864 5961**

**SUBJECT: NOTICE OF VIOLATION and**  
**RECOMMENDATION FOR ENFORCEMENT**  
WCU Millennial Campus Apartments  
NOV-2019-PC-0727  
Stream Standard Violation – Other Waste (In-stream sediment)  
Stream Standard Violation - Turbidity  
Jackson County  
**Response deadline: November 18, 2019**

Dear Mr. Zimmer and Mr. Walker:

On October 30, 2019, Amy Annino from the Asheville Regional Office of the Division of Water Resources (DWR) conducted a site inspection off Killian Road in Cullowhee for the project known as WCU Millennial Apartments (Jackson County Parcel Identification Number 7549-83-7905). The site inspection was in response to a report of turbidity in Long Branch.

During the site inspection, turbidity samples were collected in an unnamed tributary (UT) to Long Branch and in Long Branch, classified C. A background sample was taken upstream of the confluence with the two unnamed tributaries for reference. Samples were taken to determine if



North Carolina Department of Environmental Quality | Division of Water Resources  
Asheville Regional Office | 2090 U.S. Highway 70 | Swannanoa, North Carolina 28778  
828.296.4500

turbidity levels were exceeding stream standards. The stream standard for turbidity on Long Branch is 50 Nephelometric Turbidity Units (NTUs).

On October 31, 2019, Tim Fox and Kevin Mitchell from the Asheville Regional Office of the Division of Water Resources (DWR) conducted a site inspection off Killian Road in Cullowhee for the project known as WCU Millennial Apartments (Jackson County Parcel Identification Number 7549-83-7905). The site inspection was in response to a report of a sediment basin failure and subsequent sediment release into Long Branch as well as into two unnamed tributaries (UT) that flow to Long Branch.

During the site inspection, an undetermined length of two unnamed tributaries to Long Branch, classified C, were impacted by sediment deposition measured to be up to 9 inches in depth. Sediment was also observed and documented in Long Branch up to 5 inches in depth.

As a result of the site inspections and file review, the following violations were identified:

## VIOLATIONS

- I. Stream Standard Violation - Turbidity 15A NCAC 02B .0211 (21)** – On October 30, 2019, DWR obtained water samples from Long Branch and an unnamed tributary to analyze for turbidity. The sample results were as follows:

October 30, 2019

Sample #1	800 NTUs	Eastern Tributary– Eastern Tributary above Briar Patch Road
Sample #2	750 NTUs	Eastern Tributary – Eastern Tributary Below Blackhawk Road
Sample #3	70 NTUs	Long Branch – Upstream of confluence with Eastern Tributary
Sample #4	55 NTUs	Long Branch – Upstream of confluence with Eastern Tributary and upstream of Catamount Homes
Sample #5	50 NTUs	Long Branch – Upstream of confluence with Western Tributary
Sample #6	450 NTUs	Long Branch – At confluence with Eastern Tributary

- II. Stream Standard Violation - Other Waste (In-stream sediment) 15A NCAC 02B .0211 (12)** – An undetermined length of two unnamed tributaries to Long Branch, classified C, were impacted by sediment deposition measured to be up to 9 inches in depth. Sediment was also observed and documented in Long Branch. This represents Water Quality Stream Standard violation of 15A NCAC 02B .0211 (12).

## REQUIRED RESPONSE

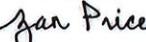
Accordingly, you are directed to respond to this letter in writing by **November 18, 2019**. Your response should be sent to this office at the footer address or via email to [amy.annino@ncdenr.gov](mailto:amy.annino@ncdenr.gov) and include the following:

1. Please provide documentation (including a detailed site map) depicting all jurisdictional water features (e.g. streams, wetlands, buffers) on the site. This documentation should describe and quantify the impacts to those jurisdictional features, and should include plans to avoid further stream and wetland impacts on the site.
2. The site must be stabilized immediately and/ or proper erosion control measures installed to prevent ongoing and continuing sedimentation impacts. The DWR is concerned that there have been three documented stream standard violation events at this site since June 2019. Please coordinate revised site stabilization plans with the Division of Energy, Mineral and Land Resources.
3. In the event that additional sediment from your site is discharged into streams and/or wetlands, please contact our office immediately.
4. Please submit the following documents for review and approval:
  - a. Sediment Removal Plan - Sediment impacts to the streams onsite and downstream of the site must be removed. As a part of this plan, you should provide the amount (depth) of material that has been deposited in the stream. This information should be depicted on a map you provide. It is recommended that you use hand labor (buckets, shovels, and wheelbarrows) to remove deposited sediment from the channel. The sediment should be removed from the channel, taken to high ground away from the stream channel a minimum of thirty feet, and stabilized. The plan must address the measures that will be used for temporary stabilization/sediment control while this work is under way. It is recommended to secure a consultant experienced in stream restoration to assist you with your plan development and authorization necessary to achieve compliance.
  - b. Please include in your response a detailed schedule with dates explaining when the restoration will be accomplished. Once the work is complete, a final report documenting the results of the restoration should be submitted to Amy Annino.

Thank you for your attention to this matter. This Office is considering sending a recommendation for enforcement to the Director of the Division of Water Resources regarding these issues and any future/continued violations that may be encountered. Your above-mentioned response to this correspondence will be considered in this process. **This office requires that the violations, as detailed above, be abated immediately. These violations and any future violations are subject to a civil penalty assessment of up to \$25,000.00 per day for each violation.**

Should you have any questions regarding these matters, please contact Amy Annino at (828) 296-4656 or [amy.annino@ncdenr.gov](mailto:amy.annino@ncdenr.gov).

Sincerely,

DocuSigned by:  
  
627B1D2775374D0...

Zan Price, P.E., Assistant Regional Supervisor  
Water Quality Regional Operations  
Asheville Regional Office

cc: David Brown – USACE (email copy)  
Andrea Leslie – NCWRC (email copy)  
Stan Aiken – NCDEMLR (email copy)  
Steve Beasley – Jackson County (email copy)  
Tiffany Qualls – Jackson County (email copy)  
Greg Hoffman, PE Civil Design Concepts (email copy)  
Mac Haupt – 401 & Buffer Permitting Unit  
ARO File Copy