

ROY COOPER  
*Governor*  
MICHAEL S. REGAN  
*Secretary*  
LINDA CULPEPPER  
*Director*



NORTH CAROLINA  
*Environmental Quality*

June 19, 2019

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

Zimmer Development Company  
Attn: Mr. Jeffery L. Zimmer  
111 Princess Street  
Wilmington, NC 28401  
**Return Receipt #**  
**7017 1070 0000 1776 0442**

Western Carolina University  
Attn: Mr. Joe Walker, PE  
Associate Vice Chancellor of Facilities Management  
3476 Old Cullowhee Road  
Cullowhee, NC 28723  
**Return Receipt #**  
**7017 1070 0000 1776 0435**

**SUBJECT: NOTICE OF VIOLATION and**  
**RECOMMENDATION FOR ENFORCEMENT**  
WCU Millennial Campus Apartments  
NOV-2019-PC-0470  
Stream Standard Violation – Other Waste (In-stream sediment)  
Jackson County  
**Response deadline: July 3, 2019**

Dear Mr. Zimmer and Mr. Walker:

On June 12, 2019, Tim Fox 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 release concern into an unnamed tributary to Long Branch.

During the site inspection, an unnamed tributary to Long Branch, classified C, was observed to have been impacted by sediment deposition from land disturbing activities originating from the project. Recently deposited sediment was measured to be up to 12 inches in depth.



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

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

## VIOLATIONS

- I. Stream Standard Violation - Other Waste (In-stream sediment) 15A NCAC 02B .0211 (12)** – An undetermined length of an unnamed tributary to Long Branch, classified C, was impacted by sediment deposition measured to be up to 12 inches in depth, representing 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 **July 3, 2019**. Your response should be sent to this office at the footer address or via email to [tim.fox@ncdenr.gov](mailto:tim.fox@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. Please coordinate these efforts with the Division of Energy, Mineral and Land Resources. Contact our office immediately if additional sediment from your site is discharged to streams and/or wetlands.
3. 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 Tim Fox.

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 Tim Fox at (828) 296-4664 or [tim.fox@ncdenr.gov](mailto:tim.fox@ncdenr.gov).

Sincerely,



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)  
Karen Higgins – 401 & Buffer Permitting Unit  
ARO File Copy