

ENVIRONMENTAL HEALTH
Onsite Water Protection Notices of Violation
February 2019

LEGEND
RED - Indicates updates since last report
PURPLE - Indicates County Attorney Action Requested/Legal Remedy

NOV DATE	SUBJECT PROPERTY ADDRESS	TYPE OF VIOLATION	NOV EXPIRATION DATE	FORWARDED TO CO. ATTY?	COMPLIANCE STATUS (YES/NO)	COMPLIANCE DATE	NOTES
6/25/2015	5114 Leesville Rd	Surfacing effluent, straight pipe from basement plumbing, and property line setback violation	7/25/2015	Y	N		Existing system crosses property line and is discharging effluent to the ground surface. Basement plumbing is discharging via straight pipe into gutter drain. Repair permit issued same day as NOV. 2/19/2016 - 10-day demand letter issued by County Attorney's Office. 9/30/2016 - EH will follow-up with owner on progress prior to initiation of legal action. NOV to be revisited in 30 days. 3/8/2017 - Requested County Attorney file lawsuit. 8/20/18 - EH contacted owner via e-mail for an update but no response has been received as of 8/31/2018. 9/30/2018 - System remains non-compliant. 2/28/19 - System remains non-compliant.
9/28/2015	6101 Cheek Rd	No Subsurface Operator	10/28/2015	Y	N		EH has not received system management reports as required by rule. 2/19/2016 - 10-day demand letter issued by County Attorney's Office. 9/30/2016 - EH will follow-up with owner on progress prior to initiation of legal action. NOV to be revisited in 30 days. 3/8/2017 - Requested County Attorney to file lawsuit. 8/31/2018 - System remains non-compliant. No ORC reports have been received as required by rule. 9/30/2018 - System remains non-compliant. 2/28/2019 - System remains non-compliant.
10/28/2015	3050 Ruth St	No Subsurface Operator	11/27/2015	Y	N		EH has not received system management reports as required by rule. 9/30/2016 - Requested 10-day demand letter from County Attorney's office. 9/30/2016 - EH will follow-up with owner on progress prior to initiation of legal action. NOV to be revisited in 30 days. 3/8/2017 - Requested County Attorney file lawsuit. 8/31/2018 - System remains non-compliant. No ORC reports have been received as required by rule. 9/30/2018 - System remains non-compliant. 2/28/2019 - System remains non-compliant.
6/30/2016	2005 Patterson	Surfacing Effluent	7/30/2016	Y	N		Existing system is failing. Property owner has submitted application for repair permit but has not cleared area or marked property lines for an evaluation. 9/30/2016 - Requested 10-day demand letter from County Attorney's Office. 9/30/2016 - EH will follow-up with owner on progress prior to initiation of legal action. 10/28/2016 - 10-Day demand letter issued by County Attorney's Office. 3/8/2017 - Requested County Attorney file lawsuit. 8/28/2017 - EH received another complaint regarding the failure. 10/2/2017 - File is under review by County Attorney's Office. 10/24/2017 - Lawsuit filed by County Attorney's Office. 3/28/2018 - Site was evaluated on March 19 and classified as unsuitable for repair. Owner's options are to apply for Permanent Pump and Haul, apply for an NPDES permit from NC Division of Water Resources, or vacate the property. County Attorney's office was copied on the correspondence. **7/9/2018 - Entry of default judgment and permanent injunction ordered by superior court judge.** 7/30/2018 - Construction Authorization issued for Permanent Pump and Haul. 8/31/18 - House remains occupied, owners <u>have not complied</u> with the court order. 9/30/2018 - No construction has commenced for installation of permanent pump and haul system. 2/28/2019 - System remains non-compliant.

7/15/2016 12/28/2018	5370 Red Mill Rd	No Operator Surface Discharge	8/15/2016 1/28/2018	Y	N		EH has not received system management reports as required by rule. Monitoring visit discovered system is now malfunctioning and effluent is ponding over the drainfield.	9/30/2016 - Requested 10-day demand letter from County Attorney's Office. 3/8/2017 - Requested County Attorney file lawsuit. 11/27/2017 - EHS completed required system monitoring visit and reiterated the requirement and need for an operator to the owner on site. 8/16/2018 - System remains non-compliant. No ORC reports have been received as required by rule. 9/30/2018 - System remains non-compliant. 2/28/2019 - System remains non-compliant.
7/18/2017	2505 E Club Blvd	Surface Discharge	8/18/2017	N	N		Effluent is being discharged to the ground surface via straight pipe.	8/6/2017 - Property owner has hired a consulting engineer to identify options for repair. 11/20/2017 - The owner's consulting engineer contacted EH and stated a design packet for an NPDES permit is being processed by NC DWR. 5/2/2018 - Consulting Engineer for the owner contacted EH, stated NPDES is not an option. EH advised that informal appeal of subsurface permit remains an option for the owner. 5/28/2018 - A design submittal has been approved by EH for the installation of a pre-treated subsurface drip irrigation system. Construction Authorization is contingent upon abandonment of disused well on site. 8/20/2018 - EHS contacted owner for an update. Owner stated he has contacted 3 certified contractors and is awaiting the last quote before making a selection and proceeding with the installation. 10/3/2018 - EH contacted owner for an update. Owner indicates he has selected a contractor and is attempting to acquire sufficient funds for installation. 12/15/18 - Contract has been signed between owner and a certified installer. Installation date will be dependent upon weather and soil water content.
8/7/2017	4710 Bragg Rd	Surface Discharge	8/6/2017	Y	N		Existing system is discharging effluent to the ground surface. Effluent is crossing onto neighbor's property.	8/15/2017 - EH received another complaint regarding system failure. File to be forwarded to County Attorney's Office for legal remedy. 9/18/2017 - Another complaint regarding flowing sewage received by Environmental Health; 10-day demand letter issued by County Attorney's Office. 8/16/2018 - Site revisit by EH. House is currently unoccupied due to fire damage. Building and electrical permits have been issued by City/County Inspections for reconstruction of affected room(s). EH will monitor the LDO for CO issuance. Site will be revisited after CO to determine if system continues to malfunction upon re-occupancy. NOV remains active as no application for septic repair has been received. 9/30/2018 - House remains unoccupied. 2/28/2018 - House remains unoccupied.
9/27/2017	5622 Ventura Dr	Sewage Back-up	9/30/2017	N	N		Sewage is backing up into household drain fixtures. Application for repair permit has been received and site evaluation is scheduled for 9/7/2017. Property owner is also exploring potential for connection to public sewer.	9/27/2017 - Repair permit denied. Owner directed to connect to sewer. Owner is working with the City of Durham and has hired a consulting engineer to design lift station. 8/6/18 - Funding of the sewer connection is in dispute between the current and previous owners. Temporary pump and haul is being utilized while dispute is in arbitration.

2/9/2018	245 Olive Branch Rd	Surface Discharge	3/10/2018	Y	N	Existing system is discharging effluent to the ground surface.	3/29/2018 - EH continues to receive complaints. File forwarded to County Attorney's Office for legal remedy. 4/12/18 - 10-day demand letter issued. 5/1/2018 - EH received documentation from the owner that a certified septic contractor has performed maintenance repairs on the septic system and addressed a leaking toilet in the house. EH will make a follow-up visit in 7 - 10 days to verify that the system is no longer discharging. 5/18/2018 - System continues to discharge effluent. EHS hand-delivered a repair application to the property owner during the site visit and explained options for repair. 8/16/2018 - Repair permit issued (6/29) for a new drainfield. Permit and owner information were provided to ECU (per request) for potential grant funding opportunity. 8/21/2018 - EH contacted owner for an update. Owner is currently seeking quotes for installation. Potential cost-share opportunity may be available through an ECU research project grant. 10/10/2018 - Water use is being limited to prevent surfacing until repair is installed. No effluent was observed by EH during site visit on October 10. Owner has not provided a projected date for installation of repair. 12/31/2018 - Surfacing effluent observed. 2/28/2019 - System remains non-compliant.
7/20/2018	106 Stallings Rd	Effluent back-up	8/31/2018	N	N	Effluent is backing up into the freeboard of the septic tank. Site has been classified unsuitable for repair and owner has hired a professional engineer to design an NPDES system. Existing tank is being pumped regularly to prevent backup into facility.	8/14/2018 - Consulting engineer projects submittal of design to DWR by the end of August and projects initial comments from DWR technical review 6-8 weeks after submission. Facility continues to utilize temporary pump and haul as necessary to prevent sewage backup in septic tank freeboard. 10/31/2018 - EH contacted project engineer for an update. Engineer states that DWR has requested additional assessment information for technical review. Tank continues to be pumped as needed to prevent backup. 12/31/2018 - Per project engineer, design is under review at DWR. DWR stream survey site visit is scheduled for January 24. 2/20/2019 - Site has been denied a discharge permit from NC DWR. EH received a request for informal appeal for a proposed offsite solution. Site visit with owner's consulting soil scientist scheduled for 3/11/19.
8/16/2018	1626 Hamlin Rd	Surface Discharge	9/17/2018	N	N	Broken supply line clean-out was discovered during a monitoring inspection.	10/26/2018 - NOV was returned to EH and marked "unclaimed" and "unable to forward." NOV will be hand delivered by EH November 1. 11/28/2018 - EH met contractor on site. Repair permit was issued for exploratory digging to diagnose cause of discharge. 2/26/19 - EHS contacted owner for an update. Owner indicated he would reach out to a contractor by end of week to schedule repair.

8/28/2018	1819 Wentz Dr	Surfacing Effluent	10/1/2018	Y	N		Effluent observed surfacing over the top line of drainfield during a monitoring inspection.	9/18/18 - Owner contacted EH after receiving NOV. EH provided an application for repair permit and instructed owner to hire a certified contractor to evaluate malfunction. 10/31/2018 - Requested 10-day demand letter from County Attorney's Office. 11/19/2018 - 10-day demand letter issued. 11/29/2018 - Owner contacted EH. EH reiterated that a repair application must be submitted in order to obtain a permit. System continues to discharge effluent. 1/2/19 - EH received application for repair permit. 1/3/19 - Permit for exploratory digging issued. 1/31/19 - System remains non-compliant. 2/28/2019 - System remains non-compliant.
12/3/2018	8307 Roxboro Rd	Pump malfunction/ No ORC Reports	1/4/2019	N	N		Pump malfunction discovered during monitoring visit. Operator reports have not been received as required by rule.	1/31/2019 - EH has been in contact with system operator and facility management on several occasions throughout the month of January and communicated the requirements for system compliance. 2/11/19 - Facility manager contacted EH and stated a new operator has been hired. 2/12/19 - New operator contacted EHS requesting a copy of the file.
12/28/2018	829 Sandlewood Dr	Surface Discharge	1/28/2019	N	N		Surfacing effluent observed during a monitoring inspection.	1/31/19 - Permit issued for exploratory digging in an attempt to diagnose cause of system malfunction. 2/18/19 - Septic contractor called EHS to inquire about repair. Scheduling TBD due to wet weather conditions.
1/3/2019	711 Donlee	Surface Discharge	2/4/2019	Y	N		Surfacing effluent observed during a monitoring inspection.	1/31/19 - Revisit, discharging effluent observed. 2/26/19 - Requested 10-day demand letter from County Attorney's office.
2/25/2019	2717 Carpenter Rd	Surface Discharge	3/26/2019	N	N		Surfacing effluent observed at the outlet end of the septic tank during a complaint investigation. EHS provided the homeowner an application for repair permit while on site.	

ENVIRONMENTAL HEALTH

Onsite Water Protection - Compliant NOVs

July 2018 - June 2019

NOV DATE	SUBJECT PROPERTY ADDRESS	TYPE OF VIOLATION	NOV EXPIRATION DATE	FORWARDED TO CO. ATTY?	COMPLIANCE STATUS (YES/NO)	COMPLIANCE DATE	NOTES	
10/5/2018	1004 Horton Rd	Surfacing Effluent	11/5/2018	N	Y	2/26/2019	Existing system hydraulic conductivity is exhausted and distribution lines are clogged with sludge. Site has been classified as non-repairable. Public sewer is available. **Connected to sewer**	1/31/2019 - City/County Inspections has issued a plumbing permit for sewer connection. Plumbing rough-in inspection scheduled for 2/1/19.
8/14/2018	5901 Boylan Dr	Surface Discharge	9/17/2018	N	Y	1/15/2019	Broken supply line at pressure manifold was discovered during 5-year monitoring inspection. Homeowner has been provided an application for repair permit. **Supply line repaired**	8/29/2018 - Repair permit issued and forwarded to owner and contractor. 11/2/18 - Contractor e-mailed EH and stated this job is scheduled but delayed by weather conditions.
12/3/2018	2601 Sherbrooke	Effluent back-up	1/4/2019	N	Y	12/27/2018	Pump malfunction is causing effluent back-up in the tanks. Problem discovered during 5-year monitoring visit. **Pump function restored**	12/17/18 - Homeowner contacted EH and stated a contractor has been hired to address the malfunction.
8/15/2018	3714 Danube Ln	Surface Discharge	9/17/2018	N	Y	11/23/2018	EH received a complaint of sewage being discharged onto a neighboring property. Site visit by EH confirmed surface discharge. Property owner has been directed to connect to public sewer. **Sewer connection completed.**	9/19/2018 - City/County Inspections issued a plumbing permit for connection to sewer.
6/20/2018	5357 N Roxboro Rd	Damaged Septic Tank	7/20/2018	N	Y	10/30/2018	Existing septic tank is damaged, nitrification trench is blocked with sludge and roots. Public sewer is available. **Property has been connected to sewer and the septic tank has been properly abandoned.**	8/30/2018 -Sewer lateral has been installed. Septic tank must be abandoned for compliance. 9/30/2018 - EH contacted plumbing contractor and left message requesting a call back to determine if tank was abandoned during lateral installation process.
8/16/2018	1105 Doc Nichols Rd	Unpermitted System	9/17/2018	N	Y	10/8/2018	House is served by an unpermitted repair system installed in unsuitable soils. Site has been evaluated by EH and a construction authorization has been issued to install a new drainfield in another area of the property. **Permitted system has been installed, inspected, and approved.**	9/30/2018 - House is unoccupied.
8/10/2018	3143 Cheek Rd	Damaged Septic Tank	9/10/2018	N	Y	10/4/2018	Concrete top of the existing septic tank is partially collapsed. EHS forwarded the homeowner an application for repair permit. **Septic tank replaced.**	10/1/18 - Wastewater contractor has contacted EH for inspection appointment.
8/28/2018	8516 Dunlee Falls	Malfunctioning Effluent Pump	10/1/2018	N	Y	9/6/2018	Malfunctioning effluent pump was discovered during a monitoring inspection. **Electricity restored to pump.**	
8/3/2018	3817 Cheek Rd	Surface Discharge	9/3/2018	N	Y	8/31/2018	Existing system is discharging effluent to the ground surface. **Effluent pipe cross-connection removed from interceptor drain**	

6/23/2017	1914 Sherron Rd	Surface Discharge	7/24/2017	N	Y	8/20/2018	Existing system is discharging effluent to the ground surface. EH has classified the site as Unsuited for repair. Property owner has been referred to NC DWR for possible NPDES permit. **8/20/2018 - Property has been foreclosed and is vacant. EH has entered a parcel condition into the LDO regarding the non-compliant wastewater system. No planning requests, building permits, or certificates of compliance will be issued by the Planning or Inspections Departments so long as the parcel condition remains active. File has been forwarded to the foreclosure agency.**	Notice of Violation for illegal discharge to ephemeral stream issued by NC Division of Water Resources on August 31, 2017. 3/22/18 - NCDWR denied application for permit. EH will issue a revised NOV, property ownership is unclear. County Attorney's Office was contacted for assistance in determining to whom the NOV should be addressed. 5/10/2018 - NOV reissued.
10/10/2017	3810 Page Road	Surface Discharge	11/10/2017	Y	Y	8/20/2018	Existing system is discharging effluent to the ground surface. 8/20/2018 - EH attempted to contact complainant for an update but the telephone number provided in the complaint is no longer valid. A follow-up site visit was conducted and no evidence of malfunction was observed.	10/10/2017 - Original NOV (6/6/17) returned as undeliverable. EH contacted owner via telephone to obtain correct address. NOV reissued. 11/20/2017 - EHS contacted owner's residence and, upon stating the purpose of the call, was immediately disconnected by the individual that answered the call. 2/26/2018 - File forwarded to County Attorney's Office for legal remedy.
2/16/2016	6038 Burgundy Rd	Surfacing Effluent	3/17/2016	Y	Y	8/20/2018	System failure discovered during mandated 5-year maintenance inspection. **8/20/18 - Clean-out repaired, verified by EHS during site visit.**	3/16/2016 - Owners have hired a certified contractor to repair system. 9/30/2016 - EH called and left a voicemail for the certified contractor for verification of repair. Awaiting response. 11/29/2016 - EH followed up with contractor who states the system was not repaired. EH will request 10-day demand letter from County Attorney's Office.
6/22/2018	5726 Claremore Dr	Surface Discharge	7/23/2018	N	Y	8/16/2018	Existing system is discharging effluent to the ground surface. **8/16/18 - Owner stated that plumbing leak was causing failure. Site visit by EH verified that failure has been abated.**	8/13/2018 - Application for repair permit received by EH.
2/18/2016	704 Hazelwood St	Surfacing Effluent	3/19/2016	Y	Y	8/16/2018	Issue was discovered during complaint investigation of water discharging onto neighbor's driveway. Water sample was taken from ditch and tested positive for anionic surfactants. Ammonia test was inconclusive due to sample turbidity. **8/16/2018- Site visit by EH. No discharge of effluent was observed, lawn is manicured and there is no visible evidence of the previously observed effluent discharge plume. No standing water was observed in the drainage ditch on the neighboring property downslope.**	8/18/2016 - NOV forwarded to County Attorney's Office. Complainant states discharge is causing mosquito problem. EH provided complainant with larvicidal mosquito dunks and has made several unsuccessful attempts to contact the owner of 704 Hazelwood. 9/30/2016 - Previous attempts to contact owner at listed tax address and business numbers have failed. EH was advised by County Attorney's office to reissue NOV and send USPS to agent of record as listed in the NC Secretary of State Corporations records and to hand deliver on site. 3/8/2017 - Continued discharge observed by EH staff. Requested 10-day demand letter from County Attorney's Office.
3/20/2018	2909 Tom Clark Rd	Surface Discharge	4/20/2018	N	Y	8/16/2018	Existing system is discharging effluent to the ground surface. **8/16/18 - Property owner contacted EH and stated excessive water use was source of malfunction. Site visit by EH confirmed system failure has been abated.**	Site has been evaluated and classified as unsuitable for repair. Property owner has contracted a septage hauler to temporarily pump and haul. Owner has also been in contact with NC DWR and a consulting engineer to prepare an NPDES permit application package.

10/6/2017	1118 Kimball Dr	Surface Discharge	11/6/2017	Y	Y	7/23/2018	Effluent is discharging to the ground surface. Failing system is connected to a residential care facility. Parcel is located within city limits of Durham, public sewer is available. NOV directs owner to connect to sewer or abandon property. **Sewer connection has been installed and approved by City/County Inspections.**	11/9/2017 - NC DHHS, Division of Health Service Regulation, Mental Health Licensure and Certification Section confirmed complaint and has issued a directive to the owner to implement corrective actions. 12/6/2017 - Eh received phone call from facility maintenance for property stating that tank was being pumped to alleviate discharge. EHS reiterated that facility must be connected to sewer. 2/26/2018 - File forwarded to County Attorney's Office for legal remedy. 3/22/2018 - EH Director contacted NC DHSR to follow-up on their investigation. DHSR representative indicated their agency would reopen their investigation and initiate license revocation for the facility if the problems cannot be corrected. 4/30/2018 - Facility continues to discharge sewage directly to the ground surface, no license action has been taken by NC DHHS/MHLC. 5/16/2018 - City/County Inspections issued a plumbing permit for installation of sewer service. Property manager contacted EH and stated work would commence the week of May 21.
6/22/2018	1612 Milton Rd	Surface Discharge	7/2/2018	N	Y	7/13/2018	Existing system is discharging effluent to the ground surface. **Sludge blockage bypassed in drainfield, and numerous leaking fixtures identified in the house.**	
5/3/2018	823 Prologue Rd	Damaged Septic Tank	6/3/2018	N	Y	7/3/2018	Existing septic tank is not watertight. Numerous cracks were observed. **Septic tank was replaced.**	5/2/2018 - Repair permit issued for replacement of septic tank. 5/24/2018 - Owner has hired a certified septic installer to replace the septic tank and is waiting to be scheduled by the installer.