

ENVIRONMENTAL HEALTH
Onsite Water Protection Notices of Violation
November 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. 11/30/19 - 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. 11/30/2019 - 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. 11/30/2019 - 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. 11/30/2019 - 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.	<p>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 at tempting 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. 4/30/2019 - Septic contractor confirmed that materials have been ordered and delivered to site. Installation pending. 5/30/19 - EH contacted installer for update. Installer indicated the job will be scheduled in June. 6/30/2019 - Construction started on repair installation. 7/25/2019 - System installation is complete. Engineer certification letter and operator contract are needed in order to issue Operation Permit. 8/19/2019 - Engineer's certification letter received. A contract with a subsurface operator is required prior to issuing Operation Permit.</p>
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2/9/2018	245 Olive Branch Rd	Surface Discharge	3/10/2018	Y	N	Existing system is discharging effluent to the ground surface.	<p>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. 3/25/2019 - EH received another compliant from the community about the failing system. File was forwarded to County Attorney's office with a request to file suit for injunctive relief. 9/16/2019 - Owner contacted EH and stated she would solicit quotes from two contractors for installation of the permitted repair. 10/11/2019 - Motion for entry of default filed. Court hearing scheduled for December 10, 2019. Repair installation scheduled by contractor for 12/3/2019.</p>
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.	<p>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. 11/30/2019 - System remains non-compliant.</p>

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. 10/31/2019 - System remains non-compliant but there is no discharge of effluent to the ground surface or back-up into the facility. 11/19/19 - ORC states system repaired. EHS requested ORC reports to be submitted prior to site visit to confirm repair.
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. 3/12/19 - 10-day demand letter issued by County Attorney's Office. 3/21/19 - Owner updated EH with name of contractor that will perform repair. Scheduling TBD. 5/30/2019 - Owner has hired a contractor to repair the malfunction. EH confirmed with contractor. Scheduling TBD. 11/30/2019 - No update from owner has been received.
9/16/2019	5811 Claremore Dr	Surface Discharge / Unpermitted Repair	10/17/2019	N	N	Complaint investigation revealed that homeowner excavated first nitrification trench creating an open septic tank effluent canal.	10/31/2019 - Application for repair permit has been received. EH is working to determine repair option. 11/7/19 - Repair permit issued.

ENVIRONMENTAL HEALTH

Onsite Water Protection - Compliant NOVs

July 2019 - June 2020

NOV DATE	SUBJECT PROPERTY ADDRESS	TYPE OF VIOLATION	NOV EXPIRATION DATE	FORWARDED TO CO. ATTY?	COMPLIANCE STATUS (YES/NO)	COMPLIANCE DATE	NOTES
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7/20/2018	106 Stallings Rd	Effluent back-up	8/31/2018	N	Y	11/20/2019	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. **System start up was completed on 11/20/2019**	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. 3/11/19 - Site visit conducted. An area for repair was delineated. Owner's consulting engineer will provide a system design proposal prior to issuance of repair permit. 5/29/19 - Surveyor is preparing easement plat. 7/25/2019 - Engineered system design has been submitted to Environmental Health. Review is in pending workflow. 8/22/2019 - Design approved and Construction Authorization permit issued by EH. 9/30/2019 - Pre-construction conference was held with EH, Engineer, and Installer. Installation in progress 10/31/2019. System start-up scheduled for 11/20/19.
2/25/2019	2717 Carpenter Rd	Surface Discharge	3/26/2019	Y	Y	10/23/2019	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. **10/23/2019 - Damaged septic tank was replaced and a section of crushed pipe in the drainfield was repaired.**	3/7/19 - Repair permit issued. Owner has been in regular contact with EH regarding scheduling with contractors. 5/24/19 - EH received a follow-up complaint regarding continued odor and mosquitoes emanating from the surfacing effluent. 5/28/19 - EH called owner for update. No answer and the line does not accept voicemail. 5/30/19 - Requested 10-day demand letter from County Attorney's Office. 6/4/19 - 10 day demand letter issued. 6/20/19 - Owner visited EH office and was provided a copy of repair permit and list of certified installers. 7/25/2019 - EH continues to receive complaints from neighboring property owner regarding system failure. 7/26/2019 - Owner directed to pump tank as necessary to prevent discharge of effluent. 9/30/2019 - County Attorney is drafting a lawsuit. 10/3/2019 - Lawsuit filed.
9/27/2017	5622 Ventura Dr	Sewage Back-up	9/30/2017	N	Y	10/16/2019	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. **10/16/2019 - House has been vacated. Sewer extension agreement and sewer construction drawings have been approved by City of Durham Public Works.**	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.

3/8/2019	5100 Leesville Rd	Surface Discharge	4/8/2019	N	Y	10/1/2019	EHS observed surface discharge of effluent during complaint investigation. **Septic tank was pumped and clogged piping was cleared. Owner stated that maintenance had alleviated malfunction. Site visit by EHS confirmed system is no longer discharging to the ground surface**	Owner contacted EH and stated that a repair application was being mailed. No application received as of 4/30/2019. 5/28/2019 - Repair permit issued by EH for exploratory digging to determine cause of failure.
3/8/2019	1612 Milton	Surface Discharge	4/8/2019	N	Y	8/30/2019	Surface discharge observed at distal end drainfield. Owner directed to apply for a repair permit. **Site visits on 8/8/2019 & 8/30/2019 revealed no evidence of system failure. NOV marked compliant.**	
12/28/2018	5370 Red Mill Rd	No Operator Surface Discharge	1/28/2018	Y	Y	8/28/2019	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. **System is being maintained by a certified operator**	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. 6/30/2019 - System remains non-compliant.
7/15/2016	5370 Red Mill Rd	No Subsurface Operator	8/15/2016	Y	Y	8/16/2019	**Copy of operator contract provided to Environmental Health**	
3/29/2019	3919 Shoccoree	Setback Violation	4/29/2019	N	Y	7/3/2019	EH received an application for repair permit after a point-of-sale inspection revealed a structure had been built over the drainfield. Site visit by EH confirmed the setback violation. Public sewer is available, NOV directs owner to connect. **7/3/19 - Sewer connection completed. 7/16/19 Septic tank abandoned**	5/30/2019 - LDO shows application for sewer connection permit has been submitted to City/County Inspections.