

ROY COOPER

Governor

MICHAEL S. REGAN

Secretary

BRIAN WRENN

Acting Director



NORTH CAROLINA
Environmental Quality

December 17, 2021

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

7008 1300 0000 1124 3774

Cabarrus County Schools

Attention: Tim Lowder, Schools Executive Director of Operations

4401 Old Airport Road

Concord, North Carolina 28025

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

7008 1300 0000 1124 3781

Cabarrus County

Attention: Mike Downs, County Manager

P.O. Box 707

Concord, NC 28026

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

7008 1300 0000 1124 3798

Hartsell & Williams, P. A.

Attention: Andrew T. Cornelius, Attorney

P. O. Box 368

Concord, NC 28026



RE: Request for Remission of Civil Penalty
CABARRUS COUNTY & CABARRUS COUNTY SCHOOLS
Case No. LQS-21-006
Cabarrus County

Dear Messrs. Lowder, Downs, and Cornelius:

The Division of Energy, Mineral and Land Resources (DEMLR) has received your request for remission of the civil penalty in a letter dated November 29, 2021 with accompanying support information. In accordance with the delegation provided by the Sedimentation Control Commission, I, Julie Coco, State Sediment Specialist of the Division of Energy, Mineral & Land Resources, have considered the information you submitted in support of your request for remission and did not find grounds to modify the civil penalty assessment. **The civil penalty stands at \$69,130.00.**

There are three options available to you:

- 1) You may pay the penalty.

If you decide to pay the penalty, please make your check payable to the Department of Environmental Quality (NCDEQ). Send the payment within thirty (30) calendar days of your receipt of this letter to the following:

If sending via US Postal Service

Julie Coco, State Sediment Specialist
DEMLR
1612 Mail Service Center
Raleigh, NC 27699-1612

If sending via delivery service (UPS, FedEx, etc.)

Julie Coco, State Sediment Specialist
DEMLR
512 N. Salisbury Street, Suite 504
Raleigh, NC 27604

You may request a payment schedule. Your request should be sent to Carolyn McLain, Assistant Attorney General, North Carolina Department of Justice, Environmental Division who may be reached by telephone at (919) 716-6600.

OR

- 2) Pursuant to N. C. General Statute 150B-22, informal settlement negotiations may be initiated at any time. To negotiate a settlement of this assessment, please contact Carolyn McLain, Assistant Attorney General, North Carolina Department of Justice, Environmental Division who may be reached by telephone at (919) 716-6600.

OR

- 3) If payment is not received, formally scheduled, or a settlement not reached within 30 calendar days from your receipt of this letter, your request for remission with supporting documents and

the recommendation of the Director will be delivered to the Sedimentation Control Commission Civil Penalty Remissions Committee for a final agency decision at one of their regularly scheduled meetings held in Raleigh, North Carolina.

As a part of the remissions process, you will be provided the opportunity to make an oral presentation before this committee on the matter of the case listed above.

Oral Presentation Details

- It is not a requirement to provide an oral presentation on this matter before the Committee; rather you will be provided time to directly present information to the Committee as a part of the remission process if you chose to do so.
- Making a presentation will require the presence of you and/or your representative during a committee on remissions meeting held in Raleigh, North Carolina.
- Your presentation will be limited to discussion of issues and information submitted in your original remission request. You stipulated that the facts are as alleged in the assessment notice.

Should you desire to make an oral presentation before the Civil Penalty Remissions Committee, you must complete the attached "*Request for Oral Presentation*" form and return it within thirty (30) calendar days of receipt of this letter to the address under option 1 above.

The Sedimentation Control Commission Chair will review the request for oral presentation and the documents in the matter. If the Chair determines that there is a compelling reason to require an oral presentation, you will be notified of the date, time, and place for the presentation to be heard. Should you decide not to request an oral presentation, the final agency decision on your remission request will be made by the Committee based on the written record.

The entire amount of the penalty may be remitted only when the petitioner has not been assessed civil penalties for previous violations, and when it can be demonstrated that payment of the civil penalty would prevent payment for necessary remedial actions.

You will be notified of a final decision on the remission of your civil penalty, should a decision be made by the Committee.

Payment of this penalty will not foreclose further enforcement action against you for any new violation. If the violations which resulted in this penalty assessment are continuing in nature, the DEQ reserves the right to assess additional civil penalties in the future, or take other enforcement action against you.

Should you have any questions, please feel free to contact me at (919) 707-9220.

Sincerely,

Julie Coco, PE
State Sediment Specialist
DEMLR

cc: Zahid Khan, Regional Supervisor – DEMLR Mooresville Regional Office
Doug Ansel, Assistant General Counsel
DEMLR, Sediment Program - Enforcement File Copy