

**DIVISION OF WATER RESOURCES - CIVIL PENALTY ASSESSMENT**

**Violator:** City of High Point

**Facility Name:** East Side WWTP

**Permit Number:** NC0024210

**County:** Guilford

**Case Number:** LV-2025-0151

**ASSESSMENT FACTORS**

**1) The degree and extent of harm to the natural resources of the State, to the public health, or to private property resulting from the violation;**

Waters protected as water supplies which are generally upstream and draining to Class WS-IV waters or waters used by industry to supply their employees with drinking water or as waters formerly used as water supply. These waters are also protected for Class C uses. While not a classification, the designated area of a critical area associated with a water supply watershed is 1/2 mile and draining to a riverine or normal pool elevation of a reservoir. The protected area is generally 10 miles run of river, and for a reservoir, it is 5 miles and draining to normal pool elevation of the reservoir.

Albeit not classifications, a Critical Area (CA) is a designation providing protection to waters and lands that are located in WS-II, WS-III, and WS-IV classified watersheds, and a Protected Area (PA) is a designation that provides protection to waters and lands that are located in WS-IV watersheds. The boundary of a CA is defined as extending 1/2 mile in a straight line fashion upstream from and draining to an intake located directly in a river, or extending 1/2 mile in a straight line fashion upstream from and draining to the normal pool elevation of a reservoir in which an intake is located. The boundary of a PA is defined as extending 10 miles in an as-the-river-runs manner upstream from and draining to an intake located directly in a river, or extending five miles in an as-the-river-runs manner upstream from and draining to the normal pool elevation of a reservoir in which the intake is located. Nutrient Sensitive Waters (NSW) - Supplemental classification intended for waters needing additional nutrient management due to being subject to excessive growths of microscopic or macroscopic vegetation.

**2) The duration and gravity of the violation;**

Over the reporting period, the 2 X weekly Ammonia concentration limit was exceeded by 333.6%. The 2X weekly Total Nitrogen, Ammonia concentration limit was exceeded by 56.3% on 2/8/2025 and 15.8% on 2/22/2025.

**3) The effect on ground or surface water quantity or quality or on air quality;**

Wastewater with high total nitrogen and ammonia concentrations and quantities has the potential to impact the classified uses of surface water, as listed above.

**4) The cost of rectifying the damage;**

The cost of rectifying the damage would be equal to the cost of restoring any downstream impact.

**5) The amount of money saved by noncompliance;**

It is not believed that any money was saved by these violations. Any money saved by noncompliance is de minimis.

**6) Whether the violation was committed willfully or intentionally;**

DWR has no evidence that the violations were willful or intentional.

**7) The prior record of the violator in complying or failing to comply with programs over which the Environmental Management Commission has regulatory authority; and**

The permittee experienced 6 other similar nutrient violations in the 12 months preceding these violations.

**8) The cost to the State of the enforcement procedures.**

**\$116.19**

6/6/2025

**Date**

DocuSigned by:

*Lon T. Snider*

145B49E225C94EA...

**Lon T. Snider, Regional Supervisor  
Water Quality Regional Operations Section  
Winston-Salem Regional Office  
Division of Water Resources, NCDEQ**

JOSH STEIN  
Governor  
D. REID WILSON  
Secretary  
RICHARD E. ROGERS, JR.  
Director



**Certified Mail # 7022 2410 0003 1826 8565**  
**Return Receipt Requested**

June 06, 2025

Robby Stone, Director  
City of High Point  
PO Box 230  
High Point, NC 27261-0230

**SUBJECT:** Notice of Violation and Assessment of Civil Penalty  
for Violations of North Carolina General Statute (G.S.) 143-215.1(a)(6)  
and NPDES WW Permit No. NC0024210  
City of High Point  
East Side WWTP  
Case No. LV-2025-0151  
Guilford County

Dear Mr. Stone:

This letter transmits a Notice of Violation and assessment of civil penalty in the amount of \$4,111.19 (\$3,995.00 civil penalty + \$116.19 enforcement costs) against City of High Point.

This assessment is based upon the following facts: a review has been conducted of the Discharge Monitoring Report (DMR) submitted by City of High Point for the month of February 2025. This review has shown the subject facility to be in violation of the discharge limitations and/or monitoring requirements found in NPDES WW Permit No. NC0024210. The violations, which occurred in February 2025, are summarized in Attachment A to this letter.

Based upon the above facts, I conclude as a matter of law that City of High Point violated the terms, conditions or requirements of NPDES WW Permit No. NC0024210 and G.S. 143-215.1(a)(6) in the manner and extent shown in Attachment A. In accordance with the maximums established by G.S. 143-215.6A(a)(2), a civil penalty may be assessed against any person who violates the terms, conditions or requirements of a permit required by G.S. 143-215.1(a).



North Carolina Department of Environmental Quality | Division of Water Resources  
Winston-Salem Regional Office | 450 West Hanes Mill Road, Suite 300 | Winston-Salem, North Carolina 27105  
336.776.9800

Based upon the above findings of fact and conclusions of law, and in accordance with authority provided by the Secretary of the Department of Environmental Quality and the Director of the Division of Water Resources, I, Lon T. Snider, Regional Supervisor, Winston-Salem Regional Office hereby make the following civil penalty assessment against City of High Point:

\$2,830.00    1 of 1 violations of G.S. 143-215.1(a)(6) and Permit No. NC0024210, by discharging waste water into the waters of the State in violation of the Permit Monthly Average for **Nitrogen, Ammonia**  
**Total (as N) - Concentration**

\$1,165.00    1 of 2 violations of G.S. 143-215.1(a)(6) and Permit No. NC0024210, by discharging waste water into the waters of the State in violation of the Permit Weekly Average for **Nitrogen, Ammonia**  
**Total (as N) - Concentration**

\$3,995.00    **TOTAL CIVIL PENALTY**

\$116.19    Enforcement Costs

\$4,111.19    **TOTAL AMOUNT DUE**

Pursuant to G.S. 143-215.6A(c), in determining the amount of the penalty I have taken into account the Findings of Fact and Conclusions of Law and the factors set forth at G.S. 143B-282.1(b), which are:

- (1) The degree and extent of harm to the natural resources of the State, to the public health, or to private property resulting from the violation;
- (2) The duration and gravity of the violation;
- (3) The effect on ground or surface water quantity or quality or on air quality;
- (4) The cost of rectifying the damage;
- (5) The amount of money saved by noncompliance;
- (6) Whether the violation was committed willfully or intentionally;
- (7) The prior record of the violator in complying or failing to comply with programs over which the Environmental Management Commission has regulatory authority; and
- (8) The cost to the State of the enforcement procedures.

Within **thirty (30) days** of receipt of this notice, you must do **one** of the following:

- (1) Submit payment of the penalty, **OR**
- (2) Submit a written request for remission, **OR**
- (3) Submit a written request for an administrative hearing

**Option 1: Submit payment of the penalty:**

Payment should be made directly to the order of the Department of Environmental Quality (*do not include waiver form*). Payment of the penalty will not foreclose further enforcement action for any continuing or new violation(s). Please submit payment to the attention of:

Wastewater Branch  
Division of Water Resources  
1617 Mail Service Center  
Raleigh, North Carolina 27699-1617

**Option 2: Submit a written request for remission or mitigation including a detailed justification for such request:**

Please be aware that a request for remission is limited to consideration of the five factors listed below as they may relate to the reasonableness of the amount of the civil penalty assessed. Requesting remission is not the proper procedure for contesting whether the violation(s) occurred or the accuracy of any of the factual statements contained in the civil penalty assessment document. Because a remission request forecloses the option of an administrative hearing, such a request must be accompanied by a waiver of your right to an administrative hearing and a stipulation and agreement that no factual or legal issues are in dispute. Please prepare a detailed statement that establishes why you believe the civil penalty should be remitted, and submit it to the Division of Water Resources at the address listed below. In determining whether a remission request will be approved, the following factors shall be considered:

- (1) whether one or more of the civil penalty assessment factors in NCGS 143B-282.1(b) was wrongfully applied to the detriment of the petitioner;
- (2) whether the violator promptly abated continuing environmental damage resulting from the violation;
- (3) whether the violation was inadvertent or a result of an accident;
- (4) whether the violator had been assessed civil penalties for any previous violations; or
- (5) whether payment of the civil penalty will prevent payment for the remaining necessary remedial actions.

Please note that all evidence presented in support of your request for remission must be submitted in writing. The Director of the Division of Water Resources will review your evidence and inform you of his decision in the matter of your remission request. The response will provide details regarding the case status, directions for payment, and provision for further appeal of the penalty to the Environmental Management Commission's Committee on Civil Penalty Remissions (Committee). Please be advised that the Committee cannot consider information that was not part of the original remission request considered by the Director. Therefore, it is very important that you prepare a complete and thorough statement in support of your request for remission.

In order to request remission, you must complete and submit the enclosed "Request for Remission of Civil Penalties, Waiver of Right to an Administrative Hearing, and Stipulation of Facts" form within thirty (30) days of receipt of this notice. The Division of Water Resources also requests that you complete and submit the enclosed "Justification for Remission Request."

Both forms should be submitted to the following address:

Wastewater Branch  
Division of Water Resources  
1617 Mail Service Center  
Raleigh, North Carolina 27699-1617

**Option 3: File a petition for an administrative hearing with the Office of Administrative Hearings:**

If you wish to contest any statement in the attached assessment document you must file a petition for an administrative hearing. You may obtain the petition form from the Office of Administrative Hearings. You must file the petition with the Office of Administrative Hearings within thirty (30) days of receipt of this notice. A petition is considered filed when it is received in the Office of Administrative Hearings during normal office hours. The Office of Administrative Hearings accepts filings Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m., except for official state holidays. The petition may be filed by facsimile (fax) or electronic mail by an attached file (with restrictions) - provided the signed original, one (1) copy and a filing fee (if a filing fee is required by NCGS §150B-23.2) is received in the Office of Administrative Hearings within seven (7) business days following the faxed or electronic transmission. You should contact the Office of Administrative Hearings with all questions regarding the filing fee and/or the details of the filing process.

The mailing address and telephone and fax numbers for the Office of Administrative Hearings are as follows:

6714 Mail Service Center  
Raleigh, NC 27699 6714  
Tel: (919) 431-3000  
Fax: (919) 431-3100

One (1) copy of the petition must also be served on DEQ as follows:

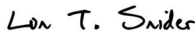
Mr. William F. Lane, General Counsel  
Department of Environmental Quality  
1601 Mail Service Center  
Raleigh, North Carolina 27699-1601

Please indicate the case number (as found on page one of this letter) on the petition.

Failure to exercise one of the options above within thirty (30) days of receipt of this letter, as evidenced by an internal date/time received stamp (not a postmark), will result in this matter being referred to the Attorney General's Office for collection of the penalty through a civil action. Please be advised that additional penalties may be assessed for violations that occur after the review period of this assessment.

If you have any questions, please contact Michael Gearren with the Division of Water Resources staff of the Winston-Salem Regional Office at (336) 776-9800 or via email at [michael.gearren@deq.nc.gov](mailto:michael.gearren@deq.nc.gov).

Sincerely,

DocuSigned by:  
  
145B49E225C94EA...

Lon T. Snider, Regional Supervisor  
Water Quality Regional Operations Section  
Winston-Salem Regional Office  
Division of Water Resources, NCDEQ

#### ATTACHMENTS

1. Justification for Remission Request
2. Waiver of Right to an Administrative Hearing and Stipulation of Facts
3. Attachment A

**JUSTIFICATION FOR REMISSION REQUEST**

**Case Number:** LV-2025-0151  
**Assessed Party:** City of High Point  
**Permit No.:** NC0024210

**County:** Guilford

**Amount Assessed:** \$4,111.19

Please use this form when requesting remission of this civil penalty. You must also complete the "Request For Remission, Waiver of Right to an Administrative Hearing, and Stipulation of Facts" form to request remission of this civil penalty. You should attach any documents that you believe support your request and are necessary for the Director to consider in evaluating your request for remission. Please be aware that a request for remission is limited to consideration of the five factors listed below as they may relate to the reasonableness of the amount of the civil penalty assessed. Requesting remission is not the proper procedure for contesting whether the violation(s) occurred or the accuracy of any of the factual statements contained in the civil penalty assessment document. Pursuant to N.C.G.S. § 143B-282.1(c), remission of a civil penalty may be granted only when one or more of the following five factors apply. Please check each factor that you believe applies to your case and provide a detailed explanation, including copies of supporting documents, as to why the factor applies (attach additional pages as needed).

- (a) one or more of the civil penalty assessment factors in N.C.G.S. 143B-282.1(b) were wrongfully applied to the detriment of the petitioner (*the assessment factors are listed in the civil penalty assessment document*);
- (b) the violator promptly abated continuing environmental damage resulting from the violation (*i.e., explain the steps that you took to correct the violation and prevent future occurrences*);
- (c) the violation was inadvertent or a result of an accident (*i.e., explain why the violation was unavoidable or something you could not prevent or prepare for*);
- (d) the violator had not been assessed civil penalties for any previous violations;
- (e) payment of the civil penalty will prevent payment for the remaining necessary remedial actions (*i.e., explain how payment of the civil penalty will prevent you from performing the activities necessary to achieve compliance*).

**EXPLANATION:**

STATE OF NORTH CAROLINA

DEPARTMENT OF ENVIRONMENTAL QUALITY

COUNTY OF GUILFORD

IN THE MATTER OF ASSESSMENT  
OF CIVIL PENALTIES AGAINST

)  
)  
)  
)  
)  
)  
)

**WAIVER OF RIGHT TO AN  
ADMINISTRATIVE HEARING AND  
STIPULATION OF FACTS**

**City of High Point  
East Side WWTP**

PERMIT NO. NC0024210

**CASE NO. LV-2025-0151**

Having been assessed civil penalties totaling \$4,111.19 for violation(s) as set forth in the assessment document of the Division of Water Resources dated June 06, 2025, the undersigned, desiring to seek remission of the civil penalty, does hereby waive the right to an administrative hearing in the above-stated matter and does stipulate that the facts are as alleged in the assessment document. The undersigned further understands that all evidence presented in support of remission of this civil penalty must be submitted to the Director of the Division of Water Resources within thirty (30) days of receipt of the notice of assessment. No new evidence in support of a remission request will be allowed after (30) days from the receipt of the notice of assessment.

This the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
SIGNATURE

ADDRESS  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

TELEPHONE  
\_\_\_\_\_

**ATTACHMENT A**

**City of High Point**

**CASE NUMBER: LV-2025-0151**

**PERMIT: NC0024210**

**REGION: Winston-Salem**

**FACILITY: East Side WWTP**

**COUNTY: Guilford**

---

**LIMIT VIOLATION(S)**

---

**SAMPLE LOCATION: Outfall 002 - Effluent**

<b>Violation Date</b>	<b>Report Month/Yr</b>	<b>Parameter</b>	<b>Frequency</b>	<b>Unit of Measure</b>	<b>Limit Value</b>	<b>Calculated Value</b>	<b>% Over Limit</b>	<b>Violation Type</b>	<b>Penalty Amount</b>
2/8/2025	2-2025	Nitrogen, Ammonia Total (as N) - Concentration	2 X week	mg/l	6	9.38	56.3	Weekly Average Exceeded	\$1,165.00
2/22/2025	2-2025	Nitrogen, Ammonia Total (as N) - Concentration	2 X week	mg/l	6	6.95	15.8	Weekly Average Exceeded	\$0.00
2/28/2025	2-2025	Nitrogen, Ammonia Total (as N) - Concentration	2 X week	mg/l	2	8.67	333.6	Monthly Average Exceeded	\$2,830.00

---