



NORTH CAROLINA  
Environmental Quality

ROY COOPER

Governor

MICHAEL S. REGAN

Secretary

S. DANIEL SMITH

Director

November 13, 2020

CERTIFIED MAIL No. 7018 1130 0000 1612 9189

RETURN RECEIPT REQUESTED

Bottomley Properties NC, LLC  
6460 Glade Valley Road  
Ennice, NC 28623

Subject: **Notice of Violation**  
NOV-2020-SS-0026  
Site ID# WT002960  
Parcel PIN# 4031433357  
Alleghany & Surry Counties

Dear Mr. Bottomley,

On October 19, 2020, Rebecca Chandler, Sue Homewood, and Caitlin Caudle, staff of the Division of Water Resources (the Division), Winston-Salem Regional Office (WSRO), conducted a site inspection of the above referenced property in response to a complaint. The investigation and file review revealed that Bottomley Properties NC, LLC is responsible for the activities on the subject site.

During the site inspection staff noted land clearing activities that had recently occurred and been seeded for grass, and additional land clearing was occurring in the vicinity at the time of inspection. Further observations revealed sediment impacts to streams on the site. At least 500 linear feet of stream have been impacted with 1 to 3 inches of sediment in and along the stream features. The impacted stream feature is an unnamed tributary (UT) to Ramey Creek, which is classified as a Water Supply II, High Quality Waters, and protected as Trout Waters within the Yadkin-Pee Dee River Basin. North Carolina fresh surface water quality standards are listed in Title 15A North Carolina Administrative Code 02B .0211.

Accordingly, the following violations are noted:

1. Title 15A North Carolina Administrative Code 02B .0211 (2) requires that "The conditions of waters shall be such that waters are suitable for all best uses specified in this Rule. Sources of water pollution which preclude any of these uses on either a short-term or long-term basis shall be deemed to be violate a water quality standard."



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

2. Title 15A North Carolina Administrative Code 02B .0211 (12) requires that “Oils; deleterious substances; colored or other wastes” (including sediment): “only such amounts as shall not render the waters injurious to public health, secondary recreation or to aquatic life and wildlife or adversely affect the palatability of fish, aesthetic quality or impair the waters for any designated uses;”

In addition to the above-mentioned violations, DWR staff also noted the following concerns:

- a. Land clearing activities above the UT to Roaring Fork resulted in surficial layers of sedimentation accumulation within the channel. Efforts to stabilize and control run-off from the surrounding fields require maintenance and should be continued and closely monitored to ensure additional sediment loss to surface waters does not occur. During the onsite inspection, Division staff noted multiple large debris piles being used to slow and retain surface flow within the draws of the fields above the UT to Roaring Fork (BMPs). While many of the BMPs were intact and looked to be working at the time of inspection they were mostly full and require maintenance and one BMP had been partly washed out. This is identified on the enclosed map and photo as #1. In addition, an erosional gully had formed below the failed BMP which will continue to be a source of sediment to downstream waters.

### **Required Response**

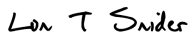
Accordingly, you are directed to respond to this letter in writing within 30 calendar days of receipt of this Notice. Your response should be sent to this office at the letterhead address and should address the following:

1. Repair the sediment and erosion control debris pile BMP upstream of the UT to Roaring Fork as identified by the included photo and map as #1. This debris pile was identified as the third catchment downslope of the road, in the first swale located on the left-side of the road between the two fields.
2. Reshape and stabilize the erosional gully below the failed BMP catch area.
3. Provide Plans for routine maintenance and/or cleanout of the sediment and erosion control debris catch upstream of the UT to Ramey Creek, as identified by the included photo and map as #2. This catchment was identified as being the final catch prior to flowing water, furthest downslope in the field on the right-side of the road.
4. Take appropriate actions to stabilize sediment on all sites with land clearing activities. This may include maintenance or replacement of previously installed sediment and erosion control measures, or installation of new measures as appropriate.
5. Provide detailed plans for continued stabilization efforts and plans to further protect critical areas going forward.

Thank you for your attention to this matter. This office requires that the violations, as detailed above, be abated immediately and properly resolved. Environmental damage has been documented on the subject tract as stated above. Your efforts to undertake activities to bring the subject site back into compliance is not an admission, rather it is an action that must be taken to begin to resolve ongoing environmental issues.

Please note that if these violations are not properly abated, a civil penalty may be assessed and your above-mentioned response to this correspondence, the degree and extent of harm to the environment and the duration and gravity of the violation(s) will be considered in any civil penalty assessment process that may occur. A follow-up inspection will be conducted by DWR staff once remediation has occurred. Please contact Rebecca Chandler (336-776-9705), Sue Homewood (336-776-9693), or me (336-776-9700) if you have questions concerning this Notice.

Sincerely,

DocuSigned by:  
  
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Lon T. Snider  
Regional Supervisor  
Water Quality Regional Operations Section  
Division of Water Resources, NCDEQ – WSRO

encl.

cc: WSRO File Copy  
Shelton Sullivan - 401 & Buffer Permitting Unit