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North Carolina Department of Environment and Natural Resources  
Division of Water Quality

Pat McCrory  
Governor

Charles Wakild, P. E.  
Director

John E. Skvarla, III  
Secretary

January 10, 2013

**CERTIFIED MAIL #7011 1150 0000 4206 6336**

**RETURN RECEIPT REQUESTED**

Chris Fulcher  
Fulcher's Point Pride Seafood  
101 South Ave  
Oriental NC 28571

Subject: **NOTICE OF VIOLATION and RECOMMENDATION FOR ENFORCEMENT**  
NOV-2013-PC-0016  
Chris Fulcher  
Oil Pollution & Hazardous Substances Control Act – Unlawful Discharge  
Pamlico County

Dear Mr. Fulcher:

On December 5, 2012 the Division of Water Quality (Division) received a report of sandblasting occurring on a vessel named Chaz's Toy, Boat Number 1147599 which was docked at Fulcher's Point Pride Seafood docks. Sandblasting and pressure washing of the vessel was documented on December 4<sup>th</sup> and 5<sup>th</sup>, 2012 allowing unconsolidated material to be discharged into waters of the State.

As a result of the inspection, the following violations, detailed below, are noted:

- (1) Illegal Discharge
- (2) In Stream Waste

**Item I. Oil Pollution & Hazardous Substances Control Act – Unlawful Discharge**

The waste stream discharge into Oriental Harbor resulting from sandblasting represents violations of NC General Statute (G.S) 143-215.83 which states it shall be unlawful, except as otherwise provided in this Part, for any person to discharge, or cause to be discharged, oil or other hazardous substances into or upon any waters, tidal flats, beaches, or lands within this State, or into any sewer, surface water drain or other waters that drain into the waters of this State, regardless of the fault of the person having control over the oil or other hazardous substances, or regardless of whether the discharge was the result of intentional or negligent conduct, accident or other cause.

North Carolina Division of Water Quality  
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## Item II. Stream Standards

The waste stream discharge into Oriental Harbor resulting from sandblasting represents violations of Title 15A North Carolina Administrative Code 02B .0211 (3)f which states:

Oils; deleterious substances; colored or other wastes: 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;

### Requested Response

This Office requests that you respond to this letter in writing within **30 calendar days** of receipt of this Notice and should address the following items:

1. Please explain why appropriate surface water protection measures were not followed
2. Please detail all solvents, chemicals, or other processes that may have been released into surface waters
3. Please detail how you will prevent these problems from reoccurring in the future.

Thank you for your attention to this matter. This Office is considering sending a recommendation for enforcement to the Director of the Division of Water Quality regarding these issues and any continuing violations that may be encountered. Your above-mentioned response to this correspondence will be considered in this process. **This office requires that the violations, as detailed above, be abated immediately. Please be advised, these violations and any future violations are subject to a civil penalty assessment of up to \$25,000.00 per day for each violation.** Should you have any questions regarding these matters, please contact me at (252) 946-6481.

Sincerely,



Amy Adams  
Regional Supervisor  
Surface Water Protection Section  
Washington Regional Office

cc: Karen Higgins, Supervisor, Webscape Unit  
✓ WaRO Files  
Shelton Sullivan, Webscape Unit  
(via email) Mitch Blake, Lower Neuse Riverkeeper, mitch@neuseriver.org ✓