

# J.S. Mitchell Inc.

Environmental Consulting & Professional Services

P.O. Box 362

Wrightsville Beach, NC 28480

Email: [JSMitchell360@gmail.com](mailto:JSMitchell360@gmail.com)

June 8, 2026

**Certified Mail – Return Receipt Request 9589 0710 5270 2805 7767 36**

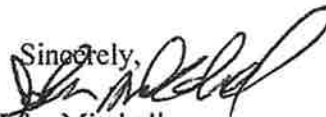
Town of Oriental  
C/O Ms. Diane Miller, Town Manager  
Post Office Box 472  
Oriental, NC 28571

Dear Ms. Miller:

Enclosed is a Major CAMA/Dredge and Fill permit application for proposed dock improvements to Garland F. Fulcher Seafood located at 101 South Avenue adjacent Raccoon Creek and the Neuse River in the Town of Oriental. The purpose of the improvements is to provide additional mooring space for commercial fishing vessels. The specifics of the proposed work are in the enclosed application forms and drawings.

As the adjacent riparian property owner to the aforementioned project, I am required to notify you of the development to provide you the opportunity to comment on the project as part of a prescribed environmental permit process administered by the NC Division of Coastal Management (NCDCM). Please review the attached permit application and drawings.

Should you have any objections or comments concerning this proposal, please send your written comments to Mr. Kelly Spivey, DCM District Manager, Washington Regional Office, 943 Washington Square Mall, Washington, NC 27889, within 30 days of your receipt of this notice. Such comments will be considered by the Department in reaching a final decision on the application. No comment within 30 days of your receipt of this notice will be considered as no objection. If you have any questions on this project, please call me at (910) 471-1728 or email [jsmitchell360@gmail.com](mailto:jsmitchell360@gmail.com).

Sincerely,  
  
John Mitchell

Enclosures

# Permit Application Report

Application ID	Application Type	Submitted	App Complete	Deadline	Decision	Expiration
PA-3576	DCM Major Permit					

Primary Applicant Information							
Applicant Type	Title	Business Name	Name	Email	Business Phone	Mobile Phone	
Business/Company		Fulcher Point LLC	Fulcher Point LLC	admin@fulchers.com	(252) 745-7711	(252) 670-1974	
Physical Address				Mailing Address			
Street 1	City	State	Zip	Street 1	City	State	Zip
Post Office Box 250	Oriental	North Carolina	28571	Post Office Box 250	Oriental	North Carolina	28571

Registered Agent Information							
Agent Type	Title	Business Name	Name	Email	Business Phone	Mobile Phone	
Physical Address				Mailing Address			
Street 1	City	State	Zip	Street 1	City	State	Zip

Project Information						
Project Name	Project Type	Disturbed Land Area (Sq Ft/Acres)				
Fulcher Seafood Dock Improvements	Commercial	23000 Sq. Ft. / 0.53 Acres				
Is proposed project located in national registered historic district or national register listed/eligible: False						
List of previous state or federal permits for work on project tract:						
Project Location Information						
Address	County	River Basin	Subdivision	County Parcel ID	Latitude	Longitude
101 South Avenue Oriental, North Carolina 28571	Pamlico			J082-426-1	35.02267	-76.69635
Project Discharges to State Waters						
Discharge Type	Surface Runoff	Sanitary Wastewater	Industry/Commercial Effluent	Vessel Wash Down	Residential	Other
Wastewater/Stormwater Discharged Into Wetland?	Discharge Same Salinity as Receiving Waters			Is There Any Mitigation Proposed		
False	False			False		

### Detailed Description of the Existing Development Located on the Property

**Existing Man-Made Features:**

*(Faint handwritten notes describing man-made features)*

**Existing Land Uses:**

*(Faint handwritten notes describing land uses)*

**Existing Wastewater Treatment/Disposal:**

*(Handwritten note:)* BAY RIVER METROPOLITAN SEWER DISTRICT

**Solid Waste/Fish Offal/Trash Disposal:**

*(Faint handwritten note)*

### Use and Daily Operations of the Project When Complete

**Proposed Development Purpose:**

*(Faint handwritten notes describing development purpose)*

**Buildings/Facilities/Units/Structures:**

*(Faint handwritten notes)*

**Use & Daily Operations:**

The dock will be utilized by trawlers between trips, while awaiting to be unloaded by maintenance and repair.

**Construction Methodology & Equipment:**

Barge equipped with spoil containment structure, excavator, and dump trucks.

**Development Activities Narrative Specifics:**

**Application Narrative:**

The purpose of this project is to better equip the existing seafood processing facility with dockage for commercial trawlers and other commercial fishing operations owned by Fulcher Seafood and other vessel owners selling commercial catches to Fulcher Seafood. The dock will provide a harbor of refuge for commercial vessels between trips and various seasonal commercial trawl fisheries. The proposed 8' wide by 600' long fixed dock avoids the existing federal channel setback and presents the only option to increase mooring space for commercial trawl boats at this facility. The dock is positioned over the downward bottom side slope for the existing federal channel offshore. Minor excavation (less than 1,000 cubic yards) will be required to prevent deep draft trawlers from hitting bottom. The dimensions of the bottom excavation will be 22' wide x 400' long removing an average of -2.3' of bottom sediment. Bottom excavation will be accomplished by an excavator on a barge equipped with a spoil containment structure. Once the barge is loaded with spoil it will be pushed into an existing slip at the seafood facility and offloaded from the barge directly onto a dump truck. All spoil material will be placed in a closed body dump truck and hauled to 2066 HWY 55 just outside of Oriental for final deposition in a former ag field that has historically utilized for a spoil area for other dredging projects. The project depth for the federal channel is -10' below MLLW. Existing depths in the channel range from -10.7 to 12.9' below the NLW in the vicinity of the proposed dock. Primary mooring for trawlers will be on the northwest side of the dock and "side to" only. There may be some use of the southeast side of the dock by smaller shallower draft vessels. Shallow water and space will prevent use of the southeast side of the proposed dock with the exception of the outer third where existing depths are deeper between the proposed dock and the existing stone breakwater. The dock alignment will maintain approximately 40' of separation from the existing stone breakwater and the proposed dock. The proposed dock will originate from the shoreline in the location of an existing dock.

**Boat Ramp Development Activity Included: False**

Boat Ramp Dimensions				
Length	Width	Avg Existing Depth	Final Project Depth	Distance Waterward of NHW/NWL

Will Fill Material Be Placed In Any Of The Following Areas		
Area	Sq. Ft. Affected	Purpose of Fill in This Area
Coastal Wetland/Marsh (CW)		
Submerged Aquatic Vegetation (SAV)		
Shell Bottom (SB)		
Other Non-Coastal Wetlands (WL)		

Boat Ramp Structures			
Structure Type	Length	Width	Quantity

**Shoreline Stabilization Development Activity Included: False**

Living Shoreline Development Activity Included: False

Piers & Docking Facilities Development Activity Included: True

Docking Facilities Details			
Facility Use	# of Tie Pilings	Existing Slips	New Slips
Commercial	0	8	6

Piers & Docking Facility Structures			
Structure Type	Length	Width	Quantity
Fixed Piers	600	8	1

Freestanding Moorings & Buoys Associated With This Docking Facility		
Structures Consistent With Water Use Plan	Existing Freestanding Moorings & Buoys Slips	New Freestanding Moorings & Buoys Slips
False		

Buoy Details:

Moorings & Buoys Details			
Moorings or Buoy	Distance From Shoreline	Arc of Swing	Water Depth

Excavation Development Activity Included: True

Excavation Details			
Amount & Type of Material to be Excavated From Below NHW or NWL			
Volume (Cu Yds)	Area (Sq Ft)	Type of Material	"Other" Material Description
375	8,800.00	Sand	

Will Material Be Excavated From Any Of The Following Areas		
Area	Sq. Ft. Affected	Purpose of Fill in This Area
Coastal Wetland/Marsh (CW)		
Submerged Aquatic Vegetation (SAV)		
Shell Bottom (SB)		
Other Non-Coastal Wetlands (WL)		

Wetlands Crossed Transporting Equipment to Site	Steps Taken to Avoid/Minimize Environmental Impact
False	

Excavation Purposes				
Purpose	Length	Width	Avg Existing Depth	Final Project Depth
Boat Basin	400.00	22.00	5.70	8.00

Excavation Disposal Area Details			
Disposal Area Name	Available for Maintenance	Location of Disposal Area	Do You Claim Title
Fulcher Farm	Yes	2066 HWY 55, Oriental, NC 28571	Yes
Is Disposal Area Within Area of Environmental Concern		Disposal Area Length	Disposal Area Width
No		200.00	100.00

Does Disposal Area Include Any Of The Following Areas		
Area	Sq. Ft. Affected	Purpose of Fill in This Area
Coastal Wetland/Marsh (CW)		
Submerged Aquatic Vegetation (SAV)		
Shell Bottom (SB)		
Other Non-Coastal Wetlands (WL)		
Open Water (OW)		

How Will Excavated or Fill Material at the Disposal Area be Kept on Site and Erosion Controlled
Spoil material will be allowed to dry, approximately 2 weeks, then sloped, graded and provided a vegetated ground cover by seeding and mulching the disturbed areas.

**Bridges & Culverts Development Activity Included: False**

**Oceanfront Erosion Control Development Activity Included: False**

**Temporary Structures Development Activity Included: False**

**Utility Crossings Development Activity Included: False**

**Freestanding Moorings, Buoys & Bird Nesting Poles Development Activity Included: False**

**Log Removal/Marine Debris Development Activity Included: Yes/No**

**Navigational Aids Development Activity Included: False**

**Other Fill Below Water Level Development Activity Included: False**

**Stormwater Structures Development Activity Included: False**

**“Upland Development” Development Activity Included: False**

**Energy Facilities Development Activity Included: False**

Aquaculture Development Activity Included: False

Submerged Lands Mining Development Activity Included: False

General Development Activity Details Required

General Development Activity Questions				
These questions are applicable if 1 of the following development activities are included in the project (Boat Ramps, Freestanding Moorings, Buoys & Bird Nesting Poles, Piers & Docking Facilities, Temporary Structures, Living Shorelines, Shoreline Stabilization Submerged Lands Mining)				
Boat Type(s)		Typical Boat Length	Other Boat Type (Describe)	
Other		80	Steel and wooden hull trawlers ranging in length from 50 to 100 feet	
Adj Riparian Property Line #1 (Proximity of Structure Nearest to Property Line)		Adj Riparian Property Line #2 (Proximity of Structure Nearest to Property Line)		Adj Riparian Property Line #3 (Proximity of Structure Nearest to Property Line)
654		922		
Width of Water Body	Water Depth @ Waterward End of Structure (NLW or NWL)		Water Depth @ Most Landward Boat Slip (NLW or NWL)	Water Depth @ Most Waterward Boat Slip (NLW or NWL)
600	9.5		8	9.5
Navigational Aids Required	Number of Buoys	Number of Day Markers	Min Distance of Each Aid Placed Beyond Shoreline	Max Distance of Each Aid Placed Beyond Shoreline
False				

Marina Development Activity Details Required

Marina Details					
These questions are applicable if there are a combined number of slips of 10 or more across all development activities					
Repair or Maintenance Services	Travel Lift and/or Rail	Fuel & Marine Supplies	Dry Storage (# of Boats)	Lease of Slips	Other Services
False	False	True		False	False
<b>Detailed Plan - Location of Repair/Maintenance Services &amp; Efforts to Contain Debris/Runoff From Entering Adjacent Wetlands/Water Bodies</b>					
There is no haul out capabilities at this seafood processing facility. Dockage is for boats loading and unloading equipment (nets, doors, etc.) and commercial catches (shrimp, flounder, etc.)					
<b>Provide a Detailed Plan of the Location of Fuel Handling Facilities &amp; Describe Safety Measures Planned to Protect Water Quality</b>					
There are existing fueling facilities. The fuel tanks are located in the center of the property.					
<b>Other Services (Detailed Description)</b>					
Industrial Pollutants Being Used (Paint, Sandblasting Waste, Petroleum Products, Vessel Maintenance Operations)			Industrial Pollutants Management Plan		
False					
# of Toilets	# of Showers	Location of Toilets			
4		Within existing seafood processing buildings			
Boat Holding Tank Pumpouts	Existing Pumpouts	Proposed Pumpouts	Pumpouts – Location of Each		Pumpouts – Type of Each
False					
How Will Overboard Discharge of Sewage From Boats be Controlled		Number of Channel Marker or No Wake Signs Proposed	Provide Details to the Type of Signage and Location of the Signs		

	0		
<b>Marina Safety Policy on Overnight &amp; Live Aboard Storage</b>	<b>Marina Located Within or Close Proximity to Shellfish Lease</b>	<b>Shellfish Lease Proximity to Marina</b>	<b>Shellfish Leasholder(s) Name &amp; Address</b>
Live aboard dockage is not allowed.	False		

### Acknowledgements

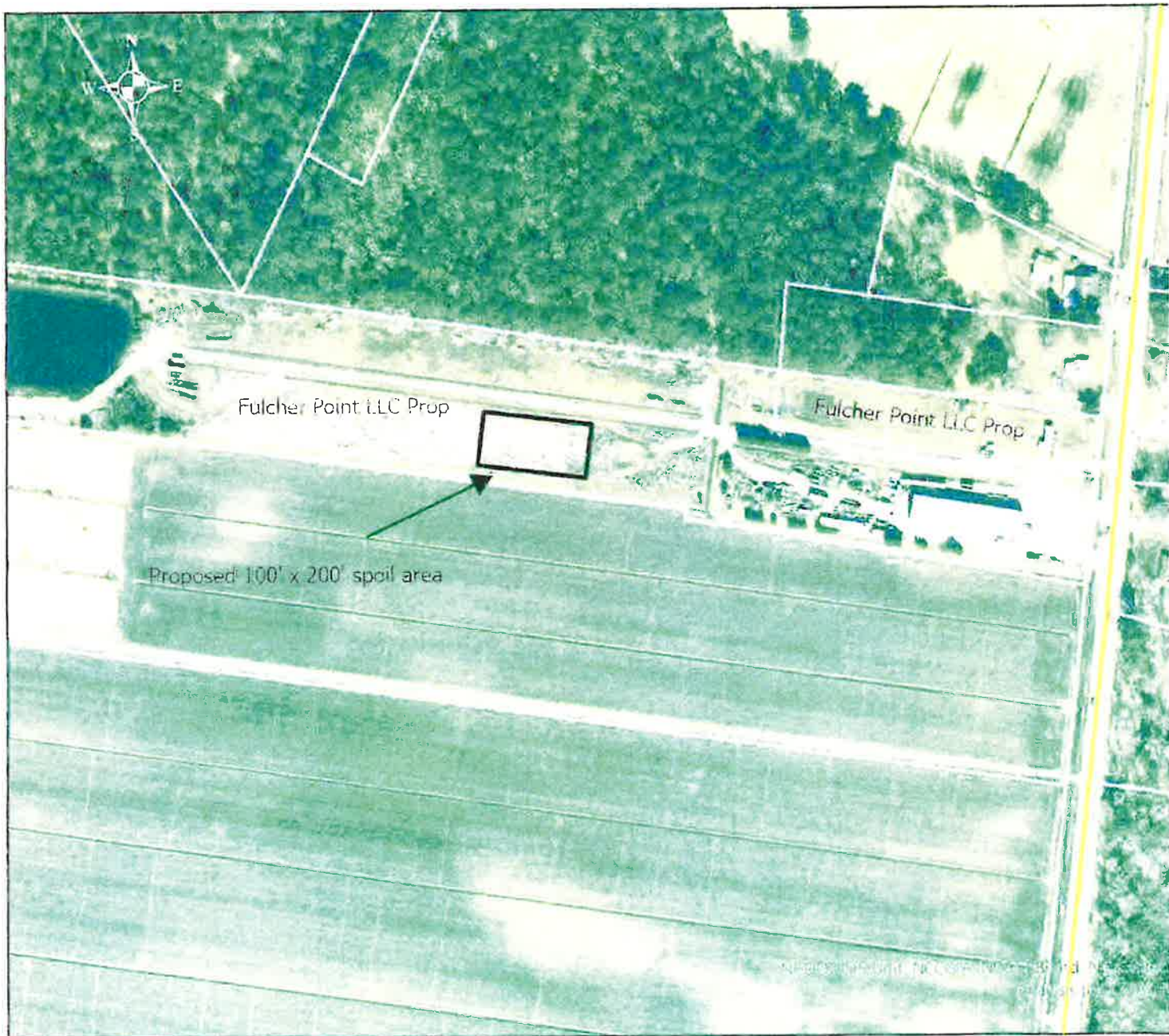
I understand that any permit issued in response to this application will allow only the development described in the application. The project will be subject to the conditions and restrictions contained in the permit

I certify that I am authorized to grant, and do in fact grant permission to representatives of state and federal review agencies to enter on the aforementioned lands in connection with evaluating information related to this permit application and follow-up monitoring of the project

I further certify that the information provided in this application is truthful to the best of my knowledge

I certify that by clicking the submit button on this NC Division of Coastal Management application I acknowledge that I am signing and dating the application submitted therein

Garland F. Fulcher Seafood  
Proposed Dock Improvements  
Spoil Area 2066 HWY 55, Oriental, NC 28571  
Date: March 14, 2026  
Sheet 1A



0 250 Feet

# Harbor and Waterfront Advisory Committee (HWAC)

The Harbor and Waterfront Advisory Committee (HWAC) has reviewed the CAMA permit application submitted by Point Pride Seafood for the proposed dredging and construction of a dock structure at the town jetty.

After careful deliberation at our duly noticed public meeting, the HWAC votes unanimously to oppose this application and respectfully urges the Town Board and CAMA to deny the permit.

Our opposition is grounded in significant concerns regarding the impact on tourism, harm to local businesses and residents, navigational safety, and the environmental record of the applicant.

## I. Detrimental Impact on Tourism

**Tourism is a cornerstone of our local economy and is explicitly recognized in our state-mandated, CAMA approved Comprehensive Land Use Plan as a priority to be protected and balanced against commercial development. This application threatens that balance in several material ways:**

- The proposed 600-foot dock, with vessels potentially side-tied, would obstruct views of the harbor enjoyed by residents, visitors, and boaters – a defining characteristic of our waterfront community that draws visitors to our town.
- Our harbor is a premier anchoring destination for recreational boaters. The proposed structure would reduce available anchoring space and discourage visiting boaters from entering a harbor that presents the appearance and hazards of an industrial working waterfront.
- Boaters who choose not to anchor in our harbor or visit our free docks and harbor marinas will not patronize local restaurants, shops, and other businesses, representing a significant and largely untracked loss of sales and use tax revenue – revenue that cannot be offset by property tax considerations alone.
- The proposed dock directly threatens our youth sailing programs, the recreational fishing industry and seasonal sailors that visit our town on their way North and South along the Intercostal Waterway, all who actively use this waterway and harbor, and depend on safe, unobstructed access.
- Previously, a boat wash facility in the harbor, also proposed by this applicant, was denied. Allowing this application would set a precedent that undermines prior decisions made to protect the environment and character of our waterfront.

## II. Harm to Other Local Businesses and Residents

**While HWAC supports a thriving commercial fishing industry, our Comprehensive Land Use Plan is explicit that the wellbeing of one business must not come at the**

**expense of the broader business community and our residents. This application fails that standard:**

- Every property owner, residential and business, from the foot of the bridge toward town would lose their harbor views if the proposed dock is filled with the large fishing vessels like the ones typically tied up in the existing space. This will negatively impact property values and destroy the views businesses and individual owners paid for when they purchased their property.
- A decline in boating tourism would have a cascading effect on lodging, retail, restaurants, and other businesses that depend on visitor traffic generated by an active, welcoming harbor.
- Transforming the visual character of the harbor from a scenic destination to an industrial waterfront could have long-term, irreversible consequences for our town's tourism brand and economic identity.

### **III. Navigational Safety Hazards**

**Members of this committee conducted a firsthand inspection of the proposed site by water and observed the following serious safety concerns:**

- The proposed dock structure and any vessels moored alongside it would create a significant line-of-sight obstruction for boats navigating the channel into the harbor, creating dangerous conditions particularly given the absence of a speed limit in the channel.
- The effective navigable width of the harbor entrance could be reduced by 50 to 100 feet, if vessels are side-tied, presenting a direct hazard to safe ingress and egress.
- The U.S. Army Corps of Engineers constructed and maintains the jetty this dock is being constructed near. It is unclear whether this proposed dock structure would interfere with the Corps' ability to access and maintain the jetty, and HWAC requests that the Army Corps of Engineers be formally consulted prior to any permit approval. Adequate maintenance is critical for the protection of town facilities, residences and businesses.
- The application describes this location as a safe harbor for fishing vessels. However, wind-driven tides frequently submerge this jetty, leaving any vessels docked fully exposed to the elements. This location would not provide adequate protection and should not be represented as a safe harbor.
- It is unclear who would be responsible for monitoring and addressing abandoned, derelict, or expired vessels left at this proposed dock, creating a further navigational and safety liability for the town.

### **IV. Environmental Concerns**

**HWAC has a responsibility to flag the following environmental concerns:**

- The permit application fails to address pump-out provisions. The applicant left blank the section of the application requesting information on how pump-outs

- would be handled, raising immediate concerns about discharge into an already-pressured waterway.
- The application contains internal contradictions regarding on-water versus on-land maintenance activities, including painting and scraping, which if conducted over water would pose a direct threat to water and air quality and aquatic life. The applicant has been fined by NCDEQ for these activities previously.
  - The application contains a factual error on page 1, identifying wastewater treatment as being through the Town of Oriental. It is, in fact, provided by Bay River Sewer and only billed through the Town. This inaccuracy raises broader concerns about the reliability of the application as submitted.
  - The application states that the applicant will not use pollutants or hazardous materials in connection with this site. However, this applicant has a documented history of doing exactly that. Given this record, HWAC does not believe water quality can be guaranteed if this application is approved.
  - The jetty posts serve as roosting habitat for brown pelicans, cormorants and other wildlife. The impact on these species and the surrounding marine ecosystem has not been adequately assessed.
  - Creek systems in this area are already under environmental pressure, and additional industrial dock activity should not be permitted without rigorous environmental review.
- **Applicant's Environmental History:**
    - This applicant has previously violated local and environmental statutes, as documented through local media, NCDEQ complaints and the issuance of fines. Past behavior is the most reliable predictor of future behavior, and HWAC believes this history warrants heightened scrutiny of any claims made in this application.
    - HWAC strongly recommends that any approval – if granted over our objection – be conditioned on a full independent environmental impact study given the applicant's prior record.
    - The internal contradictions within this application regarding maintenance activities raise further doubts about the accuracy and completeness of the representations made herein.
    - This proposed location is removed from town view and public sightlines, meaning any non-compliant boat maintenance activity would go largely undetected. Given the applicant's prior violations with boat maintenance activities, the inability to provide any meaningful oversight is a serious and compounding concern, and presents an unacceptable risk to the waterway and surrounding ecosystem.

## Conclusion

· See APPENDIX 1

## **Conclusion**

**The Harbor and Waterfront Advisory Committee unanimously recommends that the Town Board oppose Point Pride Seafood's CAMA application for dredging and dock construction at the town jetty.**

**This project, as proposed, poses unacceptable risks to our tourism economy, to the livelihoods of other local businesses and residents, to navigational safety, and to our shared natural environment.**

**We respectfully request that CAMA give full weight to this written opposition and that the Town Board formally communicate its opposition in the strongest possible terms.**

**Respectfully submitted,**

**Harbor and Waterfront Advisory Committee (HWAC)**

**June 19, 2026**

Appendix 1: Recent violations



ROY COOPER  
Governor

ELIZABETH S. BISER  
Secretary

MICHAEL ABRACZINSKAS  
Director

February 17, 2022

**CERTIFIED MAIL 7019 2970 0001 3139 8046  
RETURN RECEIPT REQUESTED**

Mr. G. Christopher Fulcher, Owner  
Fulcher's Point Pride Seafood  
Post Office Box 250  
Oriental, North Carolina 28571-0250

**SUBJECT: Notice of Violation  
North Carolina Administrative Code, Title 15A, Chapter 2,  
Subchapter 2D .0541 - ABRASIVE BLASTING  
Fulcher's Point Pride Seafood --- 101 South Avenue  
Oriental, Pamlico County, North Carolina**

Dear Mr. Fulcher:

On February 14, 2022, this Office received photographs and video from the Oriental Police Department (OPD) showing material accumulation in the Neuse River resulting from repair work being done to vessel CHASITY BROOK on February 12, 2022 at Fulcher's Point Pride Seafood, near Oriental, Pamlico County, North Carolina. Consultations with DEQ Division of Water Resources and Waste Management indicated that you ended the work immediately after notification from OPD.

North Carolina Administrative Code (NCAC), Title 15A, 2D .0541 (e) states that the owner of any abrasive blasting operation shall take appropriate measures to ensure that the fugitive dust emissions created by the abrasive blasting operation do not migrate beyond the property boundaries in which the abrasive blasting operation is being conducted. Appropriate measures include the following:

1. the addition of a suppressant to the abrasive blasting material;
2. wet abrasive blasting;
3. hydroblasting;
4. vacuum blasting;
5. shrouded blasting; or
6. shrouded hydroblasting.

**This letter serves to formally notify that Fulcher's Point Pride Seafood was in violation of 2D .0541 on February 12, 2022.** A copy of North Carolina's abrasive blasting regulations is enclosed with this letter. Local regulations may also apply.

A review of our files indicates that Notices of Violation were issued from this office on June 17, 2015 and May 4, 2018 for the same issue. Please be advised that any violation can result in possible civil penalties as per North Carolina General Statute 143-215.114A. **North Carolina General Statute (a) (1) and (2) provides that a civil penalty of not more than \$25,000.00 per violation may be assessed against a person who violates any regulation or standard established pursuant to North Carolina General**



North Carolina Department of Environmental Quality | Division of Air Quality  
Washington Regional Office | 943 Washington Square Mall | Washington, North Carolina 27889  
252.946.6481 T | 252.975.3716 F

**Statute 143-215.107. Please be advised that any future violations for which you are deemed responsible will result in this Office pursuing a civil penalty assessment.**

**This office requests a response within two weeks after receipt of this notice.** Please include an explanation for this violation that you wish to present, or if you believe the findings stated in this letter are not correct.

I appreciate your help in keeping the air in eastern North Carolina as clean as possible. If you have any questions or concerns regarding this matter, feel free to contact Mr. Robert Bright or me at (252) 946-6481.

Sincerely,



Betsy Huddleston, Regional Supervisor  
Division of Air Quality, NCDEQ

ETH/rlb

Enclosure: 15A NCAC 02D .0541 Control of Emissions from Abrasive Blasting

cc: Washington Regional Office Files

[https://ncconnect.sharepoint.com/sites/DAQ-WaRO/Facilities/Pamlico69/COMPLAIN/Chris Fulcher/20220217.NOV](https://ncconnect.sharepoint.com/sites/DAQ-WaRO/Facilities/Pamlico69/COMPLAIN/Chris%20Fulcher/20220217.NOV)

**ROY COOPER**

*Governor*

**ELIZABETH S. BISER**

*Secretary*

**S. DANIEL SMITH**

*Director*



**NORTH CAROLINA  
Environmental Quality**

**Certified Mail**

**Return Receipt Requested**

7020 3160 0001 6632 2171

February 25, 2022

Mr. Chris Fulcher  
Fulcher's Point Pride Seafood  
Post Office Box 250  
Oriental, North Carolina 28571-0250

**SUBJECT: NOTICE OF VIOLATION & INTENT TO ASSESS CIVIL PENALTY**

Tracking Number: NOV-2022-PC-0063

Fulcher's Point Pride Seafood

Oriental, Pamlico County, North Carolina

Dear Mr. Fulcher:

The North Carolina Division of Water Resources conducted an inspection of Fulcher's Point Pride Seafood on February 14, 2022. The inspection was conducted in response to reports of boat maintenance activities on February 12, 2012 resulting in water quality impacts. The inspection was to also assist in determining whether the referenced activity conducted at the facility was associated with NPDES Permit No. NC0003174 or in violation of conditions and requirements of the referenced permit. A summary of the findings and comments noted during the inspection are provided in the enclosed copy of the inspection report.

The compliance inspection was conducted by Division of Water Resources staff from the Washington Regional Office in response to a complaint. The activities were not taking place at the time of the inspection, but the following violation(s) were acknowledged during the inspection:

**Inspection Area**

**Description of Violation**

Pollution Prevention

The facility allowed in water work to be done on the FV Chasity Brooke resulting in a quantity of paint and sanding debris entering Oriental Harbor on 2/12/2022, constituting an unpermitted discharge of wastes to surface water.

A Notice of Violation/Intent to Issue Civil Penalty is being issued for the noted violation of North Carolina General Statute (G.S.) 143-215.1. Pursuant to G.S. 143-215.6A, a civil penalty of not more than twenty-five thousand dollars (\$25,000.00) may be assessed against any person who violates or fails to act in accordance with the terms, conditions, or requirements of any permit issued pursuant to G.S. 143-215.1.



North Carolina Department of Environmental Quality | Division of Water Resources

Washington Regional Office | 943 Washington Square Mall | Washington, North Carolina 27889

252.946.6481

If you wish to provide additional information regarding the noted violation, request technical assistance, or discuss overall compliance please respond in writing within ten (10) business days after receipt of this Notice. A review of your response will be considered along with any additional information provided. You will then be notified of any civil penalties that may be assessed regarding the violations. **If no response is received in this Office within the 10-day period, a civil penalty assessment may be prepared.**

Remedial actions should have already been taken to correct this problem and prevent further occurrences in the future. The Division of Water Resources may pursue enforcement action for this and any additional violations of State law. If the violations are of a continuing nature, not related to operation and/or maintenance problems, and you anticipate remedial construction activities, then you may wish to consider applying for a Special Order by Consent.

If you should have any questions, please do not hesitate to contact Allen Stewart with the Water Quality Regional Operations Section in the Washington Regional Office at 252-946-6481.

Sincerely,

*David May*

David May, L.G., Regional Supervisor  
Water Quality Regional Operations Section  
Washington Regional Office  
Division of Water Resources, NCDEQ

ATTACHMENTS: NPDES Inspection Report, BIMS Incident Report

cc: LaserFiche  
NC DEQ DAQ – WaRO  
NC DEQ DWM



NCDEQ hits seafood company with \$21.5K fine

CUTLINE:

A maintenance crew member in a Hazmat suit was photographed grinding paint on the Gaston Bell in March 2022. The vessel was anchored in open water at the time. (Sound Rivers)

From Sound Rivers

An Oriental fishing company has been hit with more than \$21,000 in fines by the North Carolina Department of Environmental Quality.

In February 2022, Oriental police, NCDEQ's Division of Water Resources and the Division of Air Quality responded to a complaint that maintenance crews were grinding paint from the hull of the fishing trawler Chasity Brook while it was docked in Oriental Harbor. Photos and video, submitted with NCDEQ's report showed paint chips covering the surface of the water.

On Feb. 28, 2022, NCDEQ issued a notice of violation to Fulcher's Point Pride Seafood, Christopher Fulcher. Just days later, on March 2, environmental organization Sound Rivers was notified by a boater on the Neuse River that crews were grinding paint from the hull of another Fulcher vessel — the Gaston Bell — this time on the open water of the Neuse. Paint dust and particulates surrounded the vessel where it was anchored, creating a debris field of approximately 75,000 square feet, according to the NCDEQ report.

"Sound Rivers notified DEQ that maintenance crews were out there, once again, creating a debris field of paint chips, which pose a significant threat to the water quality of the Neuse, as well as its aquatic life," said Sound Rivers' Neuse Riverkeeper Samantha Krop.

After a site inspection, NCDEQ issued a second notice of violation to Fulcher on March 21, 2022. "The second violation appears to be willful, given that Fulcher's Seafood Inc. has been notified about the first violation, yet they still conducted another in-water boat maintenance with only the location changed," reads the assessment by the Division of Water Resources.

Fulcher's Point Pride Seafood has been issued two previous notices of violation from the Division of Air Quality for the same infraction: in 2015 and, again, in 2018.

The \$21,588.98 civil penalty, covering both 2022 violations, was issued on Feb. 7 of this year. Fulcher has 30 days from that date to submit the payment, submit a written request for remission or file a petition to have the case reviewed by the Office of Administrative Hearings.

*Founded in 1980-81, Sound Rivers is one of the oldest grassroots conservation organizations in North Carolina. Sound Rivers monitors and protects the Neuse and Tar-Pamlico rivers, covering nearly a quarter of the state. With offices in Washington, New Bern and Raleigh, Sound Rivers' mission is to preserve the waterways' health and the health of the people who rely on them*

*through science-based advocacy and environmental justice. For more information, visit [soundrivers.org](http://soundrivers.org).*



NORTH CAROLINA  
Environmental Quality

2/7/2023

ROY COOPER

Governor

ELIZABETH S. BISER

Secretary

RICHARD E. ROGERS, JR.

Director

**CERTIFIED MAIL 7019 1120 0001 4877 5966**  
**RETURN RECEIPT REQUESTED**

Mr. Chris Fulcher  
Fulcher's Point Pride Seafood  
Post Office Box 250  
Oriental, North Carolina 28571-0250

SUBJECT: **ASSESSMENT of CIVIL PENALTIES**  
**for Violations of North Carolina General Statute (G.S) 143-215.1(a)(1)**  
Fulcher's Point Pride Seafood Inc.  
Case Number: DV-2022-0144  
Pamlico County

Dear Mr. Fulcher:

This letter transmits a notice of a civil penalty assessed against Fulcher's Point Pride Seafood Inc. in the amount of **\$21,588.98** (\$20,000.00 civil penalty + \$1,588.98 in enforcement costs).

This assessment is based upon the following facts: Washington Regional Office (hereinafter, WaRO) received complaint that Fulcher's Point Pride Seafood Inc. (hereinafter, Fulcher's Seafood Inc.) was performing in-water boat maintenance work, which results in a quantity of paint and sanding debris entering the Oriental Harbor on 2/12/2022. WaRO staff conducted a site inspection on 2/14/2022 and issued an NOV/NOI on 2/28/2022. On 3/2/2022, WaRO received another complaint of Fulcher's Seafood Inc. conducting in-water boat maintenance work while anchored in the Neuse River, paint dust and particulates were observed on surface waters in the vicinity of vessel. WaRO staff performed another site inspection on 3/3/2022 and issued a second NOV/NOI on 3/21/2022. Fulcher's Seafood Inc. does not have an authorized permit to discharge wastewater from boat maintenance activities into the Neuse River or Raccoon Creek. Site inspections and additional information has shown the subject facility to be in violation of the conditions found in G.S. 143-215.1(a)(1).

The State's enforcement costs in this matter may be assessed against Fulcher's Seafood Inc. pursuant to NCGS. 143-215.3(a)(9) and NCGS 143B-282.1(b)(8).

Based upon the above facts, I conclude as a matter of law that Fulcher's Seafood Inc. violated the terms and conditions of G.S. 143-215.1(a)(1) in the manner and extent shown above. 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  
512 North Salisbury Street | 1617 Mail Service Center | Raleigh, North Carolina 27699-1617  
919.707.9000

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 hereby make the following civil penalty assessment against Fulcher's Seafood Inc.:

\$ 20,000.00 For 2 of 2 violation(s) of NC G.S. 143-215.1(a)(1) for making any outlets into the waters of the State.

\$ 1,588.98 Enforcement Costs

\$ 21,588.98 **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 days** of receipt of this notice, you must do **one** of the following:

**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:

Wren Thedford  
NC DEQ/DWR/Water Quality Permitting Section  
1617 Mail Service Center  
Raleigh, North Carolina 27699-1617

**OR**

**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 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:

Wren Thedford  
NC DEQ/DWR/Water Quality Permitting Section  
1617 Mail Service Center  
Raleigh, North Carolina 27699-1617

**OR**

### **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 original and one (1) copy of the petition must be filed with the Office of Administrative Hearings. The petition may be faxed provided the original and one copy of the document is received in the Office of Administrative Hearings within five (5) business days following the faxed transmission. The mailing address for the Office of Administrative Hearings is:

Office of Administrative Hearings  
6714 Mail Service Center  
Raleigh, North Carolina 27699-6714  
Telephone (919) 733-2698 Facsimile: (919) 733-3478

**AND**



Mail or hand-deliver a **copy** of the petition to:

General Counsel  
Department of Environmental Quality  
1601 Mail Service Center  
Raleigh, North Carolina 27699-1601

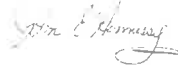
Please indicate the case number (as found on page one of this letter) on the petition.

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 about this letter, please contact John Hennessy at 919-707-3615 or via e-mail at [john.hennessy@ncdenr.gov](mailto:john.hennessy@ncdenr.gov).

Sincerely,

DocuSigned by:



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Richard E. Rogers, Jr.  
Director, Division of Water Resources

cc: NPDES Enforcement File: DV-2022-0144 – Laserfiche  
NCDEQ Washington Regional Office – Laserfiche



STATE OF NORTH CAROLINA

DEPARTMENT OF ENVIRONMENTAL  
QUALITY

COUNTY OF PAMLICO

IN THE MATTER OF ASSESSMENT  
OF CIVIL PENALTIES AGAINST

FULCHER'S POINT PRIDE SEAFOOD INC.  
FULCHER'S POINT PRIDE SEAFOOD

)  
) **WAIVER OF RIGHT TO AN**  
) **ADMINISTRATIVE HEARING AND**  
) **STIPULATION OF FACTS**  
)  
) **FILE NO. DV-2022-0144**  
)

Having been assessed civil penalties totaling **\$21,588.98** for violation(s) as set forth in the assessment document of the Division of Water Resources dated **February 7, 2023**, 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\_\_.

\_\_\_\_\_  
PRINTED NAME

\_\_\_\_\_  
SIGNATURE

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

TELEPHONE  
\_\_\_\_\_

**JUSTIFICATION FOR REMISSION REQUEST**

DWR Case Number: DV-2022-0144

County: Pamlico

Assessed Entity: Fulcher's Point Pride Seafood Inc.

Permit No.: NC0003174                      Amount Assessed: \$21,588.98

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:**

**DIVISION OF WATER RESOURCES - CIVIL PENALTY ASSESSMENT****Violator: Fulcher's Point Pride Seafood Inc. – Fulcher's Point Pride Seafood****County: Pamlico****Case Number: DV-2022-0144****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;**

Fulcher's Point Pride Seafood Inc. allowed unpermitted discharges to the Neuse River, a SA:HQW,NSW stream in the Neuse River Basin. Paint and sanding debris were observed on surface waters and in vicinity of the boat, with photo and video evidence submitted by concerned citizens and WaRO staff.

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

The discharge from the in-water boat maintenance contains paint and sanding debris, which posed a significant health and environmental hazard. The duration of the work is undetermined, but similar violations has occurred multiple times. Following a February 2022 incident, where the company representative was informed of violations created by subject activities, Fulcher's Point Pride Seafood, Inc. continued with similar in-water boat maintenance activities in March 2022. No effort was observed to prevent or minimize particulate drift into waters.

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

Paint and sanding debris were observed trailing from the vessel on surface waters encompassing an area of approximately 75,000 square feet (50'x1500'), which posed a significant health and environmental hazard to the aquatic life and water quality of the Neuse River.

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

Inadequate data exists to determine the exact amount of costs to rectify the damage. The main costs would be performing stream clean-up for the contaminated waters.

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

Inadequate data exists to determine the exact amount saved by noncompliance. The amount of money saved would have been the amount saved by not moving the boat elsewhere for the maintenance work. Maintenance work as performed, which contributed to the violations, would normally be performed and is better suited to be conducted in a boat maintenance yard that is equipped to accommodate such work. Although exact savings are unknown for performing on-site in-water maintenance work, the cost of maintenance work conducted at a commercial boat yard would be significantly higher and may easily be in the thousands to tens of thousands range. Additionally, losses incurred from lost vessel productivity due to extended down times while in for scheduled boat yard work were likely avoided by performing on-site in-water work.

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

After the first violation reported on February 12, 2022, the Division has issued an NOV/NOI to Fulcher's Seafood Inc. and required remedial actions. However, Fulcher's Seafood Inc. continued to perform another in-water boat maintenance on March 2, 2022, while changing the work location. The second violation appears to

be willful given that Fulcher's Seafood Inc. has been notified about the first violation, yet they still conducted another in-water boat maintenance with only the location changed.

**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**

**NOV & NOD:**

*NOV-2018-LM-0068 – November 2017*

TRC and pH Monitoring Frequency Violation

Oil & Grease Limit Violation (133% over monthly average)

*NOV-2018-MV-0122 - December 2017*

TRC and pH Monitoring Frequency Violation

*NOV-2018-LR-0056 - June 2018*

Late/Missing DMR

*NOV-2018-LR-0057 - July 2018*

Late/Missing DMR

*NOV-2018-LR-0058 – August 2018*

TRC, pH, flow, oil & grease, TSS Monitoring Frequency Violation

Late/Missing DMR

*NOV-2018-LR-0059 – September 2018*

Late/Missing DMR

*NOV-2019-LR-0009 – October 2018*

Late/Missing DMR

*NOV-2019-LR-0010 – November 2018*

Late/Missing DMR

*NOV-2019-LR-0011 – December 2018*

Late/Missing DMR

*NOV-2019-LR-0053 – January 2019*

Late/Missing DMR

*NOV-2019-LR-0054 – February 2019*

Late/Missing DMR

*NOV-2019-PC-0147 – February 2019*

Failure to use eDMR system

*NOV-2019-LR-0055 – March 2019*

Late/Missing DMR

*NOV-2019-LR-0056 – June 2019*

Late/Missing DMR

*NOV-2019-LR-0119 – September 2019*

Late/Missing DMR

*NOV-2020-LR-0001 – October 2019*

Late/Missing DMR

*NOD-2021-LR-0008 – May 2020*

Late/Missing DMR

*NOD-2021-LR-0011 – June 2020*

Late/Missing DMR

*NOV-2021-LV-0642 – August 2020*

D.O. Limit Violation (21% under daily minimum)

*NOV-2021-LM-0076 – September 2020*

D.O. Limit Violation (49% under daily minimum)

TN and TP Monitoring Frequency Violation

Late/Missing DMR

*NOV-2021-LR-0041 – October 2020*

Late/Missing DMR

*NOV-2021-LV-0643 – November 2020*

D.O. Limit Violation (29% under daily minimum)  
Late/Missing DMR  
NOV-2021-LR-0042 – December 2020  
Late/Missing DMR  
NOV-2021-LR-0043 – May 2021  
Late/Missing DMR  
NOV-2022-PC-0063 – February 2022  
In-water boat maintenance

**Incident Report:**

Apparent overflow of AST on 10/1/2002  
Petroleum spill in Gideon's Creek (Neuse River) on 2/11/2003  
In-water boat maintenance on 4/20/2002  
In-water boat maintenance on 7/21/2017  
In-water boat maintenance on 5/23/2019

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

\$ 1,588.98

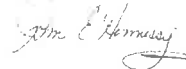


The assessment factors listed above were considered. However, since this case pertains to the non-submittal of required information, impacts are unknown.

2/7/2023

**Date**

DocuSigned by:



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John Hennessy, Supervisor  
Water Quality Permitting Section  
Division of Water Resources, NC DEQ

STATE OF NORTH CAROLINA

NORTH CAROLINA DEPARTMENT OF ENVIRONMENTAL QUALITY

COUNTY OF PAMLICO

IN THE MATTER OF )  
CASE NO. DV-2022-0144 )

FULCHER'S POINT PRIDE SEAFOOD, INC )

FINDINGS AND DECISION  
AND ASSESSMENT OF  
CIVIL PENALTIES

FOR VIOLATIONS OF: )  
§ 143-215.1(a)(1) )

Acting pursuant to North Carolina General Statute (G.S.) 143-215.6A, I, John Hennessy, of the Division of Water Resources (hereby known as DWR), make the following:

I. FINDING OF FACT

- A. Fulcher's Point Pride Seafood Inc. (hereinafter, Fulcher's Seafood Inc.) is a person organized and existing under the laws of the State of North Carolina.
- B. On January 8, 2020, Fulcher's Seafood Inc. was issued NPDES Permit Number NC0003174 effective February 1, 2020, for the operation and maintenance of a wastewater treatment plant located at the Fulcher's Point Pride Seafood, with the discharge of treated effluent into Raccoon Creek, classified as SC; NSW; HQW in the Neuse River Basin, in accordance with the provisions of Article 21 of Chapter 143, General Statutes of North Carolina.
- C. The Neuse River is classified as SA;HQW,NSW in the Neuse River Basin.
- D. On February 12, 2022, Washington Regional Office (hereinafter, WaRO) of the Division of Water Resources (hereinafter, DWR) received complaint that Fulcher's Seafood Inc. was conducting in-water boat maintenance in the Oriental Harbor. WaRO staff conducted a compliance inspection on the facility on February 14, 2022. Based on the inspection, WaRO staff was able to determine that:
  - Fulcher's Seafood Inc. was conducting in-water work on the FV Chasity Brooke on February 12, 2022, resulting in a quantity of paint and sanding debris entering the Oriental Harbor.
  - The Oriental Police Department provided photo and video evidence of the boat work being conducted on February 12, 2022. WaRO staff documented the provided evidence in the incident report.
  - During the compliance inspection, no signs of debris were observed in the surface water by WaRO staff. Conversation with Mr. Chris Fulcher, the Owner of Fulcher's Seafood Inc., indicated that Mr. Fulcher was not on site during the time of violation, and he stopped the boat work when he was notified by the Oriental Police Department.
- E. On March 2, 2022, WaRO issued a Notice of Violation/Notice of Intent to Enforce (hereinafter, NOV/NOI) (NOV-2022-PC-0063) to Fulcher's Seafood Inc. This NOV/NOI was issued in response to findings from the inspection on February 14, 2022.

- F. On March 2, 2022, WaRO received another complaint of Fulcher's Seafood Inc. and conducted a site visit on the same day. WaRO staff conducted another site inspection on March 3, 2022 and observed the following:
- Fulcher's Seafood Inc. was conducting in-water boat maintenance work on FV Gaston Bell while anchored in the Neuse River, activities include sand blasting. Paint dust and particulates were observed on the surface waters in the vicinity of the vessel.
  - Photo evidence of the boat work being done on March 2, 2022 were provided by concerned citizens. WaRO staff obtained additional photo and video evidence of the boat work being done on March 3, 2022. All evidence was reviewed in preparation of this case and has been documented in the incident report.
- G. On March 23, 2022, WaRO issued another Notice of Violation/Notice of Intent to Enforce (NOV-2022-DV-0071) to Fulcher's Seafood Inc. This NOV-NOI was issued in response to observations from inspections on March 2, 2022 and March 3, 2022.
- H. Fulcher's Seafood Inc. holds NPDES Permit No. NC0003174, which allows Fulcher's Seafood Inc. to discharge processed wastewater into Raccoon Creek. The permitted processed effluents include:
- Outfall 001: Non-process-contact wastewater as seafood "washing and packing only" and/or boiler blowdown, non-process-contact cooling water and/or similar wastewaters;
  - Outfall 002: Crab processing;
  - Outfall 003: Shrimp processing;
  - Outfall 004: Fish Processing
- The current NPDES permit does not authorize discharge of sanding and painting debris from boat maintenance activities into the Neuse River.
- I. North Carolina General Statute 143-215.1(a)(1) states:
- (a) Activities for Which Permits Required. - Except as provided in subsection (a6) of this section, no person shall do any of the following things or carry out any of the following activities unless that person has received a permit from the Commission and has complied with all conditions set forth in the permit:
- (1) Make any outlets into the waters of the State.
- J. The cost to the State of the enforcement procedures in this matter totaled \$21,588.98.

Based upon the above Findings of Fact, I make the following:

## II. CONCLUSION OF LAW

- A. Fulcher's Seafood Inc. is a 'person' within the meaning of G.S. 143-215.6A pursuant to G.S. 143-212 (4).
- B. The Neuse River is located at the site constitutes waters of the State within the meaning of G.S. 143-212 (6).

- C. Fulcher’s Seafood Inc. was issued NPDES Permit No. NC0003174 in accordance with G.S. 143-215.1(a) for the operation and maintenance of a wastewater treatment plant and the discharge of wastewater in compliance with permit limits and conditions.
- D. On February 12, 2022 and March 2, 2022, Fulcher’s Seafood Inc. violated NC G.S. 143-215.1(a)(1) for making unpermitted outlets into the Neuse River. The current NPDES permit that Fulcher’s Seafood Inc. holds does not permit discharge from boat maintenance activities into the Neuse River.
- E. Fulcher’s Seafood Inc. may be assessed civil penalties in this matter pursuant to G.S. 143-215.6A (a)(2), which provides that a civil penalty of not more than twenty-five thousand dollars (\$25,000) per violation per day may be assessed against a person who is required but fails to apply for or to secure a permit required by G.S. 143-215.1, or who violates or fails to act in accordance with the terms, conditions, or requirements of such permit or any other permit or certification issued pursuant to authority conferred by this Part.
- F. The State’s enforcement cost in this matter may be assessed against Fulcher’s Seafood Inc. pursuant to G.S. 143-215.3 (a)(9) and G.S. 143B-282.1(b)(8).
- G. John Hennessy of the Division of Water Resources, pursuant to delegation provided by the Secretary of the Department of Environmental Quality and the Director of the Division of Water Resources, has the authority to assess civil penalties in this matter.

Based upon the above Findings of Fact and Conclusions of Law, I make the following:

III. DECISION

Accordingly, Fulcher’s Point Pride Seafood Inc. is hereby assessed a civil penalty of:

<u>\$ 20,000.00</u>	(2) of (2) violation of NCGS 143-215.1(a)(1) by making any outlets into the waters of the State.
<u>\$ 20,000.00</u>	TOTAL CIVIL PENALTY, authorized by G.S. 143-215.6A
<u>\$ 1,588.98</u>	Enforcement Cost
<u>\$ 21,588.98</u>	TOTAL AMOUNT DUE

As required by G.S. 143-215.6A (c), in determining the amount of penalty, I considered the factors set out in G.S. 143B-282.1(b), which are:

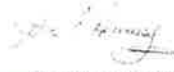
- (1) The degree and extent of harm to the natural resources of the State, to the public health, or to private property resulting from the violations;
- (2) The duration and gravity of the violations;
- (3) The effect on ground or surface water quantity or quality or on air quality;
- (4) The cost of rectifying the damage;
- (5) The amount of money saved by noncompliance;
- (6) Whether the violations were 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.

2/7/2023

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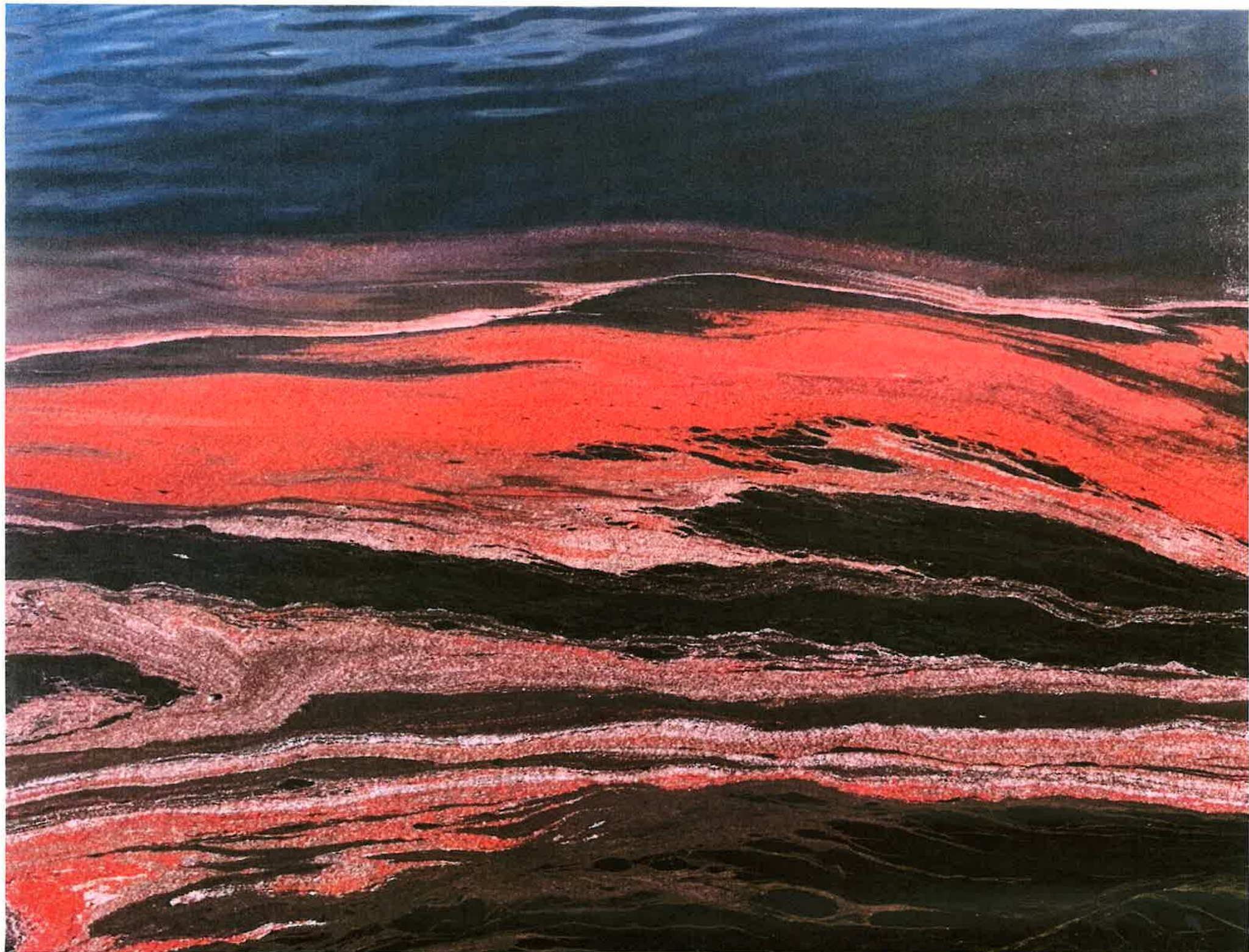
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John Hennessy  
Division of Water Resources









CHASITY BROOKE  
BEAUFORT, NC

CHRISTINA ANN

