

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, JULY 20, 2015

The Lincoln County Board of County Commissioners met July 20, 2015 at the Citizens Center, Commissioners Room, 115 West Main Street, Lincolnton, North Carolina, at 6:30 P.M.

Commissioners Present:

Carrol Mitchem, Chairman
Bill Beam, Vice Chair
Martin Oakes
Cecelia A. Martin
Alex E. Patton

Others Present:

Kelly G. Atkins, County Manager
Wesley L. Deaton, County Attorney
Amy S. Atkins, Clerk to the Board

Call to Order: Chairman Mitchem called the July 20, 2015 meeting of the Lincoln County Board of Commissioners to order and led in the Pledge of Allegiance.

Pastor JV Allen gave the Invocation.

Adoption of Agenda: Chairman Mitchem presented the agenda for the Board's approval.

AGENDA
Lincoln County Board of Commissioners Meeting
Monday, July 20, 2015
6:30 PM

James W. Warren Citizens Center
115 West Main Street
Lincolnton, North Carolina

Call to Order

Invocation

Pledge of Allegiance

1. Adoption of Agenda
2. Consent Agenda
 - Tax Requests for Releases - May 17 - June 15, 2015

- Commerce Fellows Grant Acceptance
 - Surplus Property
 - Trilogy Lake Norman (Carolina Ridge): 3 Performance Guarantees (Surety Bonds)
 - Parcel A, Map 1
 - Parcel B/C, Maps 4, 6
 - Parcel B/C, Maps 5, 7
 - Waived Fees - Toys for Tots
3. Presentation of Certificate of Achievement for Excellence in Financial Reporting - Scott Cook
 4. Public Hearing - Cleveland-Gaston-Lincoln Region Hazard Mitigation Adoption - Josh Grant
 - Resolution to Adopt the Cleveland-Gaston-Lincoln Regional Hazard Mitigation Plan
 5. Public Comments (15 minutes allowed per Rules of Procedure - 3 minutes per person)
 6. Fairfield Forest Subdivision Homeowner's Association Request
 7. Proposed Policy Regarding "Private" Sewer Systems - Commissioner Oakes
 8. Approval of Purchase of Voting Equipment - Bradley Putnam
 9. Request for Approval to Accept Library Services and Technology Grant (Round 2) to Assist the Library in Meeting Technology Standards Supported by the State Library of NC - Jennifer Sackett
 10. Library Board Bylaws Amendment - Jennifer Sackett
 11. Approval to Award Construction Contract for Upgrade of the Wastewater Treatment Plant to Wharton Smith - Don Chamblee
 12. Update on New Government Facility at 200 Gamble Drive - Don Chamblee and Andrew Bryant
 13. Approval of demolition, starting the RFQ process for architects to renovate existing facility and construction of a new facility at 200 Gamble Dr. - - John Henry
 14. Finance Officer's Report
 15. County Manager's Report
 16. County Commissioners' Report
 17. County Attorney's Report
 18. Calendar
 - L Closed Session - Pursuant to NCGS § 143-318.11.(a)

(3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged.

and

(5) To establish, or to instruct the public body's staff or negotiating agents concerning the

position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract.

(6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee

20. Other Business

Adjourn

For Information Only

Property Tax Collection Report
Register of Deeds Report

UPON MOTION by Commissioner Patton, the Board voted unanimously to adopt the agenda as presented.

Consent Agenda: **UPON MOTION** by Commissioner Oakes, the Board voted unanimously to approve the Consent Agenda

- Tax Requests for Releases - May 17 - June 15, 2015
- Commerce Fellows Grant Acceptance
- Surplus Property
- Trilogy Lake Norman (Carolina Ridge): 3 Performance Guarantees (Surety Bonds)
 - Parcel A, Map 1
 - Parcel B/C, Maps 4, 6
 - Parcel B/C, Maps 5, 7
- Waived Fees - Toys for Tots

Items listed in the Consent Agenda are on file in the office of the Clerk to the Board and are hereby made a part of these minutes as though fully set forth herein.

Presentation of Certificate of Achievement for Excellence in Financial Reporting: Scott Cook presented the Certificate of Achievement for Excellence in Financial Reporting for fiscal year 2014.

Public Hearing – Cleveland-Gaston-Lincoln Region Hazard Mitigation Adoption: Josh Grant presented the following:

This item comes to the Board in the form of a Public Hearing with an official resolution to adopt the Regional Hazard Mitigation Plan for the 3 county region of Cleveland, Gaston and Lincoln.

The Plan is required by the Federal Emergency Management Agency as a pre-requisite for our county being eligible to receive disaster relief funds associated with the Disaster Mitigation Act of 2000 and the Flood Insurance Reform Act of 2004. FEMA has already reviewed the plan and has given their approval.

Lincoln County's current plan is set to expire later this year along with the other two counties that are took part in the process. In 2012 the 3 county area received a grant to update its plan and consolidate it with the Counties of Cleveland and Gaston and all associated municipalities within. The plan will be a living document that requires change over time but will serve the needs of our Emergency Management Department and continue to provide a framework for how natural disasters are to be handled and how other types of disasters can be avoided.

The adoption of this plan by resolution of the Board of County Commissioners will ensure that funding related to disaster relief is available for the county and that the county remains eligible for such funds. The adoption of the plan will also act as a renewal of the county being covered under such a plan for the next 5 years.

Chairman Mitchem opened the public hearing on the Cleveland Gaston Lincoln Regional Hazard Mitigation Plan. Being no speakers, Chairman Mitchem declared the public hearing closed.

UPON MOTION by Commissioner Beam, the Board voted unanimously to adopt the Resolution to Adopt the Cleveland Gaston Lincoln Regional Hazard Mitigation Plan as presented.

RESOLUTION TO ADOPT THE CLEVELAND GASTON LINCOLN REGIONAL HAZARD MITIGATION PLAN

WHEREAS, LINCOLN COUNTY is vulnerable to an array of natural hazards that can cause loss of life and damages to public and private property; and

WHEREAS, the LINCOLN COUNTY desires to seek ways to mitigate situations that may aggravate such circumstances; and

WHEREAS, the development and implementation of a hazard mitigation plan can result in actions that reduce the long-term risk to life and property from natural hazards; and

WHEREAS, it is the intent of the BOARD OF COUNTY COMMISSIONERS to protect its citizens and property from the effects of natural hazards by preparing and maintaining a local hazard mitigation plan; and

WHEREAS, it is also the intent of the BOARD OF COUNTY COMMISSIONERS to fulfill its obligation under North Carolina General Statutes, Chapter 166A: North Carolina Emergency Management Act and Section 322: Mitigation Planning, of the Robert T. Stafford Disaster Relief and Emergency Assistance Act to remain eligible to receive state and federal assistance in the event of a declared disaster affecting the LINCOLN COUNTY; and

WHEREAS, LINCOLN COUNTY, in coordination with Cleveland, Gaston and Lincoln Counties and the participating municipalities within those Counties has prepared a multi-jurisdictional hazard mitigation plan with input from the appropriate local and state officials;

WHEREAS, the North Carolina Division of Emergency Management and the Federal Emergency Management Agency have reviewed the Cleveland Gaston Lincoln Regional Hazard Mitigation Plan for legislative compliance and has approved the plan pending the completion of local adoption procedures;

NOW, THEREFORE, BE IT RESOLVED that the BOARD OF COMMISSIONERS of LINCOLN COUNTY hereby:

1. Adopts the Cleveland Gaston Lincoln Regional Hazard Mitigation Plan as approved in its FINAL version by the Federal Emergency Management Agency, signified by the attached letter dated October 31st, 2014; and
2. Agrees to take such other official action as may be reasonably necessary to carry out the proposed actions of the Plan.

Adopted on ____July 20th_____, 2015.

ATTEST:

_____, Chair
Board of Commissioners
Lincoln County

_____, Clerk

Public Comments: Chairman Mitchem opened Public Comments.

Nancy Field spoke concerning the nuisance smell from lift station #7 on Pine Lake Road. She said the smell is overwhelming and they are not able to enjoy the outdoors at their home. Ms. Field said there were some Leyland cypress trees that were taken down due to disease. She asked for the trees to be replanted to help filtrate the odor.

Robert Avery spoke concerning the Board of Equalization and Review and Tax Department.

Rick Smith spoke concerning the water contamination in Forest Oaks Subdivision and of Universal Rubber's plans to rebuild in their community.

Tony Luckey spoke concerning the well contamination in Forest Oaks Subdivision and asked for county water to be run to them.

Being no additional speakers, Chairman Mitchem closed public comments.

Fairfield Forest Subdivision Homeowner's Association Request: Ron Geiger spoke concerning the transfer of main sanitary sewer system within Fairfield Forest Subdivision and asked the residents in attendance to stand in support. He said a lot of people would probably ask why the residents are in this situation. He said they all believed they were getting county water and sewer, there were advertisements to that effect. The county took over their water system, but not the low pressure sewer system. He said they have worked with the developer, who has now dissolved himself of ownership within the subdivision by selling off lots. They are in the process now of turning over the roadways to NCDOT.

Mr. Geiger said they have talked with the State Department of Environmental and Natural Resources to help them understand what the permits are and what their responsibilities/liabilities are. They have also talked with numerous county staff and have heard a lot about why they can't have the system turned over, but not so much why should it be. He said they are here tonight to talk about why they believe their low pressure sewer main system, that is in the road right of way, should be part of the county's system. He said they have provided a lot of information in the packet ahead of time so the Board would have as much information as possible to make this important decision.

Mr. Geiger said this really comes down to 4 things:

- 1 – they believe there is an agreement in place that does not exclude the low pressure sewer system from being transferred;
- 2 – they believe the county commissioners are the ones that decide policy between what is in the county system and what is not in the county system. They cannot find any information where there has been a decision not to take on low pressure sewer systems
- 3 – they have the support of the State Environment and Natural Resources Department that this transfer should occur, especially since there are six commercial lots that is part of the permit.
- 4 – they are paying the same sewer rates as any other property owner that is tied on to the county system. They have their own sewer system and are still paying sewer bills.

Glenn Lingafeldt gave an account of the history from the perspective of the residents of Fairfield Forest and asked the Board to consider taking over the maintenance of the sewer lines in the

subdivision. The documentation provided by Mr. Lingafeldt is hereby incorporated by reference and attached to this document.

UPON MOTION by Commissioner Beam, the Board voted unanimously to table this until the August 3 meeting to allow Mr. Deaton time to look at the legal documents and give a recommendation.

Proposed Policy Regarding “Private” Sewer Systems: **UPON MOTION** by Commissioner Oakes, the Board voted unanimously to table until the next meeting.

Approval of Purchase of Voting Equipment: Bradley Putnam requested the Board’s approval of the purchase of voting equipment by sole source purchase from ES&S at an estimated expenditure of \$196,620.

UPON MOTION by Commissioner Martin, the Board voted unanimously to approve the purchase of voting equipment by sole source purchase from ES&S.

Request for Approval to Accept Library Services and Technology Grant (Round 2) to Assist the Library in Meeting Technology Standards Supported by the State Library of NC: Jennifer Sackett, Library Director, presented the following:

The Lincoln County Public Library has been awarded a \$5,000 LSTA EZ Edge Technology Grant to purchase iPads and cases that will be made available for in-house use by youth at all three libraries. This project will assist the library in meeting technology standards outlined for public libraries through the Edge Initiative and supported by the State Library of North Carolina. There is no match required for this grant.

The Edge initiative helps libraries assess their operations and plans for the future by using benchmarks to evaluate themselves. It includes tools to build capacity and improve services. The goal of the EZ Edge Technology Program is to aid public libraries in meeting the public access technology needs of their communities. The State Library of North Carolina has provided the second round of this grant program with LSTA funds to assist public libraries that have identified areas of improvement using the Edge assessment and have developed an Action Plan based on that assessment.

The Lincoln County Public Library completed both the Edge Assessment and the Action Plan in 2014.

UPON MOTION by Commissioner Beam, the Board voted unanimously to accept the Library Services and Technology Grant (Round 2) to assist the Library in meeting technology standards supported by the State Library of NC.

Library Board Bylaws Amendment: Jennifer Sackett presented the following:

The bylaws for the Library Board of Trustees were recently reviewed per a request from a member of the Board of County Commissioners.

The proposed revisions are the result of meetings with representatives from the Board of County Commissioners, Library Board of Trustees, the County Manager and Library Director. The key changes include:

- 1) Expanding the voting members on the board from six to seven and adding a non-voting ex-officio member. This includes a representative from each of the five townships, two at-large members, and an ex-officio member from the Lincoln City Council.
- 2) Members can be appointed for up to six years consecutively, except that a member may be appointed to a different seat for up to an additional three years.
- 3) Process for removing a Board of Trustee was updated and will apply if any regular member fails to attend sixty percent of the last twelve month's regular meetings.

UPON MOTION by Commissioner Oakes, the Board voted unanimously to approve the Bylaws as presented, which are hereby incorporated by reference and attached to this document.

Approval to Award Construction Contract for Upgrade of the Wastewater Treatment Plant to Wharton Smith: Don Chamblee presented the following:

The Killian Creek Wastewater Treatment Plant is approved for upgrades from 1.67 million gallons per day (MGD) to 3.3 MGD to continue to meet the needs of sewer customers as population continues to grow in Lincoln County. WK Dickson was awarded the engineering contract on August 27, 2014. NCDENR approved the design for construction on May 8, 2015. Description: On June 25, 2015, bids were received for the Killian Creek WWTP Upgrade. The attached bid tabulation reflects the bids received. The lowest bid of \$2,732,100 was received from Wharton-Smith, Inc. Staff concurs with the recommendation for award as attached in the letter dated June 30, 2015.

Action Requested: Approval to award construction contract for upgrade of the WWTP to Wharton-Smith for \$2,732,100.

UPON MOTION by Commissioner Patton, the Board voted unanimously to approve awarding the construction contract for Upgrade of the Wastewater Treatment Plant to Wharton-Smith for \$2,732,100.

Update on New Government Facility at 200 Gamble Drive: Don Chamblee gave a brief update on the County Services Center at the Gamble Drive Site. He said it appears the best option will be to demolish the current building and place the new building back where it currently sits. He said they are also looking at relocating the offices currently housed at the old hospital. He said a design-build had been discussed, but is not the best option. He suggested using hard bid or construction manager at risk method.

Andrew Bryant, Director of Planning and Inspections, presented a preliminary site plan for the new building at Gamble Drive.

Approval of Demolition, starting the RFQ process for architects to renovate existing facility and construction of a new facility at 200 Gamble Dr: John Henry presented the following:

The Board of Commissioners directed County staff to explore the demolition of 200 Gamble Dr. and determine if the 1994 addition was worth renovating. The Board also directed County Staff to use the Design-Build method of delivery (NCGS 143-128.1A).

County staff met and determined that the 1994 addition was worth renovation and would be a significant cost savings to the project. They discussed the Design-Build and Design-Build Bridge delivery method.

Both delivery methods are completed in phases. Phase 1 of both delivery methods is approval of six (6) criteria:

- Criteria 1 – The unit’s ability to “adequately and thoroughly” define the project requirements in the RFP;
- Criteria 2 – Time constraints for project delivery;
- Criteria 3 – The unit’s ability to ensure that a quality project can be delivered;
- Criteria 4 – The unit’s availability of qualified staff or outside consultants experienced in Design-Build to manage and oversee the project;
- Criteria 5 – Good faith efforts to comply with historically underutilized business participation requirements (NCGS 143-128.2 and -128.4) and to recruit and select small business entities;
- Criteria 6 – The criteria used by the unit, including a cost-benefit analysis of using Design-Build in lieu of traditional construction bidding methods.

County staff was able to meet Criteria 1, 3, 4 and 5. Criteria 2 and 6 could not be quantified.

- Criteria 2 – Could not definitively determine a hard delivery date or reason why delivery must be achieved by this date.
- Criteria 6 – Could not definitively determine a cost savings.

Using the Design-Build or Design-Build Bridge delivery method will not provide the County with a completed facility faster than the traditional construction bidding method for the following reason:

- RFP’s for Pre-Demo Asbestos and Lead Survey were received and opened on July 10. They are currently under review and should be awarded the week of July 20. The County is looking at approximately 30-45 days for the inspection to be complete and the report issued.
- After the report is issued, the County must issue an RFB for abatement of hazardous materials. This is an additional 30 days to receive and open and an additional 15-20 days to award.
- Abatement time will depend on the amount of hazardous materials reported but is estimated at 30-90 days.
- Full demolition and selective demolition must be performed after abatement on both structures. This time is estimated at an additional 60-120 days.
- Estimated minimum 165 days to start of construction. Estimated maximum 305 days to start of construction.

It is recommended that the County utilize the traditional construction delivery method for this project. During the 165-305 days of inspection, abatement and demo the following will occur:

- The County will issue an RFQ for architects to complete drawings of off the concepts that County staff have rendered. RFQ process 30 days and an additional 15-20 days to award.
- Drawings could be completed in 150-180 days.

- When the drawings are finalized, the County will issue an RFB for contractors with the assistance of the architect. RFB process 30 days and an additional 15-20 days to award.
- Estimated minimum 240 days. Estimated maximum time 280 days.

UPON MOTION by Commission Patton, the Board voted unanimously to approve the request and move forward.

Finance Officer's Report: Scott Cook presented the Finance Officer's Report.

County Manager's Report: Mr. Atkins informed the Board of Federal Fair Labor Standards Act Law concerning exempt employees making less than \$53,440, in which they would no longer be exempt. This could affect around one hundred county employees. October 2016 would be implementation of this. He mentioned the voluntary restriction on water use due to the lack of rain.

County Commissioners' Report: Commissioner Oakes said there were about 650 informal appeals and less than 60 showed up at the Board of Equalization and Review. He said after the Board of Equalization and Review, there may be 2 or 3 taxpayers going to Raleigh. He said the Tax Department did a fantastic job this year.

County Attorney's Report: Mr. Deaton informed the Board of the settlement of 2 worker's compensation cases, which are to be entered into the record. One was a case with a former Sheriff's Deputy who was injured and was settled for \$100,000. One was with an EMT and settled for \$150,000. Both of these were approved in closed session, have been settled and paperwork signed.

Closed Session: **UPON MOTION** by Commissioner Beam, the Board voted unanimously to enter Closed Session pursuant to NCGS § 143-318.11.(a)

(3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged.

(5) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract.

(6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee

The Board returned to open session.

UPON MOTION by Commissioner Martin, the Board voted unanimously to appoint Susan Sain as the County Tax Administrator/Assessor.

Chairman Mitchem said Ms. Sain has been serving as Interim Tax Administrator/Assessor and forthcoming to the public and media the contract and resolution will be approved on August 3. He welcomed Ms. Sain to the position and said she has lived in Lincoln County her whole life and has worked for Lincoln County for 18 years.

Adjourn: UPON MOTION by Commissioner Oakes, the Board voted unanimously to adjourn.

Amy S. Atkins, Clerk
Board of Commissioners

Carrol Mitchem, Chairman
Board of Commissioners

Mr. Kelly Atkins

July 8, 2015

Lincoln County Manager

115 W. Main Street

Lincolnton, NC 28092

Re: Fairfield Forest HOA Information for July 20 County Commission Meeting

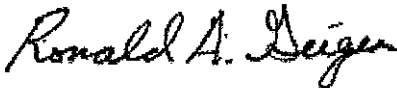
Dear Mr. Atkins:

On behalf of the Fairfield Forest Home Owners Association, I am submitting information ahead of the July 20th County Commission meeting as requested. The attached information will be presented or referred as part of our presentation in our request to have the County takeover the low pressure sewer system main lines currently being maintained by Fairfield Forest.

A summary document outlining our arguments in support of this request is attached, along with additional documents for review by the County Commissioners. I trust that you will have all this information copied and distributed ahead of our July 20 Commission.

We look forward to meeting with you again soon. If you should need additional information, or should need to contact me or our HOA board, please call at 704-996-0571.

Sincerely,



Ronald A. Geiger

Fairfield Forest ACC Chairman

2433 Shiny Leaf Drive, 28037

Cc: Glen Lingafeldt, Road/Sewer Committee

Fred Slaughter, Road/Sewer Committee

Steve Confer, HOA President

Fairfield Forest Homeowners Association
Presentation to Lincoln County Commissioners

July 20, 2015

Presentation by Ron Geiger and Glen Lingafeldt,
Fairfield Forest HOA Road/Sewer Committee

Overview

The Fairfield Forest Homeowners Association (FFHOA) was formed as a result of Hecht Development resolving itself of ownership and financial interest in the Fairfield Forest Subdivision. The FFHOA, as part of this transfer of management responsibilities also became responsible party of the roadways and the sewer system in Fairfield Forest. Ownership including maintenance responsibility as well as the liability related to utility and transportation infrastructure was not explained to the FFHOA during this transition. Decisions made between the Developer and the County in addition to state permits being issued has put the residents of Fairfield Forest in an unfair, unequitable, and irresponsible position that puts the health, safety, and welfare of East Lincoln in jeopardy without any knowledge or adequate training to run a sewer system or maintain a roadway.

FFHOA is currently working with NCDOT to allow the State to take over ownership and maintenance responsibility of the roadways in Fairfield Forest. We expect this process to be completed in the next couple of months.

It is with this meeting, that the FFHOA is requesting that Lincoln County consider transferring the ownership and maintenance responsibilities to the County of the low pressure sewer mains within the roadway right-of-way of Fairfield Forest, along with the low pressure sewer mains that serve 6 nearby commercial lots. Considerable discussions have previously occurred with County Staff on this matter, and the residents of Fairfield Forest believe this request is in the best interest of the County as well as all the residents in the East Lincoln Water and Sewer District.

Previous Activity by Fairfield Forest regarding Sewer Transfer

1. Discussions with Chris Henderson in late 2013 regarding sewer transfer and removal of responsibility of 6 commercial lots on Fairfield Forest Road.
2. Formal letter in June 2014 to Chris Henderson asking for status of County review of our request.
3. Letter in June 2014 from Chris Henderson stating the County can't takeover the system as the County did not review the plans or inspect its installation.

4. Meeting in July 2014 with Don Chamblee and Chris Henderson of Lincoln County Public Works to obtain status of FFHOA request, and to obtain conditions by which the County would take over the sewer.
5. On October 2014, FFHOA received letter from Don Chamblee indicating the County would not "change County policy on accepting low-pressure systems into the County permitted and maintained system".
6. Meeting in December 2014 with County Public Works to re-iterate on what conditions would the County takeover the sewer system.
7. Meeting in December 2014 with County Manager and County Public Works re-iterating concerns by the FFHOA, including being responsible for 6 commercial lots, and having Pump Station No. 27, currently being maintained by the County, but having the state permit under Hecht/FFHOA responsibility.
8. Meeting in February 2015 with County Manager, and County Public Works.
9. Meeting in March 2015 with County Manager, County Chairman, and County Public Works.

Arguments to support transfer of main sewer system to Lincoln County

1. The Agreement, dated November 2006, entered between Lincoln County and the Developers of Fairfield Forest, thereby annexing in Fairfield Forest to the District, recognizes the transfer where the developer would "install all necessary infrastructure to serve the said subdivisions, including sewer lines and facilities ...and to convey such infrastructure to the District for the use and benefit of the public in general and the citizens of the District in particular". This implies all of the sewer system and does not exclude low-pressure sewer lines.
2. East Lincoln County Sewer District was established in May 20, 1992 by the Lincoln County Commission for the development of a public sewer system. There were no limitations in the resolution to limit the extent of the public sewer system to exclude low pressure sewer system, or any other portion of the system that normally would not be part of a regional sewer system.
 - a. On July 27, 2005, Hecht Properties LLC obtained a NCDENR permit for a wastewater collection system extension to include the main pump station off Fairfield Forest Road. Lincoln County had no reservations to assume ownership and maintenance of the pump station and force main discharge line built by the same contractor that built the low pressure sewer system.
 - b. On July 5, 2006, Fairfield Forest Owners Association obtained a NCDENR permit for the 51 residential lots and 6 commercial lots. Lincoln County Public Works decided to not take over the low pressure sewer system with no recognition of the burden imposed on the homeowners of this subdivision.

- c. The burden that the Fairfield Forest HOA is absorbing is nearly \$6,000 per year to inspect and maintain the main low pressure sewer system.
 - d. The County owns and maintains the water system in Fairfield Forest within the same roadway right-of-way as the sewer; therefore, it appears there was an arbitrary and unfair decision to not accept the sewer extension in the same vein as the water system.
- 3. On June 13, 1995, residents of the East Lincoln County Sewer District approved the sale of \$14M in bonds to finance the construction of a "sewer collection and treatment facilities" to serve the District. This set the initial burden for all residents including Fairfield Forest HOA which we are paying through special taxes. The development of this District was not established to be selective in what sewers would be brought into the District's system, whether it is gravity mains or low-pressure systems.
- 4. The County Commission is the governing body for decisions of the District. No documentation exists that indicates the County Commission decided or conducted a public hearing to notify of the change in policy to not accept low-pressure sewer systems into the District, which appears to be the current policy being carried out by the Public Works Department.
- 5. Lincoln County has established various charges in addition to the taxy levy to cover additional costs seen by the County. These charges consist of "tap fees, availability fees (i.e. capacity fees), and monthly charges". No documentation exists to support the assumption that a property owner would be burdened with any other costs except these fees.
 - a. Fairfield Forest HOA is carrying the burden of the low pressure sewer system while property owners are paying a "Tap Fee" to Lincoln County. The property owner is tapping to the HOA's sewer, not the County's; therefore this tap fee should not be charged by Lincoln County.
 - b. Monthly charges are being paid by the HOA property owners, based on usage at the same rate as a property owner that doesn't own a low pressure sewer system.
- 6. It is not in the best interest of Lincoln County and its residents to have a non-qualified entity such as an HOA be liable for the operation and maintenance of complex sewer system as a low pressure sewer.
 - a. Special certifications are needed for this type of responsibility of which the HOA does not have. Lincoln County maintains these certifications. Adding this responsibility to the County does not add a burden to Lincoln County.
 - b. Fairfield Forest HOA would maintain the responsibility of the grinder pump systems on the properties, and as listed in the NCDENR permit, just as any other property owner in Lincoln County that is tied to a "County-owned" low pressure sewer system.

7. The County already maintains responsibility of low pressure sewer systems serving residential lots (i.e. the system along Blades Trail); therefore the County is qualified to maintain the Fairfield Forest system, and by maintaining this system isn't setting a precedent.
8. The County should take over the low pressure sewer system as this system is a combined residential and commercial system, further adding inappropriate burden on an HOA, and jeopardizing the economic development potential of 6 commercial lots. A burden perpetuated by past knowledge and action by the County.
 - a. A subdivision plat approval was made on April 2, 2001 by the County that included both 6 commercial and 51 residential lots.
 - b. The permit for the commercial and residential lots being issued to an HOA has been recognized by NCDENR as inappropriate, and NCDENR has recommended (via email on April 1, 2014) this permit should be transferred to the County.
 - c. The HOA has limited ability to protect the liability associated with a sewer spill on the commercial lots, as the HOA has no control to terminate water service.
9. Fairfield Forest HOA feels strongly the quality of the low pressure sewer system is consistent with any other system currently maintained by Lincoln County, and that if subjected to an inspection prior to transfer to the County; the Fairfield Forest HOA will address any modifications needed to meet the requirements for acceptance into the County system.

Additional Documents for Reference

1. Copy of Permits with Engineer's Certification
2. County Resolution for Annexation
3. Copy of Agreement from 2006
4. Copy of District Map
5. Copy of FF annexation map
6. Copy of McCall's O&M Agreement
7. NCDENR Suggested Ownership
8. Copy of Commissioner Oakes' suggested policy for sewer transfer

September 7, 2006

Robert Hecht,
Hecht Properties LLC
885 N Hwy 16
Denver, NC 28037

SUBJECT: **Fairfield Forest Pressure Sewer
Permit No. WQ0029352**
Wastewater Collection System Extension
Final Engineering Certification Acknowledgement

Dear Permittee:

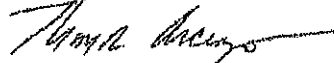
Per 15A NCAC 2H .0220, the Division received a final engineering certification for the subject project on 9/5/2006. Enclosed is a copy of the certification page for your records. A full review of the certification materials may or may not be conducted. It is assumed that receipt of this certification indicates compliance with all regulations, design criteria and the permit. However, if a full technical review is conducted, you will be notified of any items of non-compliance. Note that the Division does not acknowledge partial certifications by letter. It is the Permittee's responsibility to track all submissions and receipt of partial certifications to the Division.

Please be reminded that the Permittee is responsible for keeping a copy of the final record drawings for the life of the project. If you have not received such copy from your consultant, please contact them immediately to obtain a copy.

Lastly, you are receiving this letter because the Division has you listed as the responsible party. If this permitted system is no longer owned by you or your company, please complete Form PNOCF-S as this permit is not automatically transferable. Form PNOCF-S can be downloaded from <http://h2o.enr.state.nc.us/percs> from the Collection Systems Applications page.

If you have any questions concerning this document or the completion of Form PNOCF-S (if necessary), please contact me at the letterhead address or via E-mail at tom.ascenzo@ncmail.net.

Sincerely,


Thomas Ascenzo
Environmental Technician

Enclosure

Cc: ~~Mooresville Regional Office, Surface Water Protection Section (all documents)~~
Mitchell Latham, PE, (no enclosures)
16507-A Northcross Dr., Huntersville, NC 28078
Surface Water Protection Section Central Files (certification page only)

Permit No. WQ0029352

July 5, 2006

System Description:

6, 40 GPM pump stations with simplex pumps, on-site audible and visual high water alarms and approximately 812 linear feet of 2-inch pressure sewer to serve six, 5,000 square foot commercial lots in Fairfield Forest Subdivision (variance granted for simplex).

Complete and submit this form to the permit issuing office as indicated below with the following:

- One copy of the project record drawings (plan & profile views of sewer lines) of the wastewater collection system extension
- Changes to the project should be clearly identified on the record drawings or in written summary form. Permit modifications are required for any changes resulting in non-compliance with this permit, regulations or minimum design criteria.

This project shall not be considered complete nor allowed to operate until this Engineer's Certification and all required supporting documentation have been received by the Division. **Therefore, it is highly recommended that this certification be sent in a manner that provides proof of receipt by the Division.**

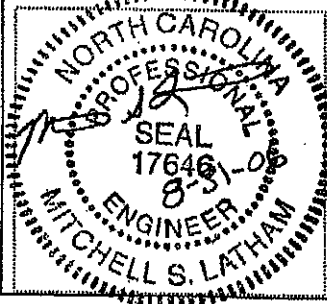
ENGINEER'S CERTIFICATION

☐ Partial

☒ Final

I, MITCHELL S. LATHAM, as a duly registered Professional Engineer in the State of North Carolina, having been authorized to observe (☒ periodically, ☐ weekly, ☐ full time) the construction of the subject project for the Permittee hereby state that, to the best of my abilities, due care and diligence was used in the observation of the construction such that the construction was observed to be built within substantial compliance of this permit; 15A NCAC 2H .0200; the Division of Water Quality's (Division) Gravity Sewer Minimum Design Criteria adopted February 12, 1996 as applicable; the Division's Minimum Design Criteria for the Fast-Track Permitting of Pump Stations and Force Mains adopted June 1, 2006 as applicable; and other supporting materials.

North Carolina Professional Engineer's seal, signature, and date:



**SEND THIS FORM & SUPPORTING DOCUMENTATION
WITH REQUIRED ATTACHMENTS
TO THE FOLLOWING ADDRESS**

**PRETREATMENT, EMERGENCY RESPONSE & COLLECTION SYSTEMS UNIT
1617 MAIL SERVICE CENTER
RALEIGH NC 27699-1617**

The Permittee is responsible for tracking all partial certifications up until a final certification is received. Any wastewater flow made tributary to the wastewater collection system extension prior to completion of this Engineer's Certification shall be considered a violation of the permit and shall subject the Permittee to appropriate enforcement actions.

LATHAM-WALKERS ENGINEERING, INC.
RESIDENTIAL & COMMERCIAL SITE DESIGN
16507-A NORTHCROSS DRIVE
HUNTERSVILLE, NC 28078

LETTER OF TRANSMITTAL

704-895-8484
704-895-8485 FAX

TO Pretreatment Emergency Response + Collection
Systems Unit
1617 Mail Service Center
Raleigh, NC 27699-1617

DATE	8-31-06	JOB NO.	2004.26
ATTENTION			
RE: Fairfield Forest Subdivision			

WE ARE SENDING YOU ☒ Attached ☐ Under separate cover via _____ the following items:

- ☐ Shop drawings ☐ Prints ☒ Plans ☐ Samples ☐ Specifications
☐ Copy of letter ☐ Change order ☐ _____

COPIES	DATE	NO.	DESCRIPTION
1			Record Dwg's - plan + profile views of sewer lines - pp 1, 2, 7-10, 13, 14
1			Engineer's Certification

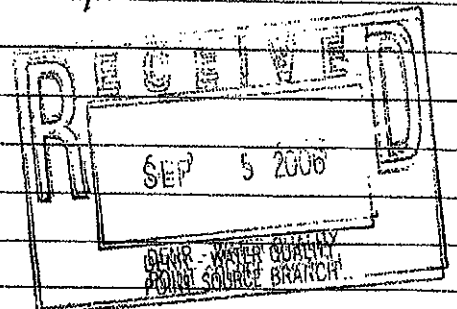
THESE ARE TRANSMITTED as checked below:

- ☐ For approval ☐ Approved as submitted ☐ Resubmit _____ copies for approval
☒ For your use ☐ Approved as noted ☐ Submit _____ copies for distribution
☒ As requested ☐ Returned for corrections ☐ Return _____ corrected prints
☐ For review and comment ☐ _____
☐ FOR BIDS DUE _____ ☐ PRINTS RETURNED AFTER LOAN TO US

REMARKS _____

Please call with any questions.

Thank you



COPY TO File

SIGNED: Mitch Latham (all)

If enclosures are not as noted, kindly notify us at once.



Dee

Michael F. Easley, Governor

North Carolina Department of Environment and Natural Resources
WATER QUALITY SECTION
MOORESVILLE REGIONAL OFFICE
Aimee W. Kimmel, P.E., Director
Division of Water Quality

July 5, 2006

JUL 07 2006

Robert V. Hecht, Owner
Fairfield Forest Owners Association
c/o Hecht Properties LLC
885 North Highway 16
Denver, NC 28037

WATER QUALITY SECTION

Subject: Permit No. WQ0029352 Mod
Fairfield Forest Subdivision
Pressure Sewer Extension
Lincoln County

Dear Mr. Hecht:

In accordance with your permit application received April 3, 2006, and subsequent additional information received June 23, 2006, we are forwarding herewith Permit No. WQ0029352 dated July 5, 2006, to Fairfield Forest Owners Association for the construction and operation of the subject wastewater collection extension and continued construction and operation of that previously permitted. This permit shall be effective from the date of issuance until rescinded, and shall be subject to the conditions and limitations as specified therein. This modification is to include six commercial lots and associated pressure sewer.

Please pay particular attention to Permit Condition 3 which requires that the wastewater collection facilities be properly operated and maintained in accordance with 15A NCAC 2H .0227 or any individual system-wide collection system permit issued to the Permittee. **Also note Permit Condition 14 pertaining to the contingent flow acceptance letter as it applies to the validity of this permit. Permit Condition 15 grants a variance to use simplex stations for commercial lots given the tenant flow contribution does not exceed 600 gallons per day per building.**

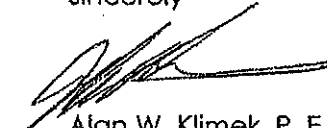
Permitting of this project does not constitute an acceptance of any part of the project that does not meet 15A NCAC 2H .0200; the Division of Water Quality's (Division) Gravity Sewer Minimum Design Criteria adopted February 12, 1996 as applicable; and the Division's Minimum Design Criteria for the Fast-Track Permitting of Pump Stations and Force Mains adopted June 1, 2000 as applicable, unless specifically mentioned herein. Division approval is based on acceptance of the certification provided by a North Carolina-licensed Professional Engineer in the application. It shall be the Permittee's responsibility to ensure that the as-constructed project meets the appropriate design criteria and rules. Failure to comply may result in penalties in accordance with North Carolina General Statute §143-215.6A through §143-215.6C, construction of additional or replacement wastewater collection facilities, and/or referral of the North Carolina-licensed Professional Engineer to the licensing board.

If any parts, requirements, or limitations contained in this permit are unacceptable, you have the right to request an adjudicatory hearing upon written request within 30 days following receipt of this permit. This request must be in the form of a written petition, conforming to Chapter 150B of North Carolina General Statutes, and filed with the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, NC 27699-6714. Unless such demands are made this permit shall be final and binding.

The Division reorganized in 2004. For our organizational chart, please see http://h2o.enr.state.nc.us/documents/dwq_orgchart.pdf. All sewer related matters are now handled through the Pretreatment, Emergency Response and Collection Systems Unit under the Point Source Branch EXCEPT FOR FAST-TRACK SEWER PERMITTING WHICH CONTINUES TO BE ADMINISTERED THROUGH OUR REGIONAL OFFICES. The Unit is located on the 13th floor of the Archdale building in downtown Raleigh. Please ensure the letterhead information is used for all correspondence to ensure timely delivery.

One set of approved plans and specifications is being forwarded to you. If you need additional information concerning this matter, please contact Marie Doklovic at (919) 733-5083 extension 371.

Sincerely



Alan W. Klimek, P. E.
For

cc: Lincoln County Health Department

Mooresville Regional Office, Water Quality Section (Permit NC0074012)

Mitch Latham, Latham-Walters Engineering, Inc. 16507-A Northcross Drive, Huntersville, NC 28078

Barry McKinnon, Dept. of Public Works, 115 W. Main St. 2nd floor Citizens Center, Lincolnton NC 28092

SWP Central Files

PERCS (formerly NDPU) Files

NORTH CAROLINA
ENVIRONMENTAL MANAGEMENT COMMISSION
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
RALEIGH
WASTEWATER COLLECTION PERMIT

In accordance with the provisions of Article 21 of Chapter 143, General Statutes of North Carolina as amended, and other applicable Laws, Rules, and Regulations

PERMISSION IS HEREBY GRANTED TO

FAIRFIELD FOREST OWNERS ASSOCIATION
LINCOLN COUNTY

FOR THE

construction and operation of a pressure sewer collection system consisting of 6, 40 GPM pump stations with simplex pumps, on-site audible and visual high water alarms and approximately 812 linear feet of 2-inch pressure sewer to serve six, 5,000 square foot commercial lots in Fairfield Forest Subdivision, with 3,600 gallons per day additional discharge of collected domestic wastewater into the Lincoln County, Forney Creek WWTP's existing sewerage system, pursuant to the application received April 3, 2006, and subsequent additional information received by the Division, and in conformity with the project plans, specifications, and other supporting data subsequently filed and approved by the Department of Environment and Natural Resources and considered a part of this permit; and,

continued construction and operation of a pressure sewer collection system consisting of 51, 40 GPM pump stations with simplex pumps, on-site audible and visual high water alarms and approximately 2,582 linear feet of 3-inch pressure sewer, 1,041 linear feet of 2.5-inch pressure sewer, and 602 linear feet of 2-inch pressure sewer to serve Fairfield Forest Subdivision, with no additional discharge of collected wastewater into the Lincoln County, Forney Creek WWTP's existing sewerage system (flow allocated under permit WQ0029123 – Fairfield Forest Pump Station), pursuant to the application received September 23, 2005, and subsequent additional information received by the Division, and in conformity with the project plans, specifications, and other supporting data subsequently filed and approved by the Department of Environment and Natural Resources and considered a part of this permit

This permit shall be effective from the date of issuance until rescinded, shall void Permit No. WQ0029352 issued March 3, 2006, and shall be subject to the following specified conditions and limitations:

1. This permit shall become revocable unless the wastewater collection facilities are constructed in accordance with the conditions of this permit; 15A NCAC 2H .0200; the Division of Water Quality's (Division) Gravity Sewer Minimum Design Criteria adopted February 12, 1996 as applicable; the Division's Minimum Design Criteria for the Fast-Track Permitting of Pump Stations and Force Mains adopted June 1, 2000 as applicable; and other supporting materials unless specifically mentioned herein.
2. This permit is effective only with respect to the nature and volume of wastes described in the application and other supporting data.

3. The wastewater collection facilities shall be properly maintained and operated at all times. The Permittee shall maintain compliance with an individual system-wide collection system permit for the operation and maintenance of these facilities as required by 15A NCAC 2H .0227. If an individual permit is not required, the following performance criteria shall be met as provided in 15A NCAC 2H .0227:
 - a. The sewer system shall be effectively maintained and operated at all times to prevent discharge to land or surface waters, and any contravention of the groundwater standards in 15A NCAC 2L .0200 or the surface water standards in 15A NCAC 2B .0200.
 - b. A map of the sewer system shall be developed and shall be actively maintained.
 - c. An operation and maintenance plan shall be developed and implemented.
 - d. Pump stations that are not connected to a telemetry system shall be inspected every day (i.e. 365 days per year). Pump stations that are connected to a telemetry system shall be inspected at least once per week. This requirement does not apply to pump stations serving a single building associated with a properly permitted pressure sewer system.
 - e. High-priority sewer lines shall be inspected at least once per every six-month period of time.
 - f. A general observation of the entire sewer system shall be conducted at least once per year.
 - g. Inspection and maintenance records shall be maintained for a period of at least three years.
 - h. Overflows and bypasses shall be reported to the appropriate Division regional office in accordance with 15A NCAC 2B .0506(a), and public notice shall be provided as required by North Carolina General Statute §143-215.1C.
4. The sewage and wastewater collected by this system shall be treated in the Lincoln County, Forney Creek WWTP Wastewater Treatment Facility (NPDES Permit No. NC0074012) prior to being discharged into the receiving stream.
5. This permit is not transferable. In the event there is a desire for the facilities to change ownership, or there is a name change of the Permittee, a formal permit request must be submitted to the Division of Water Quality (Division) accompanied by documentation from the parties involved and other supporting materials as may be appropriate. The approval of this request will be considered on its merits and may or may not be approved.
6. Construction of the sewers, pump station(s) and force main shall be scheduled so as not to interrupt service by the existing utilities nor result in an overflow or bypass discharge of wastewater to the surface waters of the State.
7. Per 15A NCAC 2H .0220, upon completion of construction and prior to operation of these permitted facilities, the completed Engineering Certification form attached to this permit shall be submitted with the required supporting documents to the address provided on the form. A complete certification is one where the form is fully executed and the supporting documents are provided as applicable.
8. A copy of the approved plans and specifications shall be maintained on file by the Permittee for the life of the wastewater collection facilities.
9. Failure to abide by the conditions and limitations contained in this permit; 15A NCAC 2H .0200; the Division's Gravity Sewer Design Criteria adopted February 12, 1996 as applicable; the Division's Minimum Design Criteria for the Fast-Track Permitting of Pump Station and Force Mains adopted June 1, 2000 as applicable; and other supporting materials may subject the Permittee to an enforcement action by the Division, in accordance with North Carolina General Statutes §143-215.6A through §143-215.6C.

10. The issuance of this permit does not exempt the Permittee from complying with any and all statutes, rules, regulations, or ordinances that may be imposed by other government agencies (i.e., local, state, and federal) having jurisdiction, including but not limited to applicable river buffer rules in 15A NCAC 2B .0200, soil erosion and sedimentation control requirements in 15A NCAC Chapter 4 and under the Division's General Permit NCG010000, and any requirements pertaining to wetlands under 15A NCAC 2B .0200 and 15A NCAC 2H .0500.
11. The Permittee shall provide the following items for the pressure sewer system:
- a. Pump on/off elevations located so that 2-8 pumping cycles may be achieved per hour in any centralized pump station serving more than one building.
 - b. A minimum of 81 gallons of storage capacity above the pump-on activation level to meet the greater of the Permittee response time for service or the longest non-catastrophic power outage of the previous three years for any simplex pump station serving a single family residence.
 - c. An air relief valve located at all high points along the force main.
 - d. A screened vent for the wet well.
 - e. Fillets located in the wet well(s) at the intersection of the flooring and side walls.
 - f. Three feet of cover (minimum) over the force main or the use of ferrous material where three feet cannot be maintained.
 - g. Sufficient devices which will protect the pump station from vandals.
 - h. Flood protection if the pump station is located below the 100-year flood elevation.
 - i. Adherence with the following minimum separations:
 - (i) Storm sewers (vertical) 12 inches
 - (ii) Water mains (vertical-water over sewer) 18 inches or (horizontal) 10 feet
 - (iii) In benched trenches (vertical) 18 inches
 - (iv) Any private or public water supply source, including any WS-I waters or Class I or Class II impounded reservoirs used as a source of drinking water 100 feet
 - (v) Waters classified WS (other than WS-I), B, SA, ORW, HQW, or SB [from normal high water (or tide elevation)] 50 feet
 - (vi) Any other stream, lake or impoundment 10 feet
 - (vii) Any building foundation 5 feet
 - (viii) Any basement 10 feet
 - (ix) Top slope of embankment or cuts of 2 feet or more vertical height 10 feet
 - (x) Drainage systems
 - (i) Interceptor drains 5 feet
 - (ii) Ground water lowering and surface drainage ditches 10 feet
 - (xi) Any swimming pool 10 feet
 - (xii) Ferrous sewer pipe with joints equivalent to water main standards, shall be used where these minimum separations cannot be maintained. The minimum separation shall however not be less than 25 feet from a private well or 50 feet from a public water supply well;

12. In the event that the facilities fail to perform satisfactorily, including the creation of nuisance conditions, the Permittee shall take immediate corrective action, including those that may be required by this Division, such as the construction of additional or replacement wastewater collection facilities.

13. Noncompliance Notification:

The Permittee shall verbally report to a water quality staff member at the Mooresville Regional Office, telephone number (704) 663-1699, as soon as possible, but in no case more than 24 hours or on the next working day following the occurrence or first knowledge of the occurrence of either of the following:

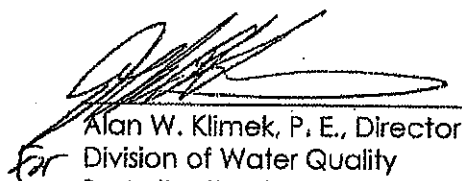
- a. Any process unit failure, due to known or unknown reasons, that render the facility incapable of adequate wastewater transport such as mechanical or electrical failures of pumps, line blockage or breakage, etc.
- b. Any failure of a pumping station or sewer line resulting in a by-pass directly to receiving waters without treatment of all or any portion of the influent to such station or facility.

Voice mail messages or faxed information is permissible but this shall not be considered as the initial verbal report. Overflows and spills occurring outside normal business hours may also be reported to the Division of Emergency Management at telephone number (800) 858-0368 or (919) 733-3300. Persons reporting any of the above occurrences shall file a spill report by completing Part I of Form CS-SSO (or the most current Division approved form), within five days following first knowledge of the occurrence. This report shall outline the actions taken or proposed to ensure that the problem does not recur. Per Condition I(2), Part II of Form CS-SSO (or the most current Division approved form) can also be completed to show that the SSO was beyond control.

14. This permit shall become revocable unless the agreement between the Hecht Properties LLC and the Lincoln County, Forney Creek WWTP for the collection and final treatment of wastewater is in full force and effect. **NOTE: Per Lincoln County's September 1, 2005 letter to Latham - Waters Engineering, flow acceptance is contingent on Permittee's application for voluntary annexation of noted parcel.**
15. A variance is granted to allow simplex units for the proposed six commercial lots (5,000 square feet each). If the tenants water use contributes greater than 600 gallons per day per building, the Division shall be provided with calculations showing the simplex unit will still be acceptable and if an upgrade is necessary, such documentation shall be provided via full permit modification with fee. The Division may request water usage records for these buildings at any time to verify compliance with this condition.
16. The Operational Agreement between the Permittee and the Environmental Management Commission is incorporated herein by reference and is a condition of this Permit. Noncompliance with the terms of the Operational Agreement shall subject the Permittee to all sanctions provided by North Carolina General Statute 143-215.6A to 143-215.6C for violation of or failure to act in accordance with the terms and conditions of this Permit. The commercial tenants are to be part of the owner association required by this Operational Agreement.
17. The Permittee shall maintain on hand for immediate installation a supply of spare, fully operational pump units of each type used in the pressure sewer system. The number of pumps on hand shall not be less than 10 percent of the number of installed units or one unit, whichever is greater.
18. Each pump station shall be clearly and conspicuously posted with the telephone number of the owner/operator of the pressure sewer system and instructions to call the number in the event of high water alarm activation.

Permit issued this the 5th day of July, 2006

NORTH CAROLINA ENVIRONMENTAL MANAGEMENT COMMISSION


Alan W. Klimek, P. E., Director
Division of Water Quality

By Authority of the Environmental Management Commission

Permit Number WQ0029352

Permit No. WQ0029352
July 5, 2006

System Description:

6, 40 GPM pump stations with simplex pumps, on-site audible and visual high water alarms and approximately 812 linear feet of 2-inch pressure sewer to serve six, 5,000 square foot commercial lots in Fairfield Forest Subdivision (variance granted for simplex).

Complete and submit this form to the permit issuing office as indicated below with the following:

- One copy of the project record drawings (plan & profile views of sewer lines) of the wastewater collection system extension
- Changes to the project should be clearly identified on the record drawings or in written summary form. Permit modifications are required for any changes resulting in non-compliance with this permit, regulations or minimum design criteria.

This project shall not be considered complete nor allowed to operate until this Engineer's Certification and all required supporting documentation have been received by the Division. **Therefore, it is highly recommended that this certification be sent in a manner that provides proof of receipt by the Division.**

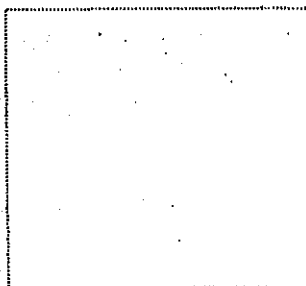
ENGINEER'S CERTIFICATION

☐ Partial

☐ Final

I, _____, as a duly registered Professional Engineer in the State of North Carolina, having been authorized to observe (☐ periodically, ☐ weekly, ☐ full time) the construction of the subject project for the Permittee hereby state that, to the best of my abilities, due care and diligence was used in the observation of the construction such that the construction was observed to be built within substantial compliance of this permit; 15A NCAC 2H .0200; the Division of Water Quality's (Division) Gravity Sewer Minimum Design Criteria adopted February 12, 1996 as applicable; the Division's Minimum Design Criteria for the Fast-Track Permitting of Pump Stations and Force Mains adopted June 1, 2000 as applicable; and other supporting materials.

North Carolina Professional Engineer's seal, signature, and date:



**SEND THIS FORM & SUPPORTING DOCUMENTATION
WITH REQUIRED ATTACHMENTS
TO THE FOLLOWING ADDRESS**

**PRETREATMENT, EMERGENCY RESPONSE & COLLECTION SYSTEMS UNIT
1617 MAIL SERVICE CENTER
RALEIGH NC 27699-1617**

The Permittee is responsible for tracking all partial certifications up until a final certification is received. Any wastewater flow made tributary to the wastewater collection system extension prior to completion of this Engineer's Certification shall be considered a violation of the permit and shall subject the Permittee to appropriate enforcement actions.

Permit No. WQ0029352

March 3, 2006

System Description:

51, 40-GPM pump stations with simplex pumps, on-site audible and visual high water alarms and approximately 2,582 linear feet of 3-inch pressure sewer, 1,041 linear feet of 2.5-inch pressure sewer, and 602 linear feet of 2-inch pressure sewer to serve Fairfield Forest Subdivision.

Complete and submit this form to the permit issuing office as indicated below with the following:

- One copy of the project record drawings (plan & profile views of sewer lines) of the wastewater collection system extension
- Changes to the project should be clearly identified on the record drawings or in written summary form. Permit modifications are required for any changes resulting in non-compliance with this permit, regulations or minimum design criteria.

This project shall not be considered complete nor allowed to operate until this Engineer's Certification and all required supporting documentation have been received by the Division. **Therefore, it is highly recommended that this certification be sent in a manner that provides proof of receipt by the Division.**

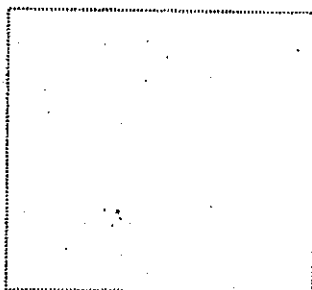
ENGINEER'S CERTIFICATION

☐ Partial

☐ Final

I, _____, as a duly registered Professional Engineer in the State of North Carolina, having been authorized to observe (☐ periodically, ☐ weekly, ☐ full time) the construction of the subject project for the Permittee hereby state that, to the best of my abilities, due care and diligence was used in the observation of the construction such that the construction was observed to be built within substantial compliance of this permit; 15A NCAC 2H .0200; the Division of Water Quality's (Division) Gravity Sewer Minimum Design Criteria adopted February 12, 1996 as applicable; the Division's Minimum Design Criteria for the Fast-Track Permitting of Pump Stations and Force Mains adopted June 1, 2000 as applicable; and other supporting materials.

North Carolina Professional Engineer's seal, signature, and date:



**SEND THIS FORM & SUPPORTING DOCUMENTATION
WITH REQUIRED ATTACHMENTS
TO THE FOLLOWING ADDRESS**

**PRETREATMENT, EMERGENCY RESPONSE & COLLECTION SYSTEMS UNIT
1617 MAIL SERVICE CENTER
RALEIGH NC 27699-1617**

The Permittee is responsible for tracking all partial certifications up until a final certification is received. Any wastewater flow made tributary to the wastewater collection system extension prior to completion of this Engineer's Certification shall be considered a violation of the permit and shall subject the Permittee to appropriate enforcement actions.

HOME/PROPERTY OWNERS' OPERATIONAL AGREEMENT

This AGREEMENT made pursuant to G.S. 143-215.1 (d1) and entered into this 3rd day of March 2006, by and between the North Carolina Environmental Management Commission, an agency of the State of North Carolina, hereinafter known as the COMMISSION; and Fairfield Owners Association, a non-profit corporation organized and existing under and by virtue of the laws of the State of North Carolina, hereinafter known as the ASSOCIATION.

WITNESSETH:

1. The ASSOCIATION was formed for the purpose, among others, of handling the property, affairs and business of the development known as Fairfield Forest (hereinafter the Development); of operating, maintaining, re-constructing and repairing the common elements of the lands and improvements subject to unit ownership, including the wastewater collection system with pumps, wastewater treatment works, and/or disposal facilities (hereinafter Disposal System); and of collecting dues and assessment to provide funds for such operation, maintenance, re-construction and repair.
2. The ASSOCIATION desires, to construct and/or operate a Disposal System to provide sanitary sewage disposal to serve the Development on said lands.
3. The ASSOCIATION has applied to the COMMISSION for the issuance of a permit pursuant to G.S. 143-215.1 to construct, maintain, and/or operate the Disposal System.
4. The Development was created subject to unit ownership in the dwellings units, other improvements and lands through filing of a Declaration of Unit Ownership (hereinafter Declaration), pursuant to Chapter 47C or 47F of the North Carolina General Statutes.
5. The COMMISSION desires to assure that the Disposal System of the Development is properly constructed, maintained and operated in accordance with law and permit provisions in order to protect the quality of the waters of the State and the public interest therein.

NOW, THEREFORE, in consideration of the promises and the benefits to be derived by each of the parties hereto, the COMMISSION and ASSOCIATION do hereby mutually agree as follows:

1. The ASSOCIATION shall construct the Disposal System and/or make any additions or modifications to the Disposal System in accordance with the permit and plans and specifications hereafter issued and approved by the COMMISSION, and shall thereafter properly operate and maintain such systems and facilities in accordance with applicable permit provisions and law.
2. The ASSOCIATION shall provide in the Declaration and Association Bylaws that the Disposal System and appurtenances thereto are part of the common elements and shall thereafter be properly maintained and operated in conformity with law and the provisions of the permit for construction, operation, repair, and maintenance of the system and facilities. The Declaration and Bylaws shall identify the entire wastewater treatment, collection and disposal system as a common element which will receive the highest priority for expenditures by the Association except for Federal, State, and local taxes and insurance.
3. The ASSOCIATION shall provide in the Declaration and Association Bylaws that the Disposal System will be maintained out of the common expenses. In order to assure that there shall be funds readily

available to repair, maintain, or construct the Disposal System beyond the routine operation and maintenance expenses, the Declaration and Association Bylaws shall provide that a fund be created out of the common expenses. Such fund shall be separate from the routine maintenance fund allocated for the facility and shall be part of the yearly budget.

4. In the event the common expense allocation and separate fund(s) are not adequate for the construction, repair, and maintenance of the Disposal System, the Declaration and Association Bylaws shall provide for special assessments to cover such necessary costs. There shall be no limit on the amount of such assessments, and the Declaration and Bylaws shall be provided such that special assessments can be made as necessary at any time.
5. If a wastewater collection system and wastewater treatment and/or disposal facility provided by any city, town, village, county, water and sewer authorities, or other unit of government shall hereinafter become available to serve the Development, the ASSOCIATION shall take such action as is necessary to cause the existing and future wastewater of the Development to be accepted and discharged into said governmental system, and shall convey or transfer as much of the Disposal System and such necessary easements as the governmental unit may require as condition of accepting the Development's wastewater.
6. Recognizing that it would be contrary to the public interest and to the public health, safety and welfare for the ASSOCIATION to enter into voluntary dissolution without having made adequate provision for the continued proper maintenance, repair and operation of its Disposal System, the ASSOCIATION shall provide in the ASSOCIATION Bylaws that the ASSOCIATION shall not enter into voluntary dissolution without first having transferred its said system and facilities to some person, corporation or other entity acceptable to and approved by the COMMISSION by the issuance of a permit.
7. The ASSOCIATION shall not transfer, convey, assign or otherwise relinquish or release its responsibility for the operation and maintenance of its Disposal System until a permit has been reissued to the ASSOCIATION'S successor.
8. The agreements set forth in numbered paragraphs 1, 2, 3, 4, 5, 6, and 7 above shall be conditions of any permit issued by the COMMISSION to the ASSOCIATION for the construction, maintenance, repair and operation of the Disposal System.
9. A copy of this agreement shall be filed at the Register of Deeds in the County where the Declaration is filed and in the offices of the Secretary of State of North Carolina with the Articles of Incorporation of the Association.

IN WITNESS WHEREOF, this agreement was executed in duplicate originals by the duly authorized representative of the parties hereto on the day and year written as indicated by each of the parties named below:

FOR THE ENVIRONMENTAL
MANAGEMENT COMMISSION

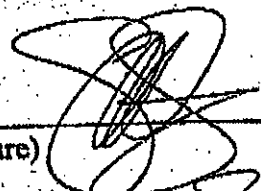

Alan W. Klimek, P.E., Director
Division of Water Quality

(Date)

2 Mar 06

FAIRFIELD OWNERS ASSOCIATION

By:
(Signature)


STEPHEN M. SCHREINER
Print Name and Title DIRECTOR

(Date)

3.1.06



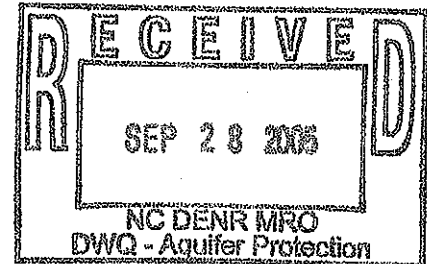
RECEIVED

SEP 28 2005

September 27, 2005

Robert Hecht, Owner
Hecht Properties LLC
885 N Highway 16
Denver, NC 28037

WATER QUALITY SECTION

Subject: Acknowledgement of Application No. WQ0029352
Fairfield Forest Pressure Sewer
Wastewater Collection System Extension
Lincoln County

Dear Mr. Hecht:

The Division of Water Quality (Division) acknowledges receipt of your permit application and supporting materials on September 23, 2005. This application package has been assigned the number listed above and will be reviewed by Jon Risgaard.

The reviewer will perform a detailed review and contact you with a request for additional information if necessary. To ensure the maximum efficiency in processing permit applications, the Division requests your assistance in providing a timely and complete response to any additional information requests.

Please note at this time, processing permit applications can take as long as 60 - 90 days after receipt of a complete application. To check on the status of an application, please visit <http://h2o.enr.state.nc.us/bims/Reports/reportsPermits.html>.

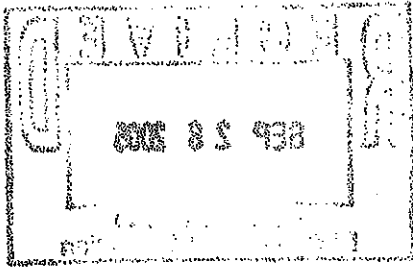
The Division has recently reorganized. All sewer related matters are now handled through the Pretreatment, Emergency Response and Collection Systems Unit under the Point Source Branch EXCEPT FOR FAST-TRACK SEWER EXTENSION PERMITTING WHICH CONTINUES TO BE ADMINISTERED THROUGH OUR REGIONAL OFFICES. The Unit is located on the 13th floor of the Archdale building in downtown Raleigh. Please see http://h2o.enr.state.nc.us/documents/dwq_orgchart.pdf for our new organizational chart.

If you have any questions, please contact Jon Risgaard at 919-733-5083, extension 580, or via e-mail at jon.risgaard@ncmail.net. If the reviewer is unavailable, you may leave a message, and they will respond promptly.

PLEASE REFER TO THE ABOVE APPLICATION NUMBER WHEN MAKING INQUIRIES ON THIS PROJECT.

Sincerely,

for 
Jeffrey O. Poupart
Supervisorcc: Mooresville Regional Office, Surface Water Protection Section
Mitch Latham, PE, Latham-Walters Engineering (16507-A Northcross Dr., Huntersville, NC 28078)
Permit Application File WQ0029352





Michael F. Easley, Governor

William G. Ross Jr., Secretary
North Carolina Department of Environment and Natural Resources

Alan W. Klimek, P.E. Director
Division of Water Quality

July 27, 2005

Mr. Robert Hecht, Member Manager
Hecht Properties, LLC
885 North Highway 16
Denver, NC 28037

Subject: Permit No. WQ0029123
Fairfield Forest Pump Station
Wastewater Collection System Extension
Hecht Properties, LLC
Lincoln County, North Carolina

Dear Mr. Hecht:

In accordance with your application received on June 27, 2005, we are forwarding herewith Permit No. WQ0029123, dated July 27, 2005, to Hecht Properties, LLC for the construction and operation of the subject wastewater collection system extension. This permit shall be effective from the date of issuance until rescinded, and shall be subject to the conditions and limitations as specified therein. This cover letter shall be considered a part of this permit and is therefore incorporated therein by reference.

Please pay particular attention to Permit Condition 3 which requires that the wastewater collection facilities be properly operated and maintained in accordance with 15A NCAC 2H .0227 or any individual system-wide collection system permit issued to the Permittee.

Permitting of this project does not constitute an acceptance of any part of the project that does not meet 1) 15A NCAC 2H .0200; 2) the Division of Water Quality's (Division) Gravity Sewer Minimum Design Criteria adopted February 12, 1996, as applicable; 3) and the Division's Minimum Design Criteria for the Fast-Track Permitting of Pump Stations and Force Mains adopted June 1, 2000, as applicable, unless specifically mentioned herein. Division approval is based on acceptance of the certification provided by a North Carolina-licensed Professional Engineer in the application. It shall be the Permittee's responsibility to ensure that the as-constructed project meets the appropriate design criteria and rules. Failure to comply may result in penalties in accordance with North Carolina General Statute §143-215.6A through §143-215.6C, construction of additional or replacement wastewater collection facilities, and/or referral of the North Carolina-licensed Professional Engineer to the licensing board.

One
North Carolina
Naturally

Mooresville Regional Office

610 East Center Ave., Suite 301

Mooresville, NC 28115

Phone: (704) 663-1699

Fax: (704) 663-6040

Internet: h2o.enr.state.nc.us

Customer Service: 1-877-623-6748

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In accordance with the provisions of Article 21 of Chapter 143, General Statutes of North Carolina as amended, and other applicable Laws, Rules, and Regulations, permission is hereby granted to Hecht Properties, LLC for the construction and operation of approximately 18 linear feet of 8-inch gravity sewer, a 140 gallon per minute pump station (with duplex pumps, on site audible and visual high water alarms, and an on-site generator with automatic transfer switch), and approximately 1235 linear feet of 4 inch force main as part of the Fairfield Forrest Pump Station project; and the discharge of 62,280 gallons per day of collected domestic wastewater into the Lincoln County existing sewerage system, pursuant to the application received July 13, 2005, and in conformity with 15A NCAC 2H .0200; the Division's Gravity Sewer Minimum Design Criteria adopted February 12, 1996, as applicable; the Division's Minimum Design Criteria for the Fast-Track Permitting of Pump Stations and Force Mains adopted June 1, 2000, as applicable; and other supporting data subsequently filed and approved by the Department of Environment and Natural Resources and considered a part of this permit.

The sewage and wastewater collected by this system shall be treated in the Lincoln County WWTP (Forney Creek NPDES No. NC0074012) prior to being discharged into the receiving stream.

The Operational Agreement between the Permittee and the Environmental Management Commission is incorporated herein by reference and shall be a condition of this permit. Noncompliance with the terms of the Operational Agreement shall subject the Permittee to all sanctions provided by North Carolina General Statutes 143-215.6A to 143-215.6C for violation of or failure to act in accordance with the terms and conditions of this permit.

If any parts, requirements, or limitations contained in this permit are unacceptable, you have the right to request an adjudicatory hearing upon written request within 30 days following receipt of this permit. This request must be in the form of a written petition, conforming to Chapter 150B of North Carolina General Statutes, and filed with the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, NC 27699-6714. Unless such demands are made, this permit shall be final and binding.

If you need additional information concerning this matter, please contact Dee Browder at (704) 663-1699.

Sincerely,



for Alan W. Klimek, P.E.

cc: Lincoln County Health Department
Mooresville Regional Office, Surface Water Protection (WWTP Permit No. NC0074012)
Mitchell Latham, Latham-Walters Engineering, Inc.
Surface Water Protection Central Files
Marie Doklovic, PERCS

NORTH CAROLINA
ENVIRONMENTAL MANAGEMENT COMMISSION
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
RALEIGH

WASTEWATER COLLECTION SYSTEM EXTENSION PERMIT

This permit shall be effective from the date of issuance until rescinded and shall be subject to the following specified conditions and limitations:

1. This permit shall become voidable unless the wastewater collection facilities are constructed in accordance with the conditions of this permit; 15A NCAC 2H .0200; the Division of Water Quality's (Division) Gravity Sewer Minimum Design Criteria adopted February 12, 1996, as applicable; the Division's Minimum Design Criteria for the Fast-Track Permitting of Pump Stations and Force Mains adopted June 1, 2000, as applicable; and other supporting materials unless specifically mentioned herein.
2. This permit shall be effective only with respect to the nature and volume of wastes described in the application and other supporting data.
3. The wastewater collection facilities shall be properly maintained and operated at all times. The Permittee shall maintain compliance with an individual system-wide collection system permit for the operation and maintenance of these facilities as required by 15A NCAC 2H .0227. If an individual permit is not required, the following performance criteria shall be met as provided in 15A NCAC 2H .0227:
 - a. The sewer system shall be effectively maintained and operated at all times to prevent discharge to land or surface waters, and any contravention of the groundwater standards in 15A NCAC 2L .0200 or the surface water standards in 15A NCAC 2B .0200.
 - b. A map of the sewer system shall be developed and shall be actively maintained.
 - c. An operation and maintenance plan shall be developed and implemented.
 - d. Pump stations that are not connected to a telemetry system shall be inspected every day (i.e. 365 days per year). Pump stations that are connected to a telemetry system shall be inspected at least once per week.
 - e. High-priority sewer lines shall be inspected at least once per every six-month period of time.
 - f. A general observation of the entire sewer system shall be conducted at least once per year.
 - g. Inspection and maintenance records shall be maintained for a period of at least three years.
 - h. Overflows and bypasses shall be reported to the appropriate Division regional office in accordance with 15A NCAC 2B .0506(a), and public notice shall be provided as required by North Carolina General Statute §143-215.1C.

4. **This permit shall not be transferable.** In the event there is a desire for the wastewater collection facilities to change ownership, or there is a name change of the Permittee, a formal permit request shall be submitted to the Division accompanied by documentation from the parties involved, and other supporting materials as may be appropriate. The approval of this request shall be considered on its merits and may or may not be approved.
5. Construction of the gravity sewers, pump stations, and force mains shall be scheduled so as not to interrupt service by the existing utilities nor result in an overflow or bypass discharge of wastewater to the surface waters of the State.
6. Per 15A NCAC 2H .0220, upon completion of construction and **prior to operation** of these permitted facilities, the completed Engineering Certification form attached to this permit shall be submitted with the required supporting documents to the address provided on the form. A complete certification is one where the form is fully executed and the supporting documents are provided as applicable.
7. A copy of the construction record drawings shall be maintained on file by the Permittee for the life of the wastewater collection facilities.
8. Failure to abide by the conditions and limitations contained in this permit; 15A NCAC 2H .0200; the Division's Gravity Sewer Design Criteria adopted February 12, 1996 as applicable; the Division's Minimum Design Criteria for the Fast-Track Permitting of Pump Station and Force Mains adopted June 1, 2000 as applicable; and other supporting materials may subject the Permittee to an enforcement action by the Division, in accordance with North Carolina General Statutes §143-215.6A through §143-215.6C.
9. In the event that the wastewater collection facilities fail to perform satisfactorily, including the creation of nuisance conditions, the Permittee shall take immediate corrective action, including those as may be required by this Division, such as the construction of additional or replacement facilities.
10. The issuance of this permit shall not exempt the Permittee from complying with any and all statutes, rules, regulations, or ordinances that may be imposed by other government agencies (local, state and federal) which have jurisdiction, including but not limited to applicable river buffer rules in 15A NCAC 2B .0200, erosion and sedimentation control requirements in 15A NCAC Ch. 4 and under the Division's General Permit NCG010000, and any requirements pertaining to wetlands under 15A NCAC 2B .0200 and 15A NCAC 2H .0500.

11. **Noncompliance Notification:**


The Permittee shall verbally report to a Division of Water Quality employee at the Mooresville Regional Office, telephone number (704) 663-1699, as soon as possible, but in no case more than 24 hours or on the next working day, following the occurrence or first knowledge of the occurrence of either of the following:

- a. Any process unit failure, due to known or unknown reasons, that renders the facility incapable of adequate wastewater transport, such as mechanical or electrical failures of pumps, line blockage or breakage, etc.; or
- b. Any failure of a pumping station or sewer line resulting in a by-pass directly to receiving waters without treatment of all or any portion of the influent to such station or facility.

Voice mail messages or faxed information is permissible, but shall not be considered as the initial verbal report. Overflows and spills occurring outside normal business hours may also be reported to the Division of Emergency Management at telephone number (800) 858-0368 or (919) 733-3300. Persons reporting any of the above occurrences shall file a spill report by completing Part I of Form CS-SSO (or the most current Division approved form), within five days following first knowledge of the occurrence. This report shall outline the actions taken or proposed to ensure that the problem does not recur. Part II of Form CS-SSO (or the most current Division approved form) can also be completed to show that the SSO was beyond control.

Permit issued this the 27th day of July, 2005.

NORTH CAROLINA ENVIRONMENTAL MANAGEMENT COMMISSION



for Alan W. Klinek, P.E., Director
Division of Water Quality
By Authority of the Environmental Management Commission

Permit Number WQ0029123

Fast Track Engineering Certification

Permit No. WQ0029123
July 27, 2005

Complete and submit this form to the permit issuing regional office with the following:

- One copy of the project record drawings (plan & profile views of sewer lines) of the wastewater collection system extension
- Supporting design calculations (selected pumps, system curve, operating point, available storage if portable generator(s) or storage greater than longest past three year outage reliability option selected) for any pump stations permitted as part of this project
- Changes to the project should be clearly identified on the record drawings or in written summary form. Permit modifications are required for any changes resulting in non-compliance with this permit, regulations or minimum design criteria.

This project shall not be considered complete nor allowed to operate until this Engineer's Certification and all required supporting documentation have been received by the Division. **Therefore, it is highly recommended that this certification be sent in a manner that provides proof of receipt by the Division.**

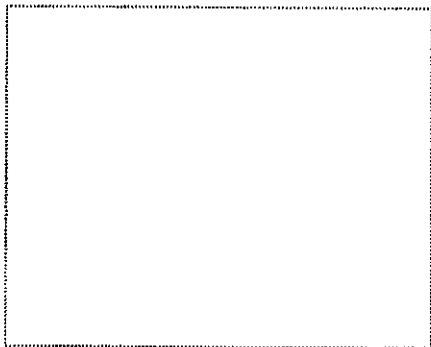
ENGINEER'S CERTIFICATION

☐ Partial

☐ Final

I, _____, as a duly registered Professional Engineer in the State of North Carolina, having been authorized to observe (☐ periodically, ☐ weekly, ☐ full time) the construction of the Fairfield Forest Pump Station, Lincoln County project for the Permittee hereby state that, to the best of my abilities, due care and diligence was used in the observation of the construction such that the construction was observed to be built within substantial compliance of this permit; 15A NCAC 2H .0200; the Division of Water Quality's (Division) Gravity Sewer Minimum Design Criteria adopted February 12, 1996 as applicable; the Division's Minimum Design Criteria for the Fast-Track Permitting of Pump Stations and Force Mains adopted June 1, 2000 as applicable; and other supporting materials.

North Carolina Professional Engineer's
seal, signature, and date:



**SEND THIS FORM & SUPPORTING DOCUMENTATION
WITH REQUIRED ATTACHMENTS TO THE FOLLOWING ADDRESS**

**MOORESVILLE REGIONAL OFFICE
SURFACE WATER PROTECTION
610 EAST CENTER AVENUE, SUITE 301
MOORESVILLE NC 28115**

The Permittee is responsible for tracking all partial certifications up until a final certification is received. Any wastewater flow made tributary to the wastewater collection system extension prior to completion of this Engineer's Certification shall be considered a violation of the permit and shall subject the Permittee to appropriate enforcement actions.



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

JUN 27 2005

**FAST-TRACK APPLICATION
for GRAVITY SEWERS, PUMP STATIONS, AND FORCE MAINS**

(Pressure sewers systems are not to be included as part of this application package)

INSTRUCTIONS: Indicate that you have included/addressed the following list of required application package items by checking the space provided next to each applicable item. Failure to submit all required items will lead to your application being returned as incomplete. *This form may be photocopied for use as an original.*

- ☒ **I. Application Form** - Submit one original and one copy of the completed and appropriately executed application form. Any changes to this form will result in the application being returned. The Division of Water Quality (Division) will only accept application packages that have been fully completed with all applicable items addressed. You do not need to submit detailed plans and specifications unless you respond NO to Item B(12).
- ☒ **II. Application Fee** - Submit a check in the amount of \$400 made payable to: North Carolina Department of Environment and Natural Resources (NCDENR). Checks shall be dated within 90 days of application submittal.
- ☐ **III. Certificates of Public Convenience and Necessity** - If the application is being submitted in the name of a privately-owned public utility, submit two copies of the Certificate of Public Convenience and Necessity (CPCN) which demonstrates that the public utility is authorized to hold the utility franchise for the area to be served by the sewer extension. If a CPCN has not been issued, provide two copies of a letter from the North Carolina Utilities Commission's Public Staff that states that an application for a franchise has been received, that the service area is contiguous to an existing franchised area, and/or that franchise approval is expected. The project name in the CPCN or letter must match that provided in Item A(2a) of this application.
- ☒ **IV. Operational Agreements** - Submit one original and two copies of a properly executed operational agreement if the sewer extension is permitted by a private applicant and will be serving residential or commercial lots (e.g., houses, condominiums, townhomes, outparcels, etc.) that will be sold to another entity. If the applicant is a homeowners' association, use Form HOA 02/03. If the applicant is a developer, use Form DEV 02/03. **EVEN IF THE PROJECT WILL BE TURNED OVER TO A MUNICIPALITY, FORM DEV 02/03 IS REQUIRED.**
- ☒ **V. Flow Acceptance Letters** - If the owner of the downstream sewers and/or WWTF is different from the applicant, submit two copies of a flow acceptance letter from the owner of the downstream sewers and WWTF, if different. Flow acceptance letters must contain the following minimum information: applicant and project name, amount of flow accepted, and name and permit number of the receiving sewers/WWTF. The flow acceptance must not expire prior to permit issuance and must be dated less than a year prior to the application date. Intergovernmental agreements or other contracts will not be accepted in lieu of a project-specific flow acceptance letter.
- ☒ **VI. Map** - Submit an 8.5-inch by 11-inch **COLOR** copy of the portion of a 7.5-minute USGS Topographic Map along with this form. The map should identify the entire project area location as well as the closest downslope surface waters as clearly as possible. Each map portion must be labeled with the map name and number, the identified location of the sewer line and pump stations, and be of clear and reproducible quality. For instance, if the project involves 4 miles of interceptor sewer that traverses over or near several different waterbodies (or counties, basins, etc.), the map should have location ID's shown for each different waterbody (where the sewer line is within 100 feet of such waterbody - see Instruction VII). This location ID is self chosen and used to cross reference the location in Section C of the permit application.
- ☐ **VII. Stream Classifications - Section C**
- If any portion of the project is within 100 feet of any down slope surface water, Section C must be completed for the pertinent sections.
 - If the entire project area is a minimum of 100 feet away from any down slope surface waters BUT there is a pump station involved where a history of power outage is to be used to provide adequate design storage instead of dual feed or permanent or portable generator, Section C must be completed to demonstrate that the closest down slope surface water is Class C (see 15A NCAC 2H .0219(h)(3)(D)).
 - Use the guidance document entitled, "Determining Watershed Classifications for Form FTA 02/03 (Fast-Track Sewer Systems)" available from <http://h2o.enr.state.nc.us/percs> or by contacting the appropriate regional

- ☐ **VIII. Environmental Assessments** – If this project is subject to an Environmental Assessment (EA) [15A NCAC 01C], this application can not be used. Send the project application on Form PSFMGSA 10/99 to the PERCS Unit, 1617 Mail Service Center, Raleigh, NC 27699-1617. Applications can not be accepted until a Finding of No Significant Impact (FONSI) or Environmental Impact Statement (EIS) has been issued. A copy is to be submitted with that permit application.

☒ **IX. Certifications – Section D**

The application must be certified by both the applicant and a North Carolina Registered Professional Engineer (PE). The applicant signature must match the signing official listed in Item A(1b). The PE should **NOT** certify the application if he/she is unfamiliar with 15A NCAC 2H .0200, the Gravity Sewer Minimum Design Criteria (most recent version) and the Minimum Design Criteria for the Fast-Track Permitting of Pump Stations and Force Mains (most recent version), as applicable to the project. Certification by a PE who is unfamiliar with these documents is subject to NC Board referral.

☒ **X. Downstream Sewer & Wastewater Treatment Plant Capacity**

The applicant has assured downstream pipe, pump station and treatment plant capacity. The addition of new sources of wastewater from this project has been evaluated along the route to the receiving treatment plant. The flow from this project will not cause capacity related sanitary sewer overflows or overburden any downstream pump station en route to the receiving wastewater treatment plant. If the applicant is not the owner of the downstream sewer or receiving treatment plant, submittal of flow acceptance letter(s) indicates that owner has adequate capacity and will not violate G.S. 143-215.67(a).

THE COMPLETED FTA 02/03 APPLICATION PACKAGE, INCLUDING ALL SUPPORTING DOCUMENTS AND \$400 FEE, SHOULD BE SENT TO THE APPROPRIATE REGIONAL OFFICE

REGIONAL OFFICE	ADDRESS	COUNTIES SERVED
Asheville Regional Office	2090 US Highway 70 Swannanoa, North Carolina 28778 (828) 296-4500 (828) 299-7043 Fax	Avery, Buncombe, Burke, Caldwell, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, Macon, Madison, McDowell, Mitchell, Polk, Rutherford, Swain, Transylvania, Yancey
Fayetteville Regional Office	225 Green Street Suite 714 Fayetteville, North Carolina 28301 (910) 486-1541 (910) 486-0707 Fax	Anson, Bladen, Cumberland, Harnett, Hoke, Montgomery, Moore, Robeson, Richmond, Sampson, Scotland
Mooresville Regional Office	610 E. Center Avenue, Suite 301 Mooresville, North Carolina 28115 (704) 663-1699 (704) 663-6040 Fax	Alexander, Cabarrus, Catawba, Cleveland, Gaston, Iredell, Lincoln, Mecklenburg, Rowan, Stanly, Union
Raleigh Regional Office	1628 Mail Service Center Raleigh, North Carolina 27699-1628 (919) 571-4700 (919) 571-4718 Fax	Chatham, Durham, Edgecombe, Franklin, Granville, Halifax, Johnston, Lee, Nash, Northampton, Orange, Person, Vance, Wake, Warren, Wilson
Washington Regional Office	943 Washington Square Mall Washington, North Carolina 27889 (252) 946-6481 (252) 975-3716 Fax	Beaufort, Bertie, Camden, Chowan, Craven, Currituck, Dare, Gates, Greene, Hertford, Hyde, Jones, Lenoir, Martin, Pamlico, Pasquotank, Perquimans, Pitt, Tyrrell, Washington, Wayne
Wilmington Regional Office	127 Cardinal Drive Extension Wilmington, North Carolina 28405 (910) 395-3900 (910) 350-2004 Fax	Brunswick, Carteret, Columbus, Duplin, New Hanover, Onslow, Pender
Winston-Salem Regional Office	585 Waughtown Street Winston-Salem, North Carolina 27107 (336) 771-4600 (336) 771-4631 Fax	Alamance, Alleghany, Ashe, Caswell, Davidson, Davie, Forsyth, Guilford, Rockingham, Randolph, Stokes, Surry, Watauga, Wilkes, Yadkin

For more information, visit our web site at: <http://h2o.enr.state.nc.us/percs/>

HECHT PROPERTIES, LLC
(704) 483-3651
885 N. HWY 16
DENVER, NC 28037



3273

6/15/2005

PAY TO THE
ORDER OF NCDENR

\$400.00

Four Hundred and 00/100*****

NCDENR

DOLLARS

MEMO:

WQ0029123

sewer - Fairfield Forest residential

⑈003273⑈ ⑈053104869⑈ 534839445⑈

HECHT PROPERTIES, LLC

NCDENR

On-Site Cost:3-30011 · Sanitary Sewer

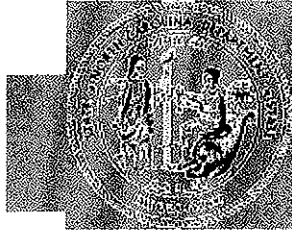
6/15/2005

3273

400.00

PeoplesBank-Bus.Ch sewer - Fairfield Forest residential

400.00



Elaine F. Marshall
Secretary

North Carolina

DEPARTMENT OF THE SECRETARY OF STATE

PO Box 29622 Raleigh, NC 27626-0622 (919)807-2000

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Date: 7/27/2005

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Corporation Names

Name	Name Type
NC HECHT PROPERTIES, LLC	Legal

Limited Liability Company Information

SOSID:	0482868
FID:	562121409
Status:	Current-Active
Date Formed:	1/27/1999
Citizenship:	Domestic
State of Inc.:	NC
Duration:	DEC 2049

Registered Agent

Agent Name:	Hecht, Robert V
Registered Office Address:	885 North Highway 16 Denver NC 28037
Registered Mailing Address:	885 North Highway 16 Denver NC 28037
Principal Office Address:	885 North Highway 16 Denver NC 28037
Principal Mailing Address:	885 North Highway 16 Denver NC 28037

For questions or comments about the North Carolina Secretary of State's web site, please send e-mail to [Webmaster](#).

DEVELOPER'S OPERATIONAL AGREEMENT

This AGREEMENT made pursuant to G.S. 143-215.1 (d1) and entered into this _____ day of _____, by and between the North Carolina Environmental Management Commission, an agency of the State of North Carolina, hereinafter known as the COMMISSION; and Hecht Properties, Inc. LLC (m/s 7.05), a corporation/general partnership registered/licensed to do business in the State of North Carolina, hereinafter known as the DEVELOPER.

WITNESSETH:

1. The DEVELOPER is the owner of the certain lands lying in Lincoln County, upon which it is erecting and will erect dwelling units and other improvements, said development to be known as Fairfield Forest Subdivision (hereinafter the Development).
2. The DEVELOPER desires, to construct a wastewater collection system with pumps, wastewater treatment works, and/or disposal facilities (hereinafter Disposal System) to provide sanitary sewage disposal to serve the Development on said lands.
3. The DEVELOPER has applied to the COMMISSION for the issuance of a permit pursuant to G.S. 143-215.1 to construct, maintain, and operate the Disposal System.
4. The DEVELOPER has created or shall create unit ownership in said dwellings units, other improvements and lands through filing of a Declaration of Unit Ownership (hereinafter Declaration), pursuant to Chapter 47C or 47F of the North Carolina General Statutes.
5. The DEVELOPER has caused to be formed or will cause to be formed at the time of filing of the Declaration, the Fairfield Forest Owners' Association (hereinafter Association), a non-profit corporation organized and existing under and by the virtue of the laws of the State of North Carolina, for the purpose, among others, of handling the property, affairs and business of the Development; of operating, maintaining, re-constructing and repairing the common elements of the lands and improvements subject to unit ownership, including the Disposal System; and of collecting dues and assessments to provide funds for such operation, maintenance, re-construction and repair.
6. The COMMISSION desires to assure that the Disposal System of the Development is properly constructed, maintained and operated in accordance with law and permit provisions in order to protect the quality of the waters of the State and the public interest therein.

NOW, THEREFORE, in consideration of the promises and the benefits to be derived by each of the parties hereto, the COMMISSION and DEVELOPER do hereby mutually agree as follows:

1. The DEVELOPER shall construct the Disposal System in accordance with the permit and plans and specifications hereafter issued and approved by the COMMISSION, and shall thereafter properly operate and maintain such systems and facilities in accordance with applicable permit provisions and law.
2. The DEVELOPER shall not transfer ownership and/or control of the Disposal System to the Association until construction has been completed in accordance with the permit and approved plans, and the staff of the Division of Water Quality has inspected and approved of the facilities. In order to change the name of the permit holder, the DEVELOPER must request that the permit be reissued to the Association. The request must include a copy of the Association Bylaws and Declaration.
3. The DEVELOPER shall not transfer, convey, assign or otherwise relinquish or release its responsibility for the operation and maintenance of its Disposal System until a permit has been reissued to the DEVELOPER's successor.

4. The DEVELOPER shall provide in the Declaration and Association Bylaws that the Disposal System and appurtenances thereto are part of the common elements and shall thereafter be properly maintained and operated in conformity with law and the provisions of the permit for construction, operation, repair, and maintenance of the system and facilities. The Declaration and Bylaws shall identify the entire wastewater treatment, collection and disposal system as a common element which will receive the highest priority for expenditures by the Association except for Federal, State, and local taxes and insurance.
5. The DEVELOPER shall provide in the Declaration and Association Bylaws that the Disposal System will be maintained out of the common expenses. In order to assure that there shall be funds readily available to repair, maintain or construct the Disposal System, beyond the routine operation and maintenance expenses, the Declaration and Association Bylaws shall provide that a fund be created out of the common expenses. Such fund shall be separate from the routine maintenance funds allocated for the facility and shall be part of the yearly budget.
6. In the event the common expense allocation and separate fund are not adequate for the construction, repair, and maintenance of the Disposal System, the Declaration and Association Bylaws shall provide for special assessments to cover such necessary costs. There shall be no limit on the amount of such assessments, and the Declaration and Bylaws shall provide that such special assessments can be made as necessary at any time.
7. If a wastewater collection system and wastewater treatment and/or disposal facility provided by any city, town, village, county, water and sewer authorities, or other unit of government shall hereinafter become available to serve the Development, the DEVELOPER shall take such action as is necessary to cause the existing and future wastewater of the Development to be accepted and discharged into said governmental system, and shall convey or transfer as much of the Disposal System and such necessary easements as the governmental unit may require as condition of accepting the Development's wastewater.
8. Recognizing that it would be contrary to the public interest and to the public health, safety and welfare for the Association to enter into voluntary dissolution without having made adequate provision for the continued proper maintenance, repair and operation of its Disposal System, the DEVELOPER shall provide in the Association Bylaws that the Association shall not enter into voluntary dissolution without first having transferred its said system and facilities to some person, corporation or other entity acceptable to and approved by the COMMISSION by the issuance of a permit.
9. The agreements set forth in numbered paragraphs 1, 2, 3, 4, 5, 6, 7, and 8 above shall be conditions of any permit issued by the COMMISSION to the DEVELOPER for the construction, maintenance, repair and operation of the Disposal System.
10. A copy of this agreement shall be filed at the Register of Deeds in the County(ies) where the Declaration is filed and in the offices of the Secretary of State of North Carolina with the Articles of Incorporation of the Association.

IN WITNESS WHEREOF, this agreement was executed in duplicate originals by the duly authorized representative of the parties hereto on the day and year written as indicated by each of the parties named below:

FOR THE ENVIRONMENTAL
MANAGEMENT COMMISSION

D. Rex Klinek / for
Alan W. Klinek, P.E., Director
Division of Water Quality

(Date)

Hecht Properties, Inc.
Name of DEVELOPER

By: [Signature]
(Signature)

Robert V. Hecht, President
Print Name and Title

6/15/05
(Date)

USE THE TAB KEY TO MOVE FROM FIELD TO FIELD!		Application Number: (to be completed by DWQ) <u>WQ0029123</u>
A. APPLICATION INFORMATION	1. Owner:	
	1a. <u>Hecht Properties, LLC</u> Full Legal Name (company, municipality, HOA, utility, etc.)	
	1b. <u>Robert V. Hecht – Member Manager</u> Signing Official Name and Title (Please review 15A NCAC 2H .0206(b) for authorized signing officials!)	
	1c. The legal entity who will own this system is: <input type="checkbox"/> Individual <input type="checkbox"/> Federal <input type="checkbox"/> Municipality <input type="checkbox"/> State/County <input type="checkbox"/> Private Partnership <input checked="" type="checkbox"/> Corporation <input type="checkbox"/> Other (specify):	
	1d. <u>885 North Highway 16</u> Mailing Address	1e. <u>Denver</u> City
	1f. <u>North Carolina</u> State	1g. <u>28037</u> Zip Code
	1h. <u>704-483-3651</u> Telephone	1i. <u>704-483-3808</u> Facsimile
	1j. <u>bhecht@c21hecht.com</u> E-mail	
	2. Project (Facility) Information:	
	2a. <u>Fairfield Forest Pump Station</u> Brief Project Name (permit will refer to this name)	2b. <u>Lincoln</u> County Where Project is Located
B. PERMIT INFORMATION	3. Contact Person:	
	3a. <u>Mitch Latham, P.E. – Project Engineer</u> Name and Affiliation of Someone Who Can Answer Questions About this Application	
	3b. <u>704-895-8484</u> Phone Number	3c. <u>mslwe99@bellsouth.net</u> E-mail
	1. Project is <input checked="" type="checkbox"/> New <input type="checkbox"/> Modification (of an existing permit) If Modification, Permit No.:	
	For modifications, attach a separate sheet clearly explaining the reason for the modification (i.e. adding another phase, changing line size/length, etc.). Only include the modified information in this permit application - do not duplicate project information in B(7) and B(10-11) that has already been included in the original permit.	
	2. Owner is <input type="checkbox"/> Public (skip to Item B(3)) <input checked="" type="checkbox"/> Private (go to Item 2(a))	
	2a. If private, applicant will be: <input type="checkbox"/> Retaining Ownership (i.e. store, church, single office, etc.) or <input type="checkbox"/> Leasing units (lots, townhomes, etc. - skip to Item B(3)) <input checked="" type="checkbox"/> Selling units (lots, townhomes, etc. - go to Item B(2b))	2b. If <u>sold</u> , facilities owned by a (must choose <u>one</u>) <input type="checkbox"/> Public Utility (Instruction III) <input checked="" type="checkbox"/> Homeowner Assoc./Developer (Instruction IV)
	3. <u>East Lincoln Water & Sewer District</u> Owner of Wastewater Treatment Facility (WWTF) Treating Wastewater From This Project	
	4a. <u>Forney Creek WWTP</u> Name of WWTF	4b. <u>NC0074012</u> WWTF Permit No.
	5a. <u>Lincoln County</u> Owner of Downstream Sewer	5b. <u>8"</u> Receiving Sewer Size <input type="checkbox"/> Gravity <input checked="" type="checkbox"/> Force Main
5c. <u> </u> Permit Number of Downstream Sewer (if known)		
6. The origin of this wastewater is (check all that apply):		
<div style="display: flex; justify-content: space-between;"> <div style="width: 30%;"> <input checked="" type="checkbox"/> Residential Subdivision <input type="checkbox"/> Apartments/Condominiums <input type="checkbox"/> Mobile Home Park <input type="checkbox"/> School <input type="checkbox"/> Restaurant <input type="checkbox"/> Office </div> <div style="width: 30%;"> <input type="checkbox"/> Car Wash <input type="checkbox"/> Institution <input type="checkbox"/> Hospital <input type="checkbox"/> Church <input type="checkbox"/> Nursing Home <input type="checkbox"/> Other (specify): <u> </u> </div> <div style="width: 30%;"> <u>100</u> % Domestic/Commercial <u> </u> % Industrial <u> </u> % Other (specify): <u> </u> </div> </div>		
7. Volume of wastewater to be allocated for this particular project: <u>62,280</u> gallons per day *Do not include previously permitted allocations		
8. If the permitted flow is zero, indicate why: <input type="checkbox"/> Interceptor Line - Flow will be permitted in subsequent permits that connect to this line <input type="checkbox"/> Flow has already been allocated in Permit No. <u> </u> <input type="checkbox"/> Rehabilitation or replacement of existing sewer with no new flow expected		

B. PERMIT INFORMATION (CONTINUED)

9. Provide the wastewater flow calculations used in determining the permitted flow in accordance with 15A NCAC 2H .0219(l) for Item B(7) or the design flow for line or pump station sizing if zero flow in the space below. Values other than that in 15A NCAC 2H .0219(l)(1-2) must be supported with actual water or wastewater use data in accordance with 15A NCAC 2H .0219(l)(3).

173 Residences x 360 gpd/residence

62,280 gallons/day

10. Summary of **Sewer Lines** to be Permitted (attach additional sheets if necessary)

Size (Inches)	Length (feet)	Gravity or Force Main (use the pull down menu)
4	1235	Force Main
8	18	Gravity
ENTER TOTAL LINE LENGTH IN MILES		0.2373

11. Summary of **Pump Stations** to be Permitted (attach additional sheets as necessary)

Location ID (self chosen - as shown on plans for cross-reference)	Design Flow (MGD)	Operational Point GPM @ TDH	Power Reliability Option (1- dual line feed; 2- permanent generator w/ATS; 3- portable generator w/telemetry; 4-wet well storage)
Pump Station 1	0.0623	140 gpm @ 102' TDH	2

12. Does the sewer system comply with the Minimum Design Criteria for the Fast Track Permitting of Pump Stations and Force Mains (latest version), the Gravity Sewer Minimum Design Criteria (latest version) and 15A NCAC 2H .0200 as applicable?
☒ Yes ☐ No If no, please reference the pertinent minimum design criteria or regulation and indicate why a variance is requested. **SUBMIT TWO COPIES OF PLANS, SPECIFICATIONS OR CALCULATIONS PERTINENT TO THE VARIANCE WITH YOUR APPLICATION**

13. Have the following permits/certifications been submitted for approval?

Wetland/Stream Crossings - General Permit or 401 Certification? ☐ Yes ☐ No ☒ N/A

Sedimentation and Erosion Control Plan? ☐ Yes ☐ No ☒ N/A

Stormwater? ☐ Yes ☐ No ☒ N/A

14. Does this project involve aerial lines or siphons? Check if yes: ☐ No

These lines will be considered high priority and must be checked once every six months.

15. Does this project have gravity sewer lines designed at minimum slopes? ☐ No

Be aware that the Division will not accept installed lines more than 10% flatter than the minimum slope. Lines installed outside this tolerance should be corrected prior to submitting the final engineering certification.

C. STREAM CLASSIFICATION

1. Use the Division's guidance document entitled, "DETERMINING STREAM CLASSIFICATIONS FOR FORM FTA 02/03 (FAST-TRACK SEWER SYSTEMS)" to collect and record the stream classification data below (attach additional sheets as necessary). This document is available from our web site or by contacting the appropriate Division of Water Quality regional office (see instructions for addresses) OR indicate the following:

- ☒ A Stream Classification is not needed because **all parts** of the project are at least 100 feet away from any down slope waterbody; **AND**,
- ☒ A Stream Classification is not needed because the design does **not** depend on wet well storage as a power reliability option for any pump station near a Class C down slope waterbody.

Location ID on Map (self chosen - as shown on map for cross-reference)	Name of Waterbody	County	River Basin	Waterbody Stream Index	Waterbody Classification

Submit the 8.5" x 11" COLOR topographic map as required in Instruction VI regardless of whether a classification is provided!

D. CERTIFICATIONS

1. Applicant's Certification:

I, Robert V. Hecht, attest that this application for Fairfield Pump Station has been reviewed by me and is accurate and complete to the best of my knowledge. I understand that if all required parts of this application are not completed and that if all required supporting documentation and attachments are not included, this application package is subject to being returned as incomplete. Note: In accordance with North Carolina General Statutes 143-215.6A and 143-215.6B, any person who knowingly makes any false statement, representation, or certification in any application shall be guilty of a Class 2 misdemeanor which may include a fine not to exceed \$10,000 as well as civil penalties up to \$25,000 per violation.

1a.



Signing Official Signature



Date

2. Professional Engineer's Certification:

I attest that this application for Mitchell S. Latham has been reviewed by me and is accurate, complete and consistent with the information in the engineering plans, calculations, and all other supporting documentation to the best of my knowledge. I further attest that to the best of my knowledge the proposed design has been prepared in accordance with the applicable regulations, Gravity Sewer Minimum Design Criteria for Gravity Sewers adopted February 12, 1996, and the Minimum Design Criteria for the Fast-Track Permitting of Pump Stations and Force Mains adopted June 1, 2000 and the watershed classification in accordance with Division guidance. Although certain portions of this submittal package may have been developed by other professionals, inclusion of these materials under my signature and seal signifies that I have reviewed this material and have judged it to be consistent with the proposed design. Note: In accordance with NC General Statutes 143-215.6A and 143-215.6B, any person who knowingly makes any false statement, representation, or certification in any application shall be guilty of a Class 2 misdemeanor which may include a fine not to exceed \$10,000 as well as civil penalties up to \$25,000 per violation.

2a. Mitchell S. Latham

Professional Engineer Name

2b. Latham-Walters Engineering, Inc.

Engineering Firm

2c. 16507-A Northcross Drive

Mailing Address

2d. Huntersville

City

2e. NC

State

2f. 28078

Zip

2g. 704-895-8484

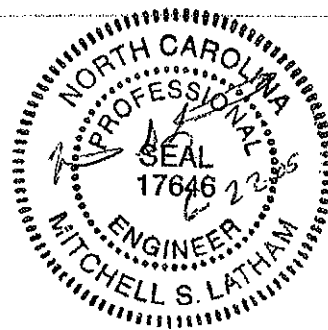
Telephone

2h. 704-895-8485

Facsimile

2i. mslwe99@bellsouth.net

E-mail



Seal, Signature & Date

Permit Number **WQ0029123**

Permit Tracking Slip

Program Category
Non-discharge

Status
In review

Project Type
New Project

Permit Type
Gravity Sewer Extension, Pump Stations, & Pressure Sewer
Extensions

Version

Permit Classification
Individual

Primary Reviewer
dee.browder

Permit Contact Affiliation

Permitted Flow
62280

Facility

Facility Name
Fairfield Forest Pump Station

Major/Minor
Minor

Region
Mooreville

Location Address

County
Lincoln

Facility Contact Affiliation

Owner

Owner Name

Owner Type
Individual

Robert Hecht

Owner Affiliation
Robert Hecht

8351 Pine Lk Rd
Denver NC 28037

Dates/Events

Orig Issue	App Received	Draft Initiated	Scheduled Issuance	Public Notice	Issue	Effective	Expiration
	07/11/05						

Regulated Activities

Subdivision
Wastewater collection

Requested/Received Events

Additional information requested
Additional information received

Outfall NULL

Waterbody Name	Stream Index Number	Current Class	Subbasin



May 25, 2005

Mr. Stephen A. Gilbert, PE, PLS
Lincoln County
115 West Main Street
Lincolnton, North Carolina 28092

Re: Fairfield Forest Subdivision
WKD #20582.10.CL

Dear Steve:

We have reviewed the plans for the referenced subdivision pump station as requested. We created a hydraulic model that encompasses PS #4, PS #5, PS #6, The Library PS, a PS for the referenced subdivision and their associated shared forcemain. PS #12 was not included in the model due to its scheduled modifications including a dedicated forcemain.

The model results show that when all pumps are on, PS #6 has a reduced capacity. However, as the other pump stations empty and turn off, PS #6 will regain full capacity. Due to the variations in pumping scenarios, the County system has capacity to serve the referenced subdivision. It is recommended however, that PS #6 be monitored after installation of the new pump station to insure that no future adjustments need to be made.

The following inconsistencies with the Lincoln County Standard Specifications and Details were found in the plans:

- Plug valves shall be used in pump station valve vault rather than gate valves.
- The valve vault shall provide for a bypass pumping connection.
- The pump station shall provide for odor control.
- The minimum gate opening to facilitate truck access shall be 14'.
- The force main testing shall be carried out according to Lincoln County Standard Specification 02730 Section 3.5.4.

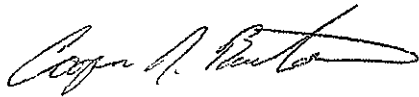
It should be noted that the design duty point lies on the left end of the pump curve selected for the project in an efficiency range of less than 40%.

Although the specifications included appear to be adequate for this project, it is strongly recommended that the Lincoln County Standard Specifications and Details be required to be included with the plans for this project.

Please feel free to call if you have any questions.

Sincerely,

W. K. Dickson & Co., Inc.

A handwritten signature in dark ink, appearing to read "Cooper A. Burton", with a stylized flourish at the end.

Cooper Burton, PE



LATHAM-WALTERS ENGINEERING, INC.
CIVIL ENGINEERING LAND PLANNING SITE DEVELOPMENT
16507-A NORTHCROSS DRIVE
HUNTERSVILLE, NC 28078

July 7, 2005

Ms. Dee Browder
NCDENR
610 East Center Avenue
Suite 301
Mooresville, NC 28115

NC DEPT. OF ENVIRONMENT
AND NATURAL RESOURCES
MOORESVILLE REGIONAL OFFICE
RECEIVED

JUL 11 2005

Re: Fairfield Forest Pump Station, Lincoln County, NC

WATER QUALITY SECTION

Dear Dee:

Attached is the revised submittal package for Fairfield Forest Pump Station. As discussed, I changed the name of the owner to Hecht Properties, LLC and added the signing officials title. Also, included is a revised 8.5x11 USGS topo of the area. The pump station was shown in an incorrect location on the previous submittal. According to the surveyor, this site is not within 100' of a downstream waterbody.

Please call me if you require any additional information. Thanks for your help with this matter.

Sincerely,

Latham-Walters Engineering, Inc.

Mitch Latham, P.E.



LATHAM-WALTERS ENGINEERING, INC.
CIVIL ENGINEERING LAND PLANNING SITE DEVELOPMENT
16507-A NORTHCROSS DRIVE
HUNTERSVILLE, NC 28078

IN DEPT. OF ENVIRONMENT
AND NATURAL RESOURCES

MOORESVILLE REGIONAL OFFICE

June 22, 2005

JUL 11 2005

IN DEPT. OF ENVIRONMENT
AND NATURAL RESOURCES
MOORESVILLE REGIONAL OFFICE

JUN 27 2005

WATER QUALITY SECTION

NCDENR
Ms. Dee Browder
610 E. Center Avenue, Suite 301
 Mooresville, NC 28115

Subject: Sewer Plans for Fairfield Forest Subdivision, Lincoln County, NC

WATER QUALITY SECTION

Dear Ms. Browder:

Attached are two Fast-Track Sewer Applications, a check for \$400.00, one original and two copies of the operational agreement, two copies of the flow acceptance letter and a USGS map. This material is submitted for your approval.

Please call me at (704) 895-8484 if you have any questions or require any additional information. Thanks for your assistance with this project.

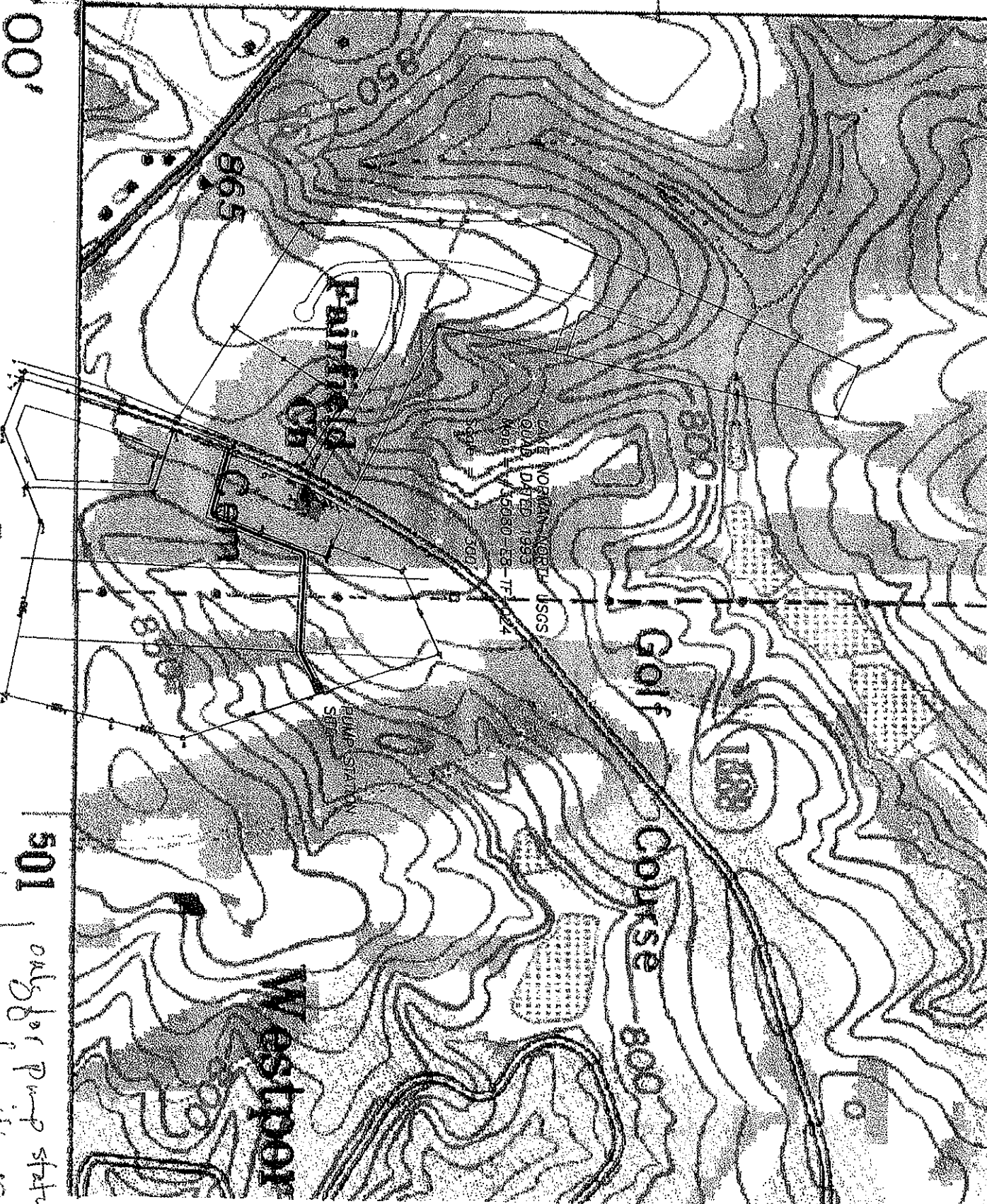
Sincerely,

Latham-Walters Engineering, Inc.

Mitch Latham, P.E.

PHONE: (704) 895-8484
MSLWE99@BELLSOUTH.NET

0' 1
31 b 00'



Produced by the United States Geological



Michael F. Easley, Governor

William G. Ross Jr., Secretary
North Carolina Department of Environment and Natural Resources

Alan W. Klimek, P.E., Director
Division of Water Quality

September 14, 2006

Latham-Walters Engineering
16507-A Northcross Drive
Huntersville, North Carolina 28078

SUBJECT: **Fairfield Forest Pump Station**
Permit No. WQ0029123
Wastewater Collection System Extension
Final Engineering Certification

Dear Permittee:

The Division received a final engineering certification for the subject project on September 11, 2006. A full review of the certification materials may or may not be conducted. It is assumed that receipt of this certification indicates compliance with all regulations, design criteria and the permit. Please be reminded that the Permittee is responsible for keeping a copy of the final record drawings for the life of the project. If you have not received a copy, please contact your consultant immediately to obtain a copy.

You are receiving this letter because the Division has you listed as the responsible party. If this permitted system is no longer owned by you, please complete Form PNOCF-S as this permit is not automatically transferable. Form PNOCF-S can be downloaded from <http://h2o.enr.state.nc.us/ndpu/ndpuapps.html#Sewer>.

If you have any questions concerning this document or the completion of Form PNOCF-S (if necessary), please contact Ms. Dee Browder at the letterhead address or via E-mail at dee.browder@ncmail.net.

Sincerely,

D. Rex Gleason, P.E.

Surface Water Protection Regional Supervisor

Enclosure

Cc: Surface Water Protection Section Central Files (certification page only)

Please forward original to Permittee

Fast Track Engineering Certification

Permit No. WQ0029123

July 27, 2005

Complete and submit this form to the permit issuing regional office with the following:

- One copy of the project record drawings (plan & profile views of sewer lines) of the wastewater collection system extension
- Supporting design calculations (selected pumps, system curve, operating point, available storage if portable generator(s) or storage greater than longest past three year outage reliability option selected) for any pump stations permitted as part of this project
- Changes to the project should be clearly identified on the record drawings or in written summary form. Permit modifications are required for any changes resulting in non-compliance with this permit, regulations or minimum design criteria.

This project shall not be considered complete nor allowed to operate until this Engineer's Certification and all required supporting documentation have been received by the Division. **Therefore, it is highly recommended that this certification be sent in a manner that provides proof of receipt by the Division.**

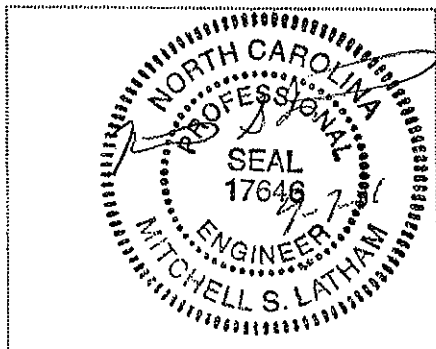
ENGINEER'S CERTIFICATION

☐ Partial

☒ Final

I, _____, as a duly registered Professional Engineer in the State of North Carolina, having been authorized to observe (☒ periodically, ☐ weekly, ☐ full time) the construction of the Fairfield Forest Pump Station, Lincoln County project for the Permittee hereby state that, to the best of my abilities, due care and diligence was used in the observation of the construction such that the construction was observed to be built within substantial compliance of this permit; 15A NCAC 2H .0200; the Division of Water Quality's (Division) Gravity Sewer Minimum Design Criteria adopted February 12, 1996 as applicable; the Division's Minimum Design Criteria for the Fast-Track Permitting of Pump Stations and Force Mains adopted June 1, 2000 as applicable; and other supporting materials.

North Carolina Professional Engineer's
seal, signature, and date:



**SEND THIS FORM & SUPPORTING DOCUMENTATION
WITH REQUIRED ATTACHMENTS TO THE FOLLOWING ADDRESS**

**MOORESVILLE REGIONAL OFFICE
SURFACE WATER PROTECTION
610 EAST CENTER AVENUE, SUITE 301
MOORESVILLE NC 28115**

The Permittee is responsible for tracking all partial certifications up until a final certification is received. Any wastewater flow made tributary to the wastewater collection system extension prior to completion of this Engineer's Certification shall be considered a violation of the permit and shall subject the Permittee to appropriate enforcement actions.

LATHAM-WALTERS ENGINEERING, INC.
RESIDENTIAL & COMMERCIAL SITE DESIGN
16507-A NORTHCROSS DRIVE
HUNTERVILLE, NC 28078

704-895-8484
704-895-8485 FAX

LETTER OF TRANSMITTAL

DE
the usual
In Bims
for

DATE	9-8-06	JOB NO.	2004.26
ATTENTION			
RE:	Fairfield Forest Pump Station		

TO Mooresville Regional Office Surface Water Protection
610 East Center Ave., Suite 301
Mooresville, NC 28115

WE ARE SENDING YOU ☒ Attached ☐ Under separate cover via _____ the following items:

- ☐ Shop drawings ☐ Prints ☒ Plans ☐ Samples ☐ Specifications
☐ Copy of letter ☐ Change order ☐ _____

COPIES	DATE	NO.	DESCRIPTION
1			Sewer plans (As-Built)
1			design calculations
1			Engineer's Certification

SEP 11 2006

THESE ARE TRANSMITTED as checked below:

- ☐ For approval ☐ Approved as submitted ☐ Resubmit _____ copies for approval
☐ For your use ☐ Approved as noted ☐ Submit _____ copies for distribution
☒ As requested ☐ Returned for corrections ☐ Return _____ corrected prints
☐ For review and comment ☐ _____
☐ FOR BIDS DUE _____ ☐ PRINTS RETURNED AFTER LOAN TO US

REMARKS _____

Please call with any questions.
Thank you

COPY TO file

SIGNED: Mitch Latham (RL)

If enclosures are not as noted, kindly notify us at once.

FAIRFIELD PUMP STATION

Hecht Properties, Inc.

885 North Highway 16
Denver, NC 28037

Latham-Walters Engineering, Inc.

16507-A Northcross Drive
Huntersville, NC 28078
14-Feb-05
Revised March 23, 2006

Design Data:

1. Force Main Discharge Elevation:	888.05
2. Force Main High Elevation:	888.05
3. Force Main Elevation at Pump Station	800.5
4. Force Main Length in Feet:	1275
5. Force Main Profile Provided:	Yes
6. Air Release Valve Provided:	Yes
7. Cover Over Force Main:	3'
8. Wet Well Fillets Provided:	Yes
9. Check & Gate Valves Provided:	Yes
10. Stream Classification:	"C"
11. Site Plan, Fencing, Lighting, 100 Year Flood Plain & Access Provided:	Yes
12. Foundation for Wet Well Provided:	Yes
13. Alarm System Provided:	Yes
14. Wet Well Vented with Screen:	Yes
15. Pump & Force Main Capacities:	

173 homes @ 360 gpd	62280 gpd
6 commercial lots	3600 gpd
(Assume 5000 sf/bldg. x 120gpd/1000sf)	

Total 65880 gpd

Q avg. =	65880 gpd	Design Daily Flow
	45.75 gpm	Design Flow

Q peak =	114.375 gpm	Peak Flow (2.5 P.F.)
----------	-------------	----------------------

Q pump=	140 gpm @	110 feet TDH
---------	-----------	--------------

16. Determine Total Dynamic Head

Static:	Hs	87.55
---------	----	-------

800.5 Elevation of Pumps in Wetwell
888.05 Elevation of Force Main High Point



Friction Line Losses

Hf	17.84474	
L	1275 FT	
Q	140 GPM	0.311943
C	130	
A	0.087266 S.F.	
D	4 INCHES	0.333333
VEL.	3.574603 FPS	

Minor Losses:

Hm	4.365082 $K \cdot V^2 / 2g$
	6 90 Degree Bend $K = 0.3$
	1 45 Degree Bend $K = 0.2$
	2 Valves $K = 10$
	22 Total K Value

Total Dynamic Head: 110 feet

15. Force Main Velocity ($V=Q/A$): 3.58 fps
 Force Main Diameter: 4 inches
 Force Main Area (sf) 0.09 sf

16. Wetwell Capacity & Dimension

Determine Active Volume within Pump Station

t	20	Allowable Cycle Time
qddf	45.75	Design Daily Flow in gpm
q	140	Pumping Rate in gpm
v	615.9911	Active Volume within Pump Station (gallons)
v	82.35175	c.f.

Average Daily Flow Pump Cycle

$$V=(Q-S) \times S \times T / Q$$

V	615.9911	EFFECTIVE VOLUME, GALLONS
T	20	CYCLE TIME, MINUTES
Q	140	PUMPING RATE (GPM)
S	45.75	INFLOW RATE (GPM) for Design Daily Flow
V	615.9911	
T	20	
V IN CF	82.35175	

AREA OF BASIN FOR VARIOUS DIAMETERS

Dia. (Ft.)		Effective Depth	
6	28.27433 S.F.	2.91 FT.	Use 6' dia. W.W.
8	50.26548 S.F.	1.64 FT.	
10	78.53982 S.F.	1.05 FT.	
12	113.0973 S.F.	0.73 FT.	
14	153.938 S.F.	0.53 FT.	

Peak Flow Pump Cycle

$$V=(Q-S) \times S \times T / Q$$

V	615.9911	EFFECTIVE VOLUME, GALLONS
T	24.28235	CYCLE TIME, MINUTES
Q	140	PUMPING RATE (GPM)
S	114.375	INFLOW RATE (GPM) for Design Daily Flow

V	508.344
T	29.42439

V IN CF 67.96042

17. Pumps: Fairbanks Morse 4" 5433 MV, 15 HP, 1770 RPM,
460 volt, 3 Phase submersible motors. Pump capacity of 140 gpm @ 108' TDH.

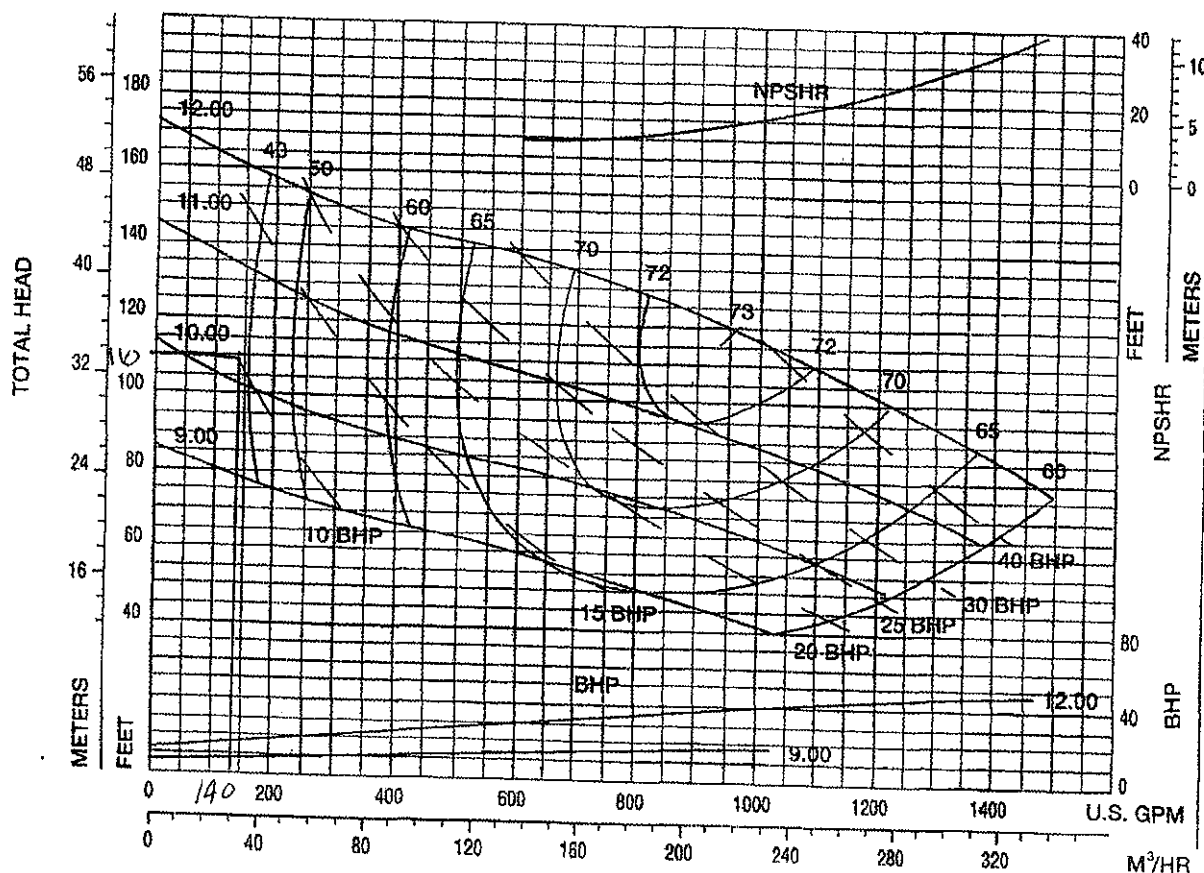
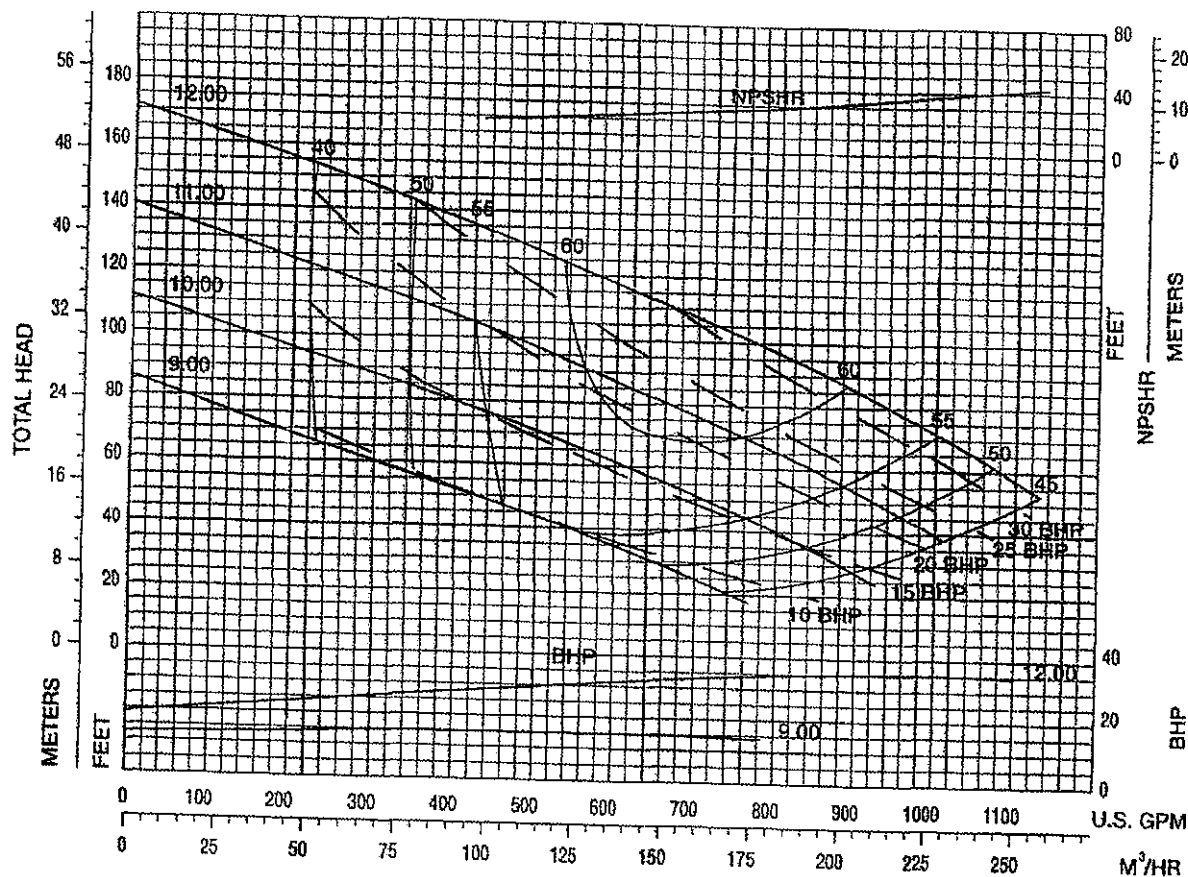
Page

18. Bouoyancy Calculations:

Depth of Wetwell:	22 feet	
Diameter of Wetwell:	6.67 feet	(Exterior Diameter)
	6 feet	(Interior Diameter)
Volume of Water Displaced:	768.713008 cubic feet	
Weight of Water Displaced:	47967.6917 lbs	
Buoyant Weight of Concrete Anchor:	87.6 pcf	
Volume of Concrete Required:	20.28 c.y.	
Volume of Concrete in Wetwell:	5.43 c.y.	
Weight of Soil Above Footing:	186117.97 lbs.	
Equivalent C.Y. of Concrete	1240.79 cy	
Volume of Concrete Req'd for Anchor	14.85 c.y.	
Anchor Dimensions:	12 Thickness (inches)	

10.00 Width & Length

Weight of soil above footing is sufficient for anchor. Use a nominal footing depth of 10'x10'x12" concrete anchor.



Chairman Anderson opened the public hearing on the Annexation of the Dennis Fischer Property.

Being no speakers, Chairman Anderson closed the public hearing.

Public Hearing – Hecht Properties Property – PID# 83669: This request for voluntary annexation is for Fairfield Forest Subdivision on Fairfield Forest Road. A section of the property is contiguous with the existing district boundary. The property is owned by the petitioners.

Chairman Anderson opened the public hearing on the Annexation of the Hecht Properties Property.

Being no speakers, Chairman Anderson closed the public hearing.

Annexation Resolutions – Steve Gilbert:

Steve Gilbert stated that these are the three resolutions annexing this real property into the East Lincoln County Water and Sewer District based on the fact that the public hearings have now been held, and there were no adverse comments. Mr. Gilbert recommended that these resolutions be approved that will make the annexation for this property effective July 1, 2006.

**RESOLUTION ANNEXING CERTAIN CONTIGUOUS REAL PROPERTY
TO THE**

**EAST LINCOLN COUNTY WATER AND SEWER DISTRICT
LINCOLN COUNTY, NORTH CAROLINA**

PROPERTY OF HECHT PROPERTIES & THE SCHREINER GROUP

WHEREAS, Hecht Properties, LLC and the Schreiner Group, LLC are the owners of certain real property (described on Exhibit A attached hereto and incorporated herein by reference) that is contiguous to the East Lincoln County Water and Sewer District and has petitioned the Lincoln County Board of Commissioners, pursuant to North Carolina General Statute 162A-87.1, for annexation of said real property into the District; and

WHEREAS, Hecht Properties, LLC and the Schreiner Group, LLC are the owners of 100 percent of the real property to be annexed; and

WHEREAS, after notice was duly given in accordance with the pertinent sections of Article 6 of Chapter 162A of the North Carolina General Statutes, the Lincoln County Board of Commissioners held a public hearing on June 19, 2006, to consider the annexation of said real property; and

WHEREAS, at said public hearing all persons who wished to speak were given an opportunity to be heard; and

WHEREAS, prior to the public hearing the professional staff of Lincoln County prepared the report on the proposed annexation required by North Carolina General Statute 162A-87.1; and

WHEREAS, the Lincoln County Board of Commissioners finds that the proposed annexation meets the requirements of North Carolina General Statute 162A-87.1; and

WHEREAS, the Lincoln County Board of Commissioners further finds that the proposed annexation would be in the best interests of the citizens of Lincoln County and particularly of the East Lincoln County Water and Sewer District;

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Lincoln County Board of Commissioners that the real property described on Exhibit A (attached hereto and incorporated herein by reference) be the same and is hereby annexed into the East Lincoln County Water and Sewer District, effective at the beginning of the next fiscal year on July 1, 2006.

Adopted this 19th day of June, 2006.

Thomas R. Anderson, PE, Chairman
Lincoln County Board of

Commissioners

ATTEST:

Amy Atkins
Clerk to the Board

**RESOLUTION ANNEXING CERTAIN CONTIGUOUS REAL PROPERTY
TO THE
EAST LINCOLN COUNTY WATER AND SEWER DISTRICT
LINCOLN COUNTY, NORTH CAROLINA
PROPERTY OF DENVER LAND MANAGEMENT, LLC**

WHEREAS, Denver Land Management, LLC is the owner of certain real property (described on Exhibit A attached hereto and incorporated herein by reference) that is contiguous to the East Lincoln County Water and Sewer District and has petitioned the Lincoln County Board of Commissioners, pursuant to North Carolina General Statute 162A-87.1, for annexation of said real property into the District; and

WHEREAS, Denver Land Management, LLC is the owner of 100 percent of the real property to be annexed; and

WHEREAS, after notice was duly given in accordance with the pertinent sections of Article 6 of Chapter 162A of the North Carolina General Statutes, the Lincoln County Board of Commissioners held a public hearing on June 19, 2006, to consider the annexation of said real property; and

WHEREAS, at said public hearing all persons who wished to speak were given an opportunity to be heard; and

WHEREAS, prior to the public hearing the professional staff of Lincoln County prepared the report on the proposed annexation required by North Carolina General Statute 162A-87.1; and

WHEREAS, the Lincoln County Board of Commissioners finds that the proposed annexation meets the requirements of North Carolina General Statute 162A-87.1; and

June 19, 2006
ELWS Minutes

NORTH CAROLINA

AGREEMENT

LINCOLN COUNTY

THIS AGREEMENT, made and entered into this the 2nd day of ~~October~~ ^{November}, 2006, by and between **EAST LINCOLN COUNTY WATER & SEWER DISTRICT**, a body corporate (hereinafter called the "District"), and **A. WALTON SHANKLIN, HECHT PROPERTIES, LLC**, a North Carolina Limited Liability Company and **THE SCHREINER GROUP, LLC**, a North Carolina Limited Liability Company, hereinafter collectively called "Fairfield";

WITNESSETH:

WHEREAS, Fairfield has established Fairfield Forest Subdivision (by Hecht/Schreiner), Fairfield Commons (by Hecht/Schreiner) and a new planned unit development project in eastern Lincoln County (by Shanklin), which projects are in need of public sewer service provided by the District; and

WHEREAS, as a prerequisite for obtaining approval of the Lincoln County Subdivision Administrator and the Board of Commissioners for Fairfield Forest Subdivision, Fairfield Commons and a new planned unit development (PUD) project, Fairfield entered into an agreement with Lincoln County for Fairfield to install all necessary infrastructure to serve the said subdivisions, including sewer lines and facilities (and including upgrading a lift station and constructing a new pump station), and to convey such infrastructure to the District for the use and benefit of the public in general and the citizens of the District in particular; and

WHEREAS, Fairfield has expended substantial sums for engineering and construction to install the above-referenced improvements to serve the subdivisions, all of which has been done in close consultation with the appropriate representatives of the District and its consulting engineers in order to ensure that the sewer facilities as constructed in the subdivisions would be both compatible with the existing system of the District as well as adequate to serve the needs of Fairfield in its Fairfield Forest Subdivision, Fairfield Commons and a new planned unit development (PUD) project;

WHEREAS, the sewer infrastructure constructed by Fairfield includes a pump station, known and designated by the District as Pump Station 27, which pump station has a capacity of 199 gallons per minute of sewage at its current operational settings; and

WHEREAS, the pumps and wetwells making up the pump station have been sized large enough to include all the flow for the Fairfield projects at completed buildout; and

WHEREAS, the pump station has not been designed to serve or accommodate additional sewer flow than that set forth in the preceding paragraphs without upgrading the pump station with larger pumps, together with improvements, including, but not limited to force mains for ingress and egress and improvements to the pump stations between Pump Station 27 and Highway 16 along Fairfield Forrest Road and Lakeshore Road South; and

WHEREAS, since it has expended the funds to construct the said pump station to capacity in excess of what it currently is using with the intent of having such additional capacity available for its use in the future, Fairfield desires to be assured that the District will be capable of providing capacity for the Fairfield projects; and

WHEREAS, the District recognizes the equitable interest of Fairfield in receiving the full benefit of its investment, as well as the benefit to the District of receiving the said pump station and facilities as constructed to the District's requirements;

NOW, THEREFORE, the parties enter into this agreement, based upon the mutual promises and covenants set forth herein, under the following terms, conditions, and provisions:

1. Contemporaneously with the execution of this agreement, Fairfield will convey to the District full, unrestricted ownership in fee simple in the easements, lines, and other sewer infrastructure, including the site on

which Pump Station 27 is located, as more fully described on Exhibit A attached hereto and incorporated herein by reference.

2. The District hereby agrees that it has a responsibility to Fairfield to maintain or make available to it capacity of 199 gallons per minute from Pump Station 27 to serve its current and future sewer needs and that Fairfield shall not be responsible for constructing, having constructed, or paying for any future upgrades that might be needed at a future time in order to give it the full benefit of 199 gallons per minute of capacity from Pump Station 27. The parties specifically agree, however, that any future needs of Fairfield Forest Subdivision (by Hecht/Schreiner), Fairfield Commons (by Hecht/Schreiner) and/or a new planned unit development project in eastern Lincoln County (by Shanklin) in excess of 199 gallons per minute of capacity from Pump Station 27 shall require the financial participation of the party requiring the need, whether it be Fairfield Forest Subdivision (by Hecht/Schreiner), Fairfield Commons (by Hecht/Schreiner) or a new planned unit development project in eastern Lincoln County (by Shanklin)) to the extent necessary to pay for any upgrades or expansion of the pump station and the engineering, plans, and designs thereof that may be needed in order to meet such demand in excess of 199 gallons per minute.

3. Fairfield hereby agrees that the District may make such commitments as it deems necessary or expedient to other customers to serve them out of the capacity currently available from Pump Station 27, subject to its obligation to serve Fairfield Forest Subdivision (by Hecht/Schreiner), Fairfield Commons (by Hecht/Schreiner) and a new planned unit development project in eastern Lincoln County (by Shanklin) needs as set forth in Paragraph 2 above, and that the District may connect and serve such customers at any time.

4. Nothing contained herein shall prevent the District from making such upgrades to Pump Station 27 and/or the other infrastructure and facilities covered by this agreement as it may deem necessary and expedient, subject to its obligation to serve Fairfield's needs as set forth in Paragraph 2 above. Any other improvements or connections to the aforesaid facilities shall be made only with the approval and supervision of the District.

This agreement entered into the day and year first above written, and by their signatures hereto affixed, the undersigned, their successors and assigns warrant that they are made by and with the consent of the appropriate officials of each entity.

EAST LINCOLN COUNTY
WATER & SEWER DISTRICT
By: Thomas R. Anderson
Thomas R. Anderson, PE, Chairman
Governing Body

A. Walton Shanklin (SEAL)
A.. Walton Shanklin

Attest::

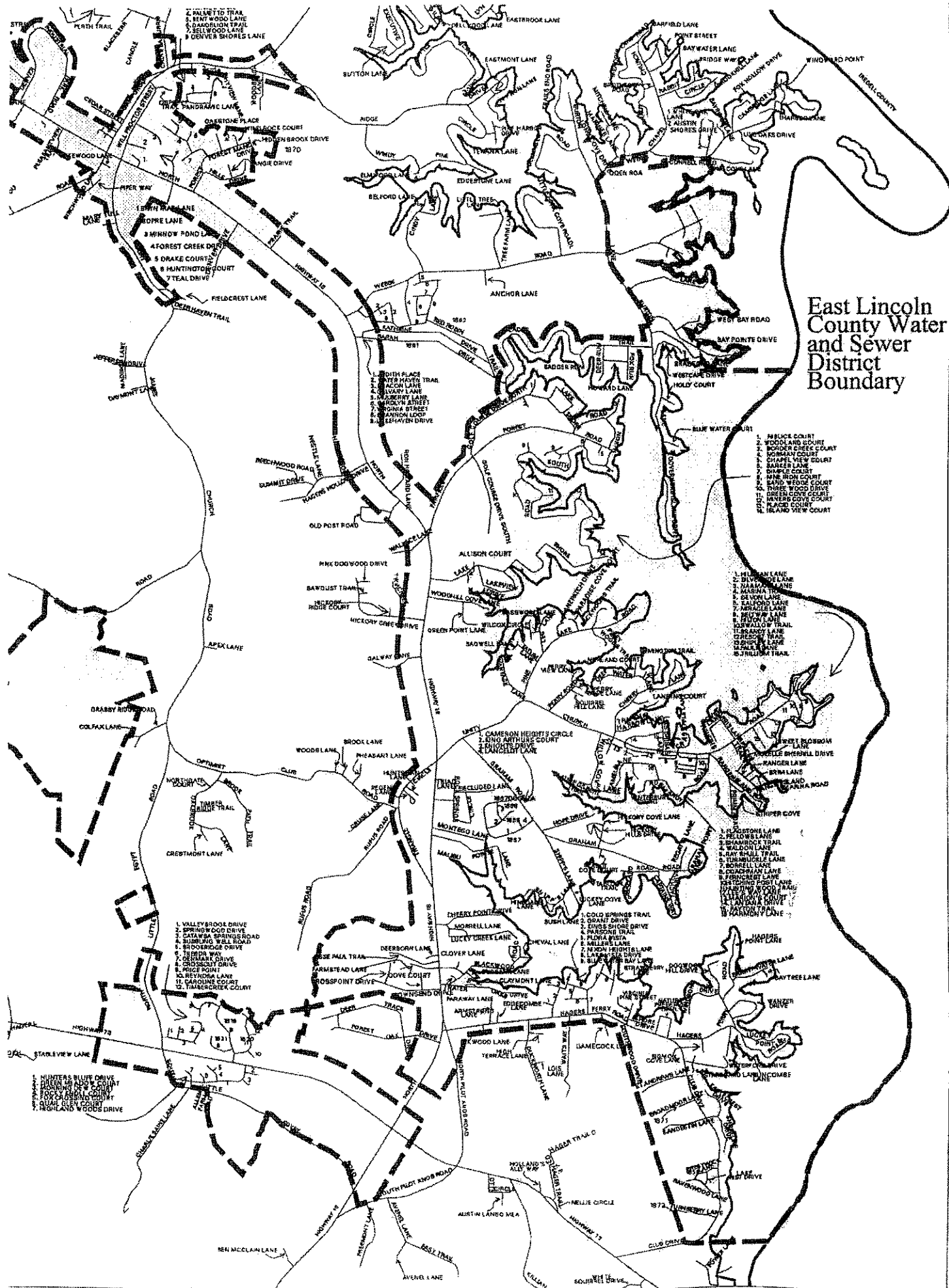
Amy S. Long
Amy S. Long, Clerk to the
Lincoln County Board of Commissioners
acting as the governing body of the
East Lincoln County Water & Sewer District

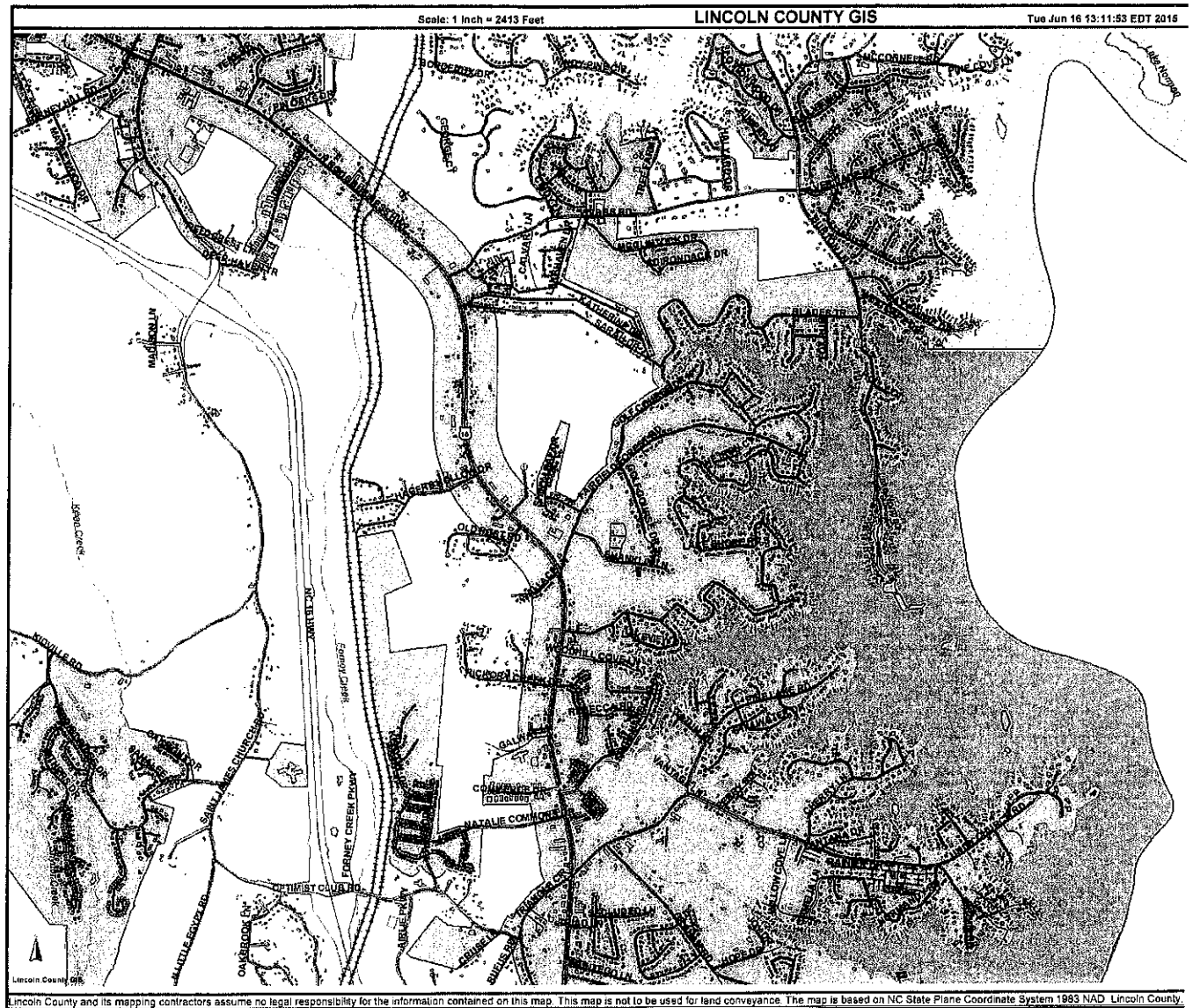
HECHT PROPERTIES, LLC, a North Carolina
limited liability company

By: Robert V. Hecht (SEAL)
Robert V. Hecht, Manager

THE SCHREINER GROUP, LLC, a North Carolina
limited liability company

By: Stephen M. Schreiner (SEAL)
Stephen M. Schreiner, Manager





**SERVICE AGREEMENT
FOR MAIN SEWER COLLECTION SYSTEM IN
FAIRFIELD FOREST DEVELOPMENT**

THIS MAIN SEWER COLLECTION SYSTEM (the "System") SERVICE AGREEMENT (the "Agreement") is made by and between Fairfield Forest Owners Association, Inc. (the "Association"), and McCall Brothers, Inc. ("McCall") for the maintenance of the Main Sewer Collection System located on the public right-of-way at Fairfield Forest Development.

WHEREAS, HECHT Properties has developed a residential community off Fairfield Forest Road, Denver, NC know as Fairfield Forest Development ("Fairfield Forest").

WHEREAS, the sewer service at "Fairfield Forest" shall be provided by pumping the sanitary sewer wastewater into the "System" operated by the "Association", which pumps into and is treated by the Lincoln County system operated by Lincoln County Utility Department; and

WHEREAS, McCall has installed, or will install, individual home grinder pump units and 1 1/2" diameter pump lines from the grinder pump units (the "Pump Unit") to the valve box (green box) at the public right-of-way on the lots being developed and presently constructed; and

WHEREAS, the "System" starts at the valve box on each lot and ends at the tap into the Lincoln County System.

NOW, THEREFORE, in consideration of the terms and mutual obligations set forth below, the Association and McCall hereby agree as follows:

1. Scope of Services.

McCall shall provide complete operation and maintenance services for the "System" on a year-round basis with both annual and monthly inspections and shall be available 24-hours per day, 365 days per year to perform emergency service. The scope of services included shall be as follows:

A. Annual McCall shall inspect the "System" annually; to make sure it operates properly and at maximum capacity. This inspection includes the following:

- a) Check all valve boxes individually in the "Fairfield Forest" "System" (i.e. ball valves, check valves, and test spigot)
- b) Check all air relief valves on the main line
- c) Check lines for leaks/breaks
- d) Flush system via high-pressure water pump to remove any build-up (if needed)

At the annual inspection, worn or defective parts shall be replaced as necessary for preventative maintenance. A full inspection report shall be submitted to the

"Association" upon completion of each annual inspection of the "System". The annual inspection for the "System" shall be conducted within two weeks of the anniversary of the original contract of the "System" Service Agreement.

B. Monthly McCall shall inspect the "System" monthly; to make sure it operates properly and at normal capacity.

- a) Check all air relief valves on the main line
- b) Check lines for leaks/breaks
- c) Visually inspect all valve boxes

McCall Brothers will provide emergency service and/or repair in the "System".

C. Emergency McCall shall respond to emergency calls for the "Association" and shall maintain a 24-hours per day, 365 days per year emergency service availability. The maximum response time to any service call shall not be longer than two (2) hours. McCall Brothers Inc. shall assist the "Association" until service is completely restored. McCall shall further provide repair and/or maintenance as necessary to all components of the "System".

- a) Leaks
- b) Breaks
- c) Valve Boxes (Green Box Replacement)
- d) Line Flushing etc.

McCall shall provide a service report to the "Association" upon completion of all emergency calls. If, upon responding to an emergency, McCall discovers that the problem exists in (i) house plumbing (ii) from home to the pump unit, or (iii) Lincoln County Utility Department, then McCall shall notify the "Association" and assist with restoring service, or finding an acceptable contractor or county personnel to assist with the restoration of sewer service as appropriate; McCall shall assist the "Association" until full service is restored.

D. Reporting of Overflows and Spills. McCall shall immediately upon becoming aware of a spill or an overflow (or any similar leakage) from the "System" take immediate action to correct this problem.

2. Stocking Required.

McCall shall maintain at its primary place of business at 6740 Brookshire Boulevard, Charlotte, North Carolina, a sufficient stock of spare parts, (i.e. valve box, ball valves, check valves, and test spigot) as necessary to effectively respond to the annual/monthly inspection requirements or to any and all emergencies. Stock shall include, at a minimum, valves, valve boxes, pipe, fittings, ball valves, check valves and test spigots.

3. Compensation.

A. Annual For each annual inspection visit McCall shall receive from the "Association" a lump sum payment of \$550.00. This lump sum payment includes the first two hours on site. This annual fee will replace the Monthly Charge for that month.

In addition, McCall shall be paid by the "Association" the actual cost of any replacement parts, plus 35% of the actual cost of such parts for overhead and profit.

Annual Inspection Fee	\$550.00/ls.
(first 2 hours on site)	
On-Site Time - Crew Rate	\$130.00/hr.
(after the first 2 hours on site)	
Parts	Cost plus 35%

B. Monthly For each Monthly inspection visit McCall shall receive from the "Association" a lump sum payment of \$400.00 (except the month McCall completes the annual inspection). This monthly charge is for stand-by 24-hour per day, 7 days per week on a year round basis and for inspections as outlined Section 1.B.

Monthly Inspection Fee	\$425.00/ls.
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C. Emergency For each emergency call response, McCall shall be compensated directly by the Association as follows:

Travel Time - 2 man crew	\$75.00/per round trip
On-Site Time - Crew Rate	\$130.00/hr.
Trencher	\$50.00/hr.
Back-Hoe (if needed)	\$75.00/hr.
Parts	Cost plus 35%
Dump Truck Trailer and driver to deliver backhoe if needed	\$125.00/hr

Each call will be a separate call and will be handled with extreme care and urgency. Each invoice shall provide a detailed breakdown of all costs at the rates listed above. An inspection report and/or detailed breakdown shall accompany each invoice. McCall shall submit a separate invoice to the "Association" for each annual or monthly inspection and each emergency calls within thirty (30) days following the completion of such inspection or call. The first two hours of the first response in any month is covered in the \$425.00 per Month Fee. The "Association" shall pay all invoices for annual inspections, monthly inspections, emergency calls or replacement part costs within thirty (30) days following the receipt of an invoice subject to resolution of any invoicing questions.

The "Association" hereby acknowledges that it is solely responsible for all costs and expenses with respect to replacing worn or defective parts in the "System".

The above hourly rates and mileage rates shall be increased or decreased on an annual basis by the percentage change during the previous year in the Consumer Price Index (CPI), All Urban Consumers, U.S. City Average, All Items (1982-84=100) issued by the U.S. Bureau of Labor Statistics.

4. Term.

This Agreement shall continue full force and effect for five (5) years from the date hereof, unless sooner terminated as provided below.

5. Termination.

In the event the "Association" determines, in its sole discretion, that McCall has failed to satisfactorily perform its duties under this Agreement, the Association shall have the right to terminate this Agreement upon thirty (30) days prior written notice to McCall at the address specified below. McCall shall have the right to terminate this Agreement with ninety (90) days written notice to the "Association". Likewise, should the Lincoln County Utility Department agree at any time to assume the responsibilities for maintenance and service of the referenced sewer main lines, then the Association shall have the right to terminate this Agreement upon thirty (30) days prior written notice to McCall at the address specified below.

6. Delivery of Agreement.

"Association" acknowledges that it has received one (1) fully executed copy of this Agreement.

7. Governing Law.

This Agreement shall be constructed and enforced in accordance with the laws of the State of North Carolina.

8. Amendment.

Any amendment to this Agreement shall be in writing and executed by each party hereto.

9. Integration.

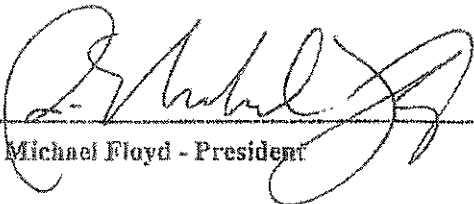
The entire Agreement between the parties with respect to the matters contained herein are contained in the provisions of this agreement, and any stipulations, representations, promises, or agreements, written or oral, made prior to or contemporaneous with this agreement shall have no legal effect unless contained herein.

{Signatures Begin on Following Page}

IN WITNESS WHEREOF, the undersigned have executed this Agreement effective the 1st day of March, 20 15.

McCall Brothers, Inc.

Address: P.O. Box 668710
Charlotte, NC 28266-8710
Telephone: 704-399-1506
Fax: 704-398-2605


J. Michael Floyd - President

Signed before me on this date: _____

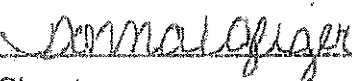
Notary Public: _____

Printed Name: _____

In the county of _____, State of _____

My Commission Expires: _____

Fairfield Forest Owners Association, Inc.


Signature

Donna L. Geiger President Fairfield
Printed Name and Title Forest HOA

Signed before me on this date: _____

Notary Public: _____

Printed Name: _____

In the county of _____, State of _____

My Commission Expires: _____

FW: Fairfield Forest Pressure Sewer

From: Sifford, Barbara
 To: glingafeldt@americashomeplace.com
 Date: Tuesday, April 01, 2014 3:17:26 PM
 Subject: FW: Fairfield Forest Pressure Sewer

Glen here is official information from Raleigh on what to do. I talked to Chris with Lincoln county and we have an understanding as well. In order to separate the lines in the one permit they will have to be separated out. Lincoln county will help you prepare the permit application to only have the simplex stations in your name. The rest can be transferred by the name change form. Each party has to sign the transfer ownership forms.

From: Gore, Deborah
 Sent: Tuesday, April 01, 2014 9:46 AM
 To: Leggett, Michael; Sifford, Barbara
 Subject: RE: Fairfield Forest Pressure Sewer

A new permit will be issued for the simplex pump stations so a permitting fee of \$480 should be submitted. Unfortunately there is not a modification fee for sewer extension permits.

From: Leggett, Michael
 Sent: Tuesday, April 01, 2014 9:38 AM
 To: Sifford, Barbara
 Cc: Gore, Deborah
 Subject: RE: Fairfield Forest Pressure Sewer

Based on the emails and permits, I've put together a summary table:

WQ0023952: Fairfield Forest Pressure Sewer		
Pumps/Force Main	Current Owner (per DWR records)	Change to
6 Simplex (6 Commercial Lots)	Fairfield Forest Owners Association	?
812 Linear Feet of 2" Force Main	Fairfield Forest Owners Association	Lincoln County
51 Simplex (51 Homes)	Fairfield Forest Owners Association	No Change
602 Linear Feet of 2" Force Main	Fairfield Forest Owners Association	Lincoln County
1,041 Linear Feet of 2.5" Force Main	Fairfield Forest Owners Association	Lincoln County
2,582 Linear Feet of 3" Force Main	Fairfield Forest Owners Association	Lincoln County
WQ0029123: Fairfield Forest Pump Station		
Pumps/Gravity/Force main	Current Owner (per DWR records)	Change to
1 Duplex (140 GPM)	Hecht Properties, LLC	Lincoln County
1,235 Linear Feet of 4" Force Main	Hecht Properties, LLC	Lincoln County

I'm unclear who is/will be the owner for the 6 commercial simplex units. They are currently permitted to the Fairfield Forest OA. Who will they be transferred to? Everything else can be submitted using our Change of Ownership Form (<http://portal.ncdenr.org/web/wq/swp/ps/cs/pnoc>) and the required supporting documentation. We can modify permit WQ0023952 and WQ0029123 to change the permits to Lincoln County and create a new permit for the 51 simplex pumps in the Fairfield Forest Owners Association.

Deborah, should we require a fee for any of this?

Michael W. Leggett, P.E.

Document from Commissioner Martin Oakes

Re: Fairfield Forest

The current case is about a development in which the county PERMITTED a private sewer system to be built. It was built to county standards and a county engineer, at least casually, watched the construction, as the water lines were installed by the same contractor and those were taken over by the county water system.

The homeowners are part of the East Lincoln Sewer District and have paid those extra taxes, just like the rest of us in the district. They paid the tap and capacity fees at the time, and pay the same sewer rates as the rest of the customers, despite having to pay extra for separate maintenance and inspection.

The pump station built as part of the development was taken over by the county and used to handle other nearby developments. The county failed to get the DENR permit for that pump station properly amended.

No one is asking for the county to own or maintain grinder pumps – every sewer customer who has one maintains it themselves.

Low pressure systems were the only configuration built BY THE COUNTY in the early days of the system, and still one-third of the customers are on low-pressure systems that the county ALREADY MAINTAINS. Customers who live close to the lake just can't economically do a gravity system since their houses are below the elevation of the main trunks in the system.

Therefore, the county should adopt the following policy:

County Policy -- Integrating 'Private' Sewer Systems

Henceforth, the County Sewer System and the Planning & Inspections Department shall NOT approve a private sewer system which connects to the county sewer system. All proposed sewer systems shall be built, under county supervision, to county standards and ownership turned over to the County when complete. Grinder pumps, where used, shall remain owned and maintained by either the property owner or a Home Owners Association.

Low pressure systems should be discouraged, and only approved where the geography does not permit gravity systems (normally along Lake Norman)

A private sewer system MAY be integrated into the County's Sewer System IF the following conditions are met (or already exist):

- 1) The private sewer system is already connected to the county sewer system.
- 2) The engineering plans for the system are available and copies provided to the county public works department, and an engineer's certificate confirming the design is provided by the original engineer, and is reviewed as to whether the design meets county standards by an engineer certified by the county perform such a review. This review shall be performed at the expense of the owners of the private sewer system.
- 3) All maintenance and inspection records shall be provided to the county. All maintenance shall have been provided by a licensed ORC.
- 4) The original system installation was done by a contractor certified to the same level as a contractor who could be employed by the county.
- 5) At least one 3-foot section of pipe per 1,000 feet shall be exposed for inspection by a county engineer. The county may choose to have an outside engineer inspect the pipe. All costs of this inspection, including the engineer, shall be borne by the private sewer system.

- 6) The pump station, if any, not owned and operated by the county, shall similarly be inspected under the same terms as in (4) and will be taken over only when it meets county standards.
- 7) The private sewer system amends its DENR permits to be in current and in compliance, with any grinder pumps removed from the permit and the ownership of those pumps moved (as necessary) to the home owners or the Home Owners Association.
- 8) The county sewer system will NOT own or maintain grinder pumps.
- 9) The private sewer customers have paid and are current with:
 - a. Tap fees on the county schedule
 - b. Capacity fees on the county schedule
 - c. Current sewer charges
 - d. East Lincoln Sewer District.

If not, such amounts shall be collected in arrears plus the same interest rate charged by the tax department for late payments.

- 10) IF the county public works department can document that the sewer lines and trunks are more expensive to maintain than SIMILAR lines and trunks installed by the county, a surcharge may be applied in future years to recover any additional costs.