

## Public Records Request #3417

The following materials have been gathered in response to public records request #3417. These materials include:

- City of Charlotte Stormwater Pollution Control Ordinance Enforcement Guidance – October 2018

This information was provided as a response to a public records request on 2/25/20 and is current to that date. There is a possibility of more current information and/or documents related to the stated subject matter.

### Further Information

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For further information about this request or the Citywide Records Program, please contact:

Cheyenne Flotree  
Citywide Records Program Manager  
City of Charlotte/City Clerk's Office  
600 East 4<sup>th</sup> Street, 7<sup>th</sup> Floor  
Charlotte, NC 28202  
Cheyenne.Flotree@charlottenc.gov

Amelia Knight  
Public Records Specialist  
City of Charlotte/City Clerk's Office  
600 East 4<sup>th</sup> Street, 7<sup>th</sup> Floor  
Charlotte, NC 28202  
Amelia.Knight@charlottenc.gov

**City of Charlotte**  
**Stormwater Pollution Control Ordinance**  
**Enforcement Guidance**

**October 2018**

The purpose of this document is to provide guidance for Charlotte-Mecklenburg Storm Water Services (CMSWS) staff in enforcement response and remedies for violations of the Charlotte Stormwater Pollution Control Ordinance (City Code Chapter 18, Sections 18-76 through 18-85). Staff will use best professional judgment in determining the appropriate enforcement response for each case within these guidelines, recognizing that from time to time cases with unique circumstances may arise requiring a unique response.

Violations are categorized into five classes based on their overall level of scope and severity. This level is affected by three factors, which shall be considered for each case: **(1) type of substance discharged; (2) amount/volume discharged; and (3) impact that the discharge had on the overall environment, water quality, habitat, wildlife, public health and/or property.** Table 1 shows the violation classes and corresponding level of scope and severity.

**Table 1:** Violation Classes

<b>Violation Class</b>	<b>Scope and Severity of Violation</b>
I	Negligible
II	Minor
III	Moderate
IV	Significant
V	Severe

The first level of enforcement response for every case is the issuance of a written Notice of Violation (NOV). The second level of response is the issuance of a Civil Penalty Assessment, when deemed appropriate. The third level of response is the issuance of additional Civil Penalty Assessments, and/or the issuance of a Compliance Agreement, Compliance Order, Cease and Desist Order, local permit withholdings, or the initiation of civil action to seek injunctive relief, when deemed appropriate. In most cases, for a first offense that is a Class I, II or III violation, it is recommended that no civil penalty assessment be issued. For a first-time violator who committed a lesser violation, it is usually appropriate and sufficient to issue a written NOV as an enforcement remedy to gain compliance, and to serve as a warning and means of education.

Civil penalty assessments generally are not issued for violations that are the result of circumstances beyond the control of the violator provided that 1.) the violator promptly responds to address the violation and mitigate any harm caused by the violation; 2.) the violation was not caused as a result of negligence on the part of the violator; 3.) the violation did not cause significant harm to the environment or human health; and, 4.) the appropriate regulatory authorities were notified. These circumstances typically would include violations caused by acts of nature, vehicle accidents, vandalism, fire, etc. Note that poor planning, protection, security and other associated variables could be considered factors in determining negligence.

For cases where a civil penalty assessment is warranted, staff shall consider any relevant aggravating and mitigating factors including, but not limited to, the following:

Aggravating Factors:

- Degree and extent of harm caused by the violation;
- Amount of money saved through non-compliance;
- Whether the violation was committed willfully; and
- Prior record of the violator in complying or failing to comply with this article or any other water pollution control ordinance or regulation.

Mitigating Factors:

- Cost of rectifying the damage;
- Whether the violator took reasonable measures to comply with this article;
- Knowledge of the requirements by the violator and/or reasonable opportunity or obligation to obtain such knowledge;
- Whether the violator voluntarily took reasonable measures to restore any areas damaged by the violation;
- Whether the violator reported the violation to an appropriate authority; and
- Technical and economic reasonableness of reducing or eliminating the discharge.

Staff will utilize the *Civil Penalty Assessment Worksheet* shown in **Appendix A** to detail the circumstances of the case and determine the total civil penalty amount. The first step is to determine a per day base penalty amount based on the violation class and the overall scope and severity of the violation. This determination includes a review of the three class consideration factors discussed on page one, and a consideration of the aggravating factor “*degree and extent of harm caused by the violation.*” In addition, staff should review and consider per day base penalty amounts utilized from past penalty enforcement cases with similar circumstances within the past five years. A maximum per day base penalty amount for each violation class is shown in **Table 2**.

**Table 2: Maximum Per Day Base Penalty Amounts**

<b>Violation Class</b>	<b>Scope and Severity of Violation</b>	<b>Maximum Per Day Base Penalty</b>
I	Negligible	\$100
II	Minor	\$500
III	Moderate	\$1,000
IV	Significant	\$2,500
V	Severe	\$5,000

Upon determining the per day base penalty amount, staff will review the additional aggravating and mitigating factors for the case to determine an adjusted per day penalty amount, as follows:

1. *Amount of money saved through non-compliance* – In almost every case it is not possible to accurately determine the actual amount of money that a violator would have saved through non-compliance with the ordinance. Therefore, to address this aggravating factor, staff will review the circumstances of each case and use best professional judgment to make a yes or no determination of whether or not money would have been saved by non-compliance. A yes determination will result in an increase of 15% to the per day base penalty.
2. *Whether the violation was committed willfully* – To address this aggravating factor, staff will review the circumstances of each case and use best professional judgment to make a yes or no

determination of whether the violation was committed willfully and/or intentionally. A yes determination will result in an increase of 25% to the per day base penalty.

3. *Prior record of the violator in complying or failing to comply* – To address this aggravating factor, staff will review the environmental file record to determine if the violator had any prior documented violations of the City ordinance or any other water pollution control regulation within the past three years. If prior violations are discovered during the review period, an increase of 50% to the per day base penalty for each prior violation will result, up to a maximum of 200%. (Note: The prior record of the violator is only considered in this factor, not the facility or location record. For example, if a restaurant changed ownership, any prior violations at the location from the previous ownership would not be considered against the violator, provided the ownership change actually involved new personnel.)
4. *Cost of rectifying the damage* – To address this mitigating factor, when a violator provides proper documentation showing costs to mitigate the violation, staff will review the documentation to confirm validity and relevance to the case and the violation mitigation. For confirmed relevant costs, a decrease of 1% to the per day base penalty for every \$100 in reported relevant costs will result, up to a maximum of 50%.
5. *Whether the violator took reasonable measures to comply with this article* – To address this mitigating factor, when a violator takes timely and proper action to address and mitigate a violation and is generally cooperative with CMSWS, staff will review the circumstances of each case and use best professional judgment to make a yes or no determination of whether or not reasonable measures were implemented to comply with the ordinance. A yes determination will result in a decrease of 10% to the per day base penalty.
6. *Knowledge of the requirements by the violator* – To address this mitigating factor, staff will review the circumstances of each case and use best professional judgment to make a yes or no determination of whether or not the violator had prior knowledge of the ordinance requirements or had reasonable opportunity to obtain the knowledge. A no determination will result in a decrease of 10% to the per day base penalty.
7. *Whether the violator voluntarily took reasonable measures to restore any areas damaged by the violation* – To address this mitigating factor, staff will review the circumstances of each case and use best professional judgment to make a yes or no determination of whether or not the violator implemented voluntary measures to address the violation either before the violator was notified of the violation and/or if the measures implemented were above-and-beyond the corrective actions stated in the notice of violation. A yes determination will result in a decrease of 10% to the per day base penalty.
8. *Whether the violator reported the violation to an appropriate authority* – To address this mitigating factor, staff will review the environmental file record for the case to make a yes or no determination of whether or not the violator reported the violation to CMSWS or another appropriate regulatory authority prior to CMSWS or other regulatory authorities being already aware of the violation. A yes determination will result in a decrease of 5% to the per day base penalty.

9. *Technical and economic reasonableness of reducing or eliminating the discharge* – To address this mitigating factor, staff will review the circumstances of each case and use best professional judgment to make a yes or no determination of whether or not the violator had the technical knowledge or economic resources to reduce or eliminate the violation. A no determination will result in a decrease of 5% to the per day base penalty.

In addition, for cases involving sanitary sewer overflows from privately maintained multi-family residential systems, to address this mitigating factor staff will review the environmental file record to make a yes or no determination of whether or not the violator has adopted and is properly implementing a sanitary sewer system operation & maintenance plan for the private system. A yes determination will result in a decrease of 50% to the per day base penalty. This recognizes that, despite best efforts to prevent sanitary sewer blockages and overflows, other factors largely beyond the control of a multi-family community's ownership and management may still cause an overflow to occur.

Once the adjusted per day penalty amount is determined, staff will use the worksheet to apply this amount to the number of days in violation to calculate the civil penalty amount.

In calculating the enforcement costs for each case, staff will review the level of time and effort involved in investigating the case and preparing the related enforcement documents. This will result in classifying the level of effort as minimal, moderate, or extensive. Generally, a minimal case will have a lower level of labor and administrative effort (20 hours or less), a moderate case will have a greater level of labor and administrative effort (20 to 40 hours), and an extensive case will have a significant level of labor and administrative effort (greater than 40 hours). Staff enforcement costs are then calculated based on a percentage of the civil penalty amount with a minimal case being equal to 10%, a moderate case being equal to 20%, and an extensive case being equal to 30%. The calculated enforcement cost is then added to the civil penalty amount to determine the total civil penalty assessment.

The calculation of the total civil penalty assessment is expressed as: Total Civil Penalty Assessment = [(Per Day Base Penalty + Aggravating Factors – Mitigating Factors) x Number of Days in Violation] + Enforcement Costs

A *Notice of Civil Penalty Assessment* letter (**Appendix B**) specifying the amount of the total civil penalty assessment is prepared to accompany the civil penalty assessment worksheet. These documents form the penalty enforcement package which is first submitted to the City's NPDES Permit Program Supervisor for review and then to the City's Surface Water Quality & Environmental Permitting Manager for final review and approval by signature.

After the notice is approved and signed by the Manager, it is sent via certified mail to the violator. The violator has the option within 30 days of receipt to either pay the entire civil penalty assessment or request an appeal hearing before the Charlotte-Mecklenburg Stormwater Advisory Committee. The violator may also contact the City's Stormwater Pollution Control Ordinance Administrator to discuss additional facts or circumstances that may not have been considered by the Manager prior to issuing the civil penalty assessment. This discussion and review of additional facts may result in an adjustment of the civil penalty amount if the Manager deems appropriate.

If the violator fails to act within the 30-day timeframe, the violator forfeits the right to an appeal hearing and must pay the civil penalty assessment. The violator will then be issued a *Notice of Non-Payment*

letter (**Appendix C**) via certified mail and instructed to pay the civil penalty amount by a specified deadline.

If the violator fails to respond and pay the civil penalty, a *Second Notice of Non-Payment* letter (**Appendix D**) will be issued by the City Attorney's Office via Sheriff's process service. If the violator still fails to pay the civil penalty, staff will consult with the Manager and City Attorney's office to determine an additional course of action which may include initiation of bill collection process, civil action, and/or local permit withholding.

Effective Date: October 1, 2018

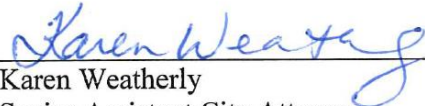
Approved by:



Marc Recktenwald  
Surface Water Quality & Environmental Permitting Manager

9/27/18

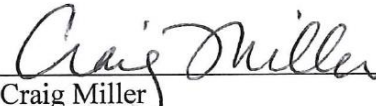
Date



Karen Weatherly  
Senior Assistant City Attorney

9/25/18

Date



Craig Miller  
NPDES Permit Supervisor

9/20/2018

Date



Steve Jadlocki  
Stormwater Pollution Control Ordinance Administrator

9/20/2018

Date

# APPENDIX A

**City of Charlotte  
Stormwater Pollution Control Ordinance  
Civil Penalty Assessment Worksheet**



**A. General Information :**

Violator Name:

**18-00**

Violator Highest Ranking Official:

Civil Penalty Assessment Case #:

18-00

Violation Date:

Violation Location:

Ordinance Section Violated:

Chapter 18, Article III, Storm Water Pollution, Section 18-80(a)

Brief Description of Violation(s) (include dates, observations, sampling data, etc.):

Date Violation Ceased:

NOV/NRE Date:

Corrective Action(s) Taken to Achieve Compliance:

Number of Days in Violation:

Adjustment in Days due to Circumstances beyond Violator's Control:

Number of Days in Violation (Adjusted):

Explanation for Adjustment:

Name and Title of CMSWS Investigator:

Date Penalty Worksheet Prepared:

Cityworks NOV Activity Report #:

**B. Civil Penalty Assessment Calculation:**

Violation Class:

Class

<u>Basis for Determination:</u> Violation was	
<b>Base per day penalty amount:</b>	\$0.00
<b>Aggravating Factors:</b>	
<b>1.) Whether or not the violator saved money by noncompliance:</b>	<Yes or No>
<u>Comments:</u> Violator	
<b>Penalty Adjustment:</b> 15% increase if money would have been saved by non-compliance. Increase for aggravating factor #1 =	\$0.00
<b>2.) Whether the violation was committed willfully or intentionally:</b>	<Yes or No>
<u>Comments:</u> Violator	
<b>Penalty Adjustment:</b> 25% increase if violation was committed willfully/intentionally. Increase for aggravating factor #2 =	\$0.00
<b>3.) Prior record of the violator in complying or failing to comply with this Ordinance or any other water pollution control ordinance or regulation (enter number of prior violations of the stormwater ordinance in past 3 years):</b>	1
<u>Comments:</u> Violator	
<b>Penalty Adjustment:</b> 50% increase for each violation within past 3 years prior to current violation (maximum 200% increase). Increase for aggravating factor #3 =	\$0.00
<b>Total for Aggravating Factors =</b>	<b>\$0.00</b>
<b>Mitigating Factors:</b>	
<b>1.) Cost of rectifying the damage:</b>	\$0.00
<u>Comments:</u> Violator	
<b>Penalty Adjustment:</b> 1% reduction for every \$100 in expenditures (maximum 40% reduction). Reduction for mitigating factor #1 =	\$0.00
<b>2.) Once notified of the violation, whether the violator took reasonable measures to comply with the Stormwater Pollution Control Ordinance:</b>	<Yes or No>
<u>Comments:</u> Violator	
<b>Penalty Adjustment:</b> 10% reduction if reasonable measures were implemented, provided they were taken within a reasonable time frame upon receiving notice. Reduction for mitigating factor #2 =	\$0.00
<b>3.) Knowledge of the requirements by the violator and/or reasonable opportunity or obligation to obtain such knowledge:</b>	<Yes or No>
<u>Comments:</u> Violator	
<b>Penalty Adjustment:</b> 10% reduction if the violator did not have knowledge of Ordinance requirements or reasonable opportunity or obligation to obtain the knowledge. Reduction for mitigating factor #3 =	\$0.00
<b>4.) Whether the violator voluntarily took reasonable measures to restore any areas damaged by the violation:</b>	<Yes or No>



<u>Comments:</u> Violator	
<b>Penalty Adjustment:</b> 10% reduction if voluntary measures were taken either before the violator was notified of the violation and/or the measures implemented were above-and-beyond the corrective actions stated in their notice of violation. Reduction for mitigating factor #4 =	\$0.00
<b>5.) Whether the violator reported the violation to an appropriate authority:</b>	<Yes or No>
<u>Comments:</u> Violator	
<b>Penalty Adjustment:</b> 5% reduction if the violator reported the violation to Charlotte-Mecklenburg Storm Water Services or other appropriate authority. Reduction for mitigating factor #5 =	\$0.00
<b>6a.) Technical and economic reasonableness of reducing or eliminating the discharge:</b>	<Yes or No>
<u>Comments:</u> Violator	
<b>Penalty Adjustment:</b> 5% reduction if the violator did not have the technical knowledge or economic resources to reduce or eliminate the discharge. Reduction for mitigating factor #6a =	\$0.00
<b>6b.) For multi-family residential SSO cases - Has the violator adopted a sanitary sewer system O &amp; M plan, and is the plan being properly implemented:</b>	<Yes or No>
<u>Comments:</u> Violator	
<b>Penalty Adjustment:</b> 50% reduction if the violator has adopted an Sanitary Sewer System O & M plan and is properly implementing the plan. Reduction for mitigating factor #6b =	\$0.00
<b>Total for mitigating factors =</b>	\$0.00
<b>Adjusted Per Day Civil Penalty Amount</b> (Base per day penalty amount + total for aggravating factors – total for mitigating factors) =	\$0.00
<b>Total number of days in violation:</b>	1
<b>Total Civil Penalty =</b>	\$0.00
<b>Enforcement Costs (labor, monitoring, and other administrative costs incurred by City) =</b>	\$0.00
<b>Choose size of case:</b> Minimal case = 10% of civil penalty; Moderate case = 20%; Extensive case = 30%. Enter either 0.10, 0.20, or 0.30	0.10
<u>Comments:</u> Enforcement costs estimated at 10%, minimal case effort.	
<b>Restoration and Cleanup Costs incurred by the City (if City spent money to conduct remediation and repairs due to violator negligence) =</b>	\$0.00
<u>Comments:</u> N/A	

**Total Civil Penalty Assessment = \$0.00**

**List of Witnesses:**

**C. Signatures Verifying the Information Provided Above:**

By my signature I do hereby affirm that the information provided in this document is accurate to the best of my knowledge based on information made available to me in this matter.

**Staff of Charlotte-Mecklenburg Storm Water Services:**

Marc Recktenwald Date  
City of Charlotte - Water Quality Program Manager

Steve Jadlocki Date  
City of Charlotte - Stormwater Pollution Control Ordinance Administrator

xxx Date  
Mecklenburg County LUESA - Water Quality Supervisor

xxx Date  
Mecklenburg County LUESA - Environmental Specialist (Investigator)

**D. Attachments:**

**Investigation Photos:**



**Photo 1:** <Add Date of Photo, and Caption explaining photo>



**Photo 2:** <Add Date of Photo, and Caption explaining photo>

# APPENDIX B



600 East Fourth Street  
Charlotte, NC 28202  
Tel 704.336.2291

█ <DATE>

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

█ <COMPANY>  
Attention: █ <Mr. or Ms.> █ <HIGHEST RANKING RESPONSIBLE OFFICIAL>,  
█ <TITLE>  
█ <ADDRESS>  
█ <CITY, STATE, ZIP>

Subject: **NOTICE OF CIVIL PENALTY ASSESSMENT**  
CITY OF CHARLOTTE  
CODE OF ORDINANCES  
Chapter 18, Article III  
Stormwater Pollution  
Section 18-80(a)  
Illicit Discharge(s) and Disposal(s)  
Case Number █ <xx-xx>

Dear █ <Mr. or Ms.> █ <RESPONSIBLE OFFICIAL>:

On █ <DATE>, █ <COMPANY> was issued a Notice of Violation (NOV) for violation of the City of Charlotte ("City") Code of Ordinances, Chapter 18, Article III, Stormwater Pollution Control Ordinance ("Ordinance"). The NOV was issued for █ <State Violation, at █ <Location> in Charlotte, NC. Based on corrective actions undertaken by █ <COMPANY> and a site visit conducted by our investigator, the City determined █ <COMPANY> to now be in compliance with the Ordinance regarding this violation. Please be aware that █ <COMPANY> is responsible for continued compliance with the Ordinance. A copy of the Ordinance is enclosed for reference.

The NOV states that █ <COMPANY> is subject to civil penalties of up to Five Thousand Dollars (\$5,000.00) per day beginning with the first day of violation and every day thereafter until the violation has ceased. **As a result of the violation, a civil penalty is hereby assessed against █ <COMPANY> in the amount of █ <SPELL AMOUNT> Dollars and No Cents (\$x,xxx.00).**

The undersigned, as Manager of Charlotte Storm Water Services' Water Quality and Environmental Permitting Program, has assessed the civil penalty pursuant to Section 18-83(c) of the Ordinance. In determining the amount of the penalty, the following aggravating and mitigating factors were taken into account:



To report pollution or drainage problems, call: 311  
<http://charmec.org/stormwater>



<COMPANY>

Attention: <Mr. or Ms.> <HIGHEST RANKING RESPONSIBLE OFFICIAL>

page two

<DATE>

- The degree and extent of harm caused by the violation;
- Cost of rectifying the damage;
- Amount of money saved through non-compliance;
- Whether the violator took reasonable measures to comply with the Ordinance;
- Knowledge of the requirements by the violator and/or reasonable opportunity or obligation to obtain such knowledge;
- Whether the violator voluntarily took reasonable measures to restore any areas damaged by the violation;
- Whether the violation was committed willfully;
- Whether the violator reported the violation to an appropriate authority;
- Technical and economic reasonableness of reducing or eliminating the discharge; and
- Prior record of the violator in complying or failing to comply with the Ordinance or any other water pollution control ordinance or regulation.

Within thirty (30) days of receipt of this notice, [REDACTED] <COMPANY> must do one of the following:

1. Submit full payment of the assessed civil penalty in the form of a check payable to "City of Charlotte";

-OR-

2. Submit a written request for a public hearing before the Charlotte-Mecklenburg Storm Water Advisory Committee (SWAC), including in the request a statement of the factual or legal issues in dispute and a check payable to "Mecklenburg County" for a \$100.00 filing fee. Be advised that SWAC has the option of increasing or decreasing the assessed civil penalty. Relief from an adverse determination by the SWAC is by appeal to the Superior Court of Mecklenburg County.

*Before requesting a hearing, if [REDACTED] <COMPANY> wishes to discuss any additional facts or circumstances that should have been considered by the Manager prior to this penalty assessment, please contact Mr. Steve Jadlocki at 704-336-4398.*

The check payment of the civil penalty, or a request for a hearing before the SWAC (including \$100.00 filing fee) should reference the Case Number shown on the first page of this notice.

**Please send payment of the civil penalty, or a request for hearing with filing fee to:**

City of Charlotte-Stormwater Services  
Attention: Steve Jadlocki  
600 East 4<sup>th</sup> Street, 14<sup>th</sup> Floor  
Charlotte, NC 28202

Please be aware that payment of this civil penalty will not foreclose further enforcement action against any other continuing or new violations.



To report pollution or drainage problems, call: 311  
<http://charmeck.org/stormwater>



<COMPANY>

Attention: <Mr. or Ms.> <HIGHEST RANKING RESPONSIBLE OFFICIAL>

page three

<DATE>

Failure to exercise one of the a forementioned options will result in the initiation of civil action against [REDACTED] <COMPANY> to collect the civil penalty assessment. In addition, the City of Charlotte may seek an injunction to prevent further activity at the site.

Sincerely,

Marc Recktenwald  
Water Quality and Environmental Permitting Manager  
Charlotte Storm Water Services

Enclosures: Copy of Notice of Violation, [REDACTED] <DATE>  
City of Charlotte Stormwater Pollution Control Ordinance  
SWAC Hearing Request and Instructions

cc: Karen Weatherly, City Attorney's Office  
Steve Jadlocki, CMSWS  
Craig Miller, CMSWS  
Rusty Rozzelle, CMSWS  
[REDACTED] <SUPERVISOR>, CMSWS  
[REDACTED] <INVESTIGATOR>, CMSWS

FILE: NOCP Cityworks Activity Report # [REDACTED]



To report pollution or drainage problems, call: 311  
<http://charmeck.org/stormwater>



# APPENDIX C



600 East Fourth Street  
Charlotte, NC 28202  
Tel 704.336.2291

██████████ <DATE>

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

██████████ <COMPANY>  
Attention: ██████████ <Mr. or Ms.> ██████████ <HIGHEST RANKING RESPONSIBLE OFFICIAL>,  
██████████ <TITLE>  
██████████ <ADDRESS>  
██████████ <CITY, STATE, ZIP>

Subject: **NOTICE OF NON-PAYMENT**  
**CIVIL PENALTY ASSESSMENT**  
**CITY OF CHARLOTTE**  
**CODE OF ORDINANCES**  
Chapter 18, Article III  
Stormwater Pollution  
Section 18-80(a)  
Illicit Discharge(s) and Disposal(s)  
Case Number ██████████ <xx-xx>

Dear ██████████ <Mr. or Ms.> ██████████ <RESPONSIBLE OFFICIAL>:

On ██████████ <DATE>, ██████████ <COMPANY> was issued a Civil Penalty Assessment in the amount of ██████████ <Amount> for violation of the City of Charlotte ("City") Code of Ordinances, Chapter 18, Article III, Stormwater Pollution Control Ordinance ("Ordinance"). A copy of the Assessment is enclosed for reference.

Please be advised that to date, our office has not received payment for the Civil Penalty Assessment. To be compliant with the Ordinance and the Civil Penalty Assessment, ██████████ <COMPANY> must make payment of ██████████ <Amount> to the City. Please submit full payment for this amount in the form of a check payable to "City of Charlotte" by ██████████ <DATE>.

The payment of the civil penalty should reference the Case Number shown above. **Please send payment to:**

City of Charlotte-Stormwater Services  
Attention: Steve Jadlocki  
600 East 4<sup>th</sup> Street, 14<sup>th</sup> Floor  
Charlotte, NC 28202



To report pollution or drainage problems, call: 311  
<http://charmeck.org/stormwater>



<COMPANY>

Attention: <Mr. or Ms.> <HIGHEST RANKING RESPONSIBLE OFFICIAL>

page two

<DATE>

Please be aware that payment of this civil penalty will not foreclose further enforcement action against any other continuing or new violations.

Failure to make payment will result in the initiation of civil action against [REDACTED] <COMPANY> to collect the civil penalty assessment. In addition, the City of Charlotte may seek an injunction to prevent further activity at the site.

If you have any questions or need additional information, please contact Steve Jadlocki at 704-336-4398.

Sincerely,

Craig Miller  
Water Quality Supervisor  
Charlotte Stormwater Services

Enclosures: Copy of Civil Penalty Assessment, [REDACTED] <DATE>

cc: Karen Weatherly, City Attorney's Office  
Steve Jadlocki, CMSWS

FILE: NOCP Cityworks Activity Report # [REDACTED]



To report pollution or drainage problems, call: 311  
<http://charmeck.org/stormwater>





## APPENDIX D

- Use City Attorney Letterhead -

██████████ <DATE>

**PROCESS SERVICE DELIVERY**  
**VIA MECKLENBURG COUNTY SHERIFF**

██████████ <COMPANY>  
Attention: ██████████ <Mr. or Ms.> ██████████ <HIGHEST RANKING RESPONSIBLE OFFICIAL>,  
██████████ <TITLE>  
██████████ <ADDRESS>  
██████████ <CITY, STATE, ZIP>

Subject: **SECOND NOTICE OF NON-PAYMENT**  
**CIVIL PENALTY ASSESSMENT**  
CITY OF CHARLOTTE  
CODE OF ORDINANCES  
Chapter 18, Article III  
Stormwater Pollution  
Section 18-80(a)  
Illicit Discharge(s) and Disposal(s)  
Case Number ██████████ <xx-xx>

Dear ██████████ <Mr. or Ms.> ██████████ <RESPONSIBLE OFFICIAL>:

On ██████████ <DATE>, ██████████ <COMPANY> was issued a Civil Penalty Assessment in the amount of ██████████ <Amount> for violation of the City of Charlotte ("City") Code of Ordinances, Chapter 18, Article III, Stormwater Pollution Control Ordinance ("Ordinance"). A copy of the Assessment is enclosed for reference.

Please be advised that to date, the City has not received payment for the Civil Penalty Assessment. To be compliant with the Ordinance and the Civil Penalty Assessment, ██████████ <COMPANY> must make payment of ██████████ <Amount> to the City. Please submit full payment for this amount in the form of a check payable to "City of Charlotte" by ██████████ <DATE>.

The payment of the civil penalty should reference the Case Number shown above. **Please send payment to:**

City of Charlotte-Stormwater Services  
Attention: Steve Jadlocki  
600 East 4<sup>th</sup> Street, 14<sup>th</sup> Floor  
Charlotte, NC 28202

<COMPANY>

Attention: <Mr. or Ms.> <HIGHEST RANKING RESPONSIBLE OFFICIAL>

page two

<DATE>

Please be aware that payment of this civil penalty will not foreclose further enforcement action against any other continuing or new violations.

Failure to make payment will result in the initiation of civil action against [REDACTED] <COMPANY> to collect the civil penalty assessment. In addition, the City of Charlotte may seek an injunction to prevent further activity at the site.

If you have any questions or need additional information, please contact Steve Jadlocki at 704-336-4398.

Sincerely,

Karen Weatherly  
Senior Assistant City Attorney

Enclosures: Copy of Civil Penalty Assessment, [REDACTED] <DATE>

cc: Steve Jadlocki, CMSWS

FILE: NOCP Cityworks Activity Report# [REDACTED]