

## Jim Palenick

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**From:** Jim Palenick [jpalenick@dallasnc.net]  
**Sent:** Friday, May 17, 2013 11:32 AM  
**To:** 'rcdc18@charter.net'; 'ronniemorrow@att.net'; 'JOHN BEATY'; 'Martin, Scott'; 'huggybarber@att.net'; 'hoyle withers'  
**Cc:** 'Maria Stroupe'; 'Gary Buckner'; 'Steve Lambert'; 'A Martin'; 'Bill Trudnak'; 'David Kahler'; 'dhuffman@dallasnc.net'; 'J. Thomas Hunn'  
**Subject:** Town Manager's Weekly Report (#30)  
**Attachments:** NCDENR NOV.pdf; NOV response letter.docx

Mayor & Board of Aldermen:

Please accept the following as the **Town Manager's Report for the Week-ended Friday, may 17, 2013.**

- Chief Lambert received official word this week on Wednesday that the Town of Dallas Fire Department was awarded the \$30,000 "Office of State Fire Marshall Grant" toward purchase of the new, multi-function brush/rescue truck. As such, we immediately placed the order with the previously-designated and approved vendor, Anchor-Ritchie of Hickory, NC, and can now expect delivery near the conclusion of this Fiscal-Year (June 30<sup>th</sup>). You may recall the approved Budget amendment called for this purchase at approximately \$94,600, if and when the Grant was approved.
- Mr. Rogers, who experienced the severe sanitary sewer back-up at his home at 806 Park Road, was able to get three competitive bids for the clean-up and restoration work, and we then authorized commencement of the effort with the low-bidder, Preferred Restoration and Construction, Inc., of Davidson, NC. We have asked the company to mobilize quickly and prioritize the work so that further disruption, as well as ongoing cost to Mr. Rogers can be minimized.
- I was able to generate and/or gather the package of remaining documentation required by the State Treasurer's Office/Local Government Commission for our Water-main Financing, effective yesterday and then immediately express-mailed same on to Raleigh for guaranteed delivery this morning. This should meet their requirements and keep us on track for a June approval and subsequent closing with BB&T. We still need to get a few remaining documents to BB&T as well, and are working to get those out as expeditiously as possible.
- One of the documents required by the LGC (Local Government Commission) was the "Engagement Letter/Contract" with our Engineers for the production of Design engineering work. Unfortunately, since our relationship with Diamond Engineering (Johnny Denton) was more casual and implied, we had to generate it after the work was complete, which has now produced a dispute. Specifically, our Budget that we relied on throughout, and that I presented to you on May 13<sup>th</sup> as part of the Phase II and III approvals, used and relied upon Diamond's quote of 10% of Construction Cost (estimate) at \$279,685.00. However, now Diamond says they should be compensated 10% of their "final" estimate, which we never saw or were provided until after the Construction bids were opened, and which were some \$800,000 over Budget. They claim a willingness to "compromise" at 10% of the final Construction Bids, which would put their total fees at \$331,575, or \$51,890.00 OVER our Budget and OVER what we had expected and relied upon. While I used their engagement letter, and the 10% of Construction costs, to satisfy the LGC documentation requirement, I in no way agreed to their request. I informed them that such was beyond my authority and would have to be taken up by the Board of Aldermen at the June Meeting. Personally, I strongly object to this request and believe that the same amount of engineering effort went into what they completed as was originally contemplated by their request (and our Budget). There was no material change in the scope of work, and quite honestly their failure to properly communicate with their clients as the costs were escalating, nearly caused this project to be derailed.
- The Town received a Notice of Violation (NOV) from the NCDENR, early this week, for having elevated levels of Total Suspended Solids at our Wastewater Treatment Plant, as based upon a self-monitoring report we submitted in February. As such, we are now required to promptly reply in writing, with details as to why the violation occurred and how we have remedied the possible cause. We can, and may be fined as a result of this

violation and the final magnitude of such fine will likely be dependent upon how the NCDENR views our explanatory/remedial response. (draft attached).

- Public Utilities Director Trudnak has now completed the "Preferred Vendor list" (pre-approved) for eligible participation in our water-service-lateral replacement reimbursement program. The list, which home-owner participants can choose from among, contains (6) local plumbing firms, being: Cedar Hill Grading; Dallas electrical and Plumbing; Dean Mitchell Plumbing; Lineberger Plumbing services; Major Norwood; and, Tim's Trenching. For those who replace an old galvanized service lateral, connecting to a newly-replaced main, and use one of these pre-approved vendors; they are eligible to receive 75% of the cost back, up to a maximum \$300.00. from the Town upon application and confirmation of permitted completion.
- The Representatives of the Military Order of The Purple Heart, for whom we approved the Proclamation as "Purple Heart City" at our May Board meeting, will appear for a presentation at our July Board Meeting -- at which time we will present them formally with a framed and certified copy of the approved Proclamation.
- A reminder: Thursday, May 23<sup>rd</sup> is our Budget Work Session with Dinner beginning at 5:30p.m. and the Meeting beginning promptly at 6:00 p.m.

Thank You,

Jim Palenick  
Interim Town Manager



North Carolina Department of Environment and Natural Resources

Division of Water Quality

Pat McCrory  
Governor

Charles Wakild, P.E.  
Director

John E. Skvarla, III  
Secretary

May 9, 2013

**CERTIFIED MAIL #7010 0780 0000 5519 2274  
RETURN RECEIPT REQUESTED**

The Honorable Rick Coleman, Mayor  
Town of Dallas  
210 North Holland Street  
Dallas, North Carolina 28034-1625

Subject: **Notice of Violation and Notice of Recommendation for Enforcement**  
**Tracking #: NOV-2013-LV-0302**  
Dallas WWTP  
NPDES Permit No. NC0068888  
Gaston County

Dear Mayor Coleman:

A review of the February 2013 self-monitoring report for the subject facility revealed a violation of the following parameter at Outfall 001:

<u>Date</u>	<u>Parameter</u>	<u>Reported Value</u>	<u>Permit Limit</u>
2/28/13	TSS	47.2 mg/L	30.0 mg/L (Monthly average)

A Notice of Violation and Notice of Recommendation for Enforcement (NOV/NRE) is being issued for the noted violations of North Carolina General Statute (G.S.) 143-215.1 and NPDES Permit No. NC0068888. Pursuant to G.S. 143-215.6A, a civil penalty of not more than twenty-five thousand dollars (\$25,000.00) may be assessed against any person who violates or fails to act in accordance with the terms, conditions, or requirements of any permit issued pursuant to G.S. 143-215.1.

If you wish to provide additional information regarding the noted violations, request technical assistance, or discuss overall compliance please respond in writing within 10 days of receipt of this Notice. A review of your response will be considered along with any information provided on the February 2013 Discharge Monitoring Report. You will then be notified of any civil penalties that may be assessed regarding these violations. **If no response is received in this Office within the 10-day period, a civil penalty assessment may be prepared.**

Remedial actions, if not already implemented, should be taken to correct any problems. The Division of Water Quality may pursue enforcement actions for this and any additional violations. If the violations are of a continuing nature, not related to operation and/or maintenance problems, and you

Mayor Coleman, Dallas WWTP  
NOV-2013-LV-0302, Page 2  
May 9, 2013

anticipate remedial construction activities, then you may wish to consider applying for a Special Order by Consent.

If you have questions concerning this matter, please do not hesitate to contact Ms. Marcia Allocco or myself at (704) 663-1699.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael L. Parker". The signature is fluid and cursive, with the first name "Michael" being the most prominent part.

Michael L. Parker  
Regional Supervisor  
Surface Water Protection

cc: Point Source Branch

MA

TOWN OF DALLAS NORTH CAROLINA

May 17, 2013

Mr. Michael Parker  
NCDENR  
Mooresville Regional Office  
610 East Center Ave., Suite 301  
Mooresville, NC 28115

Dear Sir:

This letter is in response to the letter received from your office on May 9<sup>th</sup>, 2013. The February DMR had a violation for TSS at the outfall # 001 (Plant Effluent). This was monthly average of 47.2 mg/l. The limit is 30 mg/l. The final week of the month had been difficult on entire treatment operations due to the extraordinarily wet weather and the flow patterns associated with this. Land application had already been scheduled to commence, however, field conditions could not allow the operation. The WSACC incinerator was contacted at Rocky River WWTP as has been the case on several occasions such as this. The initial operation to haul was set up. This would have dropped solids inventory and prevented sludge blankets from being elevated to the point that they were. When the contract hauler arrived at the facility, only two trucks were allowed to offload product due to problems with the thickener at their site.

Polymer feed pump on West basin was put into service as flows increased and helped keep blankets down partially, however with 1 mgd flow and instantaneous flows even higher at times, there was a partial solids washout.

Immediately the Town of Dallas ordered more polymer that was proven effective here at the facility and an additional polymer feed pump and feed line that have also been set and have already been used by plant operations.

In addition, the Town of Dallas has budgeted \$56,000.00 in this year's budget for sewer line examination, videotaping, engineering discussion, and repair plan. An overview of Storm flow and I & I will be pinpointed by Town Public Works Staff. The Town has also purchased a complete aeration rebuild for the East side aeration to make the efficiency of the second train equal to that of the first train. The Huffstetler Group Inc., a licensed contractor has a purchase order for work to begin as soon as the plan is in writing as to the exact scope of service and repair time estimate. The West train was rebuilt one and one half years ago.

The Town of Dallas wishes to continue to operate effectively and professionally. We want the Town to be successful with this facility. I will make every effort to see that this is done.

Thank-you for your time and consideration on this matter, sincerely,

May 17, 2013

Sincerely,

Jon Anthony Page  
Wastewater Treatment ORC

cc: Mr. Bill Trudnak, WWT Superintendent