

**Cape Fear Public Utility Authority  
Resolution Approving Consent Decree**

**WHEREAS**, from 2003 to 2008, the City of Wilmington and New Hanover County experienced numerous sanitary sewer overflows in the wastewater systems; and

**WHEREAS**, in March 2007, the City of Wilmington received a Show Cause letter from the Environmental Protection Agency, as a result of the sanitary sewer overflows; and

**WHEREAS**, the Cape Fear Public Utility Authority is the successor in interest to the City of Wilmington and New Hanover County and is a body politic organized under N.C. General Statute 162(A) and incorporated in the State of North Carolina in 2007, with the full authority to operate the water and wastewater systems formerly owned by the City of Wilmington and New Hanover County; and

**WHEREAS**, the U.S. Department of Justice may file a civil action entitled, *United States of America, Plaintiff, v. City of Wilmington, New Hanover County, and Cape Fear Public Utility Authority, Defendants, and the State of North Carolina, a necessary party required by USC 33 Sec. 1319(e)*; and

**WHEREAS**, it is beneficial for all parties involved to enter into a Consent Decree to resolve the matters set forth in the action; and

**WHEREAS**, a mutually satisfactory Consent Decree has been negotiated by legal counsel for all parties.

**NOW, THEREFORE**, the Cape Fear Public Utility Authority, by and through its Governing Board, does hereby approve the Consent Decree, the associated Appendices, and the payment of a \$300,000 penalty to the Environmental Protection Agency. Further, the Board does hereby authorize and empower the Chief Executive Officer of the Authority to execute the Consent Decree and other documents necessary for its completion.

Resolved by the Cape Fear Public Utility Authority this, the 23<sup>rd</sup> day of May, 2013.

CAPE FEAR PUBLIC UTILITY AUTHORITY

By:   
James Quinn, Chairman

Attest:

  
James Brumit, Secretary

