



Office of Audits
Office of Inspector General
U.S. General Services Administration

Addendum to Alert Memorandum: Raw Sewage from the Terry Sanford Federal Building and Courthouse in Raleigh, North Carolina, is Discharging into Local Waterways
Memorandum Number A190100-2

December 9, 2020

On June 3, 2020, we issued *Alert Memorandum: Raw Sewage from the Terry Sanford Federal Building and Courthouse in Raleigh, North Carolina, is Discharging into Local Waterways*. The alert memorandum described potential cross-connected plumbing pipes (illicit connections) at the Terry Sanford Federal Building and U.S. Courthouse (Terry Sanford Building). Records showed that GSA staff were aware of these illicit connections as early as 2012, but did not report the matter to the U.S. Environmental Protection Agency or the appropriate state and local authorities as required.

In preparing the alert memorandum, we relied upon three studies of the Terry Sanford Building conducted by GSA's Public Buildings Service (PBS), Southeast Sunbelt Region staff and contractors. As described below, actions taken by PBS in response to our alert memorandum have shown that these studies were flawed because they were based on inaccurate diagrams of the plumbing connections at the Terry Sanford Building. Although PBS identified other illicit connections, it determined that none of these connections resulted in the discharge of raw sewage into local waterways.

PBS's Actions in Response to the Alert Memorandum

In a memorandum dated June 19, 2020, the PBS Deputy Commissioner wrote that PBS notified the City of Raleigh, North Carolina Department of Environmental Quality, and the U.S. Environmental Protection Agency of the issues at the Terry Sanford Building. The Deputy Commissioner also wrote that PBS executed "a contract to correct the illicit connections that cause the discharge" and would take action to permanently close all known cross-connections and determine if other illicit connections existed.

PBS subsequently hired a contractor to test, repair, and certify that the illicit connections were brought into compliance. According to PBS, the contractor determined that the initial building drawings used to identify the illicit connections cited in our alert memorandum were inaccurate and that no sewage was discharging from the Terry Sanford Building into local waterways. However, the contractor identified 18 illicit connections, including two roof drains that were improperly connected to the sanitary sewer.

PBS's contractor corrected these illicit connections and certified that all illicit connections were eliminated on October 7, 2020. As a result, on November 17, 2020, the City of Raleigh notified GSA that it was in compliance with the requirements of the City's Illicit Discharge Ordinance.

GSA is awaiting a determination from the North Carolina Department of Environmental Quality regarding potential violations of the Clean Water Act.

Ongoing Concerns

Although the studies that concluded that sewage from the Terry Sanford Building was being discharged into local waterways were incorrect, the management issues identified in the alert memorandum are still pertinent. Notwithstanding the corrective actions described above, we remain concerned with PBS's failure to promptly report the problems with the plumbing connections at the Terry Sanford Building to the appropriate federal, state, and local authorities.

PBS studies from as early as 2012 showed potential cross-connections that would have resulted in the discharge of raw sewage into local waterways. However, PBS did not notify authorities of the illicit connections identified in these studies. Instead, PBS planned a project to repair the illicit connections using its minor repair and alterations funding without issuing the required notifications. It was only after the alert memorandum brought the illicit connections identified in these studies to management's attention that PBS notified the proper authorities of them. That these studies are only now known to be incorrect does not excuse the fact that PBS did not report the problem until 8 years after the first studies were conducted.

These findings were identified as part of fieldwork for our ongoing *Audit of PBS's Planning and Execution for Minor Repair and Alteration Projects* and will be referenced in the final report.



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Memorandum Number A190100-2
June 3, 2020



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June 3, 2020

TO: DANIEL MATHEWS
COMMISSIONER, PUBLIC BUILDINGS SERVICE (P)

FROM: R. NICHOLAS GOCO *R. Nicholas Goco*
ASSISTANT INSPECTOR GENERAL FOR AUDITING (JA)

SUBJECT: Alert Memorandum: Raw Sewage from the Terry Sanford Federal Building and Courthouse in Raleigh, North Carolina, is Discharging into Local Waterways
Memorandum Number A190100-2

The purpose of this memorandum is to inform you of an issue that warrants your immediate attention. During the course of our ongoing *Audit of PBS's Planning and Execution for Small and Limited Scope Projects*, we found that GSA is likely committing a serious environmental violation at the Terry Sanford Federal Building and U.S. Courthouse (the Terry Sanford Building).

Due to cross-connected pipes, raw sewage is discharging from the Terry Sanford Building into the local stormwater system and adjoining waterway, likely in violation of the Clean Water Act and various local ordinances. Records indicate that PBS personnel in the Southeast Sunbelt Region (Region 4) were made aware of the issue at least as far back as November 2012. Nonetheless, GSA has failed to take appropriate action to fix the problem or report it to the City of Raleigh or the Environmental Protection Agency (EPA). As a result, GSA is placing people, animals, and habitats at risk, and may be subject to civil litigation and remediation costs.

Background

Enacted in 1972, the Clean Water Act governs the cleanliness and integrity of U.S. waters.¹ Under the Clean Water Act, sewage is considered a pollutant. Therefore, the EPA has established that a Clean Water Act violation occurs when a sewage system is connected to a storm drain system, forming an illicit connection and causing illicit discharges of sewage into a waterway.

¹ 33 USC 1251 et seq. (1972).

Federal agencies have regulatory responsibilities under the Clean Water Act, including preventing water pollution, meeting applicable water quality standards, and developing risk management plans. Federal agencies must comply with all federal, state, interstate, and local requirements and administrative authorities respecting the control and abatement of water pollution. The EPA requires agencies to promptly disclose Clean Water Act violations.

Built in 1969, the Terry Sanford Building is a 10-story multi-tenant office building and courthouse located in Raleigh, North Carolina, that GSA owns and manages. The building's main tenant is the U.S. Courts. The Terry Sanford Building falls under the City of Raleigh's Illicit Discharge Ordinance, which closely mirrors the restrictions under the Clean Water Act, in that it outlaws illicit discharges and illicit connections and places sanctions against offenders. GSA does not have a permit for the Terry Sanford Building to lawfully discharge raw sewage into local waterways. Therefore, GSA would be required to report any discharge of raw sewage into the stormwater system to the City of Raleigh.

GSA is Likely Violating the Clean Water Act and Various Local Ordinances by Knowingly Discharging Raw Sewage from the Terry Sanford Building into Local Waterways

The Terry Sanford Building has separate pipes to transfer stormwater and raw sewage out of the building. However, these pipes are cross-connected, causing raw sewage to discharge into the local stormwater system. The cross-connections have existed since the building was constructed in 1969 and have been compounded by renovations, which have connected additional plumbing to the already cross-connected pipes.

A release of raw sewage into the stormwater system can adversely affect the local and downstream waterways. When raw sewage is discharged into a stormwater system, it introduces large numbers of bacteria, viruses, and parasites into local waterways.² The contaminated water threatens the health of people, animals, and habitats that come into contact with it.

Due to the cross-connected pipes, raw sewage is discharged from the Terry Sanford Building into the City of Raleigh's municipal stormwater system. From there, the sewage flows into and contaminates Walnut Creek, which flow into the Neuse River, home to multiple, federally listed endangered species. The Neuse River ultimately empties into the Pamlico Sound, part of the second largest estuary network in the United States.

PBS personnel in Region 4 verified the existence of cross-connections on at least the three following occasions:

² This includes possible exposure to fecal coliform (e.g., E. coli), Salmonella, Shigella, enteric viruses, Giardia lamblia, and the hepatitis A virus. It is reasonable to assume that any or all of these infectious agents might be present in raw sewage.

- In 2012, after several floods in the building, PBS Region 4 personnel awarded a contract to investigate the source of the water. The contractor created a drawing dated November 14, 2012, identifying known locations of cross-connections, including toilets and sinks from multiple bathrooms.
- On June 13, 2018, PBS Region 4 identified at least two cross-connections (a toilet and a shower in a judge’s chamber) by performing a dye test. A PBS Region 4 employee emailed multiple individuals within PBS Region 4 stating, “We performed the dye test this morning and confirmed that we do have sanitary [sewer] discharge into the storm water drains.” According to the EPA, when such testing is performed, “discovery of dye in the storm drain, rather than the sanitary sewer, conclusively determines that the illicit connection exists.”³
- On June 25, 2018, PBS Region 4 awarded a contract to trace the pipes. On January 31, 2019, the contractor provided PBS Region 4 with a design narrative detailing nine confirmed locations of cross-connections.

Furthermore, as early as March 2018, PBS Region 4 management was alerted of the issue. At that time, it was also recommended that PBS Region 4 management report the issue to the City of Raleigh. PBS Region 4 management ultimately decided not to do so. PBS Region 4 management also did not report the issue to the EPA. As a result, GSA was unable to work with the City of Raleigh and the EPA to develop a plan to achieve compliance with the Clean Water Act. Also, the EPA was unable to work with GSA to develop a communication plan for notifying downstream communities, including those communities using contaminated water for recreational activities or as a source of drinking water.

Although PBS Region 4 personnel have known about this issue since at least 2012, GSA has not corrected the cross-connected pipes or notified the EPA or other appropriate authorities of the problem. As a result, GSA continues to discharge raw sewage into the City of Raleigh’s stormwater system and connected waterways. Therefore, GSA is likely violating the Clean Water Act as well as local ordinances and may be subject to civil litigation and remediation costs, as well as threatening the health of people, animals, and habitats which may come in contact with the contaminated water.

Conclusion

GSA is likely violating environmental laws by discharging raw sewage from the Terry Sanford Building into local waterways. GSA management should take immediate action to remedy the situation and report the issue to the City of Raleigh and the EPA.

³ *Illicit Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assessments*, October 2004, 160.

Audit Team

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