



North Carolina Department of Environment and Natural Resources

Division of Waste Management

Dexter R. Matthews
Director

Pat McCrory
Governor

John E. Skvarla, III
Secretary

August 26, 2013

DELIVERED BY CERTIFIED MAIL

7006 0100 000 8344 4557

John L Atkins II Grading, Inc.

PO Box 440

Willow Springs, NC 27592

SUBJECT: Notice of Violation
Compliance Inspection Report
John L Atkins II Grading, Inc.
YWN92-009
Wake County

Dear Mr. Atkins:

On August 15, 2013, Shawn McKee, representing the State of North Carolina, Division of Waste Management Solid Waste Section, inspected the above referenced facility for compliance with North Carolina solid waste statutes and rules. You were present and represented John L Atkins II Grading, Inc. during this inspection. The following violations were noted:

15A NCAC 13B .1401 (a) *All persons whose purpose is or includes the production of compost from solid waste or solid waste co-composted with other wastes shall not construct, operate, expand or modify a facility until a currently valid permit for a solid waste compost facility is issued by the Division. This provision also applies to facilities that accept, store, or produce compost or mulch from yard waste or from residues from agricultural products and processing.*

No additional stable waste can be accepted until such time that the facility is properly permitted to accept and manage the waste. Compost material containing stable waste may not be distributed to the public without a permit. The compost onsite with stable waste must be properly windrowed until a permit is obtained or removed if you chose not to pursue a permit.

COMPLIANCE SCHEDULE

Based upon the foregoing, John L Atkins II Grading, Inc. shall come into compliance within **30 days from the receipt of this NOV** with all requirements of the application regulations in 15A NCAC 13B .1401(a) by completing the following:



All unpermitted waste must be removed from the facility or a completed application for a Compost Demonstration Project must be submitted to the Solid Waste Section.

Failure to comply with this schedule may subject the facility and/or all responsible parties to enforcement actions including penalties, injunction from operation of a solid waste management facility or a solid waste collection service and any such further relief as may be necessary to achieve compliance with the North Carolina Solid Waste Management Act and Rules. Pursuant to N.C.G.S. 130A-22(a) and 15A NCAC 13B .0701-.0707, an administrative penalty of up to \$15,000.00 per day may be assessed for each violation of the Solid Waste Laws, Regulations, Conditions of a Permit, or an Order issued under Article 9 of Chapter 130A of the N.C. General Statutes.

If you have any questions please contact me at 919-707-8284 or e-mail shawn.mckee@ncdenr.gov.

Sincerely,

Shawn McKee
Environmental Senior Specialist
Solid Waste Section

Copies: Michael Scott, Section Chief - Solid Waste Section
Ellen Lorscheider, Planning and Programs Branch Head - Solid Waste Section
Dennis Shackelford, Eastern District Supervisor – Solid Waste Section
Martin A. Gallagher, Composting and Land Applications Branch Head - Solid Waste Section
Liz Patterson, Environmental Technician – Solid Waste Section