



North Carolina Department of Environment and Natural Resources

Pat McCrory  
Governor

John E. Skvarla, III  
Secretary

June 20, 2014

**CERTIFIED MAIL**

**RETURN RECEIPT REQUESTED**

**CERTIFICATION NUMBER** 7011 2000 0001 6591 2186

Mr. Mike Cummins  
Edgecombe Co. MSW Transfer  
P.O. Box 10  
Tarboro, North Carolina 27886

**SUBJECT: Notice of Violation**  
Compliance Inspection Report  
Edgecombe Co. MSWLF Transfer  
3302T  
Edgecombe County

Dear Mr. Cummins:

On June 10, 2014, Ben Barnes, 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 statues and rules. Mike Cummins was present and represented the Edgecombe Co. MSW Transfer during this inspection. The following violations were noted:

**A. 15A .0203(d) states:** “By receiving solid waste at a permitted facility, the permit-tee(s) shall be considered to have accepted the conditions of the permit and shall comply with the conditions of the permit.”

**GENERAL PERMIT CONDITIONS PART IV:**

**Number 5** “By beginning construction or receiving waste at this facility the permit-tee shall be considered to have accepted the terms and conditions of this permit

**OPERATING CONDITIONS PART 1:**

**Number 7** The facility shall not cause nuisance conditions.

- a. The tipping floor and transfer loading area must be maintained in a clean and sanitary condition at all times and must be cleaned at least daily in accordance with the approved Operations Plan.
- d. Effective vector control measures must be applied at all times to control any potential vectors including flies, rodents, insects, and other vermin

**B. 15A NCAC 13B .0402 OPERATIONAL REQUIREMENTS**

Any person who maintains or operates a transfer facility shall maintain and operate the facility in conformance with the following practices unless otherwise specified in the permit.

(1) Operational plans shall be approved and followed as specified for the facility;

(5) Effective vector control measures shall be applied to control flies, rodents, and other insects or vermin;

(7) Appropriate method shall be provided to confine material subject to be blown by the wind within the area. At the conclusion of each day of operation, all windblown material resulting from the operation shall be collected and returned to the area by the owner or operator

*Much waste was observed between the push wall and wall of the structure. Much waste was observed in the ditch that carries the drainage from the turn ramp and around the eastern side of the building. This has been observed and commented on in a previous inspection report but no action has been taken. Many flies were also observed.*

Based upon the foregoing, Edgecombe Co. MSWLF Transfer shall come into compliance by **July 25, 2014** with all requirements of the regulations in **15A NCAC 13B .0203(d) and .0402(1)(5)&(7)** by completing the following:

- **By the close of the working day this NOV was received,** clean the facility and grounds of waste and bait for flies and clean the facility and grounds including the tipping floor daily.
- Submit a plan to the Division illustrating changes to the drainage system for the turn ramp that will facilitate cleaning and prevent trash from collecting in the grate and along the base of the facility.
- Provide a timetable with the above plan listing the commencement and completion dates of the proposed modifications.
- Once the plan and timetable have been approved. Complete the necessary modifications to the facility listed in the plan by the approved date.

Edgecombe County MSW Transfer shall provide a written certification with supporting documentation confirming the noted compliance schedule has been completed. Include in this certification any actions taken to prevent these deficiencies from occurring in the future. Mail this certification to Ben Barnes, P.O. Box 1568, Elm City, North Carolina 27822 by the noted compliance date.

The item(s) listed above were observed by Section staff and require action on behalf of the facility in order to come into or maintain compliance with the Statutes, Rules, and/or other regulatory requirements applicable to this facility. Be advised that pursuant to N.C.G.S. 130A-22, an administrative penalty of up to \$15,000 per day may be assessed for each violation of the Solid Waste Laws, Regulations, Conditions of a Permit, or Order under Article 9 of Chapter 130A of the N.C. General Statutes. Further, the facility and/or all responsible parties may also be subject 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.

Please keep me informed of your progress in this matter. Solid Waste Section staff will conduct follow-up inspection(s) to verify that the facility has completed the requirements of this Notice of Violation.

If you have any questions please contact me at 252 236 4453 or e-mail [ben.barnes@ncdenr.gov](mailto:ben.barnes@ncdenr.gov).

Sincerely,



*Ben Barnes*  
Environmental Senior Specialist  
Division of Waste Management - Solid Waste Section

copies: Michael Scott, Section Chief  
Dennis Shackelford, Eastern District Supervisor  
Jessica Montie, Compliance Officer  
Ming-tai Chao, Permitting Engineer  
Lorenzo Carmon, County Manager, Edgecombe Co. 7011 2000 0001 6591 2193