



North Carolina Department of Environment and Natural Resources
Division of Waste Management

Pat McCrory
Governor

Dexter R. Matthews
Director

John E. Skvarla, III
Secretary

August 7, 2014

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

NUMBER 7011 2000 0001 6591 2094

C&D Landfill Inc.
802 Recycling Lane
Greenville, North Carolina 27834

SUBJECT: Notice of Violation
Compliance Inspection Report
EJE Recycling Transfer Facility
7407-CDLF-2009
Pitt County

Dear Mr. Bell:

On July 28, 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 statutes and rules. Wayne Bell and Sheila Smith were present represented EJE Recycling Transfer Facility during this inspection. The following violations were noted:

15A NCAC 13B .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 Condition Number 5 of the Permit to Operate states: “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.”

General Permit Condition Number 6 states: “Construction and operation of this solid waste management facility must be in accordance with the Solid Waste Management Rules, 15A NCAC 13B, Article 9 of the Chapter 130A of the North Carolina General Statutes (NCGS 130A-290, et seq.), the conditions contained in this permit; and the approved plan. Should the approved plan and the rules conflict, the Solid Waste Management Rules shall take precedence unless specifically addressed by permit condition.”

15A NCAC 13B .0542 OPERATIONAL REQUIREMENTS FOR C&DLF FACILITIES:

- (a) The owner or operator of a C&DLF unit must maintain and operate the facility in accordance with the operation plan prepared in accordance with this Rule. The operation plan must be submitted in accordance with Rule .0535 of this Section. Each phase of operation must be defined by an area which contains five years of disposal capacity.

- (f) Cover Requirements
 - (1) Except as provided in Subparagraph (3) of this Paragraph, the owners and operators of all C&DLF units must cover the solid waste with six inches of earthen material when the waste disposal area exceeds one-half acre and at least once weekly. Cover must be placed at more frequent intervals if necessary to control disease vectors, fires, odors, blowing litter, and scavenging. A notation of the date and time of the cover placement must be recorded in the operating record as specified in Paragraph (n) of this Rule.

- (k) Erosion and sedimentation control requirements.
 - (2) Adequate sediment control measures consisting of vegetative cover, materials, structures or devices must be utilized to prevent excessive on-site erosion of the C&DLF facility or unit.

COMPLIANCE SCHEDULE

Based upon the foregoing, EJE Recycling Transfer Facility shall come into compliance by **August 22, 2014** with all requirements of the application regulations in **15A NCAC 13B .0203(d), General Permit Conditions 5&6; 15A NCAC 13B .0542 OPERATIONAL REQUIREMENTS FOR C&DLF FACILITIES: (a)(f)&(k)(2)** and by completing the following:

1. All exposed areas of waste are to be covered with a minimum 6 inches of soil cover to include areas outside the working face such as the landfill top and side slopes. Exposed waste is considered uncovered.
2. Previously covered areas need to be provided with a ground cover sufficient to restrain erosion. As a minimum, areas need to be properly seeded and mulched. Please be advised that merely seeding does not meet the requirements of a ground cover sufficient to restrain erosion. This requirement is not met until all seeded areas have been properly mulched with a wheat straw or other approved measure.
3. All Waste outside the working face area needs to be returned to the working face or covered with 6 inches of soil. Waste outside the working face should be collected and placed in the working face daily.

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C&D Landfill Inc. shall provide a written certification with supporting documentation on company letterhead 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, Solid Waste Section, P.O. Box 1568, Elm City, North Carolina 27822 by the noted compliance date.

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 252 236 4453 or e-mail ben.barnes@ncdenr.gov.
Sincerely,



Ben Barnes
Environmental Senior Specialist
Solid Waste Section

cc: Jason Watkins, Field Operations Branch Head
Dennis Shackelford, Eastern District Supervisor
Jessica Montie, Compliance Officer