



North Carolina Department of Environment and Natural Resources

Pat McCrory
Governor

John E. Skvarla, III
Secretary

November 18, 2014

CERTIFIED MAIL # 7012 1010 0002 1965 8090
RETURN RECEIPT REQUESTED

Mike Garlock and Kim Pierson
Triple T Pumping
1372 N.C. Highway 194 North
Boone, NC 28607

SUBJECT: **Notice of Violation**
 Compliance Inspection Report
 Triple T Pumping
 9505-COMPOST
 Watauga County

Dear Mr. Garlock and Ms. Pierson:

On October 2, 2014, October 3, 2014, and October 9, 2014, Deborah Aja, 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 Garlock and Kim Pierson were present on October 9, 2014 and represented Triple T Pumping during this inspection. The following violations were noted:

A. 15A NCAC 13B .0203(d) states: “By receiving solid waste at a permitted facility, the permittee(s) shall be considered to have accepted the conditions of the permit and shall comply with the conditions of the permit.”

15A NCAC 13B .1406(1)(A) states: “Any person who maintains or operates a solid waste compost facility shall maintain and operate the site to conform with the following practices: (1) Plan and Permit Requirements: (A) Construction plans and conditions of permit shall be followed;”

On 10/2/2014 and 10/3/2014 an area of landfilled compost was observed on the permit holder’s property, located approximately 400 feet northwest of the compost facility. The landfill was approximately 25 feet high and 40 feet wide by 100 feet long. Some plastics were observed on the surface. Septage odors from this landfilling activity were detected from the location of the compost facility approximately 400 feet away. On 10/9/2014 the landfill was observed covered with soil and no odors were present. The landfilling of septage compost was not in the approved plans for the facility. The approved plans state

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that compost produced at the compost facility was to be used as a compost product. This constitutes violations of 15A NCAC 13B .0203(d) and 15A NCAC 13B .1406(1)(A).

Based upon the foregoing, Triple T Pumping shall come into compliance by **March 30, 2015** with all requirements of the regulations in 15A NCAC 13B .0203(d) and 15A NCAC 13B .1406(1)(A) by completing the following:

- 1. Triple T Pumping must remove landfilled material that can be identified as compost material (distinguishable from soil) and any buried wastes no later than March 30, 2015. Compost material removed from the landfill may be spread on-site at a depth no greater than 3 inches in an area approved in advance by the Section. The compost material may be distributed if it can be demonstrated that it meets the testing requirements of Rule .1408(d)(1-2). Any other buried wastes must be removed and delivered to a permitted solid waste management facility. Follow-up inspections will be made prior to the established compliance date to monitor progress.**

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 828-296-4702 or by email at deborah.aja@ncdenr.gov.

Sincerely,

Deborah Aja
Western District Supervisor
Division of Waste Management - Solid Waste Section

Copies (via email): Tony Gallagher, Composting and Land Application Branch Head
Jason Watkins, Field Operations Branch Head
Elizabeth Patterson, Composting and Land Application Branch
Sarah Rice, Compliance Officer