



North Carolina Department of Environment and Natural Resources

Pat McCrory
Governor

John E. Skvarla, III
Secretary

August 26, 2014

CERTIFIED MAIL 7013 0600 0001 7442 9758
RETURN RECEIPT REQUESTED

Mr. J. Bryan Smith
Atlantic Sewage Control
PO Box 2560
Kitty Hawk, NC 27949

SUBJECT: Notice of Deficiency
Compliance Inspection Report
Atlantic Sewage Control
SLAS-27-16, SLAS-27-17, SLAS-27-18, and SLAS-27-20
Currituck County

Dear Mr. Smith:

On April 1, 2014, your permits to operate septage land application sites in Currituck County under permits SLAS-27-16, SLAS-27-17, SLAS-27-18, and SLAS-27-20 expired. As a result, those sites were closed down. On April 16, 2014, the applications for permit renewal were emailed to Mr. Chester Cobb with the State of North Carolina, Division of Waste Management Solid Waste Section. On April 21, 2014, Mr. Cobb received the original applications for the four sites in the mail. The failure to submit the applications for permit renewal prior to the expiration date on the permits is a violation of:

- A. 15A NCAC 13B .0835 (g) states "Applications for renewal permits shall be submitted to the Division at least 90 days prior to the expiration date of the permit. The Division shall notify permit holders of facility permit expiration dates 120 days prior to permit expiration." The applications for renewal of permits, SLAS-27-16, SLAS-27-17, SLAS-27-18, and SLAS-27-20 were emailed on April 16, 2014 and received by mail on April 21, 2014.**

The above deficiencies may have or can compromise the facility's ability to ensure protection of the public health and the environment and thus require remedial action on behalf of the facility in order to maintain compliance with 15A NCAC 13B .0835 (g). In order to resolve these issues, Atlantic Sewage Control must take the following actions:

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In the future, Atlantic Sewage Control shall ensure that the application for permit renewal is submitted 90 days prior to the expiration date of the permit.

The violation listed above was observed by Section staff and requires 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.

If you have any questions please contact me at (919) 707-8283 or e-mail chester.cobb@ncdenr.gov.

Sincerely,



Chester R. Cobb, Soil Scientist
Division of Waste Management, NCDENR

copies: * Martin A. Gallagher, Branch Head