



Nonpermitted
Non-facility
Wake County
IS 92 0601

North Carolina Department of Environment and Natural Resources

Michael F. Easley, Governor

William G. Ross Jr., Secretary

Division of Waste Management
Dexter R. Matthews, Director

April 25, 2006

CERTIFIED MAIL
Return Receipt Requested
7001 2510 0006 9500 8835

Mr. John L Adkins II,
PO BOX 1191
Apex, North Carolina 27502

Subject: Notice of Violation
NEUSE River Basin
Wake County, North Carolina
Non-facility, IS 92 06 01

Dear Mr. Adkins:

Pursuant to North Carolina General Statutes 130A-22(a) and to 15A North Carolina Administrative Code 13B, you are hereby informed that you are operating a non-conforming solid waste compost facility on your property located at 3728 Johnson Pond Road, Wake County, North Carolina.

On April 13, 2006 Ted Lyon (DENR-Solid Waste Section-Composting Branch Head and I inspected your property located at 3728 Johnson Pond Road, Wake County. The reason for our visit was because this office received a telephone call from someone complaining they had purchased mulch from your company and it was full of construction debris, paper, and other materials not relating to composting. During our visit we observed crushed laminated board, mixed with the garden blend mulch. This material is not allowed in compost or mulch. You also have not given Notification of your activities nor have you requested a Permit to operate a composting facility and this constitutes a violation of the North Carolina Solid Waste Management rules, codified at 15A N.C. Administrative Code 13B; specifically:

15A N.C. Administrative Code 13B .0201(a) states that " no person shall establish, or allow to be established on his land a solid waste management facility, or otherwise treat, store, or dispose of solid waste unless a permit for this facility has been obtained from the Division of Waste Management."

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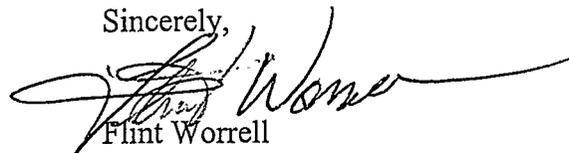
You are in violation of Section 13B .0201(a) in that a solid waste management facility has been established on your land without a permit from the Division of Waste Management.

Based on the foregoing, discontinue all composting operations and within 30 days of receipt of this notice comply with 15A NCAC 13B .0502 by taking the following actions. Apply for a Permit to Compost at the 3728 Johnson Pond Road Site.

Pursuant to N.C.G.S. 130A-22(a) and 15A N.C.A.C. 13B .0701-.0707, an administrative penalty of up to **\$5000.00 per day** may be assessed to each violation of the solid Waste Management Law and Regulations. If this violation is corrected within the time period specified for compliance, no further legal action will be pursued.

We solicit your cooperation and would like to avoid taking further action. At the same time, it is your responsibility to comply with the requirements of the North Carolina Administrative Code. If you have any questions regarding this matter, please feel free to contact me at (910)-486-1541, Extension 751.

Sincerely,



Flint Worrell

DENR-Solid Waste Section-Waste Mgmt. Spec.

LFW/lfw

Cc: Mark Poindexter, DENR-Solid Waste Section-Field Operations Branch Head
John Crowder, DENR-Solid Waste Section-Eastern Area Supervisor
Ted Lyon, DENR-Solid Waste Section-Composting & LA Branch Head
Dennis Shackelford-DENR-Solid Waste Section-Waste Management Specialist