



PAT MCCRORY
Governor

DONALD R. VAN DER VAART
Secretary

LINDA CULPEPPER
Director

February 10, 2016

CERTIFIED MAIL 70142120000080551125
RETURN RECEIPT REQUESTED

Michael W. Jarman, County Manager
PO Box 3289
Kinston, NC 28502

SUBJECT: **Notice of Deficiency**
Compliance Inspection Report
Lenoir County Transfer Station
5405T-TRANSFER-1998
Lenoir County

Dear Mr. Jarman:

On January 27, 2016, Mr. Wes Hare, representing the State of North Carolina, Division of Waste Management Solid Waste Section (Section), inspected the above referenced facility for compliance with North Carolina solid waste statutes and rules. The following violations were noted:

- A. **15A NCAC 13B .0201(c)** states "No solid waste management facility shall be established, operated, maintained, constructed, expanded or modified without an appropriate and currently valid permit issued by the Division. It is the responsibility of every owner and operator of a proposed solid waste management facility to apply for a permit for the facility. The term "owner" shall include record owners of the land where the facility is located or proposed to be located and holders of any leasehold interest, however denominated, in any part of the land or structures where the facility is located or proposed to be located."
- B. **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."

Attachment 3, Part I, Number 1 of the expired Permit to Operate states the following: "The Permit to Operate shall expire October 8, 2015. Pursuant to 15A NCAC 13B .0201(e), no later than April 8, 2015, the owner or operator must submit a request to the Section for permit review and must update pertinent facility plans including, but not limited to, the facility operation and waste screening plans."

The abovementioned violations have occurred because the Permit to Operate (PTO) has expired.

The above violations 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 .0201(c) and 15A NCAC 13B .0203(d). In order to resolve these issues, Lenoir County must formally request renewal of the PTO within fifteen days of receipt of this Notice to Mr. Ed Mussler, Head of the Permitting Branch of this Section.

The violations 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.

If you have any questions please contact me at 910-796-7405 or e-mail wes.hare@ncdenr.gov.

Sincerely,

Wes Hare
Environmental Senior Specialist
Division of Waste Management - Solid Waste Section

copies: Jason Watkins, Field Operations Branch Head
Jessica Montie, Compliance Officer
Ed Mussler, Permitting Branch Head



FACILITY COMPLIANCE INSPECTION REPORT
Division of Waste Management
Solid Waste Section

Table with columns for Unit Type (Lined MSWLF, Closed MSWLF, CDLF) and checkboxes for various waste types (LCID, YW, White goods, Incin, Industrial Landfill, Compost, T&P, DEMO, SLAS, FIRM, SDTF). Includes a summary box for County (LENOIR), Permit No. (5405T-TRANSFER-1998), and File Type (COMPLIANCE).

Date of Site Inspection: January 27, 2016 Date of Last Inspection: February 18, 2015

FACILITY NAME AND ADDRESS:

Lenoir County Transfer Station
2949 Hodges Farm Rd.
La Grange, NC 28551

GPS COORDINATES: N: 35.29453° W: 77.71301°

FACILITY CONTACT NAME AND PHONE NUMBER:

Landfill 252.566.4194
Tom Miller 252.566.5408 fax 252.566.5690
Email: tmiller@co.lenoir.nc.us

Michael W. Jarman, County Manager
PO Box 3289 Kinston, NC 28502
mjarman@co.lenoir.nc.us

FACILITY CONTACT ADDRESS:

Same as above

PARTICIPANTS:

Wes Hare, NCDEQ – Solid Waste Section

STATUS OF PERMIT:

The original Permit to Construct (PTC) was issued 7/30/97. The original Permit to Operate (PTO) was issued 4/28/98. The current PTO was issued 10/8/10 and expired 10/8/15; request for review was due April 8, 2015. This was noted on the February 18, 2015 Inspection Report to the County.

PURPOSE OF SITE VISIT:

Partial Inspection

STATUS OF PAST NOTED VIOLATIONS:

Not Applicable

OBSERVED VIOLATIONS:

- 1. 15A NCAC 13B .0201(c) states "No solid waste management facility shall be established, operated, maintained, constructed, expanded or modified without an appropriate and currently valid permit issued by the Division. It is the responsibility of every owner and operator of a proposed solid waste management facility to apply for a permit for the facility. The term "owner" shall include record owners of the land where the facility is located or proposed to be located and holders of any leasehold interest, however denominated, in any part of the land or structures where the facility is located or proposed to be located."
2. 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." Attachment 3, Part I, Number 1 of the expired Permit to Operate states the following: "The Permit to Operate shall expire October 8, 2015. Pursuant to 15A NCAC 13B .0201(e), no later than April 8, 2015, the owner or operator must submit a request to the Section for permit review and must update pertinent facility plans including,

FACILITY COMPLIANCE INSPECTION REPORT
Division of Waste Management
Solid Waste Section

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but not limited to, the facility operation and waste screening plans.”

To remedy these violations, submit a request for renewal to the Permitting Branch of the Solid Waste Section within fifteen days of receipt of this report.

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.

ADDITIONAL COMMENTS

General

1. The facility is open Monday-Friday 8:00am-4:30pm and Saturday 8:00am-11:30am.
2. The service area is Lenoir County.

Documentation

1. Partial inspection; no on-site document review. **Section files do not indicate a request from Lenoir County for renewal of the Permit to Operate. This request is required for the County to continue use of the Transfer Station.**

Facility Grounds and Structures

1. The access road is being maintained for all-weather use.
2. No unapproved waste was observed.
3. The tipping floor is cleaned daily and routinely sanitized.
4. Windblown waste was present, but was being picked up by staff. An early inspection may be conducted to ensure windblown waste is removed daily as required.
5. Fire extinguishers and hoses are available.
6. Pictures are as follows:



Please contact me if you have any questions or concerns regarding this inspection report.

Phone: 910-796-7405

Wes Hare
Environmental Senior Specialist
Regional Representative



Waste Management
ENVIRONMENTAL QUALITY

FACILITY COMPLIANCE INSPECTION REPORT
Division of Waste Management
Solid Waste Section

Sent on: 2/10/16	X	Email		Hand delivery	X	US Mail	X	Certified No. 70142120000080551125
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Copies: Jason Watkins, Field Operations Branch Head - Solid Waste Section
 Jessica Montie, Compliance Officer - Solid Waste Section
 Ed Mussler, Permitting Branch Head - Solid Waste Section
 Michael W. Jarman - County Manager