



State of North Carolina
Department of Environment, Health, and Natural Resources
Winston-Salem Regional Office

James B. Hunt, Jr., Governor
Jonathan B. Howes, Secretary

Margaret Plemmons Foster
Regional Manager

DIVISION OF ENVIRONMENTAL MANAGEMENT
GROUNDWATER SECTION

NOTICE OF VIOLATION OF THE OIL POLLUTION AND
HAZARDOUS SUBSTANCES CONTROL ACT

March 18, 1993

CERTIFIED MAIL NUMBER P 131 598 009
RETURN RECEIPT REQUESTED

Melvin Yarboro
1072 Tarry Church Rd.
Star, NC 27356

Subject: 2205 Oakhill Dr., Greensboro, Guilford County, NC

Dear Mr. Yarboro:

Chapter 143, North Carolina General Statutes, authorizes and directs the Environmental Management Commission of the Department of Environment, Health, and Natural Resources to protect and preserve the water and air resources of the State. The Division of Environmental Management has the delegated authority to enforce adopted pollution control rules and regulations.

On March 10, 1993 this office was notified of a release from an Underground Storage Tank System at the subject location.

Such a discharge is in violation of G.S. 143-215.75 et. seq. Oil Pollution and Hazardous Substances Control Act of 1978. Please reference the following excerpts from the Act:

143-215.83. Discharges.--(a) Unlawful Discharges. --It shall be unlawful, except as otherwise provided in this Part, for any person to discharge, or cause to be discharged, oil or other hazardous substances into or upon any waters, tidal flats, beaches, or lands within this state, or into any sewer, surface water drain or

other waters that drain into the waters of this State, regardless of the fault of the person having control over the oil or other hazardous substances, or regardless of whether the discharge was the result of intentional or negligent conduct, accident or other cause.

143-215.84. Removal of prohibited discharges. -- (a) Person Discharging. -- Any person having control over all oil or other hazardous substances discharged in violation of this Article shall immediately undertake to collect and remove the discharge and to restore the area affected by the discharge as nearly as may be to the condition existing prior to the discharge.

It is our understanding that you and/or your firm are responsible for violation of the Oil Pollution and Hazardous Substances Control Act. Therefore, you are required to immediately undertake clean-up of contamination and restoration of the affected area. Toward this end you must submit a site assessment report which describes the full vertical and horizontal extent of the contamination. An adequate report must be received by this office on or before May 19, 1993. If the investigation indicates that a corrective action plan (remedial action plan) is required, it should be submitted to this office within sixty (60) days after submitting a site assessment report.

It is requested that within fifteen (15) days, you submit a written response describing your plans to achieve compliance with the Act. Should you dispute our assessment of responsibility, please include documentation of your position in your response.

Failure to submit the report required or failure to promptly undertake clean-up and restoration of the affected area may result in the recommendation of enforcement action including: (1) the issuance of a special order against you under the authority of G.S. 143-215.2, (2) a request to the Attorney General to institute an action for injunctive relief, and (3) a civil penalty of up to \$5,000 in accordance with G. S. 143-215.91.

Please do not hesitate to contact Kelly C. Gage at (919) 373-7565 regarding any questions you may have about this matter.

Sincerely,

Larry D. Coble

Larry D. Coble
Regional Supervisor

LDC/ahl

Enclosure

cc: Office of Attorney General
Incident Management Unit
Guilford County Emergency Services
Guilford County Emergency Management
WSRO

P 131 598 009



Receipt for Certified Mail

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PS Form 3800, June 1991

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Return Receipt Showing to Whom & Date Delivered	
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SENDER: Quispill / 2205 Oakhill Dr.

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back, if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

- 1. Addressee's Address
 - 2. Restricted Delivery
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3. Article Addressed to:
**Melvin Yarboro
1072 Tamy Church Rd.
Star, NC 27356**

4a. Article Number
P131-598-009

4b. Service Type
 Registered Insured
 Certified COD
 Express Mail Return Receipt for Merchandise

7. Date of Delivery
3-20-93

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5. Signature (Addressee)
Melvin Yarboro

6. Signature (Agent)

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