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July 8, 2016

Certified Mail: **7008 3230 0002 2591 1915**  
Return Receipt Requested

Lee Hill  
North Carolina Department of Environmental Quality  
Division of Waste Management – Solid Waste Section  
2090 US 70 Highway  
Swannanoa, North Carolina 28778-8211

**Subject: NCDEQ/DWM/SWS Notice of Violation Letter (dated June 28, 2016)**  
**Facility Compliance Inspection Report (June 15, 2016)**  
**Landfill No. 6 - Permit No. 4406-INDUS-1984 – Haywood County**

Dear Mr. Hill,

Evergreen Packaging (EPI) is responding to the Notice of Violation (NOV) letter from DEQ dated June 28, 2016 regarding the June 15, 2016 Facility Compliance Inspection for Landfill No. 6 at EPI.

Following the inspection, EPI immediately repaired the rill erosion in the ACM area by covering the areas identified with at least eighteen inches of compacted soil. Additional ground cover material (see Attachment I) was provided to minimize potential erosion conditions, and the areas were hydro-seeded to establish vegetative cover.

As of June 20, 2016 documented inspections of the asbestos cell are being conducted to monitor conditions and ensure compliance with 15A NCAC 13B 0505(4) (b). This inspection form (see Attachment II) will be maintained at the leachate pump house.

EPI formally requests that the NOV be withdrawn and re-issued as a Notice of Deficiency. EPI believes the non-compliance in this instance constitutes a Tier 1 Violation as that term is defined in the General DEQ Enforcement Policy and in the policy specific to Solid Waste.

The general policy reads as follows: “Tier 1 Violations represent minor violations resulting in little or no harm to the environment or public health. Tier 1 violations are of minor duration and gravity.” The non-compliance in this case was minor. The waste itself was never exposed although the bags in which the waste was stored were visible. The area in question was covered with at least eighteen inches of compacted fill shortly after the inspection.

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The policy specific to Solid Waste reads as follows: Tier 1 Violations are “Minor violations of permit conditions or regulations resulting in no excess or unpermitted releases to the environment.” Again, the non-compliance in this situation was minor. There was no release to the environment.

In support of the request, an undocumented inspection of the asbestos cell was inspected by EPI personnel on the morning of June 13, 2016. No rill erosion was observed within the cell. Vegetation was considered adequate at the time. There were two heavy volume, short duration rainfall events on the afternoons of June 13 and 14, 2016. These rainfall events are considered to be the physical cause of the observed finding on June 15, 2016. EPI contends:

- The “exposed material” was in double bagged 6-mil poly bags under a 6-mil poly liner. The exposure resulted in no harm to the environment or public health”;
- The observed finding was “of minor duration and gravity” being under two days duration and not presenting open or exposed asbestos material.;
- The observed finding was “not committed willfully or intentionally” and resulted from acts of nature.;
- The observed finding resulted “in no excess or unpermitted releases to the environment” as the asbestos material was still double bagged and covered with a sheet of poly.

EPI is looking forward to the follow up inspection to be conducted on Tuesday, July 12, 2016 and to working proactively with the Division of Waste Management to ensure compliance in all Landfill operations.

Should you have questions or need clarification of the information provided, please contact me at your convenience.

Respectfully,



John R. Frazier Jr.  
Landfill Supervisor

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cell: 828.412.2471

**Enclosures:**

**Attachment I: 06302016 Asbestos Cell Current Condition photo**

**Attachment II: Landfill No. 6 - Asbestos Cell Inspection form**

**CC:**

**Matthew Claypool – EPI**

**Michael Ferguson – EPI**

**Reginald Paige – EPI**

**Brian Satterfield – EPI**

**Logan Vaughan – EPI**

**William Clarke – Roberts & Steven, P.A.**

**File – CMRRR JRF 01-16 LANDFILL**