



PAT MCCRORY  
*Governor*

DONALD R. VAN DER VAART  
*Secretary*

MICHAEL SCOTT  
*Director*

July 11, 2016

CERTIFIED MAIL 7014 0510 0000 4466 3227  
RETURN RECEIPT REQUESTED

Joey Davis  
Town Manager  
301 N. Tryon St  
Tryon, NC 28782

SUBJECT:     **Notice of Deficiency**  
                  Compliance Inspection Report  
                  Town of Tryon – Yard Waste Facility  
                  YWN-75-004  
                  Polk

Dear Mr. Davis,

On July 7, 2016, Lee Hill, 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 (a) states that “No person shall treat, process, store, or dispose of solid waste or arrange for the treatment, processing, storage or disposal of solid waste except at a solid waste management facility permitted by the Division for such activity, except as provided in G.S. 130A-294(b).”**

The Town of Tryon is in violation of 15A NCAC 13B .0201 (a) in that it failed to renew the Yard Waste Notification that expired on May 31, 2016 and continued to store and process material onsite.

**B.     15A NCAC 13B .1406 (6) states that “A site shall only accept those solid wastes that it is permitted to receive.”**

The Town of Tryon is in violation of 15A NCAC 13B .1406 (6) in that numerous plastic bags containing leaves were observed in the operations area of the facility. Some of the bagged leaves also contained MSW.

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 (a) and 15A NCAC 13B .1406 (6). In order to resolve these issues, The Town of Tryon – Yard Waste Facility must take the following actions:

- **Within thirty (30) days the Town of Tryon must submit a new Yard Waste Notification or a closure form and plan for the removal and disposal of all on-site material.**
- **Within thirty (30) days the Town of Tryon must remove all plastic bags and MSW from the Yard Waste area and dispose of the material in the proper location.**

The violation(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.

Please keep me informed of your progress in this matter. Solid Waste Section staff will conduct a follow-up inspection(s) to verify that the facility has completed the requirements of this Notice of Deficiency.

If you have any questions, please contact me at 828-296-4700 or e-mail [lee.hill@ncdenr.gov](mailto:lee.hill@ncdenr.gov).

Sincerely,

Lee Hill  
Environmental Senior Specialist  
Division of Waste Management - Solid Waste Section

Enclosure: Town of Tryon – Yard Waste Facility Inspection Report

copies: Jason Watkins, Field Operations Branch Head  
Tony Gallagher, Compost & Land Application Branch Head  
Deb, Aja, Western District Supervisor  
Jessica Montie, Compliance Officer  
Sarah Rice, Compliance Officer

