



North Carolina Department of Environment and Natural Resources

Dexter Matthews, Director

Division of Waste Management

Beverly Eaves Perdue, Governor
Dee Freeman, Secretary

December 19, 2011

CERTIFIED MAIL: 7010 3090 0002 6247 8173

RETURN RECEIPT REQUESTED

Jay Myrick
10315 Hwy 158
Littleton, NC 27850

SUBJECT: **Notice of Deficiency**
Compliance Inspection Report
Myrick Notified LCID
NO694
Warren County

Dear Mr. Myrick:

On December 1, 2011, Mary Whaley and Ben Barnes, 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. During this inspection, the following items were noted and/or observed:

1. **15A NCAC 13B .0566 (4)** states "Adequate soil cover shall be applied monthly, or when the active area reaches one acre in size, whichever occurs first." There was not any soil cover and it appeared that there has not been any cover since the fire several years ago.
2. **15A NCAC 13B .0565 (3)(j)** states "Excavation, grading, and fill material side slopes shall not exceed three to one (3:1)." The side slopes were steeper than 3:1.

The above deficiencies 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 achieve compliance with 15A NCAC 13B .0566 (4) and 15A NCAC 13B .0565 (3)(j). By January 30, 2012, the facility must complete the following:

1. Place an adequate soil cover over the land clearing debris including the side walls.
2. Insure that all side walls are kept at a slope of no greater than 3:1.

Failure to comply with this schedule may subject the responsible party to enforcement actions including a notice of violation, civil penalty, 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. Pursuant to N.C.G.S. 130A-22(a) and 15A NCAC 13B .0701-.0707, an administrative penalty of up to \$15,000.00 per day may be assessed for each violation of the Solid Waste Laws, Regulations, Conditions of a Permit, or an Order issued under Article 9 of Chapter 130A of the N.C. General Statutes.

If you have any questions, please contact me at 919-693-5023 or e-mail: mary.whaley@ncdenr.gov

Sincerely,

Mary Whaley
Environmental Senior Specialist
Solid Waste Section

copies: Mark Poindexter, Field Operations Branch Supervisor
Dennis Shackelford, Eastern District Supervisor