



COPY

North Carolina Department of Environment and Natural Resources
Division of Water Quality

Beverly Eaves Perdue
Governor

Coleen H. Sullins
Director

Dee Freeman
Secretary

April 8, 2009

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

7002 0460 0001 9899 5886

Braswell Well Drilling

PO Box 70

Newland, NC 28657

Attn: David Braswell, Sr., Registered Agent

RE: Certification #2133

Reference: **NOTICE OF VIOLATIONS of the NORTH CAROLINA
WELL CONSTRUCTION STANDARDS
NOV-2009-2C-0008
BIMS Incident 200900267
Avery County, N.C.**

Dear Mr. Braswell:

The Aquifer Protection Section of the Division of Water Quality (DWQ) is responsible for the regulation of well construction activities within the State of North Carolina. On March 19, 2009, the Asheville Regional Office (ARO) of DWQ inspected a water supply well located on the property of Nancy and James Frye. The well was drilled by Braswell Well Drilling. The field inspection verified the findings of a metes and bounds survey conducted on the landfill property in October, 2008; that the well was located approximately 400 feet from the landfill; less than the state-mandated separation distance of 500 feet from a sanitary landfill. The Avery County Construction and Demolition landfill began operation in 1996. The well was installed on 1/30/2006.

Therefore the following violation exists:

VIOLATION 1:

The well was installed at less than 500 feet from the landfill boundary, as required by Rule 15A NCAC 2C.0107(a)(2) (J).

REQUIRED CORRECTIVE ACTION for Violation 1:

Please abandon the well as required by 15A NCAC 2C.0113(b) and submit a well abandonment record (GW-30).

Pursuant to North Carolina General Statute 87-91(a), you are hereby notified that you are in violation of the Well Construction Standards indicated in Subchapter 2C, Title 15A, of the North Carolina Administrative Code. These Standards were adopted by the Environmental Management Commission under authority granted by the North Carolina Well Construction Act. This Notice is given in accordance with North Carolina General Statutes 87-93, *et seq.*

North Carolina Division of Water Quality – Asheville Regional Office
2090 U.S. Highway 70, Swannanoa, N.C. 28778
Customer Service 1-877-623-6748
Internet: h2o.cnr.state.nc.us

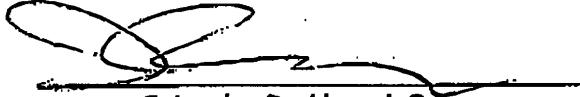
Phone (828) 296-4500 FAX (828) 299-7043

One
North Carolina
Naturally

Braswell Well Drilling
April 8, 2009
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Please take the corrective actions for the above violations as necessary to bring said well into compliance. **Please notify this office and the owner at least 24 hours in advance before you plan to make the corrections or abandon the well. You must have approval from the property owner.** Corrective actions must be taken and reported to the Asheville Regional Office, 2090 US Highway 70, Swannanoa, NC 28778, **within 24 days**, unless otherwise noted in the above corrective actions, from receipt of this Notice to avoid recommendation of civil penalties for **continuing** violations.

Your prompt attention to the items described herein is required. Failure to comply with the State's rules, in the manner and time specified, may result in the assessment of civil penalties and/or the use of other enforcement mechanisms available to the State. **Each day that a violation continues may be considered a separate violation.**



G. Landon Davidson, L.G.
Aquifer Protection Section Regional Supervisor
Asheville Regional Office

Attachment: GW-30 form

cc:

WCCC - Drew Morgan
Henry Norris, Avery County Construction and Demolition Landfill, PO Box 640, Newland, NC 28657
William and Nancy Frye, 10 Fairway Lane, Newland, NC 28657
ARO files
Bill Wagner, NC DENR Solid Waste Division

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7002 0460 0001 9899 5893

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PO Box 70

Newland, NC 28657

Attn: David Braswell, Sr., Registered Agent

RE: Certification #2133

Reference: **NOTICE OF VIOLATIONS of the NORTH CAROLINA
WELL CONSTRUCTION STANDARDS
NOV-2009-2C-0010
BIMS Incident 200900949
Avery County, N.C.**

Dear Mr. Braswell:

The Aquifer Protection Section of the Division of Water Quality (DWQ) is responsible for the regulation of well construction activities within the State of North Carolina. On March 19, 2009, the Asheville Regional Office (ARO) of DWQ inspected a water supply well located on the property of the Avery County Construction and Demolition Landfill on Brushy Creek Road in Avery County, NC. The well was drilled by Braswell Well Drilling. The field inspection verified the findings of a metes and bounds survey conducted on the landfill property in October, 2008; that the well was approximately 126 feet from the edge of the landfill; less than the state-mandated separation distance of 500 feet from a sanitary landfill. The landfill began operation in 1996. The well were installed on 2/24/97.

Therefore the following violation exists:

VIOLATION 1:

The well was installed at less than 500 feet from the landfill boundary, as required by Rule 15A NCAC 2C.0107(a)(2) (J).

REQUIRED CORRECTIVE ACTION for Violation 1:

Please abandon the well as required by 15A NCAC 2C.0113(b) and submit a well abandonment record (GW-30).

Pursuant to North Carolina General Statute 87-91(a), you are hereby notified that you are in violation of the Well Construction Standards indicated in Subchapter 2C, Title 15A, of the North Carolina Administrative Code. These Standards were adopted by the Environmental Management Commission under authority granted by the North Carolina Well Construction Act. This Notice is given in accordance with North Carolina General Statutes 87-93, *et seq.*

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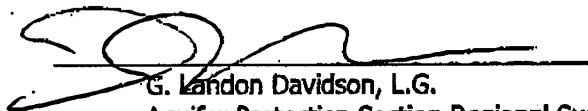
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Your prompt attention to the items described herein is required. Failure to comply with the State's rules, in the manner and time specified, may result in the assessment of civil penalties and/or the use of other enforcement mechanisms available to the State. **Each day that a violation continues may be considered a separate violation.**



G. Landon Davidson, L.G.
Aquifer Protection Section Regional Supervisor
Asheville Regional Office

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Henry Norris, Avery County Construction and Demolition Landfill, PO Box 640, Newland, NC 28657
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