



North Carolina Department of Environment and Natural Resources

Dexter R. Matthews, Director

Division of Waste Management  
Easley, Governor

Michael F.

William G.

Ross Jr., Secretary

April 9, 2008

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Donna B. Clark  
Finance Director  
34 Valley Street  
Asheville, NC 28801

**Re: NOTICE OF VIOLATION**  
**Local Government Financial Assurance Test**  
**Buncombe County Landfill, Permits #11-07 and #11-01**

Dear Ms. Clark:

You are hereby informed that the Buncombe County Landfill, Permits #11-07 and 11-01, is in violation of the North Carolina Solid Waste Management Rules codified as Title 15A Subchapter 13B of the North Carolina Administrative Code (NCAC), specifically:

15A NCAC 13B .1628(e)(1)(F) requires all owners or operators of municipal solid waste landfill (MSWLF) units, who are using the Local Government Financial Test to satisfy the financial assurance requirement, to submit a letter signed by the local government's chief financial officer (CFO) and worded as specified in Part (e)(2)(G) of this Rule. This letter must be submitted to the Division annually within 120 days after the close of each fiscal year.

The annual update was officially due on November 1, 2007. Buncombe County is required to comply with 15A NCAC 13B .1628(b) by taking the following actions:

1. Within 14 days of receipt of this notice, submit an updated Local Government Financial Test letter using estimates based on current dollars for Buncombe County's fiscal year ending June 30, 2007, or submit documentation of another acceptable mechanism as provided in 15A NCAC 13B .1628(e);
2. Take any and all steps necessary to ensure that Buncombe County will meet the liability requirements of the Local Government Commission using closure and post-closure cost estimates based on current dollars for the fiscal year ending June 30, 2007.

1646 Mail Service Center, Raleigh, North Carolina 27699-1646  
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Please be advised that pursuant to 130A-22(a) and 15A N.C.A.C. 13B .0701 - .0707, an administrative penalty of up to \$15,000.00 per day may be assessed for violation of the Solid Waste Management Laws or Regulations.

Thank you for your attention to this matter. If you have any questions, please call me at (919)508-8496.

Sincerely,



Amy Kadrie  
Compliance Officer  
Solid Waste Section

cc: Mark Poindexter, Field Operations Branch Head  
Deborah Aja, Western District Supervisor