



North Carolina Department of Environment and Natural Resources

Dexter Matthews, Director

Division of Waste Management
Solid Waste Section
Winston-Salem Regional Office

Beverly Eaves Perdue, Governor
Dee Freeman, Secretary

July 21, 2010

CERTIFIED MAIL # 70092250000410844536
RETURN RECEIPT REQUESTED

Abbey Green, Inc
Ellie Hild, Registered Agent
4400 Silas Creek Parkway, Suite 301
Winston-Salem, NC 27104

CERTIFIED MAIL #70081300000119385963
RETURN RECEIPT REQUESTED

Abbey Green, Inc.
Roger Nielsen, President
1403 Bridle Court
Yardley, PA 19607

CERTIFIED MAIL # 70081300000119385901
RETURN RECEIPT REQUESTED

Overdale Holdings, Inc.
James Bryan, President
P O Box 12339
Winston-Salem, NC 27117

RE: Proposed Abbey Green Recycling Center – Forsyth County
Notice of Violation

Dear Sirs and Madam:

Pursuant to North Carolina General Statute (NCGS) § 130A-294 and 15A North Carolina Administrative Code (NCAC) 13B, you are hereby informed that a non-conforming solid waste site is located on property owned by Overdale Holdings, Inc. off of Overdale Road in Forsyth County.

On May 27, 2010, a letter was issued from Larry Frost, Permit Engineer to Jim (James) Bryan summarizing a phone conversation related to additional items and clarifications needed for the review of the permit for the proposed Abbey Green Recycling Center. Item #8 in that letter stated “you informed me that you intended on receiving equipment in the next few months, receipt of equipment does not necessarily mean construction has commenced, however be careful not to begin construction without a permit. Construction without a permit is violation of North Carolina General Statutes and Administrative Codes.”

One
North Carolina
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585 Woughtown Street, Winston-Salem, NC 27107

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On July 16, 2010, Solid Waste Section (Section) staff inspected the site of the proposed Abbey Green Recycling Center off of Overdale Road in Winston-Salem, NC. During the inspection, staff met with Mr. Bryan and observed activities occurring related to the construction of the Recycling Center. These activities included site preparation (grading and filling), underground utilities, curbing, and a concrete pad to be utilized for sorting materials at the Recycling Center.

Construction of a Solid Waste facility without a permit is a violation of N.C. General Statute 130A-294 and N.C. Solid Waste Management Rules, codified at 15A NCAC 13B; specifically:

.0201(c) – “ No solid waste management facility shall be established, operated, maintained, constructed, expanded or modified without an appropriate and currently valid permit issued by the Division. It is the responsibility of every owner and operator of a proposed solid waste management facility to apply for a permit for the facility. The term “owner” shall include record owners of the land where the facility is located or proposed to be located and holders of any leasehold interest, however denominated, in any part of the land or structures where the facility is located or proposed to be located.”

Abbey Green, Inc. and Overdale Holdings, Inc are in violation of .0201 (c) in that construction of the proposed Abbey Green Recycling Center commenced prior to issuance of a permit from the Section.

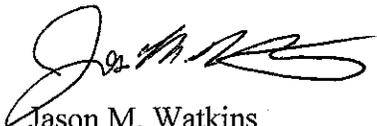
Based on the foregoing violations, you are hereby advised to comply with 15A NCAC 13B by taking the following actions:

1. Cease all construction related activities at this site until such a time that a permit decision is reached by the Section.
2. Establish and maintain a permanent groundcover over all bare areas in accordance with the provisions of the Sedimentation and Erosion Control permit issued through the Winston-Salem Forsyth County Erosion Control office.

Pursuant to N.C.G.S. §130A-22(a) and to 15A NCAC 13B, Section .0701-.0707, an administrative penalty of up to \$15,000 (fifteen thousand dollars) per day may be assessed for each violation of the Solid Waste Laws or Regulations.

If you have any questions regarding this matter, please contact me at 336-771-5092. Thank you for your cooperation.

Sincerely,



Jason M. Watkins
Central District Supervisor
Field Operations

Cc: Mark Poindexter, Field Operations Branch Supervisor
John Patrone, Environmental Senior Specialist
Donald Herndon, Compliance Officer
Larry Frost, Permit Engineer