



May 17, 2006

Mr. Ben Barnes  
Waste Management Specialist  
North Carolina Department of Environment and Natural Resources  
Division of Waste Management  
401 Oberlin Road, Suite 150  
Raleigh, North Carolina 27605

**APPROVED**  
DIVISION OF WASTE MANAGEMENT  
SOLID WASTE SECTION  
DATE 7/11/07 BY *RF*

**Re: Notice of Intent to Permit for LCID Processing  
Flowers' LCID Landfill (Un-Permitted Site)  
Motorcycle Road, Johnston County, North Carolina**

Dear Mr. Barnes:

On behalf of Mr. Gary Lynch of 42 East, LLC, owner of the former un-permitted Flowers' LCID Landfill (landfill), G.N. Richardson & Associates, Inc. (GNRA) has prepared this Notice of Intent to Permit the above referenced site as an LCID Processing Facility under 15A NCAC 13B 0.300. The proposed permitting of the site is a result of recent acquisition<sup>1</sup> of the site by Mr. Gary Lynch from the late Mr. Billy R. Flowers. It is our understanding that the site has had a history of non-compliance under the previous owner. However, Mr. Lynch proposes the permitting of the site as a remedial measure in addition to aiding in the development of the surrounding area. An aerial photo location map is **attached** for reference purposes.

As you are aware, the landfill has been conducting on-going efforts to satisfy an outstanding Notice of Violation<sup>2</sup>, previously issued to Mr. Flowers (**copy attached**). The remedial efforts to re-establish buffers and close the site have been re-considered as an opportunity to both clean up the site completely as well alleviate impacts to the neighboring residential development by mining the existing LCID material and processing the vegetative matter into mulch or enriched topsoil. The LCID processing facility would also accept new LCID material for processing and subsequent sale to help offset efforts associated with the mining of the old site. An application will be filed with the Division of Solid Waste within 30 days to address this proposal. **Therefore, we request release of the site from the outstanding Notice of Violation<sup>3</sup> enforcement such that the site will be completely reclaimed as a condition of the new facility permit.**

<sup>1</sup> Deed Book Reference 2800 Page 166 filed with Johnston County Register of Deeds on November 19, 2004.

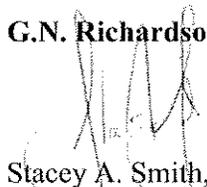
<sup>2</sup> Correspondence dated February 10, 2004 from Mr. Ben Barnes, NCDENR to Mr. Billy R. Flowers, Flowers' LCID regarding Notice of Violation issued July 18, 2003.

<sup>3</sup> Notice of Violation dated July 18, 2003 from Mr. Ben Barnes, NCDENR to Mr. Billy R. Flowers, Flowers' LCID.

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We are prepared to discuss this proposal at your convenience to address any conditions that may be required during the re-development of the site. Furthermore, we appreciate your attention in this matter. If you have any questions, or require further information, please contact me at (919) 828-0577 ext. 127 or by email at [stacey@gnra.com](mailto:stacey@gnra.com).

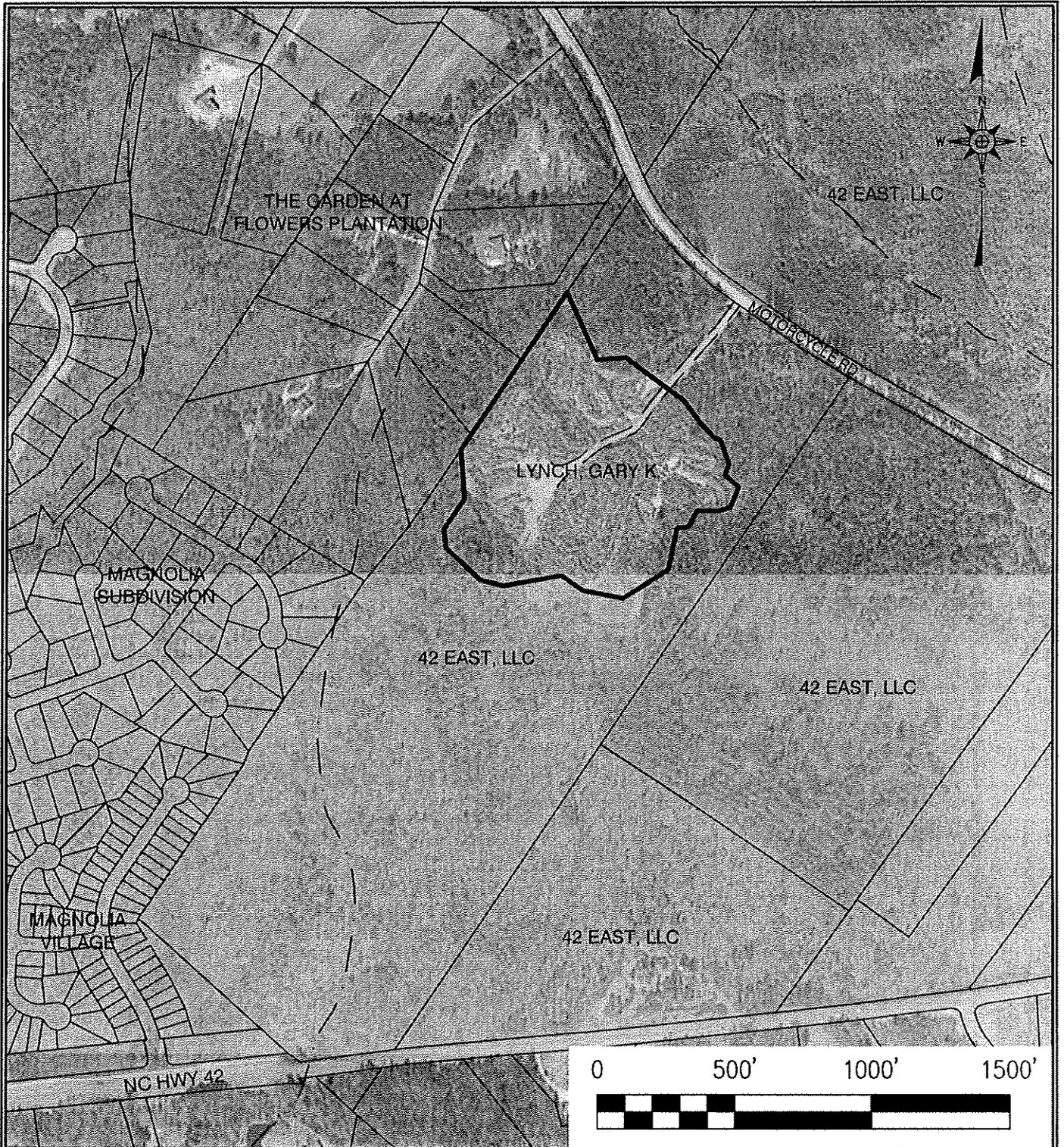
**G.N. Richardson & Associates, Inc.**



Stacey A. Smith, P.E.  
Project Manager

Att.

Cc: Gary Lynch, 42 East, LLC  
John Crowder, NCDENR  
Toni Wyche, NCDENR  
File



**FLOWERS LCID LANDFILL  
SITE VICINITY MAP  
WITH AERIAL PHOTOGRAPHY**

**G. N. RICHARDSON & ASSOCIATES, INC.**  
**Engineering and Geological Services**

14 N. Boylan Ave.  
Raleigh, N.C. 27603

[www.gnra.com](http://www.gnra.com)

ph: 919-828-0577  
fax: 919-828-3899

SCALE:	DRAWN BY:	CHECKED BY:	DATE:	PROJECT NO.	FIGURE NO.	FILE NAME
AS SHOWN	C.T.J.		Mar. 2006	FLOWERS 06-1	1	FLOWERS-A0001

NOV 2003



North Carolina Department of Environment and Natural Resources

Michael F. Easley, Governor

William G. Ross Jr., Secretary

**THE DIVISION OF WASTE MANAGEMENT**

February 10, 2004

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Mr. Billy R. Flowers, Owner, Flowers' LCID  
4300 Highway 42 East  
Clayton, North Carolina 27520

Received  
FEB 2004  
Waste  
Management

**Re: Notice of Violation issued July 18, 2003**  
Notified LCID  
Johnston Co.

Dear Mr. Flowers,

On July 18, 2003 you were sent a Notice Of Violation concerning conditions found at your Notified Land Clearing and Inert Debris (LCID) Landfill which is located on Motorcycle Rd. in Johnston Co. An inspection on July 16, 2003 revealed that land clearing waste material has been disposed of in an area measuring approximately 14 acres in size and that the waste was not covered. (LCID Notification facilities are limited to a maximum of two acres of waste capacity). The July 18, 2003 NOV required that you:

- I. As of July 18, 2003 cease accepting all waste at this facility until the conditions listed in this Notice of Violation have been met.
- II. Remove all solid waste from the site except that which is classified as land clearing and inert debris and transport to a solid waste disposal facility permitted to receive this type of waste. Provide receipts from the disposal of this waste to the Division.
- III. Compact and consolidate all other land clearing and inert debris waste if possible into an area measuring less than two acres in size and cover with one foot of suitably compacted soil and stabilize with grass.
- IV. Stabilize the area where the waste was removed by grading and seeding.

On September 24, 2003 an inspection revealed that the facility has been closed but that no action has been taken to comply with items II, III, and IV listed above. The deadline for the completion of the above listed conditions was October 17, 2003.

On October 10, 2003 during a meeting on site you requested an extension to complete the above listed actions. During an inspection of the site on November 14, 2003 I observed that some work has been done but much work still needs to be done in order to bring the site into compliance.





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On December 3, 2003 you were sent a final notice giving you until January 17, 2004 to comply with the NOV dated July 18, 2003.

On January 13, 2004 I visited the site and saw evidence of further work but observed that the site was still far from being in compliance.

On February 5, 2004 Mark Fry and I visited the site and observed that most of the material remains on site covering an area much greater than 2 acres. Due to the size of the site it does not appear to be feasible to remove the remaining waste or to compact the waste into an area no larger than 2 acres. Therefore by March 22, 2004 you must:

*Close the site in compliance with regulations concerning open dumps, Section .0502 of 15A N.C. Admin. Code 13B, as follows:*

- I.** Remove all solid waste, other than the land clearing and inert debris, and dispose of at the Johnston County Construction and Demolition Landfill. Metal debris can and should be recycled if possible through reputable scrap metal dealers.
- II.** Mail copies of all landfill and scrap metal company receipts to me at Solid Waste Section, Department of Environment and Natural Resources, 1628 Mail Service Center, Raleigh, North Carolina 27699-1628.
- III.** Compact the remainder of the waste as densely as possible into a mound leaving 2:1 or lesser slopes along all sides of the waste pile. Cover the waste (top and side slopes) with one foot or more of suitable, compacted earth.
- IV.** Implement erosion control measures by grading and seeding the site.
- V.** Post signs stating that no dumping is allowed, and prevent unauthorized entry to the site by repairing the entrance gate.



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Complete the following recordation procedure (a condition of closing the site with the waste in place shall be recordation of the waste disposal location by the property owner with the Register of Deeds in the county where the land lies):

**A.** Submit to the Section an entire copy of the property deed giving the complete legal description of the property as it is registered in the index of the county where the land is located. The description will be either by metes and bounds, or by reference to a recorded plat map.

**B.** Submit to the Section a plat of the land prepared by a registered land surveyor in accordance with N.C.G.S. 47-30; the map must show:

1. Name of owner, property lines, north arrow, scale, and bearings and distances taken from the deed;
2. Disposal area delineated, with the words Solid Waste Disposal Site written on the map;
3. Certification and seal by a registered land surveyor.

Note: Be sure plat ties to U.S.G.S. monument in accordance with N.C.G.S. 47-30(f)(9).

[Mail items A. and B. above to Ben Barnes, Solid Waste Section, Department of Environment and Natural Resources, 1628 Mail Service Center Raleigh North Carolina 27699-1628,

The Section will prepare a Notice of Closed Unpermitted Solid Waste Disposal Site, which the landowner(s) shall sign and acknowledge in the form prescribed by N.C.G.S. 47-38 through 47-43.

1. The landowner(s) must file the Closure Notice, with the map attached where appropriate, with the Register of Deeds in the county where the land is located. If the map is too large to be reduced legibly to legal size, it shall be recorded in the map index, and the Closure Notice shall reference the separately recorded plat.

2. The Register of Deeds shall record the Notice in the Grantor Index under the name(s) of the owner(s) of the land.



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3. After recording, the Register of Deeds shall mail the original notice instrument (affixed with Register's seal) which notes the book, page number, and date of recording to: Mark Fry, Eastern Area Supervisor, Solid Waste Section, Department of Environment and Natural Resources, 225 Green Street, Suite 714 Fayetteville, North Carolina 28301

4. After all other requirements of this Notice of Violation have been met, and the Section has received the original Closure Notice from the Register of Deeds, the Section will issue a closure letter.

Pursuant to N.C.G.S. 130A-22(a) and to 15A N.C. Admin. Code 13B, Sections .0701 - .0707, an administrative penalty of up to \$5,000.00 per day may be assessed for violations of the North Carolina Solid Waste Management Law or Regulations, or for violation of any order issued thereunder.

If you have any questions, I can be reached at (919) 571 4700

Sincerely,  
Ben Barnes

Waste Management Specialist  
Solid Waste Section  
Raleigh Regional Office

cc: Mark Poindexter, Field Operations Branch Head  
Mark Fry, Eastern District Supervisor