

Subject: [Fwd: [Fwd: South Wake C&D Transfer Station, 1402 N. Salem Street, Apex, NC]]
From: Mark Poindexter <mark.poindexter@ncmail.net>
Date: Wed, 04 Mar 2009 14:20:44 -0500
To: Donna Wilson <donna.wilson@ncmail.net>

FYI. I could not open one of the documents. It must be the latest version of MS Word.

----- Original Message -----

Subject:[Fwd: South Wake C&D Transfer Station, 1402 N. Salem Street, Apex, NC]
Date:Tue, 17 Feb 2009 16:06:50 -0500
From:Jason Watkins <Jason.Watkins@ncmail.net>
Organization:NC DENR - Winston-Salem Regional Office
To:Bradley Bailey <Bradley.Bailey@ncmail.net>, MARK POINDEXTER <MARK.POINDEXTER@ncmail.net>, ED MUSSLER <ED.MUSSLER@ncmail.net>

Brad,

Make arrangements to inspect this site within the next week. The issues listed in this NOV from the Town of Apex appear to be similar in nature to those that got PCM in trouble at this facility. Mr. King agreed to maintain compliance with the existing permit while obtaining the new one.

To date, the new permit has not been issued and any changes in operation requested in the new permit are not valid until the permit is approved.

If these issues are indeed present and are violations of the existing permit, send a Notice of Violation.

Jason

----- Original Message -----

Subject:South Wake C&D Transfer Station, 1402 N. Salem Street, Apex, NC
Date:Tue, 17 Feb 2009 15:23:32 -0500
From:Michael Deaton <Michael.Deaton@apexnc.org>
To:'jason.watkins@ncmail.net' <jason.watkins@ncmail.net>

Jason – Please find the attached NOV and Correction Order issued by the Town of Apex for the subject site. Also, I have attached photos collected by Lissa Parrish (Zoning Code Compliance Officer for the Town of Apex) during a 1/14/09 site inspection.

Thanks,

Mike Deaton, PE
Environmental Programs Manager
Town of Apex
919-249-3413
919-367-2808 (Fax)
Email: michael.deaton@apexnc.org

--

Jason Watkins
NC DENR Winston-Salem Regional Office
Division of Waste Management, Solid Waste Section
585 Waughtown Street
Winston-Salem, NC 27107
Voice: (336) 771-5092
FAX: (336) 771-4631
<http://wastenotnc.org/swhome>

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties.

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Mark Poindexter, Supervisor
Field Operations
Solid Waste Section
Division Waste Management
NC Dept. Environment & Natural Resources
919-508-8513
www.wastenotnc.org/swhome

1506 N. Salem Street - Shotwell.pdf	Content-Type: application/pdf Content-Encoding: base64
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1506 N. Salem Street - Booth Properties.pdf	Content-Type: application/pdf Content-Encoding: base64
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1506 N. Salem Street.docx	Content-Type: application/vnd.openxmlformats-officedocument.wordprocessingml.document Content-Encoding: base64
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**Planning and Community
Development**

Post Office Box 250
Apex, NC 27502
Phone: (919) 249-3426
Fax: (919) 249-3338
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Dianne Khin, AICP, Planning Director
Bonnie Brock, Development Specialist
Will Brown, GIS Technician
June Cowles, Senior Planner
Brenda Culbertson, Planning Technician
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Steve Yates, CZO, Zoning Compliance Supervisor

NOTICE OF VIOLATION AND CORRECTION ORDER

February 16, 2009

Page 1 of 5

Booth Properties, LLC
Williams J. Booth, Jr., Registered Agent
P. O. Box 156
Apex, NC 27502

Certified Mail # 7008 1300 0000 7791 6148
Return Receipt Requested

AND

Shotwell Transfer Station II, Inc.
David W. King, Jr., Registered Agent
3209 Gresham Lake Road, Suite 114
Raleigh, NC 27615

Certified Mail # 7008 1300 0000 7791 6155
Return Receipt Requested

RE: Violations at South Wake C&D Transfer Station, 1402 N. Salem Street, Apex NC
(Identification utilized as 1506 N. Salem Street, Apex NC)
Wake County P.I.N. # 0742.01-47-6007
Zoned: LI (Light Industrial)

Mr. King,

In 2001 Bass, Nixon and Kennedy, Inc. prepared an Operations Plan for PCM Apex C&D Transfer Facility on N. Salem Street in Apex NC for review and approval by the Town of Apex. Since that approval, a revised Operations Manual dated July 2008 was prepared by Richardson Smith Gardner & Associates on behalf of Shotwell Transfer Station II, Inc. and submitted to the North Carolina Department of Environment and Natural Resources (NCDENR), Division of Waste Management (DWM) – Solid Waste Section. This updated manual submitted to Environmental Engineer Ms. Donna Wilson included the Town of Apex's 2001 approval for PCM's *original plan* as approval for this revised manual. The changes proposed in this new plan were required to be submitted to the Town of Apex for review of compliance with the Town's Ordinances.

Without the required submittal to the town for review, **you are hereby notified** that this Recycling Center [Use 4.3.3(F)] is in violation of the following Town of Apex *Unified Development Ordinances; Town of Apex Code of Ordinances; North Carolina Building, Electrical and Plumbing Codes; and North Carolina Fire Prevention Codes.*

Planning Department:

Section 4.2.2 Use Table. You are violating this section in that this site was approved as a Transfer Station for sorting of, and off site disposal of, new construction material only. The processing and disposal of tires, box springs and / or mattresses are not approved products for this site.

Section 4.3.3(F) Recycling Center. You are violating this section in that you have not obtained the required Special Use Permit for adding the operation of Chipping and Mulching and / or crush material (cement and asphaltic / bituminous) to this site.

Section 4.3.3(M) Land Clearing and Inert Debris Landfill. You are violating this section in that you have not obtained the required Special Use Permit for operation of the disposal of solid waste generated from Inert Debris such as brick and concrete.

Public Works Department, Environmental Programs Division:

Chapter 10, Article II Mosquito Control. You are violating subsection 10-20 in that tires are being stored in open areas where they may collect water, creating a location(s) in which mosquitoes are likely to breed.

Chapter Article IV Solid Waste Disposal. You are violating subsection 12-114 in that garbage, litter and other debris is present all over the site and has blown onto adjoining properties. The approved 2001 Operations Plans specified the site would be compliant with this Town Ordinance under plan *section 3.3 Housekeeping and Litter Control* as stated that facility personnel would police the area throughout the day and at the conclusion of each day for collection and disposal of windblown litter.

Fire Department:

Section 312. You are violating this section in that Vehicle Impact Protection is to be provided for above ground storage tanks. Protection is to include guard posts constructed of steel not less than 4 inches in diameter and filled with concrete three feet (3') deep and at least three feet (3') above ground.

Section 503.2.3. You are violating this section in that required Fire Apparatus Access Roads are to be maintained to support the imposed load of fire apparatus and shall be surfaced so as to provide all weather driving capabilities.

Construction Management Department, Permits and Inspections Division:

A permit will need to be obtained from the inspection department to ensure that all building, wiring and plumbing is in compliance with the NC Building, NC Electrical and NC Plumbing Codes in regards to the Recycling Center site. Plans may need to be submitted and approved prior to issuance of a permit.

In order to comply with the above referenced Ordinances, **you must and are hereby ordered** to do the following:

Planning Department:

4. Remove any and all tire storage / disposal as well as any and all box spring / mattress storage / disposal from the site by **5:00 p.m. on the tenth (10th) day after the date of receipt** of this Notice of Violation and Correction Order. Ensure that only approved new construction material is brought to, sorted and disposed of from this site; **and**
5. Cease utilization of the site for chipping and mulching; a Special Use Permit is required for this additional use. Remove any and all stockpiles of chipped and mulched material and / or material waiting to be processed currently on site. These materials must be removed by **5:00 p.m. on the tenth (10th) day after the date of receipt** of this Notice of Violation and Correction Order; **and**
6. Cease utilization of the site for crushing cement and asphaltic / bituminous material for resale from this site; a Special use Permit is required for this additional use. Remove any and all stockpiles of crushed concrete and asphaltic / bituminous materials and / or material waiting to be processed currently on site. These materials must be removed by **5:00 p.m. on the tenth (10th) day after the date of receipt** of this Notice of Violation and Correction Order; **and**

Public Works Department, Environmental Programs Division:

5. **Upon receipt of this Notice of Violation and Correction Order**, immediately remove all tire storage from this site unless such collection of water is treated so as to effectually prevent such breeding; **and**
6. **Upon receipt of this Notice of Violation and Correction Order**, immediately clean the site of all windblown litter; ensure the site is kept clean by strictly adhering to the housekeeping procedures specified in the 2001 Operations Plan approved by the Town of Apex; **and**
7. **Upon receipt of this Notice of Violation and Correction Order**, contact the NCDENR – DWM – Solid Waste Section and report any conditions inconsistent with NC Solid Waste Permit 92-29T. Recent inspections by Town staff revealed several on-site storage and soil erosion and sedimentation control practices that may be inconsistent with the approved 2001 Operations Plan. Inspection photos collected during the inspections have been forwarded to NCDENR DWM staff; **and**
8. **Upon receipt of this Notice of Violation and Correction Order**, contact the NCDENR Division of Water Quality (DWQ) – Surface Water Protection Section. Based on a recent inspection by the DWQ, they have determined this facility is subject to the National Pollutant Discharge Elimination System (NPDES) stormwater discharge requirements; **and**

Fire Department:

3. Install Vehicle Impact Protection at all above ground storage tanks by **5:00 p.m. on the tenth (10th) day after the date of receipt** of this Notice of Violation and Correction Order. Protection installation is to include but is not limited to guard posts constructed of steel not less than 4 inches in diameter and filled with concrete three feet (3') deep **and** three feet (3') above ground; **and**
4. Apply all weather driving capabilities surface on the Fire Apparatus Access Road **within thirty (30) days** of the date of receipt of this Notice of Violation and Correction Order; ensure the road is appropriately maintained; **and**

Construction Management Department, Permits and Inspections Division:

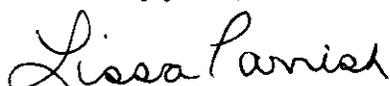
2. Submit an permit application along with any applicable plan(s) to obtain a permit for inspection of the site to determine compliance with NC Building, NC Electrical and NC Plumbing Codes **with fifteen days** of the date of receipt of this Notice of Violation and Correction order.

You are ordered to comply with the above requirements within the deadlines noted. Failure to do so will result in the accumulation of civil penalties in the amount of \$100.00 for *each* violation of the Unified Development Ordinances per day. A person receiving a Civil Citation shall pay all accrued civil penalties to the Town of Apex within thirty (30) days of receipt of that notice. If such person fails to pay the accrued civil penalties within thirty (30) days of receipt of the notice, then the civil penalties, including all further accruing penalties for a continuing violation, shall be collectible by the Town through a civil action in the nature of a debt. The Town may choose to designate a collection agency to assist with the collection of any unpaid penalties. Each day that any violation continues shall constitute a separate violation for the purpose of assessing civil penalties. Violations are also subject to other forms of relief such as permit revocation, injunction and abatement.

Any person who is served a Notice of Violation and Correction Order of the Town's Unified Development Ordinances may appeal that determination to the Board of Adjustment **within ten (10) days of the date of receipt of the Notice of Violation and Correction Order**. The appeal is not to the ordinance(s) itself, but rather to how it has been applied in your particular case. The appeal is to be made in writing and submitted with the one hundred twenty-five dollar (\$125.00) fee; the process may be initiated by contacting Senior Planner June Cowles at (919) 249-3331.

Thank you for your cooperation in this matter. Should you have any questions, please contact me at 919 249-3335.

Sincerely yours,



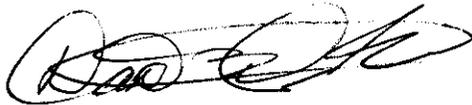
Lissa Parrish, CZO
Zoning Compliance Officer
Town of Apex Planning Department

And



Michael Deaton, P.E.
Environmental Programs Manager
Town of Apex Public Works Department

And



David Dillon, CFI
Fire Inspector
Town of Apex Fire Department

And



Rudy Baker
Code Enforcement Supervisor
Town of Apex Construction Management Department,
Permits and Inspections Division

cc: Bruce Radford, Town Manager
Henry C. Fordham, Jr., Town Attorney
Laurie Hohe, Assistant Town Attorney
Dianne Khin, AICP, Planning Director
Steve Yates, CZO, Zoning Compliance Supervisor
June Cowles, Senior Planner
Jason Watkins, NC Division of Waste Management, Solid Waste Program,
585 Waughton Street, Winston-Salem NC 27107

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February 16, 2009
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AND

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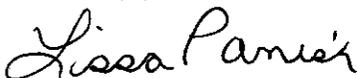
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Thank you for your cooperation in this matter. Should you have any questions, please contact me at 919 249-3335.

Sincerely yours,



Lissa Parrish, CZO
Zoning Compliance Officer
Town of Apex Planning Department

And



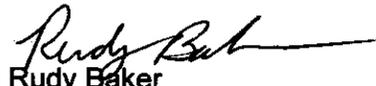
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Code Enforcement Supervisor
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