



**FACILITY COMPLIANCE AUDIT REPORT**  
**Division of Waste Management**  
**Solid Waste Section**

<b>UNIT TYPE:</b>										
Lined MSWLF		LCID	<b>X</b>	YW		Transfer		Compost	SLAS	<b>COUNTY:</b> Bladen County <b>PERMIT NO.:</b> <b>N0409</b> <b>FILE TYPE:</b> COMPLIANCE
Closed MSWLF		HHW		White goods		Incin		T&P	FIRM	
CDLF		Tire T&P / Collection		Tire Monofill		Industrial Landfill		DEMO	SDTF	

**Date of Audit:** August 25, 2009.

**Date of Last Audit:** Initial

**FACILITY NAME AND ADDRESS:**

Merritt Brothers Landfill  
 8906 Hwy 41 E (Mote Road)  
 Elizabethtown, North Carolina 28337

**GPS COORDINATES:** N: 34.67439 E: -78.46390

**FACILITY CONTACT NAME AND PHONE NUMBER:**

Mr. Perry Merritt  
 910-588-4801

**FACILITY CONTACT ADDRESS:**

Mr. Perry Merritt  
 Merritt Brothers Construction  
 8906 Hwy 41 E  
 Elizabethtown, North Carolina 28337

**AUDIT PARTICIPANTS:**

Drew Hammonds, NCDENR Solid Waste Section  
 Dennis Shackelford, NCDENR Solid Waste Section  
 Perry Merritt, Owner - Operator

**STATUS OF PERMIT:**

Notified LCID - Notified August 24, 1998

**PURPOSE OF AUDIT:**

Comprehensive Audit

**NOTICE OF VIOLATIONS:**

**1. 15A NCAC 13B .0563 (1) (a):** states in part that “The facility is to be operated for the disposal of land clearing waste, inert debris, untreated wood, and yard trash. Operations must be consistent and in compliance with the local government solid waste management plan as approved by the Division of Solid Waste Management.”

You are in violation of this rule in that there was unacceptable waste observed at this site not consistent with the waste noted in the rule above. Remove all unacceptable waste from this site and dispose of properly at a facility permitted to receive the waste for disposal.

**FACILITY COMPLIANCE AUDIT REPORT**  
**Division of Waste Management**  
**Solid Waste Section**

Page 2 of 2

**2. 15A NCAC 13B .0566 (2): states in part that “The facility shall only accept those solid wastes which it is permitted to receive.”**

You are in violation of this rule in that construction and demolition debris was observed in the disposal area of this site. Cease hauling unacceptable waste to this site and remove and properly dispose of the waste that is on site.

**3. 15A NCAC 13B .0566 (3): states in part that “Solid waste shall be restricted to the smallest area feasible and compacted as densely as practical into cells.”**

You are in violation of this rule in that the waste was scattered and dumped in various places at this site. All acceptable waste should be pushed into the working area of the landfill and compacted.

**4. 15A NCAC 13B .0566 (4): states in part that “Adequate soil cover shall be applied monthly, or when the active area reaches one acre in size, whichever occurs first.”**

You are in violation of this rule in that the waste covered an area in excess of one acre that had not been covered. Once the unacceptable waste has been removed, all exposed waste should be properly covered.

**5. 15A NCAC 13B .0566 (12): states in part that “Open burning of solid waste is prohibited.”**

You are in violation of this rule in that a pile of construction and demolition waste was observed smoldering at the time of this audit and there were other areas of charred debris observed around the site as well. You further stated that you often burned debris at this site as waste management practice. All burned and charred debris should be removed and disposed of properly at a site permitted to receive the waste for disposal.

**All violations noted above should be corrected within 30 days receipt of this Notice of Violations.**

You are hereby advised that, pursuant to N.C.G.S. 130A-22, an administrative penalty of up to \$15,000 per day may be assessed for each violation of the Solid Waste Statute or Regulations. For the violation(s) noted here, you may be subject to enforcement actions including penalties, injunction from operation of a solid waste management facility or a solid waste collection service and any such further relief as may be necessary to achieve compliance with the North Carolina Solid Waste Management Act and Rules.

**STATUS OF PAST NOTED VIOLATIONS:**

None

**AREAS OF CONCERN AND COMMENTS:**

1. The site is located down a dirt road behind the Merritt Brother's mine.
2. The site is only used by Merritt Brothers Construction.
3. The exposed waste was in excess of one acre at this site. I recommend that you install permanent boundary markers outlining the less than two acre footprint for this site to ensure that you do not exceed two acres.
4. There was evidence of open burning of waste at this site. There was a pile of construction and demolition debris smoldering at the time of the audit. Open burning of solid waste is prohibited and should be discontinued.
5. There was unacceptable waste observed at this site that should be removed and disposed of properly. Wastes observed at the time of this audit consisted of: painted block, metal, plastic, vinyl siding, ceiling tiles, insulation, treated lumber, wiring, metal pipes, an old tank, appliances, rubber hoses and metal cans.
6. All unacceptable, burned or charred waste must be removed and disposed of properly at a site permitted to receive the waste for disposal.
7. The reclaimed materials (clean concrete and block) that you indicated was for reuse should be removed from the footprint of the landfill or properly disposed of and covered as waste.

**FACILITY COMPLIANCE AUDIT REPORT**  
**Division of Waste Management**  
**Solid Waste Section**

Page 3 of 3

8. All documentation showing that the waste has been disposed of properly should be maintained and copies provided to **Drew Hammonds, NCDENR, Division of Waste Management, 225 Green Street, Suite 714, Fayetteville, NC, 28301.**
9. It is recommended that you stop accepting waste at this site until all violations noted above have been resolved.
10. Mr. Merritt stated that he would no longer use this site for disposal and would close it out.
11. 120 calendar days after completion of any phase of disposal operations, or upon revocation of a permit, the disposal area shall be covered with a minimum of one foot of suitable soil cover and slopes 3:1 to allow surface water runoff in a controlled manner.
12. Adequate erosion control measures, structures or devices shall be utilized to prevent silt from leaving the site and to prevent excessive erosion.
13. Provisions for a ground cover sufficient to restrain erosion must be accomplished within 30 working days or 120 calendar days upon completion of any phase of landfill development.
14. **Corrective actions are needed as a result of this audit.**

Please contact me if you have any questions or concerns regarding this audit report.



Drew Hammonds  
 Environmental Senior Specialist  
 Solid Waste Section  
**Regional Representative**

Phone: (910)-433-3351

Delivered on : <u>September 8, 2009</u> by		hand delivery		US Mail	<b>X</b>	Certified No. <b><u>7001 2510 0006 9500</u></b> <b><u>9467</u></b>
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**Cc: Mark Poindexter, Field Operations Branch Head**  
**Dennis Shackelford, Eastern District Supervisor**  
**Donald Herndon, Compliance Officer**  
**Steven Vozzo, Division of Air Quality Supervisor**  
**Steve Cook, Division of Land Quality Supervisor**  
**Robert Mazur, Bladen County General Services Manager**