



North Carolina Department of Environment and Natural Resources

Dexter Matthews, Director

Division of Waste Management

Beverly Eaves Perdue, Governor
Dee Freeman, Secretary

November 4, 2011

CERTIFIED MAIL 7008 0150 0000 7473 4691
RETURN RECEIPT REQUESTED

Charles Vines, Mitchell County Manager
26 Crimson Laurel Circle
Bakersville, NC 28705

SUBJECT: Notice of Violation
Compliance Inspection Report
Yancey and Mitchell Counties Transfer Station
Permit No. 100-03T
Yancey County

Dear Mr. Vines,

On October 17, 2011, Deborah Aja representing the State of North Carolina, Division of Waste Management Solid Waste Section ("Section"), inspected the above referenced facility for compliance with North Carolina Solid Waste Statutes and Rules. Teresa Summerlin, Yancey County, and Roger Griffin, GDS, were present during this inspection. The following violation was noted:

A. 15A NCAC 13B .0203(d) states:

"By receiving solid waste at a permitted facility, the permittee(s) shall be considered to have accepted the conditions of the permit and shall comply with the conditions of the permit."

General Permit Condition Number 6 states:

"Operation of this solid waste management facility must be in accordance with the Solid Waste Management Rules, 15A NCAC 13B, Article 9 of the Chapter 130A of the North Carolina General Statutes (NCGS 130A-290, et seq.), the conditions contained in this permit; and the approved plan. Should the approved plan and the rules conflict, the Solid Waste Management Rules shall take precedence unless specifically addressed by permit condition."

Transfer Facility Specific Condition Number 27 states:

"The facility is permitted to receive wooden pallets constructed of unpainted and untreated natural wood."

Transfer Facility Specific Condition Number 29 states:

"The facility must manage the treatment and processing according to the Operation Plan included in Attachment I, Part II: "List of Documents for the Approved Plan". This document is included in the approved plan. Any revisions to the approved plan shall be approved by the North Carolina Division of Waste Management (DWM), Solid Waste Section, prior to implementation.

The approved Operations Plan, Operations Item C, Inspection and Acceptance of Wastes states:

"The Treatment and Processing area shall consist of land clearing debris (i.e. stumps, trees, limbs, brush, and other naturally occurring vegetative material, and untreated pallets. The placement of land clearing debris shall be restricted to the smallest area feasible and compacted as densely as practical. The land clearing debris and untreated pallets will be ground and/or removed from the Treatment and Processing area prior to the volume of the debris exceeding 6000 cubic yards, or approximately seven feet in height over the half-acre area."

On October 17, 2011, multiple loads of non-vegetative wastes, including painted wood, plastics, insulation, conduit, wire, treated lumber and plywood, and miscellaneous wastes were present in the Treatment and Processing area. This constitutes a violation of 15A NCAC 13B .0203(d).

COMPLIANCE SCHEDULE

Based upon the foregoing, Mitchell County shall come into compliance with **15A NCAC 13B .0203(d)** by completing the following:

1. **Immediately** operate the solid waste management facility in accordance with the Solid Waste Management Rules, 15A NCAC 13B, Article 9 of the Chapter 130A of the North Carolina General Statutes (NCGS 130A-290, et seq.), the conditions contained in Permit No. 100-03T; and the approved plan.
2. **By November 30, 2011**, remove all unacceptable wastes from the Treatment and Processing area to the transfer facility for disposal.

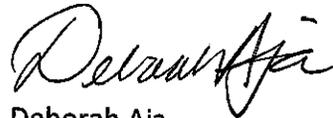
Mitchell County shall provide a written certification with supporting documentation on company letterhead confirming the noted compliance schedule has been completed. Include in this certification any actions taken

to prevent these deficiencies from occurring in the future. Mail this certification to Deborah Aja, Solid Waste Section, Asheville Regional Office, 2090 US HWY 70, Swannanoa, NC 28778, by the noted compliance date.

Failure to comply with this schedule may subject the facility and/or all responsible parties 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. Pursuant to N.C.G.S. 130A-22(a) and 15A NCAC 13B .0701-.0707, an administrative penalty of up to \$15,000.00 per day may be assessed for each violation of the Solid Waste Laws, Regulations, Conditions of a Permit, or an Order issued under Article 9 of Chapter 130A of the N.C. General Statutes.

If you have any questions please contact me at 828-296-4702 or e-mail deborah.aja@ncdenr.gov.

Sincerely,



Deborah Aja
Environmental Senior Specialist
Solid Waste Section

cc: Jason Watkins, Western District Supervisor – Solid Waste Section
Mark Poindexter, Field Operations Branch Head – Solid Waste Section
Compliance Officer – Solid Waste Section