



North Carolina Department of Environment and Natural Resources

Dexter Matthews, Director

Division of Waste Management

Beverly Eaves Perdue, Governor
Dee Freeman, Secretary

June 25, 2012

CERTIFIED MAIL 7009 1680 0000 7515 3110
RETURN RECEIPT REQUESTED

Deron Geouque, Watauga County Manager
814 West King Street
Suite 205
Boone, NC 28607

SUBJECT: **Warning Letter**
 Compliance Inspection Report
 Watauga County Land Clearing and Inert Debris Landfill
 Permit No. 95-02
 Watauga County

Dear Mr. Geouque,

On June 14, 2012, 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 Statues and Rules. J.V. Potter, Watauga County, and Donna Watson, Watauga County, were present during the inspection. The following violations were 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 3, Attachment 3, of Permit to Operate 95-02 states:

"The edge of waste footprint for all disposal units must be identified with permanent physical markers."

On June 14, 2012 physical markers were not installed to identify the edge of waste of the footprint of the LCID landfill disposal unit. This constitutes a violation of 15A NCAC 13B .0203(d).

In addition to the violation noted above, the following violation was noted also requiring action of the County:

2. 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 9, Attachment 3, of Permit to Operate 95-02 states:

1. "The facility operator must complete an approved operator training course in compliance with G.S. 130A-309.25.
 - a. A responsible individual certified in landfill operations must be on-site during all operating hours of the facility at all times while open for public use to ensure compliance with operational requirements.
 - b. All pertinent landfill-operating personnel must receive training and supervision necessary to properly operate the landfill units in accordance with G.S. 130A-309.25 and addressed by memorandum dated November 29, 2000."

On June 14, 2012, a responsible individual certified in landfill operations was not on site during the facility operating hours. This constitutes a violation of 15A NCAC 13B .0203(d). Land Clearing and Inert Debris Landfill facilities are not presently required to have certified operators on duty since there are no approved operator training programs specific to this type of solid waste facility pursuant G.S. 130A-309.25 at this time. Therefore, Watauga County must contact the Permitting Branch to address the requirements of Permit 95-02 General Permit Condition Number 9.

COMPLIANCE SCHEDULE

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

1. **By August 1, 2012**, Watauga County must install physical markers for the edge of waste footprint of the Land Clearing and Inert Debris Landfill in accordance with Permit No. 95-02.
2. **By August 1, 2012**, Watauga County must contact Allen Gaither, Regional Permitting Engineer - Permitting Branch, to address the requirements of Permit 95-02 General Permit Condition Number 9. Please contact Mr. Gaither at the Asheville Regional Office at 828-296-4703 or by email at: allen.gaither@ncdenr.gov.

Watauga 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

EC: Mark Poindexter, Field Operations Branch Head – Solid Waste Section
Jason Watkins, Western District Supervisor – Solid Waste Section
Jessica Montie, Compliance Officer – Solid Waste Section
Allen Gaither, Regional Permitting Engineer – Solid Waste Section