

Notified Site File

IS 11 04 01  
Buncombe  
Notified  
N064p

December 16, 2004

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED # 7004 0750 0000 2592 9358**

Notified  
LEED

Jack W. Shepherd  
837 Old Mars Hill Highway  
Weaverville, NC 28787

**NOTICE OF INTENT TO ISSUE COMPLIANCE ORDER WITH  
ADMINISTRATIVE PENALTY**

Dear Mr. Shepherd:

You are hereby informed of the N.C. Division of Waste Management's intention to issue a Compliance Order with Administrative Penalty against you for certain violations of the North Carolina Solid Waste Management Act, N.C.G.S. 130A, Article 9 (Act) and the North Carolina Solid Waste Management Rules, 15A Admin. Code 13B (Rules).

Be advised that pursuant to N.C.G.S. 13A-22(a) and 15A NC Admin. Code 13B, Sections .0701-.0707, an administrative penalty of up to \$5,000.00 per day of violation may be assessed for each violation of the Solid Waste Law or Regulations.

**Specific Violations**

1. You are in violation of 15A N.C. Administrative Code, Section 13B .0201(a) in that he has disposed of solid waste and operated a solid waste management facility on your leased property without a permit from the Division of Solid Waste Management.
2. You are in violation of 15A N.C. Administrative Code, Section 13B .0563 (1)(a) and 13B.0566 (2) in that you operated a facility for disposal of solid waste other than land clearing waste, inert debris, and untreated wood.
3. You are in violation of 15A N.C. Administrative Code, Section 13B .0563 (1)(c) in that the facility and practices do not comply with the siting criteria under Rule .0564, and operational requirements under Rule .0566.



4. You are in violation of 15A N.C. Administrative Code, Section 13B .0564 (9)(b) in that the facility does not meet buffer requirements of maintaining a buffer at least 100 feet from property lines.
5. You are in violation of 15A N.C. Administrative Code, Section 13B .0566 (2) in that the facility accepted those solid wastes other than that which it was permitted to receive.
6. You are in violation of 15A N.C. Administrative Code, Section 13B .0566 (6) in that he did not put in place adequate erosion control measures, structures, or devices utilized to prevent silt from leaving the site and to prevent excessive on site erosion.
7. You are in violation of 15A N.C. Administrative Code, Section 13B .0566 (8) in that the facility was not adequately secured by means of gates, chains, berms, fences, etc. to prevent unauthorized access and there was no operator on duty.
8. You are in violation of 15A N.C. Administrative Code, Section 13B .0566 (16) in that there was no sign posted at the facility entrance showing the contact name and number in case of an emergency.

**Requirements:** The following actions are necessary to achieve compliance:

1. Immediately discontinue all waste dumping operations.
2. Immediately post signs indicating closure.
3. Immediately prevent unauthorized entry to the site by means of gates, berms, or fences.
4. By February 15, 2005, remove all solid waste (tires, painted wood, wood, shingles, foam rubber, white goods, furniture, linoleum flooring, automobile parts including a battery, scrap metal, plastic, fuel tanks, plastic oil containers, a plastic bleach container, an air conditioner, demolition debris, and miscellaneous debris) from the site. Transport the waste to the Buncombe County Landfill for disposal. Provide receipts from the Buncombe County Landfill to Al Hetzell, Waste Management Specialist, Solid Waste Section, Division of Solid Waste Management, 2090 US Highway 70, Swannanoa, North Carolina, 28778.

Timely and appropriate response by you may be considered by the agency in pursuing enforcement actions against you. You are advised to contact Al Hetzell at (828) 296-4500 within 10 days of receipt of this notice giving your full intentions and plan of action, including a schedule with milestones, regarding

compliance and remediation at this site. Otherwise the enforcement action indicated will be initiated against you by the agency. If anything in this notice is unclear, immediately contact the staff person listed above.

Sincerely,



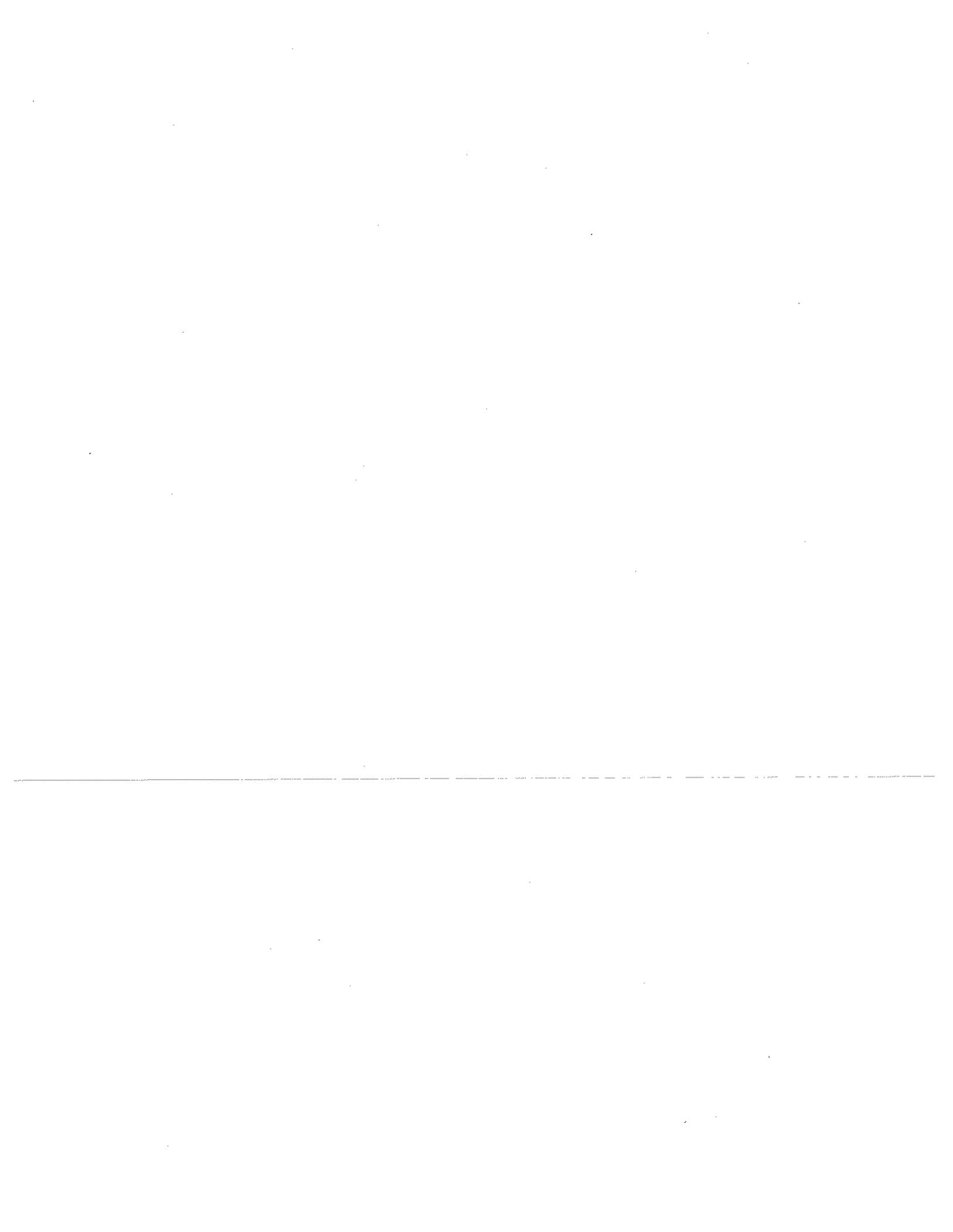
Albert Hetzell, Waste Management Specialist  
Solid Waste Section

CC: •Mark Poindexter, NCDENR Field Operations Branch Head  
Brent Rockett, NCDENR Western Regional Supervisor  
Ethan Brown, NCDENR Solid Waste Section Compliance Officer

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Page Break



Notified Site File

15110401  
Buncombe  
Notified  
NO640

December 16, 2004

Notified  
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**CERTIFIED MAIL**

**RETURN RECEIPT REQUESTED # 7004 0750 0000 2592 9365**

Leonard F. Ponder  
58 Ponder Farm Road  
Marshall, NC 28753

**NOTICE OF INTENT TO ISSUE COMPLIANCE ORDER WITH  
ADMINISTRATIVE PENALTY**

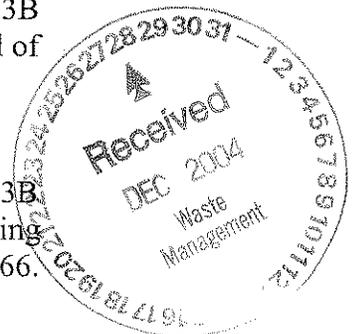
Dear Mr. Ponder:

You are hereby informed of the N.C. Division of Waste Management's intention to issue a Compliance Order with Administrative Penalty against you for certain violations of the North Carolina Solid Waste Management Act, N.C.G.S. 130A, Article 9 (Act) and the North Carolina Solid Waste Management Rules, 15A Admin. Code 13B (Rules).

Be advised that pursuant to N.C.G.S. 13A-22(a) and 15A NC Admin. Code 13B, Sections .0701-.0707, an administrative penalty of up to \$5,000.00 per day of violation may be assessed for each violation of the Solid Waste Law or Regulations.

**Specific Violations**

1. Mr. Ponder is in violation of 15A N.C. Administrative Code, Section 13B .0201(a) in that he has allowed a solid waste management facility to be established property he owned without a permit from the Division of Solid Waste Management.
2. Mr. Ponder is in violation of 15A N.C. Administrative Code, Section 13B .0563 (1)(a) and 13B.0566 (2) in that he operated a facility for disposal of solid waste other than land clearing waste, inert debris, and untreated wood.
3. Mr. Ponder is in violation of 15A N.C. Administrative Code, Section 13B .0563 (1)(c) in that the facility and practices do not comply with the siting criteria under Rule .0564, and operational requirements under Rule .0566.



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Albert Hetzell, Waste Management Specialist  
Solid Waste Section

CC: •Mark Poindexter, NCDENR Field Operations Branch Head  
Brent Rockett, NCDENR Western Regional Supervisor  
Ethan Brown, NCDENR Solid Waste Section Compliance Officer

