



North Carolina Department of Environment and Natural Resources

Pat McCrory
Governor

Division of Waste Management
Dexter Mathews, Director

John E. Skvarla, III
Secretary

May 22, 2013

CERTIFIED MAIL

RETURN RECEIPT REQUESTED: #7006 2150 0005 2458 9426

Andrew Huske
290 Cashdon Drive
Mills River, NC 28759

SUBJECT: **Notice of Violation**
Compliance Inspection Report
Waste Stream Innovations
SWCD-4501
Henderson County

Dear Mr. Huske:

On May 6, 2013, Andrea Keller, representing the State of North Carolina, Division of Waste Management Solid Waste Section, inspected the above referenced facility for compliance with North Carolina solid waste statutes and rules. Mr. Andrew Huske, facility operator and owner, was present and represented Waste Stream Innovations during this inspection. The following violations were noted:

- A. 15A NCAC 13B .0201 Permit Required (c):** As of April 23, 2012 the facility has been operating with an expired Demonstration permit. The July 12, 2012 Inspection Report noted an Observed Violation (15A NCAC 13B .0201) and the facility was required to submit a formal plan for closure. The required plan was received on July 21, 2012 and closure activities were cited for completion within six months of this date. During the May 6, 2013 site inspection the planned closure activities were not completed and no further plan for closure had been submitted by the facility per the request of the Section in the November 15, 2012 Inspection Report.
- B. 15A NCAC 13B .1408 Testing and Reporting Requirements (a) (1):** during the November 15, 2012 Inspection it was noted that the facility was due for a round of analytical, pathogen, and foreign matter testing and during the May 6, 2013 site inspection Mr. Huske stated that no further testing had been conducted.

COMPLIANCE SCHEDULE

Based upon the foregoing, Waste Stream Innovations shall come into compliance by **June 21, 2013** with all requirements of the application regulations in 15A NCAC 13B [complete the citations applicable] by completing the following:

The facility must, by **June 21, 2013**, submit this plan in writing to Tony Gallagher, Compost & Land Application (CLA) Branch Manager with a deadline of **180 days for completion of all closure activities**. If the facility intends to compost the remaining peat/vegetable matter to Class B standards for land application the plan must outline this activity and at a minimum the Waste Analysis Report must be underway (samples to the NC Department of Agriculture & Consumer Services – see item #5 in the associated Inspection Report for details). **No composted material can be removed from the site for sale until the facility tested the finished product in accordance with .1407 and .1407, and submitted the test results to the Section:**

Plan: Tony Gallagher
NCDENR Division of Waste Management
Solid Waste Section
1601 Mail Service Center
Raleigh, NC 27699-1646
tony.gallagher@ncdenr.gov
(919) 707-8280

Test Results: Andrea Keller
NCDENR Solid Waste Section
Asheville Regional Office
2090 US Hwy 70
Swannanoa, NC 28778
andrea.keller@ncdenr.gov
(828) 296-4700

Waste Stream Innovations 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 Andrea Keller, 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) 296-4700 or e-mail andrea.keller@ncdenr.gov .

Sincerely,



Andrea Keller
Environmental Senior Specialist
Solid Waste Section

ec: Jason Watkins, Western District Supervisor – Solid Waste Section
Tony Gallagher, Compost & Land Application Branch Head – Solid Waste Section
Sarah Rice, Compliance Officer – Solid Waste Section
Steve Wyatt, County Manager – Henderson County
Natalie Berry, Solid Waste Department – Henderson County

2090 US Highway 70, Swannanoa, North Carolina 28778
Phone: 828-296-4500 \ FAX: 828-299-7043 \ Internet: <http://portal.ncdenr.org/web/wm/sw>