



North Carolina Department of Environment and Natural Resources  
Division of Waste Management

Pat McCrory  
Governor

Dexter R. Matthews  
Director

John E. Skvarla, III  
Secretary

February 12, 2014

**CERTIFIED MAIL**

**RETURN RECEIPT REQUESTED**

**CERTIFICATION NUMBER** 7011 2000 0001 6591 2063

Jeffrey A. Newbern, owner  
Green Acres Land Development and Ready Mix  
End of Westside Rd.  
Harbinger, North Carolina 27941

**SUBJECT: Notice of Violation**  
Compliance Inspection Report  
Green Acres Land Development and Ready Mix  
Notified Site no Permit number  
Currituck Co.

Dear Mr. Newbern:

On January 9, 2014, Ben Barnes, 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 statues and rules. Jeffrey Newbern and Ken Elliott were present and represented Green Acres Land Development and Ready Mix during this inspection. The following violations were noted:

- A. 15A NCAC 13B .0566 (2)** The facility shall only accept those solid wastes which it is permitted to receive.
- B. 15A NCAC 13B .0566 (3)** Solid waste shall be restricted to the smallest area feasible and compacted as densely as practical into cells.
- C. 15A NCAC 13B .0566 (4)** Adequate soil cover shall be applied monthly, or when the active area reaches one acre in size, whichever occurs first.
- D. 15A NCAC 13B .0566 (7)** states "Provisions for a ground cover sufficient to restrain erosion must be accomplished within 30 working days upon completion of any phase of landfill development.

**COMPLIANCE SCHEDULE**

Based upon the foregoing, Green Acres Land Development and Land Development shall come into compliance by **April 30, 2014** with all requirements of the application regulations in 15A NCAC 13B .0566 (2)(3)(4) and (7) by completing the following:

1646 Mail Service Center, Raleigh, North Carolina 27699-1646  
Phone: 919-707-8200 \ Internet: <http://portal.ncdenr.org/web/wm>

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- All waste not classified as LCID dumped on this property will have to be removed and transported to a facility permitted to receive this type of waste. Receipts from the permitted facility must be provided to Ben Barnes, P.O. Box 1568, Elm City, North Carolina 27822.
- Waste transported to the LCID must be compacted into the smallest area feasible to facilitate monthly cover.
- All waste in the LCID that has been uncovered for 30 days must be covered with at least one foot of soil.
- All waste transported to the LCID in the future must be covered with at least one foot of soil every 30 days or 120 calendar days. Whichever first comes.
- No waste can be stored/processed in the 50 foot buffer area around both facilities. Any waste located a buffer area will need to be moved into the operational area of either facility.
- The existing mound of buried waste located on north western side of the site and part of the original LCID will need to be included in the newly designated LCID area. (See inspection report for aerial).

*Green Acres Land Development and Ready Mix 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 Ben Barnes, Solid Waste Section, P O Box 1568, Elm City, North Carolina 27822 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 252 236 4453 or e-mail [ben.barnes@ncdenr.gov](mailto:ben.barnes@ncdenr.gov).

Sincerely,



Ben Barnes  
Environmental Senior Specialist  
Solid Waste Section

copies: Michael Scott, Field Operations Branch Head  
Dennis Shackelford, Eastern District Supervisor  
Jessica Montie, Compliance Officer

