FACILITY COMPLIANCE INSPECTION REPORT
Division of Waste Management
Solid Waste Section

UNIT TYPE:											
Lined MSWLF		LCID	X	YW		Transfer		Compost		SLAS	
Closed MSWLF		HHW		White goods		Incin		T&P		FIRM	
CDLF		Tire T&P / Collection		Tire Monofill		Industrial Landfill		DEMO		SDTF	

COUNTY: Currituck
PERMIT NO.: N0321
FILE TYPE: COMPLIANCE

Date of Site Inspection: May 1, 2013 **Date of Last Inspection:** October 4, 2012

FACILITY NAME AND ADDRESS:
Jeffry A. Newbern, owner
Green Acres Land Development and Ready Mix
The end of Westside Rd.
Harbinger, North Carolina 27941

GPS COORDINATES: N: 36.11597 E: -75.83897

FACILITY CONTACT NAME AND PHONE NUMBER:
Name: Jeffry A. Newbern
Telephone: office 252 491 2121 X3 cell 252 202 1028
Email address: galanddev@embarqmail.com
Fax: 252 491 2120

FACILITY CONTACT ADDRESS:
Green Acres Land Development & Ready Mix Concrete
c/o Jeff Newbern
P.O. Box 67
Harbinger, North Carolina 27941

PARTICIPANTS:
Ben Barnes NCDENR, Solid Waste
Jeff Newbern, Green Acres Land Development

STATUS OF PERMIT:
Expired, the air curtain burner permit was issued on June 2, 1998, for a period of one year or until June 2, 1999 when it expired.
There has also been a Land Clearing and Inert Debris Notification recorded on the site.

PURPOSE OF SITE VISIT:
Partial audit to determine compliance with an NOV issued on November 3, 2010

STATUS OF PAST NOTED VIOLATIONS:
.0563 APPLICABILITY REQ. FOR LAND CLEARING/INERT DEBRIS (LCID) LANDFILLS
(1)(b) UNRESOLVED *Some of the LCID on the site has been pushed into windrows, but none appears to have been covered.*
15A NCAC 13B .0566 OPERATIONAL REQ. FOR LAND CLEARING/INERT DEBRIS (LCID)
(11) UNRESOLVED *Solid waste is continuing to be disposed of in water. The violation is on-going.*

OBSERVED VIOLATIONS:

15A NCAC 13B .0201 PERMIT REQUIRED:
(a) No person shall treat, process, store, or dispose of solid waste or arrange for the treatment, processing, storage or disposal of solid waste except at a solid waste management facility permitted by the Division for such activity, except as provided in G.S. 130A-294(b).
(b) No person shall cause, suffer, allow, or permit the treatment, storage, or processing of solid waste upon any real or personal property owned, operated, leased, or in any way controlled by that person without first obtaining a permit for a solid waste management facility from the Division authorizing such activity, except as provided in G.S. 130A-294(b).
(c) No solid waste management facility shall be established, operated, maintained, constructed, expanded or modified without an appropriate and currently valid permit issued by the Division. It is the responsibility of every owner and operator of a proposed solid waste management facility to apply for a permit for the facility. The term "owner" shall include record owners of the land where the facility is located or proposed to be located and holders of any leasehold interest, however denominated, in any part of the land or structures where the facility is located or proposed to be located. *Green Acres Land Development is in violation of this rule in that the site has not been properly managed and waste has been deposited in an area that exceeds 2 acres in size. This goes beyond the maximum allowed in the LCID notification rules.* This condition has been noticed in previous inspections. An inspection on October 4, 2012 showed improvement with some of waste being consolidated along the berm and some of the waste being removed from the impounded water. The inspection on May 1, 2013 revealed that the improvements observed in the October 4, 2012 inspection have disappeared and the site management has gotten worse instead of improving.

15A NCAC 13B .0103 GENERAL CONDITIONS: (e) No person shall dispose or cause the disposal of solid waste in or on waters in a manner that results in solid waste's entering waters or being deposited upon lands of the state. *Waste has been disposed of in water: inert debris in the old borrow pit and vegetative debris at the edge of the impounded water on the south western side of the LCID notification area.* In order for Green Acres Land Development and Ready Mix to be brought into compliance with this rule, remove the inert debris and the vegetative debris from the impounded water and the old borrow area. This violation has been discuss and noted in previous Inspections. The Violation is on-going and the operator has ignored prior attempts to cease this operation.

The item(s) listed above were observed by Section staff and require action on behalf of the facility in order to come into or maintain compliance with the Statutes, Rules, and/or other regulatory requirements applicable to this facility. Be advised that pursuant to N.C.G.S. 130A-22, an administrative penalty of up to $15,000 per day may be assessed for each violation of the Solid Waste Laws, Regulations, Conditions of a Permit, or Order under Article 9 of Chapter 130A of the N.C. General Statutes. Further, the facility and/or all responsible parties may be subject 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.

ADDITIONAL COMMENTS

1. The previous property owner was Randolph S. Brent III his ownership being recorded in Book 124 Page 62C in the Currituck Co. Register of Deeds. The LCID Notification is recorded in Book 414 Page 236 in the Currituck Co. Register of Deeds. The property was transferred to Green Acres Land Development by General Warranty Deed on June 30, 2000 and recorded in Book 504 Page 187 of the Currituck County Register of Deeds.
2. Make sure access to the landfill is controlled.
3. The disposal area exceeds 2 acres in size. Waste was been removed and some was placed against the slope of the existing berm. This was stated in previous inspections to keep the operational area less than 2 acres in size. More vegetative debris has been loosely placed in the same area since the inspection conducted on October 4, 2012 and again in an area exceeding 2 acres in size.
4. **When the waste has been covered, the slopes of the landfill should be kept to 4:1 and no greater than 3:1 to prevent erosion.**
5. **The 2 acre boundary of the LCID Notification area needs to be marked with permanent stakes.**
6. **Any areas that receive final cover must be seeded and stabilized with grass.**
7. **The amount of C&D observed on the landfill was small, receipts from the approved facility should be mailed to Ben Barnes, Solid Waste Section, P.O. 1568, Elm City, North Carolina 27822.**
8. Inert debris is still in the old borrow area and vegetative debris is still in the impounded area north of the LCID landfill.
9. The original Notice of Violation was issued on March 15, 2012, and subsequent inspections were performed on February 22, 2012, April 23, 2012, June 5, 2012 and October 4, 2012. The site has not complied with all of the conditions of the March 15, 2012 NOV.

Please contact me if you have any questions or concerns regarding this inspection report.

Ben Barnes

Phone: 252 236 4453 email: ben.barnes@ncdenr.gov

Ben Barnes
Environmental Senior Specialist
Regional Representative

Sent on: June 12, 2013 by	X	Email		Hand delivery		US Mail		Certified No.

Copies:

Dennis Shackelford, Eastern District Supervisor
Pat Backus, Environmental Engineer
Jessica Montie, Compliance Officer
Ken Elliott, Elliott Consulting
Pat McCain, Land Quality Section
Amy Adams, Division of Water Quality
Brenda McQueen, Currituck County Public Director

Waste dumped in water. This has been observed in previous inspections and is continuing.

Vegetative debris removed from this area

Vegetative debris loosely dumped on the site

New vegetative debris loosely dumped on site. Consolidating waste has been a condition of previous inspections.

New vegetative debris loosely dumped on site. Consolidating waste has been a condition of previous inspections.

Vegetative debris dumped in water. This has been observed in previous inspections.