



**FACILITY COMPLIANCE INSPECTION REPORT**  
**Division of Waste Management**  
**Solid Waste Section**

<b>UNIT TYPE:</b>											
Lined MSWLF		LCID	<b>X</b>	YW		Transfer		Compost		SLAS	<b>COUNTY:</b> Pasquotank <b>PERMIT NO.:</b> N0566 <b>FILE TYPE:</b> COMPLIANCE
Closed MSWLF		HHW		White goods		Incineration		T&P		FIRM	
CDLF		Tire T&P / Collection		Tire Monofill		Industrial Landfill		DEMO		SDTF	

**Date of Site Inspection: April 8, 2014      Date of Last Inspection: April 7, 2011 (Wes Hare)**

**FACILITY NAME AND ADDRESS**

Layden's Sandpit  
 Hwy 344 S Elizabeth City, (Weeksville Rd) T/R Pitts Chapel Rd. T/L up path across from Pitts Chapel (Sand Pitt Rd)  
 Site near end of path on left  
 Elizabeth City, Pasquotank Co.

**GPS COORDINATES:** N: 36.25107    E: -76.20090

**FACILITY CONTACT NAME AND PHONE NUMBER:**

Name: Jonathan Layden    Johnny Layden  
 Telephone: office 252 331 6313 cell 919 656 6343  
 Email address: [laydenmarine@hotmail.com](mailto:laydenmarine@hotmail.com)  
 Fax:

**FACILITY CONTACT ADDRESS:**

Jonathan Layden  
 Layden Marine Construction  
 730 Pitts Chapel Rd.  
 Elizabeth City, North Carolina 27909

**PARTICIPANTS:**

Ben Barnes NCDENR. Solid Waste Section  
 Jonathan Layden, Layden Marine Construction  
 Ken Elliott, Elliott Consulting

**STATUS OF PERMIT:**

Notified site, no permit required

**PURPOSE OF SITE VISIT:**

Inspection of notified LCID site and consultation

**STATUS OF PAST NOTED VIOLATIONS:**

NONE

**FACILITY COMPLIANCE INSPECTION REPORT**  
**Division of Waste Management**  
**Solid Waste Section**

Page 2 of 5

**OBSERVED VIOLATIONS**

- (1) **15A NCAC 13B .0564 SITING CRITERIA FOR LAND CLEARING AND INERT DEBRIS (LCID) LANDFILLS (9)** The facility shall meet the following minimum buffer requirements:
- (a) 50 feet from the waste boundary to all surface waters of the state as defined in G.S. 143-212. *Waste has been dumped within 50 feet of the pond. See photos below.*
- (2) **15A NCAC 13B .0566 OPERATIONAL REQ. FOR LAND CLEARING/INERT DEBRIS (LCID) LANDFILLS (2)** the facility shall only accept those solid wastes which it is permitted to receive. *Nonconforming waste including creosote poles, demolition material and corrugated pipe and plastic containers has been dumped on the site.*

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. Layden's Sandpit LCID Notification was recorded in Book 697 Page 214 and the land where the LCID is located is recorded in Deed Book 579 Page 37 in the Pasquotank Co. Register of Deeds. Johnnie F. Layden of 305 Dances Bay Road is listed at the owner.
2. Plans are for the property to be deeded to Jonathan Layden the son of Johnnie Layden. **15A NCAC 13B. 0563(2)(c) states that "When the land on which the Land Clearing and Inert Debris Landfill is sold, leased, conveyed, or transferred in any manner, the deed or other instrument of transfer shall contain in the description section in no smaller type than that used in the body of the deed or instrument a statement that the property has been used as a Land Clearing and Inert Debris Landfill and a reference by book and page to the recordation of the notification"**.
3. **When the property ownership is transferred a LCID Notification document needs to be recorded listing the new information for this site in the Pasquotank Co. Register of Deeds.**
4. **Non-conforming waste was observed on the surface the site some has been partially covered. This waste including any that is buried must be removed and transported to a facility permitted to receive this type of waste. Receipts from this facility must be provided to Ben Barnes, PO Box 1568, Elm City, North Carolina 27822. Conditions were extremely wet during the time of this inspection. The action required in this comment will need to be begun when conditions are dryer and completed within 30 days of starting.**
5. The 2 acre boundary of the facility needs to be staked with permanent markers.
6. The road was of all-weather construction
7. The entrance was secured with a cable.
8. It is not known how long waste on the site has been uncovered but all waste must be covered monthly or when the operational area exceeds one acre in size.
9. See photos below.

Please contact me if you have any questions or concerns regarding this inspection report. Phone: 252 236 4453 email: [ben.barnes@ncdenr.gov](mailto:ben.barnes@ncdenr.gov)

**FACILITY COMPLIANCE INSPECTION REPORT**  
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Page 3 of 5

*Ben Barnes*

*Ben Barnes*  
Environmental Senior Specialist  
*Regional Representative*

Sent on: April 11, 2014	X	Email		Hand delivery		US Mail		Certified No. [ ]
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Copies: Dennis Shackelford, Eastern District Supervisor  
Jessica Montie, Compliance Officer



The landfill is recorded on parcel P92-30D but the site visit seemed to indicate that some of the fill area might be located on parcel P92-24,25 or within 100 feet of the property line. Both tracts are currently owned by Johnnie Layden. The exact location of the LCID fill area needs to be established. If the waste has been dumped on more than one tract or the setbacks to the property line are not met, this situation will need to be corrected.

**FACILITY COMPLIANCE INSPECTION REPORT**  
**Division of Waste Management**  
**Solid Waste Section**

Page 4 of 5



Creosote poles dumped on the site need to be removed.



Waste dumped within 50 feet of the pond needs to be moved to satisfy this setback requirement



More waste dumped within 50 feet of the pond. Any waste dumped on the site within 50 feet of the pond that conforms with the requirements of 15A NCAC 13B .0566 (2) must be pushed back to meet this setback requirement. The nonconforming waste must be removed and transported to a facility permitted to receive this type of waste.

**FACILITY COMPLIANCE INSPECTION REPORT**  
**Division of Waste Management**  
**Solid Waste Section**

Page 5 of 5



The main dumping area for the landfill, conditions were extremely wet during the day of the inspection.



Waste material has been dumped in the area east of the uncovered waste towards the old mine and covered. It is not known if this material was dumped in water. Any waste dumped in water needs to be pulled back to the original ground surface.