

ACTION INFO INITIAL

24 JAN 1980

BMO		✓	<i>[Handwritten initials]</i>
ABMO		✓	<i>[Handwritten initials]</i>
MAINT NCO			
SAFETY CHMN			
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ADMIN		✓	<i>[Handwritten mark]</i>
TELE			
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ENVIRON AFF		✓	
SECRETARY			
F&A BRANCH			
UMACS			

*Danny,*

*Please brief me.*

*Julian*

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STATE OF NORTH CAROLINA

DEPARTMENT OF HUMAN RESOURCES

*Division of Health Services*

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P. O. Box 2091

Raleigh 27602

December 31, 1979

MEMORANDUM:

TO: Landfill Operators

FROM: *O.W. Strickland*  
O. W. Strickland, Head  
Solid & Hazardous Waste Management Branch  
Environmental Health Section

SUBJECT: Procedures for Correcting Violations on Permitted  
Solid Waste Sites and Bringing Those Sites Operating  
Without a Permit Into Compliance

Due to change in Federal laws, all solid waste disposal sites must be classified as sanitary landfills or open dumps. As you know, the law in North Carolina has prohibited open dumps since 1972.

To protect the public health and the environment, we must do a better job of operating our landfills.

I want to thank each of you for your fine cooperation in the past and look forward to working toward solving problems when they exist with your help.

OWS:sms

Enclosure

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PROCEDURE FOR BRINGING A SOLID WASTE DISPOSAL SITE  
THAT IS OPERATING WITHOUT A PERMIT INTO COMPLIANCE

District Sanitarians will investigate the operation and identify the operator as well as the property owner. He shall make a list of the specific items at the site which are in contravention of the Act or the rules. He shall indicate beside each item on the list the specific provisions of the Act or rules which are being violated. If at all possible, colored photos of the site will be taken. Samples will be collected for analysis if there are liquids, sludges, leachates or solids that may be hazardous. The site operator shall be informed in writing of the specific violations, what action to undertake to correct them, the procedure for attaining a permit if the site is suitable, and the amount of time he has to accomplish this, by the District Sanitarian with a copy to the Central Office.

The District Sanitarian shall reinspect the site on or about the date specified for compliance. If the site is in full compliance, the District Sanitarian shall inform the operator in writing, with a copy to the Central Office. If the site is not in compliance, the District Sanitarian shall notify the Unit Supervisor and they shall inspect the site and reach a schedule for compliance with the operator, if possible. If an agreement is reached the operator shall be notified in writing of the schedule with a copy to the Central Office. The site will then be reinspected in accordance with the new schedule.

If no new schedule agreement can be reached or the operator does not meet the new schedule, the Unit Supervisor shall write the Branch Head stating the facts with a copy to the operator.

If the District Sanitarian finds a condition on his initial inspection that, if not corrected within a very limited time schedule, may become an imminent hazard to the public health or the environment, then the District Sanitarian may abandon these procedures and report directly to the Branch Head.

The Branch Head shall notify the operator by registered or certified mail of the violation and give him a reasonable time depending upon the violation, but not more than 30 days to correct the violation or an administrative penalty will be imposed.

This notice shall state the amount of the penalty for each violation and that each day of the continuing violation shall constitute a separate violation. If he wishes to contest such penalty, he may request an administrative hearing within 30 days after receipt of the notice by sending a written request for

such hearing to the Branch Head. The operator shall be informed that if such a request is not received, then he will have waived his right to a hearing.

If the violation of the rules or law presents an imminent hazard to the public health or the environment as determined by the Secretary, corrective measures must be taken immediately. Notice of the corrective measures and the right to appeal shall be given forthright to the operator.

A penalty may be modified upon findings that additional or different facts should have been considered in determining the amount of the assessment.

## VIOLATIONS ON A PERMITTED SITE

All permitted sites shall be inspected at least quarterly and all violations if any recorded on DHS Form 1709. If a violation is recorded on two consecutive inspections the operator shall be notified in writing of the violation, what must be undertaken to correct the violation and a compliance schedule, with a copy to the central office. If the violation involves receiving a liquid or hazardous waste or a leachate problem a sample shall be collected for analysis.

If the violation is not corrected within the compliance schedule, the District Sanitarian shall notify the central office, with a copy to the operator.

If the District Sanitarian finds a condition on a permitted site that, if not corrected within a very limited time schedule, may become an imminent hazard to the public health or the environment, then the District Sanitarian may abandon these procedures and report directly to the Branch Head.

The Branch Head shall notify the operator by registered or certified mail of the violation and give him a reasonable time, depending upon the violation, but not more than 30 days, to correct the violation or an administrative penalty will be assessed.

For all violations for which a penalty is assessed a notice of such action shall be sent to the operator by registered or certified mail. The notice shall describe the nature of the violation with reasonable particularity, the amount of the penalty for each violation, that each day of a continuing violation constitutes a separate violation, advise that the penalty will become due at the end of a specified time, and advise the operator of his right of appeal as specified in 10 NCAC 1 B .0200.

If a permitted solid waste management facility is involved and a condition exists which is or may become injurious to the public health, the Department may revoke said permit. In addition to the information required to be included in notification of penalty the notice shall state there has been a tentative decision made to revoke operator's permit and that an administrative hearing will be held in accordance with rules contained in 10 NCAC 1 B .200 where operator can challenge the penalty assessment and the permit revocation.

If the violation of the rules or law presents an imminent hazard to the public health or the environment as determined by the Secretary, the permit shall be revoked immediately. Notice of the revocation and the right to appeal shall be given forthright to the operator.

A penalty may be modified upon findings that additional or different facts should have been considered in determining the amount of the assessment.

