



FILE COPY

STATE OF TENNESSEE  
DEPARTMENT OF ENVIRONMENT AND CONSERVATION  
KNOXVILLE FIELD OFFICE  
3711 MIDDLEBROOK PIKE  
KNOXVILLE, TENNESSEE 37921  
PHONE (865) 594-6035 FAX (865) 594-6105/5253

September 28, 2011

Certified Mail  
Return Receipt Requested  
7009 3410 0000 4965 0017

Greenphalt Recycling  
1407 Boruff Street  
Knoxville, TN 37917-6157

Re: Open dumping in violation of Tennessee Code Annotated Sections 68-211-104 (3), 68-211-104 (4);  
and 68-211-106 (a) (1);

NRS# 47-1197

**Notice of Violation**

Dear Sirs:

The Tennessee Department of Environment and Conservation's Division of Solid Waste Management received a citizen's complaint concerning your property located on Boruff Street in Knox County, Tennessee.

In the complaint, it was alleged that shingles were being dumped on site.

On September 27, 2011, the Division of Solid Waste Management conducted a site visit to determine the validity of the complaint. Upon arrival to the property, it was noted that your business was accepting shingles for a fee and disposing of them at the rear of the property.

It is a violation of the Division of Solid Waste Management's regulations to dispose of solid waste on non-permitted property. The Division is requesting that the solid waste be removed from the property, deposited in a permitted landfill and receipts for this disposal be delivered to this office. After the thirty days, another follow-up visit will be conducted to verify that all these corrections have been made. If the Division finds your site to be in compliance, it will consider the case closed. If the Division finds the same problem, a **Second Notice of Violation** will be issued for improper storage and disposal of solid waste.

If you claim that any portion of the items are not discarded or are being stored incidental to its recycling, reuse, reclamation or salvage, pursuant to Rule 1200-1-7-.02(1)(b)3(xvi) you are hereby required to demonstrate that there is a viable market for the material.

Tennessee Code Annotated Section 68-211-104 of this Act states in part that: It is unlawful to:

- (3) Construct, alter, or operate a solid waste processing or disposal site in violation of the rules, regulations, or orders of the commissioner or in such a manner as to create a public nuisance; or
- (4) To transport, process or dispose of solid waste in violation of this chapter, the rules and regulations established under the provisions of this chapter or in violation of the orders of the commissioner or board.

Operation and/or maintenance of solid waste disposal site without a proper permit constitutes a violation of Tennessee Code Annotated Section 68-211-106 (a) (1), which states in part:

No solid waste processing facility or disposal facility in any subdivision of the state of Tennessee shall be operated or maintained by any person unless such a person has registered with the commissioner in the name of such person for the specified facility or site.

**All disposal of solid waste at the site must be stopped. All solid waste must be removed to either an appropriate recycling, processing and/or permitted disposal facility.**

Please be advised that Section 68-211-117 of the Tennessee Solid Waste Disposal Act provides for the following civil penalties:

- (a)(1) Any person who violates or fails to comply with any provision of this part or any rule, regulation, or standard adopted pursuant to this part shall be subject to a Civil Penalty of not less than one hundred dollars (\$100) nor more than five thousand dollars (\$5,000) per day for each day of violation.
- (2) Each day such violation continues shall constitute a separate violation. In addition, such persons shall also be liable for any damages to the state resulting there from, without regard to whether any civil penalty is assessed.

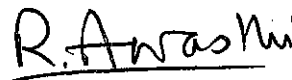
Documentation to verify the proper disposal of the waste at a permitted facility shall be submitted to Knoxville Environmental Field Office at 3711 Middlebrook Pike, Knoxville, TN 37921 within thirty days of the receipt of this Notice of Violation, by **October 31, 2011**.

If you have any questions concerning this correspondence, please feel free to contact me at (865) 594-5468.

Sincerely,



Ryan Miller  
Environmental Specialist  
Division of Solid Waste Management  
Knoxville Environmental Field Office



Revendra Awasthi  
Environmental Field Office Manager  
Division of Solid Waste Management  
Knoxville Environmental Field Office

Cc: Nashville/**DSWM**  
KEAC SWM



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PHONE (865) 594-6035 FAX (865) 594-6105/5253

October 11, 2011

Certified Mail  
Return Receipt Requested  
7009 3410 0000 4965 0031

Tom Schmitt, Greenphalt Recycling  
1407 Boruff Street  
Knoxville, TN 37917-6157

Re: Open dumping in violation of Tennessee Code Annotated Sections 68-211-104 (3), 68-211-104 (4);  
and 68-211-106 (a) (1); Lexington Drive, TN.

NRS# 47-1197

**Notice of Violation**

Dear Sirs:

The Tennessee Department of Environment and Conservation's Division of Solid Waste Management received a citizen's complaint concerning your property located on Lexington Drive in Knox County, Tennessee.

In the complaint, it was alleged that shingles were being dumped on site.

On October 6, 2011, 2011, the Division of Solid Waste Management conducted a site visit to determine the validity of the complaint. Upon arrival to the property, it was noted that your business was accepting shingles for a fee and disposing of them at the rear of the property.

It is a violation of the Division of Solid Waste Management's regulations to dispose of solid waste on non-permitted property. The Division is requesting that the solid waste be removed from the property, deposited in a permitted landfill and receipts for this disposal be delivered to this office. After the thirty days, another follow-up visit will be conducted to verify that all these corrections have been made. If the Division finds your site to be in compliance, it will consider the case closed. If the Division finds the same problem, a **Second Notice of Violation** will be issued for improper storage and disposal of solid waste.

If you claim that any portion of the items are not discarded or are being stored incidental to its recycling, reuse, reclamation or salvage, pursuant to Rule 1200-1-7-.02(1)(b)3(xvi) you are hereby required to demonstrate that there is a viable market for the material.

Tennessee Code Annotated Section 68-211-104 of this Act states in part that: It is unlawful to:

- (3) Construct, alter, or operate a solid waste processing or disposal site in violation of the rules, regulations, or orders of the commissioner or in such a manner as to create a public nuisance; or
- (4) To transport, process or dispose of solid waste in violation of this chapter, the rules and regulations established under the provisions of this chapter or in violation of the orders of the commissioner or board.

Operation and/or maintenance of solid waste disposal site without a proper permit constitutes a violation of Tennessee Code Annotated Section 68-211-106 (a) (1), which states in part:

No solid waste processing facility or disposal facility in any subdivision of the state of Tennessee shall be operated or maintained by any person unless such a person has registered with the commissioner in the name of such person for the specified facility or site.

**All disposal of solid waste at the site must be stopped. All solid waste must be removed to either an appropriate recycling, processing and/or permitted disposal facility.**

Please be advised that Section 68-211-117 of the Tennessee Solid Waste Disposal Act provides for the following civil penalties:

- (a)(1) Any person who violates or fails to comply with any provision of this part or any rule, regulation, or standard adopted pursuant to this part shall be subject to a Civil Penalty of not less than one hundred dollars (\$100) nor more than five thousand dollars (\$5,000) per day for each day of violation.
- (2) Each day such violation continues shall constitute a separate violation. In addition, such persons shall also be liable for any damages to the state resulting there from, without regard to whether any civil penalty is assessed.

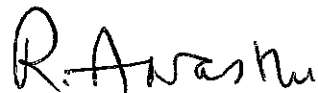
Documentation to verify the proper disposal of the waste at a permitted facility shall be submitted to Knoxville Environmental Field Office at 3711 Middlebrook Pike, Knoxville, TN 37921 within thirty days of the receipt of this Notice of Violation, by **October 31, 2011**.

If you have any questions concerning this correspondence, please feel free to contact me at (865) 594-5468.

Sincerely,



Ryan Miller  
Environmental Specialist  
Division of Solid Waste Management  
Knoxville Environmental Field Office



Revendra Awasthi  
Environmental Field Office Manager  
Division of Solid Waste Management  
Knoxville Environmental Field Office

Cc: Nashville/DSWM  
KEAC SWM