

Minutes

(The following is a summary of the meeting)

FORSYTH COUNTY ENVIRONMENTAL AFFAIRS BOARD MEETING

June 15, 2010

The Forsyth County Environmental Affairs Board met on June 15, 2010 at 10:00 a.m. in the boardroom of the Environmental Affairs Department, 537 N. Spruce Street, Winston-Salem, North Carolina.

MEMBERS PRESENT: Peter DeVries, Chairman
Tommy Thompson
Nathan Atkinson
Richard Seig
Don Nielsen
William Mosko

MEMBERS ABSENT: Fred Osbourne

FC EAD PRESENT: Robert Fulp
Angie Evans
Peter Lloyd
Jeff Ebbitt
Bob Ragland
Michael Settle
Steve Lyda
Laura Cauble
Scott Larson

VISITORS: DeeDee Johnston
Stephen Fisenne
Scott Alty
Chief Scott Alderman
Sean Eller

I. Call to Order

Peter DeVries called the meeting to order.

II. Approval of Minutes of March 16, 2010.

Peter DeVries asked if there were any questions concerning the minutes of the last meeting or a motion to approve the minutes. William Mosko moved to accept the March minutes. A second was received from Nathan Atkinson and the minutes were approved unanimously.

III. Welcome – Richard Sieg

Peter DeVries introduced new board member to the EAD board, Richard Sieg.

IV. Wake Forest University Presentation: Waste Reduction and Sustainability Activities.

Stephen Fisenne with Wake Forest University gave a presentation on proactive hazardous waste reduction programs including best management practices, improved chemical inventory control, interdepartmental redistribution of unused chemicals, neutralization of concentrated acids and caustics and waste consolidation. By instituting these new policies and processes, Wake Forest University has reduced the amount of Lab Pack waste by over 98% in two years.

DeeDee Johnston with Wake Forest University spoke on the guiding principles that Wake Forest is practicing, such as, water reduction, increased recycling program, reusable food containers, transportation and encouraging faculty, staff and students to transform these principles into practices.

V. Frank Nichols Open Burning Appeal

Mr. Nichols appealed his civil penalty to the Environmental Affairs Board, but he did not show for the hearing. The Board decided to continue the hearing so that the Department's information would be on record should Mr. Nichols pursue other legal action. The Department stated that Mr. Nichols was made aware of the meeting and was asked by the Board to enter this information into the record.

Peter DeVries opened the hearing and swore in witnesses. Bob Ragland presented facts from the Department and entered Exhibits A-J into the record. Bob Ragland reported that on March 11, 2010, the Lewisville Fire Chief called the Forsyth County Environmental Affairs Department and reported a large pile of debris, including plastic and other synthetic materials, burning on property owned or controlled by Mr. Frank Nichols located at 505 Lewisville Clemmons Road. He then called Michael Settle, the investigator for this action, to explain his findings.

Upon arrival at the site, Michael Settle found a large pile of debris, including plastic and other synthetic materials, burning unattended on the property. Mr. Nichols told Mr. Settle that he started the fire. He also told Mr. Settle that someone he knew was to dispose of the debris, but the gentleman never came. Mr. Nichols explained to Mr. Settle that he got tired of waiting, confessed to burning the debris himself.

A civil penalty was issued on March 16, 2010 in accordance with the Department's Open Burning Matrix for a second violation by a business.

Chief Alderman with the Lewisville Fire Department testified that he explained to Mr. Nichols the illegality of transporting brush to his property to burn. He also testified that the Lewisville Fire Department responded to several complaints in the past that were made regarding illegal burning at Mr. Nichols' property. The record of these responses was entered into evidence.

Mr. Ragland testified that Mr. Nichols also was told the illegality of bringing material onto his property and burning in a separate incident in 2009 where a violation and civil penalty was issued but rescinded by the Department.

In order to show that this was the second violation, Steve Lyda presented evidence of his investigation of the first violation occurring on August 13, 2008. Mr. Lyda received a call from Chief Alderman to report that Frank Nichols, at 505 Lewisville Clemmons Road was burning yard waste that, according to an anonymous source, did not originate from his property. Chief Alderman stated that the Lewisville Fire Department had answered several calls from citizens complaining of the burning. Steve Lyda, of the Environmental Affairs Department, inspected the site on August 13, 2008 and found a fire containing logs and brush. Mr. Lyda noticed a pine truck over 6" in diameter and asked Mr. Nichols where this came from since he did not notice any pines or pine stumps on the property. Mr. Lyda explained the rules and issued Mr. Nichols a notice of violation for material being burned over 6 inches in diameter. He did not cite Mr. Nichols for bringing off-site material to burn due to lack of witness availability. However, evidence showed that Mr. Lyda duly explained to Mr. Nichols the illegality of bringing material onto his property to burn.

Mr. Sean Eller, the landlord of the property adjacent to Mr. Nichols, testified that Mr. Nichols had hauled limbs and debris from his business, both onto Mr. Nichols property as well as illegally dumping it on his property.

Bob Ragland presented the letter sent to Mr. Nichols on April 15, 2010, informing him of the appeal hearing scheduled on June 15, 2010. After receiving the letter, Mr. Nichols called Mr. Ragland and confirmed that he had received the letter (this is later confirmed from phone logs as being on May 17, 2010). Mr. Ragland confirmed to Mr. Nichols that the hearing would be on June 15, 2010 at 10:00AM. The Department then sent a hearing package to Mr. Nichols on May 25, 2010 to the same address that Mr. Nichols had received and acknowledge receipt of material from the Department in the past.

In summary, after discussions were concluded, Peter DeVries made a motion to admit all the written documents into evidence based on the oral testimony of the Forsyth County Environmental Department. Nathan Atkinson seconded the motion, and the Board approved the documents into evidence with the recommendation that the penalty be upheld.

VI. Election of Officers

Peter DeVries asked for recommendations from the Board for electing new officers for the 2010 -2011 year. Tommy Thompson made the motion for Peter DeVries to remain Chairman. The motion was seconded and approved by the Board. Peter DeVries nominated Tommy Thompson for Vice Chairman. A seconded was received, and the motion was approved unanimously.

VII. Next Tentative Meeting Date September 21, 2010

VIII. Adjournment

Peter DeVries adjourned the meeting.

Date: _____
Robert R. Fulp, Secretary

Approved: _____
Peter H. DeVries, Chairman