

**AGENDA ITEM: 16-15**

**DAQ CIVIL PENALTY ASSESSMENT CASE SUMMARY**

**Case Number: DAQ 2015-036      Region: Fayetteville Regional Office      County: Cumberland**

**Violator: M.J. Marsh Farms Inc.**

**Case Summary**

- On July 23, 2015, DAQ FRO received a complaint from the Cumberland County Sheriff's Office concerning open burning of non-vegetative materials nearby and surrounding the residence of Mr. VB Marsh at 1627 Zarzamora St. Hope Mills, in Cumberland County, North Carolina.
- On July 24, 2015, DAQ FRO staff investigated and observed evidence of illegal open burning of household garbage and other non-vegetative materials on M.J. Marsh Farms, Inc. property located at 1639 Zarzamora St. In addition, on July 28, 2015, DAQ FRO staff observed active illegal open burning of tires and other non-vegetative materials on M.J. Marsh Farms, Inc. property located at 1611 Zarzamora St.
- A Notice of Violation/Notice of Recommendation for Enforcement (NOV/NRE) dated October 08, 2015, was sent to Mr. Vance Brewer (VB) Marsh, registered agent of M.J. Marsh Farms, Inc. for the above violation. No written response to the NOV/NRE was received; However, Mr. VB Marsh arrived at DAQ FRO on October 28, 2015, and accepted responsibility for the illegal open burning.
- On February 10, 2016, Sheila Holman, Director of DAQ, issued a civil penalty assessment in the amount of \$2000.00 plus \$403.00 investigative costs, for the above noted violation. This certified letter was delivered on April 28, 2016.
- The DAQ received a request for remission from VB Marsh dated May 17, 2016. The request included a justification for remission request and a waiver of rights to an administrative hearing and stipulation of facts.
- On June 01, 2016, Sheila C. Holman, Director of DAQ, reviewed the information contained in the remission and found no grounds to modify the assessment.
- To date, the DAQ has not received a request for an oral presentation to the EMC from M.J. Marsh Farms, Inc.



North Carolina Department of Environment and Natural Resources  
Division of Air Quality

Michael F. Easley, Governor

William G. Ross, Jr., Secretary  
B. Keith Overcash, P.E., Director

14 January 2008

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Mr. Vance Marsh, Registered Agent  
M J Marsh Farms, Inc.  
5284 Butler Nursery Rd.  
Fayetteville, NC 28306

**SUBJECT: Notice of Violation: Open Burning**  
M J Marsh Farms, Inc.  
Fayetteville, NC, Cumberland County 6/26-00000

Dear Mr. Marsh,

On 8 January 2008, Neil Joyner, of this office, investigated a complaint lodged against you, by the Cumberland Co. Fire Marshal's Office (CCFMO), for allowing the open burning of tires on your rental properties at 3163 and 3166 Shem Creek Rd. near Fayetteville, Cumberland County, NC. The CCFMO stated that you were aware of illegal tire burning on your trailer rental properties. Upon arrival at 3166 Shem Creek Rd., Mr. Joyner observed a large pile of charred tire rims and tire wire. Mr. Joyner spoke with Ms. Brenda Moore, your tenant, and she stated that she burned the observed tires to salvage the rims for subsequent monetary gain. Upon arrival at 3163 Shem Creek Rd., Mr. Joyner observed another pile of charred tire rims and tire wire. Mr. Joyner spoke with Ms. Mary Moore, your tenant, and she stated that she burned the observed tires to salvage the rims for subsequent monetary gain. Mr. Joyner also spoke with you that day, and you stated that your company owned both of these properties. Mr. Joyner gave to you a copy of the NC Open Burning regulations and explained from them why these burns were not allowed. Be advised that it is illegal to open burn synthetic/manmade materials, including tires, for waste disposal in North Carolina.

This letter is to officially inform you that to permit, allow, or cause such open burning is a violation of North Carolina Administrative Code 15A 2D .1900, "Open Burning." Please review the enclosed brochure and insert explaining this regulation before conducting any future open burning. If you have any questions, please call this Office at (910) 433-3300.

Be advised that you have a previous history on file with this office for illegal burning in December of CY 1999. At that time, you received NC Open Burning regulations information. You are again requested to find a legal method for the disposal of these wastes. Additional information concerning solid waste disposal can be obtained from a Division of Waste Management Specialist at (910) 433-3300. In addition, please refer to the enclosed Pollution Prevention/Small Business insert for further information if you need assistance.

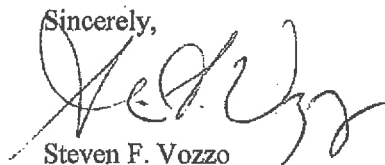
In some cases, people have obtained Burn Permits from the NC Forest Service and have then conducted open burnings in violation of other state and local laws. Please note that in almost all cases on the back of the NC Forest Service permit are the NC Air Quality regulations and that their burn permit indicates you must abide by our rules as well as theirs. Please also realize that various counties, townships, and/or fire departments have their own regulations in addition to the various State burning regulations. Prior to burning, you are required to consider all these regulations and to make certain you are meeting the most restrictive regulation(s).

As stated in the "subject" above, this letter represents a Notice of Violation for the open burning investigated on 8 January 2008. The above violation and any future violation of an air quality regulation are subject to the assessment of civil penalties as per North Carolina General Statute 143-215.114A. This General Statute provides that civil penalties of not more than twenty five thousand dollars (\$25,000) may be assessed against any person who violates any classification, standard, or limitation established pursuant to General Statute 143-215.107, "Air Quality Standards and Classifications." In addition, each day of continuing violation after written notification from the Division of Air Quality shall be considered a separate offense.

**Please submit a written response to this office by 28 January 2008**, as to actions taken to bring about compliance and any additional information or description of any mitigating circumstances in reference to the violation. Please be advised that neither this letter, nor any subsequent action, absolve you from responsibility for any violation or damage to public or private property or from any enforcement action available to this agency.

We appreciate your immediate attention to this environmental concern. If you have any questions, please call Neil Joyner, Environmental Specialist, or Robert Hayden, Environmental Engineer, at (910) 433-3300.

Sincerely,



Steven F. Vozzo  
Regional Air Quality Supervisor  
Fayetteville Regional Office

SFV\caj

attachments - OB Brochure, OB Insert, and P2 Insert

cc: (w/o attachment)

FRO Complaint Files

Mr. Rodney Ward, Cumberland Co. Fire Marshal's Office, PO Box 1829, Fayetteville, NC 28302



North Carolina Department of Environment and Natural Resources  
Division of Air Quality

Beverly Eaves Perdue, Governor

Dee Freeman, Secretary  
Sheila C. Holman, Director

20 November 2012

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

MJ Marsh Farms, Inc.  
Attn: Mr. Vance Brewer (VB) Marsh  
3646 Hidden Oaks Drive  
Fayetteville, NC 28306-7307

**SUBJECT: Notice of Violation: Open Burning**  
MJ Marsh Farms, Inc.  
Fayetteville, NC, Cumberland County 6/26-00000

Dear Mr. Marsh,

On 25 October 2012, Ms. Pam Vivian, of this Office, observed and investigated the open burning of non-vegetative materials at 7876 NC Highway 87 South near Fayetteville, Cumberland County NC. ~~Upon arrival,~~ Ms Vivian observed two burn piles containing paint, aerosol, and aluminum cans; a large sink, various plastic bottles, wire, unknown non-vegetative waste, and vegetative debris. She spoke with you and you stated that you were cleaning up your business property and thought you were only burning yard waste. You extinguished the fires and later said your son, Vance Allen Marsh, did not know about the open burning rule and started the fires. You have an extensive history with this office involving illegal open burning activities on your business and personal properties. You have been educated multiple times on the NC Open Burning rule and your responsibility in preventing illegal open burning on your properties.

This letter is to officially inform you that by *permitting, allowing, or causing* the above-mentioned open burning you violated the North Carolina Administrative Code 15A 2D .1900, "Open Burning." Please review the enclosed brochure and insert explaining this regulation before conducting any future open burning.

This is your fifth violation for illegally open burning non-vegetative materials on file with this Office. Be advised that future violations for illegally burning non-vegetative materials may result in a civil penalty assessment. You are required to find a legal method for the disposal of these wastes. Additional information concerning solid waste disposal can be obtained from a Division of Waste Management Specialist at (910) 433-3300.

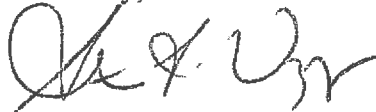
In some cases, people have obtained Burn Permits from the NC Forest Service and have then conducted open burnings in violation of other state and local laws. Please note that, in almost all cases, on the back of the NC Forest Service permit are the NC Air Quality rules and that their burn permit indicates you must abide by our rules as well as theirs. Please also realize that various counties, townships, and/or fire departments have their own regulations in addition to the various State burning rules. Prior to burning, you are required to consider all these rules and regulations and to make certain you are meeting the most restrictive.

As stated in the "subject" above, this letter represents a Notice of Violation for the open burning that occurred on 25 October 2012. The above violation and any future violation of an air quality regulation are subject to the assessment of civil penalties as per North Carolina General Statute 143-215.114A. This General Statute provides that civil penalties of not more than twenty-five thousand dollars (\$25,000) may be assessed against any person who violates any classification, standard, or limitation established pursuant to General Statute 143-215.107, "Air Quality Standards and Classifications." In addition, each day of continuing violation after written notification from the Division of Air Quality shall be considered a separate offense.

**Please submit a written response to this office by 4 December 2012,** as to actions taken to bring about compliance and any additional information or description of any mitigating circumstances in reference to the violation. Please be advised that neither this letter, nor any subsequent action, absolve you from responsibility for any violation or damage to public or private property or from any enforcement action available to this agency.

We appreciate your immediate attention to this environmental concern. If you have any questions, please call Pam Vivian, Environmental Specialist, or Heather Hawkins, Environmental Specialist, at (910) 433-3300.

Sincerely,



Steven F. Vozzo  
Regional Air Quality Supervisor  
Fayetteville Regional Office

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attachments - Open Burning Brochure and Insert

cc: (w/o attachments)

FRO Complaint Files

MJ Marsh Farms, Inc., Attn: Michael John Marsh, 5223 Hub Johnson Road, Hope Mills, NC 28348

# North Carolina Department of Environmental Quality

Pat McCrory  
Governor

Donald R. van der Vaart  
Secretary

8 October 2015

**CERTIFIED MAIL**

**RETURN RECEIPT REQUESTED**

Mr. Vance Brewer Marsh, Registered Agent  
M. J. Marsh Farms, Inc.  
1627 Zarzamora Street  
Hope Mills, NC 28348

**SUBJECT: Notice of Violation/Notice of Recommendation for Enforcement: Open Burning**

M. J. Marsh Farms, Inc.

Hope Mills, NC, Cumberland County

6/26-00000

Dear Mr. Marsh:

On 24 July and 28 July 2015, Pam Vivian investigated a complaint originally lodged against you by the Cumberland County Sheriff's Department for the open burning of tires, household garbage, plastics, metals, furniture items, and other unidentifiable non-vegetative debris on your rental properties located at 1639 and 1611 Zarzamora Street in Hope Mills.

Upon arrival on 24 July 2015 at 1639 Zarzamora Street, Ms. Vivian observed two large charred trash piles, containing household garbage and other non-vegetative materials, located in the side/backyard areas. Information about the NC Open Burning rule and a request to contact this office was left at the front door. Ms. Vivian was unsuccessful in her attempts to contact you or the renter by phone. Ms. Vivian also left information on the door of your residence, located at 1627 Zarzamora Street, but to date this office has received no response from you.

Upon arrival on 28 July 2015 at 1611 Zarzamora Street, Ms. Vivian observed an active burn pile containing tires, aerosol cans, and other unidentifiable non-vegetative debris. Information about the NC Open Burning rule and a request to contact this office was left at this address as well as at your residence, located at 1627 Zarzamora Street. To date this office has received no response from you.

This letter is to officially inform you that by *permitting, allowing, or causing* the above-mentioned open burning you violated the North Carolina Administrative Code 15A 2D .1900, "Open Burning." Please review the enclosed insert explaining this rule before conducting any future open burning.

You have an extensive history with this office involving illegal open burning activities on your business, residential, and familial properties. You have been educated multiple times on the NC Open Burning rule and your responsibility in preventing illegal open burning on your properties and on properties/projects you manage. You are requested to find a legal method for the disposal of waste on these properties. Additional information concerning solid waste disposal can be obtained from a Division of Waste Management Specialist at (910) 433-3300. In addition, please refer

8 October 2015

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to the enclosed Pollution Prevention/Small Business insert for further information if you need assistance.

In some cases, people have obtained burn permits from the NC Forest Service (NCFS) and have then conducted open burnings in violation of other state and local laws. Please note that in almost all cases on the back of the NCFS permit are the NC Air Quality rules and that their burn permit indicates you must abide by our rules as well as theirs. Please also realize that various counties, townships, and/or fire departments have their own rules in addition to the various State burning rules. Prior to burning, you are required to consider all these rules and to make certain you are meeting the most restrictive.

As stated in the "subject" above, this letter represents not only a Notice of Violation for the open burning investigations on 24 and 28 July 2015, but puts you on notice that this office is preparing an enforcement report addressing the violations observed. The above violation and any future violation of an air quality rule are subject to the assessment of civil penalties as per North Carolina General Statute 143-215.114A. This General Statute provides that civil penalties of not more than twenty-five thousand dollars (\$25,000) may be assessed against any person who violates any classification, standard, or limitation established pursuant to General Statute 143-215.107, "Air Quality Standards and Classifications." In addition, each day of continuing violation after written notification from the Division of Air Quality shall be considered a separate offense.

**Please submit a written response to this office by 22 October 2015**, as to actions taken to bring about compliance and any additional information or description of any mitigating circumstances that you believe should affect the outcome of the enforcement evaluation. After the above date, in lieu of any mitigating circumstances brought to our attention, this office will submit the enforcement report to the Director of the Division of Air Quality, including recommendations for the assessment of appropriate civil penalties. Please be advised that neither this letter, nor any subsequent action, absolve you from responsibility for any violation or damage to public or private property or from any enforcement action available to this agency.

We appreciate your immediate attention to this environmental concern. If you have any questions, please call Pam Vivian, Environmental Specialist, or Heather Carter, Compliance Coordinator, at (910) 433-3300. Additional information on open burning is available on the Division webpage located at [www.ncair.org](http://www.ncair.org).

Sincerely,



Steven F. Vozzo

Regional Air Quality Supervisor  
NCDENR Division of Air Quality

SFV\pcv

attachments - OB Insert and DEACS Insert

cc: (w/o attachment)

FRO Enforcement Files

FRO Complaint Files

Cumberland County Sheriff Office, Attn: Deputy Dowless, 131 Dick St., Fayetteville, NC 28301

## Complaint Investigation Report

NC Dept. of Environment & Natural Resources  
Division of Air Quality

County: Cumberland  
Region: FRO  
Suspect: M. J. Marsh Farms, Inc.  
Facility ID#  
Record # 17117

Regional Investigator: Vivian, Pam  
Regional Co-investigator:  
Partner Agency: Cumberland Co. Sheriff Office

Date Complaint Received: 07/23/2015  
Received By: Carter, Heather  
Date assigned: 07/23/2015

Investigation date: 07/23/2015  
Follow-up date: 07/28/2015

Report submit date: 08/13/2015

Complaint type: OB - Residential  
Complaint description: Burns tire, household  
garbage, metal salvage.

Situation Dangerous:  
Occurring Now:

Suspect: M. J. Marsh Farms, Inc.  
Suspect Contact: Vance Brewer Marsh  
Physical Location: 1611 and 1639 Zarzamora Street -  
Hope Mills  
Mailing Address: 1627 Zarzamora Street  
City/State/Zip: Hope Mills, NC 28348  
Telephone: (910) 723-0677  
Alternate Telephone: (910) 703-9211

Complainant: David Dowless  
Complainant Address: Cumberland County Sheriff  
Office  
City/State/Zip: Fayetteville NC 28301  
Telephone (H): (910) 849-7151  
Telephone (W): (910) 323-1500  
Call Back Required? Call Back Requested

Referral to DAQ: Local/state/fed agency

Violation documented: Yes  
NCFS Permit:

Signature: Pam Vivian

Report Date: 8/13/2015

### Complaint:

On 23 July 2015, Heather Carter with DAQ FRO received a complaint from Cumberland County Sheriff Deputy David Dowless concerning a lot of non-vegetative materials, to include several tires that had been burned at and around the residence of VB Marsh at 1627 Zarzamora Street, Hope Mills, NC 28348. The county animal control and deputy department are arriving on site today to investigate and request DAQ FROs presence.

### Directions:

From FRO, travel on Hwy 87 south; turn right onto Thrower Rd and travel about 2 miles; turn left onto North Fork Drive; Zarzamora St (bumpy dirt road) veers to the right; travel down and either turn left at 'Y' or continue straight; straight leads directly to 1627 on the right; burn piles surround this home and are also located on the property(ies) directly in front of this address.

### Previous History:

- On 20 November 2012 an NOV was sent to Vance Allen Marsh, son of Vance Brewer (VB) Marsh and MJ Marsh Farms, Inc (Attn: Vance Brewer (VB) Marsh) for burning non-vegetative materials for waste disposal. Michael John Brewer is the President of MJ Marsh Farms and son of Vance Brewer (VB) Marsh.
- On 13 June 2012 an NOV was sent to Mr. V.B. Marsh for burning non-vegetative materials for waste disposal.
- On 14 October 2010 an NOV was sent to Mr. V.B. Marsh for burning non-vegetative materials for waste disposal.



- On 14 January 2008 an NOV was sent to Mr. Vance Marsh, Registered Agent of MJ Marsh Farms, Inc. for permitting the burning of tires on rental property.

**Summary of investigation:**

**July 23, 2015**

1) I, Pam Vivian with DAQ FRO met with Cumberland County Sheriff Deputy Sergeant (Sgt) David Dowless to be an intricate part of an inter-agency task force working together to stop the various violations of the County and State laws that Mr. Vance Brewer (VB) Marsh has succeeded in doing over the years (DAQ FRO since 1997). Sgt. Dowless showed me the warrant the County had provided for the Sheriff Department and Cumberland County Animal Control, along with DAQ FRO to search the property for illegal burning and capture horses on the property associated with VB Marsh at 1627 Zarzamora Street. According to Sgt. Dowless, Mr. Marsh has been a problem citizen for several years concerning illegal open burnings for waste disposal and metal salvaging, accumulating solid waste on various rental/affiliated properties, and animal cruelty issues. Mr. Marsh has avoided the law by blaming others for his illegal activities, to include family members, and these people have just allowed him to use them, thus Mr. Marsh avoids prosecution. Accordingly, various Cumberland County officials want to stop these continual violations of the County and State laws to help create a better environment for the citizens that surround this property and work towards other properties as well that VB Marsh is affiliated with in Cumberland County. Sgt. Dowless guided me throughout this open burning investigation.

2) Mr. Marsh was not at home the day of this investigation but I left an NC OB flyer with my business card secured to his front door requesting a return call to further discuss (this office never received a return call from Mr. Marsh). Mr. Marsh's home address is 1627 Zarzamora Street, Hope Mills as found using the Cumberland County Property GIS. This property where Mr. Marsh resides belongs to, as listed in the Cumberland County Property GIS, Ms. Janet Lee Marsh, daughter of Mr. VB Marsh. Many NC OB rule violations were documented throughout this investigation. Pictures were taken to document.

3) The burn piles found in violation at 1627 Zarzamora Street were as follows:

1. Pile 1\* - Charred pile stepped to be about 5 ft in diameter and less than 1 foot high containing a tree log and various non-vegetative materials to include but not limited to plastics, paper, metal, cans, glass, insulation/packing material, and other unidentifiable debris.
2. Pile 2\* - Charred pile stepped to be about 4 ft in diameter and about 1 foot high containing a tree limb and various non-vegetative materials to include but not limited the remains of about three tires, plastics, paper, metal, cans, glass, black plastic household item, wire/cable, and other unidentifiable debris.
3. Pile 8\* - Past charred pile with vegetation around it, but was stepped to have been about six ft in diameter containing what appeared to have been household garbage with glass, metal cans, aerosol cans, plastics, paper, wood furniture leg, and other unidentifiable debris.
4. Pile 9\* - Charred pile stepped to be about 9 ft in diameter and about 2 ft high with vegetative materials placed on top of cinder blocks with other large metal items, wire, paper, and other unidentifiable debris.
5. Pile 10\* - Charred pile stepped to be about 11 ft by 8 ft and about 2-1/2 ft high with some vegetative materials stuck within what appeared to be a queen size box spring with various household garbage on top of it, to include but not limited to glass, metal cans, aerosol cans, various plastics, horse feed bag, paper, tennis shoe, white matting cloth material, wire, aluminum foil material, and other unidentifiable debris.

6. Pile 11\* - Charred pile stepped to be about 8 ft in diameter and about 6 inches high with various household garbage to include but not limited to metal cans, aerosol cans, wire, aluminum foil pans, plastics, paper, possibly resin furniture item, and other unidentifiable debris.
7. Pile 12\* - Past charred pile with vegetation around it but was stepped to be about 10 ft in diameter containing various small pieces of unidentifiable non-vegetative materials, and unburned plastic bottle, bags, and cardboard.

3) The burn piles found to be in violation at 1621 Zarzamora Street were as follows (no home on this property):

1. Pile 3\* - Several burned tires in an extended straight long strip that was stepped to be about 25 ft long and 4 ft wide and was approximated by Sgt. Dowless and myself to have contained about 25 to 30 tires burned.
2. Pile 4\* Stacked burned tire pile that was stepped to be about 8 ft in diameter and was approximated by Sgt. Dowless and myself to have contained about 6 tires burned
3. Pile 5\* - Burn pile area was stepped to be about 10 ft in diameter and was approximated by Sgt. Dowless and myself to have contained about 8 tires burned but total unknown.
4. Pile 6\* - Burn pile area was stepped to be about 16 ft by 17 ft. Tires were apparently burned here as well as seen by the charred materials still remaining. The amount of tires burned was not possible to estimate but the size of the charred area appears to indicate a large amount were burned. Note the charred condition of the wood post.
5. Pile 7\* - Past burn pile area was stepped to be about 12 ft in diameter. This charred area contains various small pieces of non-vegetative debris but vegetative materials were also observed in it. Note damaged/dead lower limbs.

4) Sgt. Dowless told me he would be able to provide copies of his reports within a few days but at the time he would need to go back and assist Cumberland County Animal Control obtain the horses that they were capturing due to animal cruelty laws. I told him I would contact him later to further discuss this investigation. Note: I had hoped to go to the two other homes on Zarzamora St, 1611 and 1639, to discuss with the tenants, properties owned by MJ Marsh Farms, Inc., but a severe rain storm poured on this area and prevented further investigation at that time.

#### **July 24, 2015**

1) I called Sgt. Dowless and he agreed to meet me on Zarzamora Street to assist with investigating property addresses 1611 and 1639.

2) At 1611 Zarzamora St, I knocked on the door, but no one answered. I did not observe any illegal burn piles on this property. Sgt. Dowless told me that VB Marsh had told him that the tenant who lived here was Vernon Hobbs, but he comes and goes. Mr. Hobbs is an auto mechanic and most of the vehicles in the yard are ones he works on or takes parts from. Sgt. Dowless stated the red Chevrolet truck with NC license tag: BLB-2312 actually belongs to Mr. Hobbs. I left an NC OB flyer with my business card at the front door requesting a call back. This office has not received a response.

3) At 1639 Zarzamora St, I observed two different phone numbers and a name written on the front door with a permanent marker: 910-305-5039, 910-723-0677, and the name 'VB Marsh.' Sgt. Dowless informed me the '723' number was the active number his department had on hand for VB Marsh. I knocked on the door, could hear sounds from inside, but no one answered the door. I left an NC OB flyer with my business card, with a note requesting a call back.

4) As we were leaving, I observed from the side, backyard area, a burn pile which contained charred non-vegetative debris with unburned debris, of household garbage, and a large gray plastic trash can adjacent to it. It appeared to be about 7 ft in diameter and 2-1/2 ft high. From this same location, I also observed behind this home, another charred, with unburned debris of household garbage and other apparent non-vegetative debris. This pile appeared to be about 12 ft in diameter and about 3-1/2 ft high. I took pictures to document. The warrant did not give permission to search this property.

5) Sgt. Dowless again made the statement he made to me the previous day: VB Marsh has avoided the law for several years while others are pointed at as being the ones at fault. The County is working to stop his illegal activities. He said that VB may not admit to doing any illegal burning but he is affiliated with all that goes on and allows and permits it to continue through others. He said he would have the reports next week for me to add to my investigation.

6) Before leaving I called both numbers that were observed on the door but neither number had been set up to receive voice messages.

7) At the office, I did various searches for this investigation:

- a) Cumberland County Property GIS indicates 1627 Zarzamora Street is owned by Janett Lee Marsh Smith, daughter of VB Marsh. This is where VB Marsh lives. I searched Ms. Marsh's address but other people were stated to live there. I called both numbers provided but these were no longer in service.
- b) According to the Cumberland County Property GIS website, 1621 Zarzamora Street is owned by Michael John Marsh, son of VB Marsh.
- c) Both 1611 and 1639 Zarzamora Street are owned by M. J. Marsh Farms, Inc. with Michael John Marsh as President and Vance Brewer (VB) Marsh as Secretary Treasury. I searched both addresses and found several different names associated with them but with no contact number.
- d) Both phone numbers found on the door at 1639 Zarzamora Street are mobile phones, AT&T and Verizon Wireless, respectively. VB Marsh's contact number, as stated by Sgt. Dowless is 910-723-0677.
- e) NC Corporate Web search indicates M. J. Farms, Inc. was incorporated on 30 December 1999 with Michael John Marsh as President and Vance Brewer (VB) Marsh as Secretary of Treasury. Annual reports submitted, with most recent 3 November 2014, have been signed by Vance B. Marsh with mailing address change to 7890 NC Hwy 87 south, Fayetteville, NC 28306. This address is located in the same area of both the June and October 2012 OB investigations located at 7876 Hwy 87 south, Fayetteville 28306.
- f) I was not able to find any contact information for Mr. Michael John Marsh or Janet Lee Marsh. I did find Ms. Marsh now is Ms. Janet Lee Marsh Smith.
- g)

#### **July 28, 2015**

1) I, Pam Vivian, along with Josh Harris, both with DAQ FRO went back to 1627 Zarzamora Street to verify each property GPS location.

2) Upon arrival, we observed a large metal utility trailer in front of Mr. Marsh's home with various metal items on it. We verified the address locations as planned.

3) During this investigation we observed a smoldering pile of tires, a rim, cinder blocks, aerosol cans, lumber, and vegetative materials at the property of 1611 Zarzamora Street next to a large tree. The pile was about 5 ft in diameter and about 1-1/2 ft high. It appeared that 4 tires had been burned. Pictures were taken to document.

4) I called DAQ FRO and reported to Steven Vozzo about this new burn pile. He said to call the numbers previously obtained. I called the number for VB Marsh, 910-723-0677 but the out-going voice message stated the mail box had not been set up. I call 910-305-5039 and a woman answered the phone and identified herself as Tasha. I inquired about contacting Mr. Marsh but she only said that she had not seen him but she would let him know I called and to call me. I left her my name and contact information. I called back Mr. Vozzo and during our conversation, I saw a woman walking down Zarzamora St towards Mr. Marsh's home.

5) I walked to '1639' address thinking she was headed that way, but did not find her there. I called Sgt. Dowless but he was at Animal Control issuing a citation to Mr. Marsh and would not be able to attend. During this time, Mr. Harris saw the woman at 1627, Mr. Marsh's home and began talking with her.

6) She told Mr. Harris she was Ms. Stella Oenning and she comes to Mr. Marsh's home periodically to help clean and cook for him. She rarely sleeps overnight, only if needed. She did state she lives at the old hair dresser shop off Hwy 87 (former complaint location in two separate investigations during June and October 2012). She said she was doing laundry today, as well as cleaning up VB's yard. She said 'VB' had brought in the large metal utility trailer, which already contained various kinds of metal that Ms. Oenning said would be taken to the salvage yard so he could get money to help pay for his current problems with the County. She also stated Mr. Vernon Hobbs at '1611' use to be a tenant but 'VB' had the electricity turned off since Vernon was not paying his rent or the electric bill. She said the electricity was in 'VB's name. She said the cars were Vernon's and she has not seen him around for some time. If he does return, VB will get the money Vernon owns him.

7) I asked about the smoldering burn pile and pointed to it. She said she did not know who started that fire but she had earlier sprayed water on it to put it out.

8) Through our conversations, Ms. Oenning said she thought the man who lived at '1639' was named Stan but she did not know anything else. She said VB had Stan's contact number. I asked her if she would call Mr. Marsh so I could speak with him. Using her cell phone, she called and began talking with him. I asked to speak with him but he told her he was busy with other things and could not talk but he would arrive back within an hour and would talk with me then.

9) She said that VB picked her up at her place this morning and dropped her off at Zarzamora St. I asked if she meant he just dropped her off and she said yes, just now when I saw her. She said VB had to go to another appointment he was involved with at animal control. She said the horses were taken away and he was hoping to get them back. Something did not add up with her stating she had just arrived whereas earlier told me she tried to put the fire out but did not know who started it. I asked her about putting the fire out and her time of arrival and she became nervous acting and walked back into Mr Marsh's home.

10) Mr. Harris and I waited for over 1-1/2 hours but Mr. Marsh never arrived. During this time, I asked Ms. Oenning again to call Mr. Marsh. She did but then received the same out-going message I received earlier about voice message not having been set up. I asked for her contact information in

case I needed to call her back: 910-703-9211. I gave her another NC OB flyer with my business card and told her to have Mr. Marsh call me to further discuss. To date, this office has not heard back from Mr. Marsh.

**August 3, 2015**

1) I called Sgt. Dowless and asked if he could fax his reports to me for my investigation. He told me that his reports could not be faxed due to the sheriff department's policies but I could come to his office and receive copies. He told me that Animal Control also had their reports which I could obtain at their office. He said for me to come by the following day and I could acquire his reports.

**August 4, 2015**

1) I arrived and met with Sgt. Dowless. He provided copies of the search warrant including the incident/ investigation report on 23 July 2015, as well as the NC Uniform Citation report given to Mr. Marsh on 28 July 2015. I told him about the other tire burn observed on 28 July 2015. He told me that when 'VB' arrived at animal control that same morning, he noticed VB's arms were streaked with something black. Sgt. Dowless said VB had probably been moving tires around and burning them and that had created the black mess on his arms. He told me Mr. Marsh appears to be cooperating with the County as compared to the past years and it is probably due to the actions the County is taking at this time. He told me if we need any other assistance to call him and he would make sure the department responds.

2) Sgt. Dowless also told me that Cumberland County Planning and Enforcement will be involved in the near future at the Zarzamora Street location to deal with the several abandoned vehicles located on property(ies) affiliated with Mr. VB Marsh. At present, this agency is involved with the location on Hwy 87 where Ms. Oenning resides in the hair dresser shop.

3) I arrived at animal control and after filing a report request form, was provided copies of this agencies' response reports starting 3 July 2015 through 28 July 2015 as well as the Civil Citation for Violation of Animal Control that was issued 5 July 2015 to VB Marsh for the various animals stated within. Ms. Oenning's name is within this report as Stella.

**Comments/Recommendations:**

Mr. VB Marsh is affiliated with each of these properties as the Father to the property owners, and as the Secretary/Treasurer of MJ Marsh Farms, Inc. He has not complied with State and County laws over the years that resulted from various violations at several property locations.

The recommendations are as follows:

1) Send Mr. Vance Brewer (VB) Marsh an NOV/NRE letter for violating the NC OB rules by permitting, allowing, or causing the illegal burning of non-vegetative materials, to include but not limited to tires, metals, plastics, paper, cardboard, glass, lumber, household garbage, and other unidentifiable debris for waste disposal and salvage at 1627 and 1621 Zarzamora Street in Hope Mills.

2) Send an NOV/NRE to M. J. Marsh Farms, Inc for permitting, allowing, or causing the illegal burning of non-vegetative materials at 1611 and 1639 Zarzamora Street in Hope Mills.

3) Send an NOV letter to Michael John Marsh as property owner of 1621 Zarzamora Street for permitting, allowing, or causing the illegal burning of non-vegetative materials.

4) Send a WAR letter to Janet Lee Marsh Smith as property owner of 1627 Zarzamore Street for permitting, allowing, or causing the illegal burning of non-vegetative materials.

/pcv

**Send NOV/NRE to:**

Mr. Vance Brewer (VB) Marsh  
1627 Zarzamore Street  
Hope Mills, NC 28348

**Send NOV/NRE to:**

M. J. Marsh Farms, Inc  
Vance Brewer (VB) Marsh, Registered Agent  
1627 Zarzamore Street  
Hope Mills, NC 28348

**Send NOV to:**

Mr. Michael John Marsh  
2916 Thrower Rd  
Hope Mills, NC 28348

**Send NOV to:**

Janet Lee Marsh Smith  
5807 Labonte Drive  
Hope Mills, NC 28348

**Attachments:**

Pictures

Cumberland County Property GIS/Tax Records  
Cumberland County Sheriff Department Reports  
Cumberland County Animal Control Reports  
NC Corporate business search/Annual Reports  
People Searches

**Update:**

October 14, 2015 @ 7:15 am: Pam Vivian with DAQ FRO, met with Cumberland County Sheriff Deputy, Sgt. David Dowless to hand deliver the four letters noted above.

- At 1133 Fairhaven Trail, no one responded but the letter, along with an open burning flyer and my contact information for Janet Lee Marsh Smith was left on the door, a picture was taken and the Sheriff signed the card. *Later in the afternoon, Mr. Smith called and said his wife was not related to this name nor any illegal burning on any property.*
- At 1627 Zarzamore St., we did not find VB Marsh but a man who said he was Moses, living in a small camper trailer recently having been placed on this property stated, Mr. Marsh was at 7890 Hwy 87 south, Fayetteville, NC in the former hair salon.
- At 7890 Hwy 87 south, VB Marsh was present and signed for both NOV/NRE letters.
- At 5284 Butler Nursery Road, Fayetteville for Michael John Marsh's letter, we found there was no identifiable address for this location nor a home. Sgt. Dowless stated he remembered about 3 to 4 years ago the home on this property was condemned and demolished. County tax assessor states the property changed ownership between 2012 and 2013 to Cumberland Farms, LLC, address 5214 Butler Nursery Rd. Sgt. Dowless later determined through his office network that Michael John Marsh address now is 2916 Thrower Rd, Hope Mills with now updated contact number and Janet Lee Marsh Smith address is 5807 Labonte Rd, Hope Mills, NC 28348; Janet's contact number: 910-850-1197. I called Mrs. Smith and she verified her mailing address as states via Sgt. Dowless.

2) October 28, 2015 @ 10:15 am, Heather Carter and Pam Vivian, both with DAQ FRO, met with Mr. Vance Brewer Marsh (VB) at this office. Mr. Brewer previously called and made plans to meet to discuss his response to the previously received enforcement letters. He stated the following:

- He has been working on cleaning up property at 1611 Zarzamora Street but Vernon Hobbs was burning tires there.
- He said he is guilty of burning trash over the years at the property on Hwy 87 and some at 1627 Zarzamora Street. His daughter, Janice Marsh Smith, and her son use to live there and most of the trash burning was left there by them about 2 years ago.
- He admitted to burning tires years ago on the farm property off Hwy 87.
- Trailer addresses 1627 and 1639 Zarzamora Street were repossessed about 1 year ago from a father and son, Jerry and Scottie Bell. At that time 1639 was rented by MJ Marsh Farms to Stan Benez (sp) and he may have burned there.
- He stated he does take responsibility for all of the burning even though he did not do it all.
- He said he knew the man living at 1611 Zarzamora Street before Vernon Hobbs moved in, burned but he also knew Vernon Hobbs burned; he never told either of them not to burn. He did not know why, but he should have told them. Mr. Hobbs was selling used tires and burned those that were bad. Some of the tires behind 1611 trailer have been cleaned up.
- He said he will not burn anymore, period.
- He said 1621 and 1627 Zarzamora Street are just about cleaned up with metal being taken to Omini Recycling and garbage will be taken to the county dump off Odom Road.
- He noted his health has been bad and he cannot afford to be assessed a penalty.



## Complaint Investigation Report

NC Dept. of Environment & Natural Resources  
Division of Air Quality

1639 Zarzamora Street  
Hope Mills, NC  
Non-vegetative burn piles

County: Cumberland  
Region: FRO  
Suspect: V. B. Marsh  
Facility ID#  
Record # 16947

Pictures taken by Pam Vivian



View of home.



View of burn Pile 1 at this location.



View of burn Pile 2 at this location.



## Complaint Investigation Report

NC Dept. of Environment & Natural Resources  
Division of Air Quality

1611 Zarzamora Street  
Hope Mills, NC  
Tires and other non-vegetative debris  
July 28, 2015

County: Cumberland  
Region: FRO  
Suspect: V. B. Marsh  
Facility ID#  
Record # 16947

Pictures taken by Pam Vivian



View of home with smoke in the air from burning debris.



View of burn pile.



Close up view of burn pile.



Different angle close up view of burn pile.



M J Marsh Farms, Inc Property Owner  
1639 Zarzamora Street (Tenant lives here ??? Stan???)  
Hope Mills, NC 28348

Property Owner's Address  
7890 S NC 87 Hwy  
Fayetteville, NC 28306

VB Marsh associated  
24 July 2015  
Burns Household garbage

Cumberland County Property GIS



Pile #1  
Household  
Garbage  
Other Now -

Pile #2  
Large Pile  
Non-Vegetative



M J Marsh Farms, Inc Property Owner

1611 Zarzamora Street (Tenant lives/lived here - Vernon Hobbs)  
Hope Mills, NC 28348

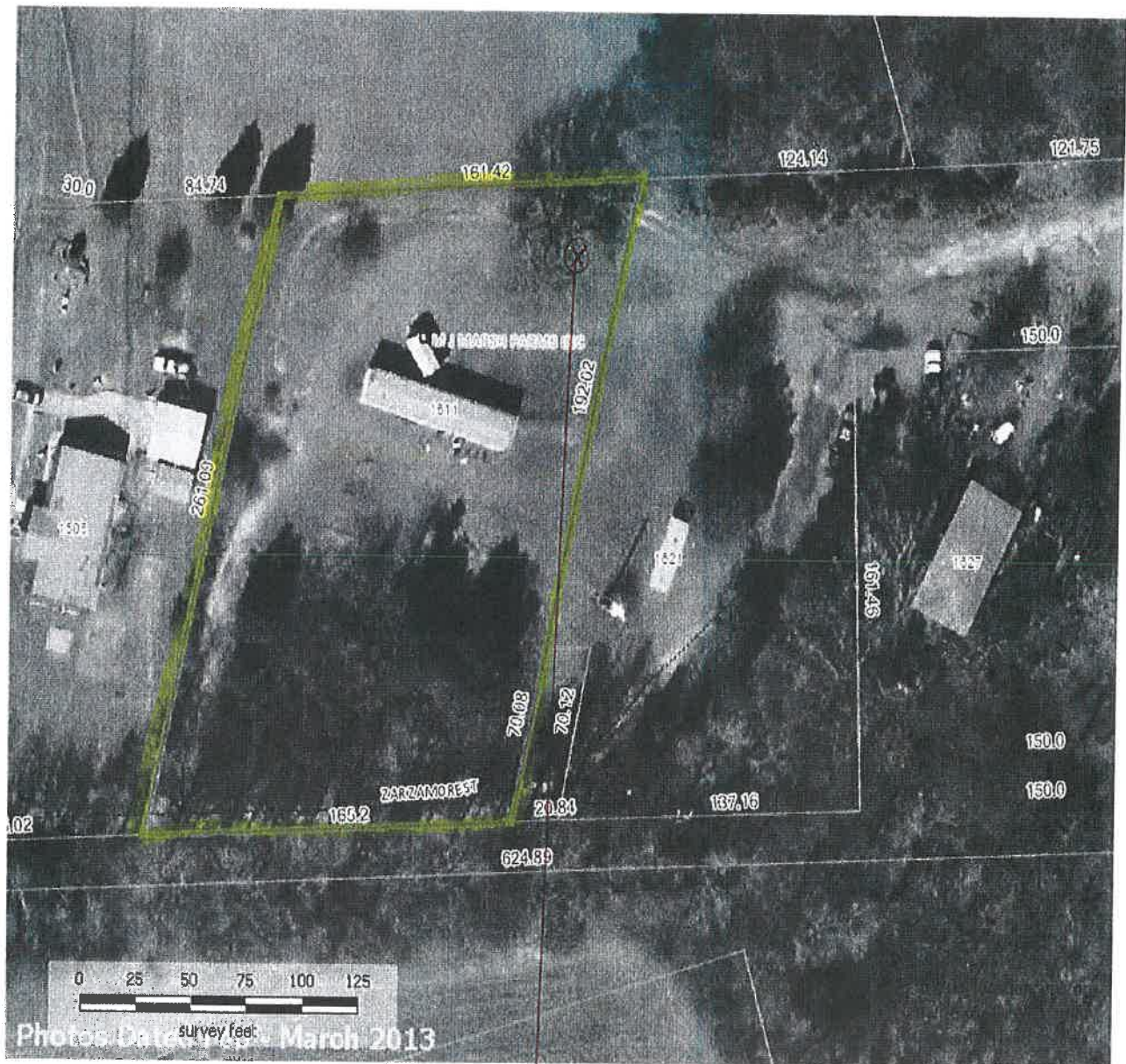
Property Owner's Address

7890 S NC 87 Hwy  
Fayetteville, NC 28306

VB Marsh associated

28 July 2015

Burning tires



Burn Pile  
About 4 Tires  
Plus Tire Rim,  
Aerosol cans and

Browser address bar: <https://gis.co.cumberland.nc.us/TaxParcelViewer>

Page Title: Tax Parcel Viewer

CUMBERLAND COUNTY NORTH CAROLINA

1639 ZARZAMORE ST

Hide Data Panel

**Tax Parcel**  
ID: [0431-99-7928-](#)  
Owner: M J MARSH FARMS INC  
Site Address: 1639 ZARZAMORE ST  
Sub or Condo: M J MARSH FARMS INC  
Acreage: 0.68  
Lot: Unit PT 1  
Tax District: 0091  
Sale Price: 0  
Deed: 57960005  
Plat: 01150174  
RES\_SQFT: N/A

Property School Broadband

esri

100%



http://info.cumberland.nc.us/TaxParcelViewer Tax Parcel Viewer

Suggested Sites Web Slice Gallery

CUMBERLAND COUNTY NORTH CAROLINA Tax Parcel Viewer

Hide Data Panel

1633 ZARZAMORE ST

**Tax Parcel ID:** [0431-99-6939-](#)

**Owner Name:** M J MARSH FARMS INC

**Site Address:** 1633 ZARZAMORE ST

**Sub or Condo:** M J MARSH FARMS INC

**Acreage:** 0.66

**Lot: Unit:** PT 2

**Tax District:** 0091


**Sale Price:** 0

**Deed:** 58530388

**Plat:** 01150174

**RES\_SQFT:** N/A

Property School Broadband



esri

100%

Internet Explorer browser window showing the **CUMBERLAND COUNTY NORTH CAROLINA Tax Parcel Viewer** application.

**Address:** 1627 ZARZAMORE ST

**Map Data Panel:**

- Tax Parcel ID:** 0431-99-4991-
- Owner Name:** MARSH, JANET LEE
- Site Address:** 1627 ZARZAMORE ST
- Sub or Condo:** J L MARSH SMITH FARMS INC
- Acreage:** 0.89
- Lot: Unit:** 4 & PT 1 & 2
- Tax District:** 0091
- Sale Price:** 0
- Deed:** 50790516
- Plat:** 00940081
- RES\_SQFT:** N/A

**Map:** Aerial view of the property and surrounding parcels. The selected parcel is outlined in orange. Other parcels are outlined in yellow. Parcel numbers are visible on the map.

**Map Controls:** Zoom in (+), Zoom out (-), Full Screen, Print, Home, Search, etc.

**Legend:** Property, School, Broadband

**Scale:** 100%

http://gis.cumberland.nc.us/TaxParcelViewer Tax Parcel Viewer

Suggested Sites Web Slice Gallery

CUMBERLAND COUNTY NORTH CAROLINA Tax Parcel Viewer

Hide Data Panel

1621 ZARZAMORE ST

Tax Parcel ID: [0432-90-3091](#)

Owner Name: MARSH, MICHAEL JOHN

Site Address: 1621 ZARZAMORE ST

Sub or Condo: M J MARSH FARMS INC

Acreage: 0.96

Lot/Unit: MAJ PT 3

Tax District: 0091

Sale Price: 0

Deed: 80490053

Plat: 01150174

RES\_SQFT: N/A

Property	School	Broadband

esri

100%



http://gis.cumberland.nc.us: TaxParcelViewer Tax Parcel Viewer

Suggested Sites Web Slice Gallery

CUMBERLAND COUNTY NORTH CAROLINA Tax Parcel Viewer

Hide Data Panel

1611 ZARZAMORE ST

**Tax Parcel ID:** [0431-99-2918-](#)

**Owner Name:** M J MARSH FARMS INC

**Site Address:** 1611 ZARZAMORE ST

**Sub or Condo:** NOT APPLICABLE

**Acreage:** 0.95

**Lot:** Unit

**Tax District:** 0091


**Sale Price:** 0

**Deed:** 57960005

**Plat:** 00940081

**RES\_SQFT:** N/A

Property School Broadband



esri

100%



http://cpl.cumberland.nc.us:7340/TaxParcelViewer Tax Parcel Viewer

Suggested Sites Web Slice Gallery

CUMBERLAND COUNTY NORTH CAROLINA Tax Parcel Viewer

Hide Data Panel

0 ZARZAMORE ST

**Tax Parcel ID:** [0432-90-4000-](#)

**Owner Name:** M J MARSH FARMS INC

**Site Address:** 0 ZARZAMORE ST

**Sub or Condo:** M J MARSH FARMS INC

**Acreage:** 0.03

**Lot/Unit:** SM PT 3

**Tax District:** 0091


**Sale Price:** 0

**Deed:** 58530388

**Plat:** 01150174

**RES\_SQFT:** N/A

Property School Broadband



100%

2015-036  
MJ Marsh Farms  
7/23/15, 7/24/15 & 7/28/15  
1611 & 1639 Zarzamora

Tax Parcel ID: [0431-99-2918-](#)  
Owner Name: [M J MARSH FARMS INC](#)  
Site Address: 1611 ZARZAMORA ST  
Sub or Condo: NOT APPLICABLE  
Acreage: 0.95  
Lot: Unit  
Tax District: 0091  
Sale Price: 0  
Deed: 57960005  
Plat: 00940081  
RES\_SQFT: N/A



2015-035  
VB Marsh  
7/23/15  
1621 & 1627 Zarzamora  
17 total piles (5 piles & 12 piles,  
per address)

Tax Parcel ID: [0432-90-3091-](#)  
Owner Name: [VB MARSH](#)  
Site Address: 1621 ZARZAMORA ST  
Sub or Condo: M J MARSH FARMS INC  
Acreage: 0.95  
Lot: Unit: M41 PT 3  
Tax District: 0091  
Sale Price: 0  
Deed: 80490053  
Plat: 01150174  
RES\_SQFT: N/A

Tax Parcel ID: [0431-99-4991-](#)  
Owner Name: [J L MARSH SMITH FARMS INC](#)  
Site Address: 1627 ZARZAMORA ST  
Sub or Condo: J L MARSH SMITH FARMS INC  
Acreage: 0.69  
Lot: Unit: 4 S. PT 1 & 2  
Tax District: 0091  
Sale Price: 0  
Deed: 50790518  
Plat: 00940081  
RES\_SQFT: N/A

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<p>A. Signature  <input checked="" type="checkbox"/> Agent  <input checked="" type="checkbox"/> Addressee  <i>V. J. Marsh</i></p>	
<p>1. Article Addressed to:  M. J. MARSH FARMS, INC  MR. VANCE BREWER MARSH  REGISTERED AGENT  1627 ZARZAMORE STREET  HOPE MILLS NC 28348</p>		<p>B. Received by (Printed Name)  <i>V. J. MARSH</i></p> <p>C. Date of Delivery  <i>10/14/05</i></p>	
		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes  If YES, enter delivery address below: <input type="checkbox"/> No</p>	
		<p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>	
		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>2. Article Number  (Transfer from service label)</p>		<p>7007 0710 0000 3904 0253</p>	
<p>PS Form 3811, February 2004</p>		<p>Domestic Return Receipt 102595-02-M-1540</p>	

DIVISION OF AIR QUALITY - CIVIL PENALTY ASSESSMENT

Violator: MJ Marsh Farms Inc.

County: Cumberland

Case Number: 2015-036

ASSESSMENT FACTORS

- 1) The degree and extent of harm to the natural resources of the State, to the public health, or to private property resulting from the violation;

Smoke, particulate matter and toxic emissions are generated from this type of fire.

OB of tires and other synthetic material.

- 2) The duration and gravity of the violation;

Open burning occurred on multiple days.

No written response to NOV/NRE received.

- 3) The effect on ground or surface water quantity or quality or on air quality;

Air quality nearby and downwind of the fire was significantly impacted.

- 4) The cost of rectifying the damage;

N/A

- 5) The amount of money saved by noncompliance;

Unclear

- 6) Whether the violation was committed willfully or intentionally;

Violation was done w/ knowledge of OB rules, given prior history.

- 7) The prior record of the violator in complying or failing to comply with programs over which the Environmental Management Commission has regulatory authority; and

1/14/08 - NOV - allowing OB of tires on property

11/20/12 - NOV - OB of synthetic materials

- 8) Cost to the State of the enforcement procedures;

Normal investigative and processing costs incurred.

2/10/14  
Date

Sheila C. Holman  
Sheila C. Holman

STATE OF NORTH CAROLINA

COUNTY OF CUMBERLAND

NORTH CAROLINA  
ENVIRONMENTAL MANAGEMENT  
COMMISSION

IN THE MATTER OF:  
M. J. MARSH FARMS, INC.

CASE NUMBER 2015-036

FOR VIOLATION OF:  
15A NCAC 2D .1900  
"OPEN BURNING"

CIVIL PENALTY ASSESSMENT

Acting pursuant to North Carolina General Statutes (G.S.) 143-215.114A, I, Sheila C. Holman, Director of the Division of Air Quality (DAQ), make the following:

I. FINDINGS OF FACT:

- A. On 23 July 2015, the Division of Air Quality Fayetteville Regional Office, DAQ FRO, received a complaint from the Cumberland County Sheriff's Office concerning the open burning of non-vegetative materials nearby and surrounding the residence of Mr. Vance Brewer (VB) Marsh at 1627 Zarzamora St., Hope Mills, in Cumberland County, North Carolina.
- B. On 23 July 2015, Ms. Pam Vivian, DAQ FRO, investigated this complaint but was unable to complete her investigation due to poor weather conditions. On 24 July 2015, Ms. Vivian returned to the location and observed evidence of illegal open burning of household garbage and other non-vegetative materials on M. J. Marsh Farms, Inc. property located at 1639 Zarzamora St.
- C. On 28 July 2015, Ms. Vivian and Joshua Harris, DAQ FRO, observed the active illegal open burning of tires and other non-vegetative materials on M. J. Marsh Farms, Inc. property located at 1611 Zarzamora St.
- D. On 8 October 2015, DAQ FRO issued a Notice of Violation/Notice of Recommendation of Enforcement (NOV/NRE) to M. J. Marsh Farms, Inc, sent to Mr. Vance Brewer (VB) Marsh, registered agent. Certified green card was received on 14 October 2015.
- E. On 28 October 2015, Mr. Marsh arrived at DAQ FRO and discussed the illegal open burning on the properties of 1611 & 1639 Zarzamora St, investigated on 24 & 28 July 2015. Ms. Heather Carter and Ms. Pam Vivian listened to his explanations of how someone else was responsible for these open burnings, but that he knew the open burning was occurring on these properties. He admitted to allowing the illegal open burning of non-vegetative materials by others on his family land that he manages. He took responsibility for the illegal open burnings observed at 1639 & 1611 Zarzamora St.

F. Air Quality Compliance History:

- 01/14/08- NOV- allowing open burning of tires on MJ Marsh Farms property
- 11/20/12- NOV- open burning non-vegetative materials on MJ Marsh Farms property

G. The costs of investigation or inspection in this matter totaled \$403.

Based upon the above Findings of Fact, I make the following:

II. CONCLUSIONS OF LAW:

- A. M. J. Marsh Farms, Inc. was in violation of 15A NCAC 2D .1900, for causing, allowing or permitting open burning, as stated in Part I, Findings of Fact, above.
- B. G.S. 143-215.114A provides that a civil penalty of not more than twenty-five thousand dollars (\$25,000) per violation may be assessed against a person who violates or fails to act in accordance with the terms, conditions, or requirements of a permit required by NCGS 143-215.108 or who violates any regulation adopted by the Environmental Management Commission.
- C. G.S. 143-215.3(a)(9) provides that the costs of any investigation or inspection may be assessed against a person who violates or fails to act in accordance with the terms, conditions, or requirements of a permit required by G.S. 143-215.108 or who violates any regulation adopted by the Environmental Management Commission.

Based upon the above Findings of Fact and Conclusions of Law, I make the following:

III. DECISION:

M. J. Marsh Farms, Inc. is hereby assessed a civil penalty of:

\$ <u>2000.00</u>	For one (1) violation of 15A NCAC 2D .1900, "Open Burning," for the open burning investigated on 24 and 28 July 2015.
\$ <u>2000.00</u>	TOTAL CIVIL PENALTY, which is <u>8</u> percent of the maximum penalty authorized by G.S. 143-215.114A.
\$ <u>403.00</u>	Investigation costs
\$ <u>2403.00</u>	<u>TOTAL AMOUNT DUE</u>

Pursuant to G.S. 143-215.114A in determining the amount of the penalty, I considered the factors listed in G.S. 143B-282.1(b) and 15A NCAC 2J .0106, which are the following:

- 1) The degree and extent of harm to the natural resources of the State, to the public health, or to private property resulting from the violation(s);
- 2) The duration and gravity of the violation(s);
- 3) The effect on ground or surface water quantity or quality or on air quality;
- 4) The cost of rectifying the damage;
- 5) The amount of money saved by noncompliance;
- 6) Whether the violation was committed willfully or intentionally;
- 7) The prior record of the violator in complying or failing to comply with programs over which the Environmental Management Commission has regulatory authority; and
- 8) The cost to the State of the enforcement procedures.

2/10/16  
Date

Sheila C. Holman  
Sheila C. Holman, Director  
Division of Air Quality

AGENDA ITEM: \_\_\_\_\_ REQUEST FOR REMISSION OF CIVIL PENALTY BY:

**MJ Marsh Farms Inc.**  
**DAQ 2015-036**  
**Cumberland County**

EXPLANATION: On 2/10/16, the Division of Air Quality, assessed a total penalty of \$2,403 (Civil Penalty of \$2,000 plus investigative costs of \$403) against MJ Marsh Farms Inc., for:

2D .1900 Open Burning

On 5/17/16, MJ Marsh Farms Inc. requested remission and waived the right to an administrative hearing by stipulating the facts were as alleged in the assessment document.

RECOMMENDATION: a. SCA The Division of Air Quality opposes any remission or mitigation of the civil penalty and recommends the initial assessment in the amount of \$2,403 be upheld.

b. \_\_\_\_\_ The Division of Air Quality grants the request for remission of civil penalties and recommends the following penalty amounts apply:

\$ \_\_\_\_\_ Remitted Civil Penalty Amount

\$ \_\_\_\_\_ Remitted Investigative Costs

\$ \_\_\_\_\_ Total Penalty Amount

#### REMISSION FACTORS

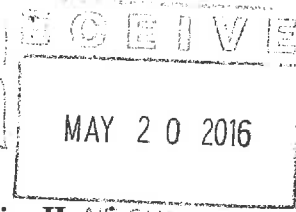
- o Whether one or more of the civil penalty assessment factors were wrongly applied to the detriment of the petitioner;
- o Whether the violator promptly abated continuing environmental damage resulting from the violation;
- o Whether the violation was inadvertent or a result of an accident;
- o Whether the violator had been assessed civil penalties for any previous violations; and
- o Whether payment of the civil penalty will prevent payment for the remaining necessary remedial actions.



Mr. Marsh

Page 3

OR



**3. File a petition for an administrative hearing with the Office of Administrative Hearings:**

If you wish to contest any statement in the attached assessment document you must file a petition for an administrative hearing. You may obtain the petition form from the Office of Administrative Hearings (OAH). You must file the petition with the OAH within thirty (30) days of receipt of this notice. A petition is considered filed when it is received in the Office of Administrative Hearings during normal office hours. The OAH accepts filings Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m., except for official state holidays. The petition may be filed by facsimile (fax) or electronic mail by an attached file (with restrictions) - provided the signed original, one (1) copy and a filing fee (if a filing fee is required by NCGS §150B-23.2) is received in the OAH within seven (7) business days following the faxed or electronic transmission. You should contact the OAH with all questions regarding the filing fee and/or the details of the filing process. The mailing address, telephone number, and facsimile number for the OAH are as follows:

Office of Administrative Hearings  
6714 Mail Service Center  
Raleigh, NC 27699-6714  
Telephone: (919) 431-3000 Facsimile: (919) 431-3100

A copy of the petition must also be served on NCDEQ as follows:

Sam M. Hayes, General Counsel  
North Carolina Department of Environmental Quality  
1601 Mail Service Center  
Raleigh, North Carolina 27699-1601

**Please indicate the DAQ case number, as found on Page 1 of this letter, on your petition to OAH.**

Failure to exercise one of the options above within thirty (30) days of receipt of this letter, as evidenced by an internal date/time received stamp (not a postmark), will result in this matter being referred to the Attorney General's Office for collection of the penalty through a civil action. Please be advised that additional penalties may be assessed if the violations that are the subject of this action have not been corrected.

If you have any questions concerning this matter, please contact Thaochi Vu at 919-707-8433.

Sincerely,

Sheila C. Holman, Director  
Division of Air Quality, NCDEQ

Enclosures: Assessment Document

cc: Steven F. Vozzo, Supervisor Fayetteville Regional Office  
Enforcement File (DAQ 2015-035)

I WISH TO FILE THE NECESSARY PAPERS FOR A  
ADMINISTRATIVE HEARING ON CASE # DAQ 2015-035  
ALSO CASE # 16A NC DEQ 201901 ALSO ASK FOR REPT. SIGNING OF CHARGES

STATE OF NORTH CAROLINA

NORTH CAROLINA  
ENVIRONMENTAL MANAGEMENT  
COMMISSION

County of Cumberland

FILE NO. DAQ 2015-035

IN THE MATTER OF ASSESSMENT  
OF CIVIL PENALTIES AGAINST  
Vance Brewer (VB) Marsh

) REQUEST FOR REMISSION OF CIVIL  
) PENALTIES; WAIVER OF RIGHT TO  
) AN ADMINISTRATIVE HEARING  
) AND STIPULATION OF FACTS

Having been assessed civil penalties totaling \$1,863 for violation(s) of:

2D .1900 Open Burning

as set forth in the assessment document of the Director, Division of Air Quality dated February 10, 2016, the undersigned, desiring to seek remission of the civil penalties, does hereby waive right to an administrative hearing in the above-stated matter and does stipulate that the facts are as alleged in the assessment document. The undersigned further understands that all evidence presented in support of remission of this civil penalty must be submitted to the Director of the Division of Air Quality within thirty (30) days of receipt of the notice of assessment. No new evidence in support of a remission request will be allowed after thirty (30) days from the receipt of the notice of assessment.

This the 17TH day of MAY 2016, 20\_\_

VB Marsh

Signature

By

VANCE BREWER MARSH

Print Name

RECEIVE

MAY 20 2016

AIR QUALITY  
STATIONARY SOURCE COMPLIANCE

Address

6621 LARZAMORE ST  
HOPE MILLS NC 28348

Telephone

(910) 703-9211

# **MISCELLANEOUS DOCUMENTS**

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

DAQ 2015-036 CPA 02/10/2016

Mr. Vance Brewer Marsh  
MJ Marsh Farms Inc.  
1627 Zarzamora St.  
Hope Mills, NC 28348

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature ☒ Agent  
x *VBMarsH* ☒ Addressee

B. Received by (Printed Name) C. Date of Delivery  
*VBMARS* *4/28/16*

D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☒ No

3. Service Type  
☒ Certified Mail® ☐ Priority Mail Express™  
☐ Registered ☒ Return Receipt for Merchandise  
☐ Insured Mail ☐ Collect on Delivery

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number  
(Transfer from service label)

7014 2120 0003 9404 8274

PS Form 3811, July 2013

Domestic Return Receipt



PAT MCCRORY  
Governor

DONALD R. VAN DER VAART  
Secretary

SHEILA C. HOLMAN  
Director

**CERTIFIED MAIL RETURN RECEIPT REQUESTED**  
**7014 2120 0003 9404 8274**

February 10, 2016

Mr. Vance Brewer Marsh, Registered Agent  
MJ Marsh Farms Inc.  
1627 Zarzamora St.  
Hope Mills, NC 28348

SUBJECT: Civil Penalty Assessment for Violation(s)  
2D .1900 Open Burning  
File No.: DAQ 2015-036  
Violator: MJ Marsh Farms Inc.  
County: Cumberland

Dear Mr. Marsh:

This letter transmits notice of civil penalty assessed against MJ Marsh Farms Inc. in the amount of \$2,000 and \$403 investigative costs, for a total of \$2,403.

Enclosed is a copy of the assessment document explaining this penalty. This action was taken under the authority vested in me by the delegation pursuant to North Carolina General Statutes (NCGS) 143-215.114A(d). Any new or continuing violation(s) may be the subject of a new enforcement action, including additional penalty.

***You must take one of the three actions outlined below within thirty (30) days from the date of receipt of this letter. Please be advised that if you fail to exercise one of the following options within thirty (30) days, you will lose your right to appeal or contest this case and your case will be forwarded to the Attorney General's Office for collection.***

**1. Submit payment of the penalty:**

Payment should be made directly to the order of the North Carolina Department of Environmental Quality (NCDEQ). When submitting payment, please reference your DAQ case number on your check to insure proper posting. Please do not include the attached waiver form when submitting payment. Payment of the penalty will not foreclose further enforcement action for any continuing or new violation(s). Please submit payment to the attention of:

***Enforcement Group - Payment***  
Department of Environmental Quality  
Division of Air Quality  
1641 Mail Service Center  
Raleigh, NC 27699-1641

*Please be advised, that it is the policy for NCDEQ to charge and collect a processing fee of \$25.00 for checks on which payment has been refused by the bank because of insufficient funds or because of an invalid bank account.*

OR

**2. Submit a written request for remission including a detailed justification for such request:**

Please be aware that a request for remission is limited to consideration of the five factors listed below as they may relate to the reasonableness of the amount of the civil penalty assessed. Requesting remission is not the proper procedure for contesting whether the violation(s) occurred or the accuracy of the factual statements contained in the civil penalty assessment document. Because a remission request forecloses the option of an administrative hearing, such a request must be accompanied by a waiver of your right to an administrative hearing and a stipulation and agreement that no factual or legal issues are in dispute. Please prepare a detailed statement that establishes why you believe civil penalty should be remitted, and submit it to the address listed below. In determining whether a remission request will be approved, the following factors shall be considered:

- (1) whether one or more of the civil penalty assessment factors in NCGS 143B-282.1(b) were wrongfully applied to the detriment of the violator;
- (2) whether the violator promptly abated continuing environmental damage resulting from the violation;
- (3) whether the violation was inadvertent or a result of an accident;
- (4) whether the violator has been assessed civil penalties for any previous violations; or
- (5) whether payment of the civil penalty will prevent payment for the remaining necessary remedial actions.

Please note that all evidence presented in support of your request for remission must be submitted in writing. **If you choose this option, do not send in payment at this time.** The Director of the Division of Air Quality (DAQ) will review your evidence and inform you of his/her decision in the matter of your remission request. The response will provide details regarding the case status, directions for payment, and provision for further appeal of the penalty to the Environmental Management Commission's Committee on Civil Penalty Remissions (Committee). Please be advised that the Committee cannot consider information that was not part of the original remission request considered by the Director. Therefore, it is very important that you prepare a complete and thorough statement in support of your request for remission.

In order to request remission, you must complete and submit the enclosed "*Request for Remission of Civil Penalties, Waiver of Right to an Administrative Hearing, and Stipulation of Facts*" form within thirty (30) days of receipt of this notice. The DAQ also requests that you complete and submit the enclosed "*Justification for Remission Request*." Both forms should be submitted to the following address:

**Enforcement Group - Remission**  
Department of Environmental Quality  
Division of Air Quality  
1641 Mail Service Center  
Raleigh, North Carolina 27699-1641

Mr. Marsh

Page 3

OR

**3. File a petition for an administrative hearing with the Office of Administrative Hearings:**

If you wish to contest any statement in the attached assessment document you must file a petition for an administrative hearing. You may obtain the petition form from the Office of Administrative Hearings (OAH). You must file the petition with the OAH within thirty (30) days of receipt of this notice. A petition is considered filed when it is received in the Office of Administrative Hearings during normal office hours. The OAH accepts filings Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m., except for official state holidays. The petition may be filed by facsimile (fax) or electronic mail by an attached file (with restrictions) - provided the signed original, one (1) copy and a filing fee (if a filing fee is required by NCGS §150B-23.2) is received in the OAH within seven (7) business days following the faxed or electronic transmission. You should contact the OAH with all questions regarding the filing fee and/or the details of the filing process. The mailing address, telephone number, and facsimile number for the OAH are as follows:

Office of Administrative Hearings  
6714 Mail Service Center  
Raleigh, NC 27699-6714  
Telephone: (919) 431-3000 Facsimile: (919) 431-3100

A copy of the petition must also be served on NCDEQ as follows:

Sam M. Hayes, General Counsel  
North Carolina Department of Environmental Quality  
1601 Mail Service Center  
Raleigh, North Carolina 27699-1601

**Please indicate the DAQ case number, as found on Page 1 of this letter, on your petition to OAH.**

Failure to exercise one of the options above within thirty (30) days of receipt of this letter, as evidenced by an internal date/time received stamp (not a postmark), will result in this matter being referred to the Attorney General's Office for collection of the penalty through a civil action. Please be advised that additional penalties may be assessed if the violations that are the subject of this action have not been corrected.

If you have any questions concerning this matter, please contact Thaochi Vu at 919-707-8433.

Sincerely,



Sheila C. Holman, Director  
Division of Air Quality, NCDEQ

Enclosures: Assessment Document

cc: Steven F. Vozzo, Supervisor Fayetteville Regional Office  
Enforcement File (DAQ 2015-036)

## JUSTIFICATION FOR REMISSION REQUEST

**DAQ Case Number:** 2015-036

**County:** Cumberland

**Violator:** MJ Marsh Farms Inc.

**Facility ID:**

**Amount Assessed:** \$2,403 (\$2,000 in penalty and \$403 in investigative costs)

Please use this form when requesting remission of this civil penalty. You must also complete the "Request For Remission, Waiver of Right to an Administrative Hearing, and Stipulation of Facts" form to request remission of this civil penalty. You should attach any documents that you believe support your request and are necessary for the Director to consider in determining your request for remission. Please be aware that a request for remission is limited to consideration of the five factors listed below as they may relate to the reasonableness of the amount of the civil penalty assessed. Requesting remission is not the proper procedure for contesting whether the violation(s) occurred or the accuracy of any of the factual statements contained in the civil penalty assessment document. Pursuant to N.C.G.S. 143B-282.1(c), remission of a civil penalty may be granted only when one or more of the following five factors applies. Please check each factor that you believe applies to your case and provide a detailed explanation, including copies of supporting documents, as to why the factor applies (attach additional pages as needed).

- ☐ (a) one or more of the civil penalty assessment factors in N.C.G.S 143B-282.1(b) were wrongfully applied to the detriment of the petitioner (the assessment factors are listed in the civil penalty assessment document);
- ☐ (b) the violator promptly abated continuing environmental damage resulting from the violation (i.e., explain the steps that you took to correct the violation and prevent future occurrences);
- ☐ (c) the violation was inadvertent or a result of an accident (i.e., explain why the violation was unavoidable or something you could not prevent or prepare for);
- ☐ (d) the violator had not been assessed civil penalties for any previous violations;
- ☐ (e) payment of the civil penalty will prevent payment for the remaining necessary remedial actions (i.e., explain how payment of the civil penalty will prevent you from performing the activities necessary to achieve compliance).

### EXPLANATION:



STATE OF NORTH CAROLINA

NORTH CAROLINA  
ENVIRONMENTAL MANAGEMENT  
COMMISSION

County of Cumberland

FILE NO. DAQ 2015-036

IN THE MATTER OF ASSESSMENT  
OF CIVIL PENALTIES AGAINST  
MJ Marsh Farms Inc.

) REQUEST FOR REMISSION OF CIVIL  
) PENALTIES; WAIVER OF RIGHT TO  
) AN ADMINISTRATIVE HEARING  
) AND STIPULATION OF FACTS  
)

Having been assessed civil penalties totaling \$2,403 for violation(s) of:

2D .1900 Open Burning

as set forth in the assessment document of the Director, Division of Air Quality dated February 10, 2016, the undersigned, desiring to seek remission of the civil penalties, does hereby waive right to an administrative hearing in the above-stated matter and does stipulate that the facts are as alleged in the assessment document. The undersigned further understands that all evidence presented in support of remission of this civil penalty must be submitted to the Director of the Division of Air Quality within thirty (30) days of receipt of the notice of assessment. No new evidence in support of a remission request will be allowed after thirty (30) days from the receipt of the notice of assessment.

This the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Signature

By

\_\_\_\_\_  
Print Name

Address

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Telephone (\_\_\_\_) \_\_\_\_\_



PAT MCCRORY  
*Governor*

DONALD R. VAN DER VAART  
*Secretary*

SHEILA C. HOLMAN  
*Director*

**CERTIFIED MAIL RETURN RECEIPT REQUESTED**  
**7010 1870 0001 3322 4575**

June 2, 2016

Mr. Vance Brewer Marsh, Registered Agent  
MJ Marsh Farms Inc.  
1621 Zarzamora St.  
Hope Mills, NC 28348

SUBJECT: Request for Remission of Civil Penalty Pursuant to NCGS 143-215.114A(e)

File No.: DAQ 2015-036  
Violator: MJ Marsh Farms Inc.  
County: Cumberland

Dear Mr. Marsh:

Pursuant to authority delegated to me by NCGS 143-215.114A.(g), I have considered the information submitted in support of your request for remission in accordance with NCGS 143-215.114A.(e), and have not found grounds to modify your assessment of \$2,403 (Civil Penalty of \$2,000 plus Investigative Costs of \$403). However, I will allow you to pay the penalty in installments. If you choose this option, please contact Amy Vanderkop at 919-707-8432 to arrange for a payment plan.

Should you choose to pay the full penalty, you may send a check or money order to the North Carolina Department of Environmental Quality (NCDEQ). Please submit payment within thirty (30) days of receipt of this letter to the attention of:

***Enforcement Group - Payment***  
Department of Environmental Quality  
Division of Air Quality  
1641 Mail Service Center  
Raleigh, North Carolina 27699-1641

Please be advised, that it is the policy for NCDEQ to charge and collect a processing fee of \$25.00 for checks on which payment has been refused by the bank because of insufficient funds or because of an invalid bank account.

If payment is not received within thirty (30) days of receipt of this letter, in accordance with NCGS 143-215.114A.(e), your request for remission of the civil penalty with supporting documents and my recommendation to deny the request with supporting documentation will be delivered to the North Carolina Environmental Management Commission's (EMC) Civil Penalty Remission Committee (Committee) for final agency decision.

Mr. Marsh  
June 2, 2016  
Page 2

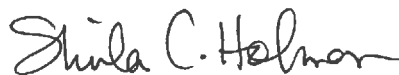
If you desire to make an oral presentation to the Committee on why your request for remission meets one or more of the five statutory factors you were asked to address, you must complete and return the enclosed form within thirty (30) days of receipt of this letter. Please mail the completed form to:

***Enforcement Group - EMC Request***  
Department of Environmental Quality  
Division of Air Quality  
1641 Mail Service Center  
Raleigh, North Carolina 27699-1641

If you request to orally present your case to the EMC, you will be notified by certified mail of the date, time, and place that your oral presentation can be made. Otherwise, the final decision on your request for remission will be made by the Committee based on the written record.

Thank you for your cooperation in this matter. If you have any questions about this letter, please contact Thaochi Vu at 919-707-8433.

Sincerely,



Sheila C. Holman, Director  
Division of Air Quality, NCDEQ

Enclosure: Request for Oral Presentation

cc: Steven F. Vozzo, Supervisor Fayetteville Regional Office  
Enforcement File (DAQ 2015-036)

COUNTY OF Cumberland

DAQ Case Number: 2015-036

IN THE MATTER OF ASSESSMENT )  
OF CIVIL PENALTIES AGAINST: )  
MJ Marsh Farms Inc. )  
)**REQUEST FOR ORAL PRESENTATION**

I hereby request to make an oral presentation before the Environmental Management Commission's (EMC) Committee on Civil Penalty Remissions in the matter of the case noted above. In making this request, I assert that I understand all of the following statements:

- Making a presentation will require the presence of myself or my representative during a Committee meeting held in Raleigh, North Carolina.
- My presentation will be limited to discussion of issues and information submitted in my original remission request, and because no factual issues are in dispute, my presentation will be limited to three (3) minutes in length.

The North Carolina State Bar's Authorized Practice of Law Committee has ruled that the appearance in a representative capacity at quasi-judicial hearings or proceedings is limited to lawyers who are active members of the bar. Proceedings before the Committee on Remission are quasi-judicial. You should consider how you intend to present your case to the Committee in light of the State Bar's opinion and whether anyone will be speaking in a representative capacity for you or a business or government entity. **If you or your representative would like to speak before the Committee, you must complete and return this form within thirty (30) days of receipt of this letter.**

Depending on your status as an individual, corporation, partnership, or municipality, the State Bar's Opinion affects how you may proceed with your oral presentation. See [www.ncbar.com/ethics](http://www.ncbar.com/ethics). Authorized Practice Advisory Opinion 2006-1 and 2007 Formal Ethics Opinion 3.

- If you are an individual or business owner, then you do not need legal representation before the Committee; however, if you intend on having another individual speak on your behalf regarding the factual situations, such as an expert, engineer or consultant, then you must also be present at the meeting in order to avoid violating the State Bar's Opinion on the unauthorized practice of law.
- If you are a corporation, partnership or municipality, then your representative must consider the recent State Bar's Opinion and could be considered practicing law without a license if he or she is not a licensed attorney. Non-lawyers may present facts but must not offer legal representation or legal opinion.

If you choose to request an oral presentation please make sure that signatures on the previously submitted Remission Request form and this Oral Presentation Request form are: 1) for individuals and business owners, your own signature and 2) for corporations, partnerships and municipalities, signed by individuals who would not violate the State Bar's Opinion on the unauthorized practice of law.

Also, be advised that the Committee on Civil Penalty Remissions may choose not to proceed with hearing your case if the Committee is informed that a violation of the State Bar occurs. This the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

SIGNATURE

TITLE (President, Owner, etc.)

ADDRESS

TELEPHONE (\_\_\_\_)\_\_\_\_\_



PAT MCCRORY  
*Governor*

DONALD R. VAN DER VAART  
*Secretary*

SHEILA C. HOLMAN  
*Director*

July 19, 2016

Mr. Vance Brewer Marsh, Registered Agent  
MJ Marsh Farms Inc.  
1621 Zarzamora St.  
Hope Mills, NC 28348

SUBJECT: Request for Remission of Civil Penalty Pursuant to NCGS 143-215.114A(e)

File No.: DAQ 2015-036  
Violator: MJ Marsh Farms Inc.  
County: Cumberland

Dear Mr. Marsh:

Pursuant to authority delegated to me by NCGS 143-215.114A.(g), I have considered the information submitted in support of your request for remission in accordance with NCGS 143-215.114A.(e), and have not found grounds to modify your assessment of \$2,403 (Civil Penalty of \$2,000 plus Investigative Costs of \$403). However, I will allow you to pay the penalty in installments. If you choose this option, please contact Amy Vanderkop at 919-707-8432 to arrange for a payment plan.

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Department of Environmental Quality  
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1641 Mail Service Center  
Raleigh, North Carolina 27699-1641

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If payment is not received within thirty (30) days of receipt of this letter, in accordance with NCGS 143-215.114A.(e), your request for remission of the civil penalty with supporting documents and my recommendation to deny the request with supporting documentation will be delivered to the North Carolina Environmental Management Commission's (EMC) Civil Penalty Remission Committee (Committee) for final agency decision.

Mr. Marsh  
June 2, 2016  
Page 2

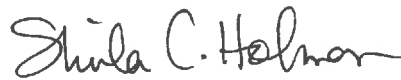
If you desire to make an oral presentation to the Committee on why your request for remission meets one or more of the five statutory factors you were asked to address, you must complete and return the enclosed form within thirty (30) days of receipt of this letter. Please mail the completed form to:

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Department of Environmental Quality  
Division of Air Quality  
1641 Mail Service Center  
Raleigh, North Carolina 27699-1641

If you request to orally present your case to the EMC, you will be notified by certified mail of the date, time, and place that your oral presentation can be made. Otherwise, the final decision on your request for remission will be made by the Committee based on the written record.

Thank you for your cooperation in this matter. If you have any questions about this letter, please contact Thaochi Vu at 919-707-8433.

Sincerely,



Sheila C. Holman, Director  
Division of Air Quality, NCDEQ

Enclosure: Request for Oral Presentation

cc: Steven F. Vozzo, Supervisor Fayetteville Regional Office  
Enforcement File (DAQ 2015-036)



COUNTY OF Cumberland

DAQ Case Number: 2015-036

IN THE MATTER OF ASSESSMENT  
OF CIVIL PENALTIES AGAINST:  
MJ Marsh Farms Inc.)  
)  
)  
)**REQUEST FOR ORAL PRESENTATION**

I hereby request to make an oral presentation before the Environmental Management Commission's (EMC) Committee on Civil Penalty Remissions in the matter of the case noted above. In making this request, I assert that I understand all of the following statements:

- Making a presentation will require the presence of myself or my representative during a Committee meeting held in Raleigh, North Carolina.
- My presentation will be limited to discussion of issues and information submitted in my original remission request, and because no factual issues are in dispute, my presentation will be limited to three (3) minutes in length.

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Depending on your status as an individual, corporation, partnership, or municipality, the State Bar's Opinion affects how you may proceed with your oral presentation. See [www.ncbar.com/ethics](http://www.ncbar.com/ethics). Authorized Practice Advisory Opinion 2006-1 and 2007 Formal Ethics Opinion 3.

- If you are an individual or business owner, then you do not need legal representation before the Committee; however, if you intend on having another individual speak on your behalf regarding the factual situations, such as an expert, engineer or consultant, then you must also be present at the meeting in order to avoid violating the State Bar's Opinion on the unauthorized practice of law.
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If you choose to request an oral presentation please make sure that signatures on the previously submitted Remission Request form and this Oral Presentation Request form are: 1) for individuals and business owners, your own signature and 2) for corporations, partnerships and municipalities, signed by individuals who would not violate the State Bar's Opinion on the unauthorized practice of law.

Also, be advised that the Committee on Civil Penalty Remissions may choose not to proceed with hearing your case if the Committee is informed that a violation of the State Bar occurs. This the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

SIGNATURE

TITLE (President, Owner, etc.)

ADDRESS

TELEPHONE (\_\_\_\_) \_\_\_\_\_

## Vanderkop, Amy

---

**From:** Wilburn, Danielle <dwilburn@ncdoj.gov>  
**Sent:** Wednesday, April 06, 2016 3:34 PM  
**To:** Vanderkop, Amy  
**Cc:** Bernier, James; Pjetraj, Michael; Vozzo, Steven; Caudill, Craig  
**Subject:** RE: Lexis/Nexis Verification - Vance Brewer Marsh  
**Attachments:** MJ Marsh Farms Inc.pdf; vance\_marsh.pdf

Hi Amy,

283 06

Please see the attached information. Lexis shows his current address is 5284 Butler Nursery Road in Fayetteville. I am also attaching the Secretary of State's page for this company, which gives you two other addresses to try: 3030 H. Bullard Road in Hope Mills and 7890 NC Highway 87 S. in Fayetteville.

Also, it is worth noting that when you are attempting to serve a registered entity in NC, in some circumstances it would be appropriate to serve the entity through the Secretary of State for a \$10.00 fee. Please see the website below with further information regarding that process.

<https://www.sosnc.com/sop/ThePage.aspx>

Also, I don't mind answering these inquiries for you, however going forward please shoot these requests over to Craig first and then if he can't find anything he will contact our office for a deeper search. Let me know if you have any questions about any of this information. Thank you!

Danielle B. Wilburn, NCCP  
Paralegal to James Bernier, Jr.  
Environmental Division  
NC Department of Justice  
P.O. Box 629  
Raleigh, NC 27602  
Phone: (919) 716-6978  
Fax: (919) 716-6767  
dwilburn@ncdoj.gov

**From:** Vanderkop, Amy [mailto:amy.vanderkop@ncdenr.gov]  
**Sent:** Tuesday, April 05, 2016 2:01 PM  
**To:** Wilburn, Danielle  
**Cc:** Bernier, James; Pjetraj, Michael; Vozzo, Steven  
**Subject:** Lexis/Nexis Verification - Vance Brewer Marsh

Danielle,

I've been trying to get two Civil Penalties served to:

Vance Brewer Marsh, Registered Agent  
MJ Marsh Farms, Inc  
1627 Zazamore St.  
Hope Mills, NC 28348

The Sheriff was unable to deliver them and said that the violator is dead and the business has closed. Can you check your systems to see if the violator is truly dead (and provide documentation)? I think the Sheriff is mistaken by which "Vance Marsh" died. I have located Vance Allen Marsh's obituary from last year: <http://www.sullivanshighland.com/obits/obituary.php?id=552470>.

If you find Vance Brewer Marsh, can you provide the current address on file?

Thanks for your help,  
Amy

**Amy Vanderkop**

Administrative Assistant  
Division of Air Quality, Stationary Source Compliance Branch  
North Carolina Department of Environmental Quality

919 707 8432 office  
[amy.vanderkop@ncdenr.gov](mailto:amy.vanderkop@ncdenr.gov)

217 West Jones Street  
1641 Mail Service Center  
Raleigh, NC 27699-1641



Nothing Compares

*Mail correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties.*



*Elaine F. Marshall*  
Secretary

North Carolina

DEPARTMENT OF THE  
SECRETARY OF STATE

PO Box 29622 Raleigh, NC 27626-0622 (919)807-2000

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Register

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[Print a Pre-Populated Annual Report form](#)

**Corporate Names**

**Legal:** M. J. Marsh Farms, Inc.

**Business Corporation Information**

**SosId:** 0518181  
**Status:** Current-Active  
**Annual Report Status:** Current  
**Citizenship:** Domestic  
**Date Formed:** 12/30/1999  
**Fiscal Month:** December  
**State of Incorporation:** NC  
**Registered Agent:** Marsh, Vance B

**Corporate Addresses**

**Principal Office:** 3030 H Bullard Rd  
Hope Mills, NC 28348  
**Reg Office:** 3030 H Bullard Rd  
Hope Mills, NC 28348  
**Reg Mailing:** 3030 H Bullard Rd  
Hope Mills, NC 28348  
**Mailing:** 7890 NC Highway 87 S  
Fayetteville, NC 28306

**Officers**

**President:** Michael J Marsh  
3030 H Bullard Rd  
Hope Mills NC 28348  
**Secretary / Treas:** VANCE B MARSH  
3030 H Bullard Rd  
Hope Mills NC 28348

**Stock**

**Class:** COMMON  
**Shares:** 100000  
**No Par Value:** Yes

**1 OF 1 RECORD(S)**

FOR INFORMATIONAL PURPOSES ONLY  
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Date:4/6/2016

Report processed by:

NC-Department of Justice

Full Name	Address	County	Phone
MARSH, VANCE BREWER	5284 BUTLER NURSERY RD FAYETTEVILLE, NC 28306-7695 CUMBERLAND COUNTY	CUMBERLAND	(910) 339-1779

**ADDITIONAL PERSONAL INFORMATION**

SSN	DOB	Gender	LexID(sm)
246-56-XXXX	2/1939 (Age:77)		001609175747

**Subject Summary****Name Variations**

- 1: BREWER, VANCE
- 2: BREWER LIFE, MARSH VANCE
- 3: BREWER MARSH, VANCE
- 4: MARSH, V B
- 5: MARSH, VANCE
- 6: MARSH, VANCE A
- 7: MARSH, VANCE B
- 8: MARSH, VANCE B SR
- 9: MARSH, VANCE BREWER
- 10: MARSH, VANCE V
- 11: MARSHBARN, V B
- 12: VANCE, MARSH

**SSNs Summary**

No.	SSN	State Iss.	Date Iss.	Warnings
Most frequent SSN attributed to subject:				
1:	246-56-XXXX	North Carolina	1955-1956	

**DOBs****Reported DOBs:**

2/1939  
1940  
1939

**Possible E-Mail Addresses**

HOTTLIFECHICK@AOL.COM  
V.MARSH@AOL.COM

**Address Summary - 23 records found**

No.	Address
1:	5284 BUTLER NURSERY RD FAYETTEVILLE, NC 28306-7695 CUMBERLAND COUNTY

## Vanderkop, Amy

---

**From:** Vanderkop, Amy  
**Sent:** Tuesday, April 05, 2016 2:01 PM  
**To:** 'Wilburn, Danielle'  
**Cc:** Bernier, James (jbernier@ncdoj.gov); Pjetraj, Michael; Vozzo, Steven  
**Subject:** Lexis/Nexis Verification - Vance Brewer Marsh

Danielle,

I've been trying to get two Civil Penalties served to:

Vance Brewer Marsh, Registered Agent  
MJ Marsh Farms, Inc  
1627 Zazamore St.  
Hope Mills, NC 28348

The Sheriff was unable to deliver them and said that the violator is dead and the business has closed. Can you check your systems to see if the violator is truly dead (and provide documentation)? I think the Sheriff is mistaken by which "Vance Marsh" died. I have located Vance Allen Marsh's obituary from last year: <http://www.sullivanshighland.com/obits/obituary.php?id=552470>.

If you find Vance Brewer Marsh, can you provide the current address on file?

Thanks for your help,  
Amy

**Amy Vanderkop**  
Administrative Assistant  
Division of Air Quality, Stationary Source Compliance Branch  
North Carolina Department of Environmental Quality

919 707 8432 office  
[amy.vanderkop@ncdenr.gov](mailto:amy.vanderkop@ncdenr.gov)

217 West Jones Street  
1641 Mail Service Center  
Raleigh, NC 27699-1641



Nothing Compares

*Email correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties.*




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[Contact Us](#)

## Mr. Vance Allen Marsh

Born: Thu., Apr. 12, 1962

Died: Fri., May 29, 2015

### Visitation

11:45 AM to 12:45 PM, Wed., Jun. 03, 2015

Location: Cape Fear Baptist Church

### Funeral Service

1:00 PM Wed., Jun. 03, 2015

Location: Cape Fear Baptist Church


[Home Page](#)
[All Obituaries](#)

1 Music by The  
Piano Brothers

Select Language ▼



### SEND FLOWERS

Buy direct from our recommended local florist and save on fees



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Convey your condolences with elegant gift-wrapped chocolates



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### Obituary

[Express Sympathy](#)
[Condolences](#)
[Photos](#)


Mr. Vance Allen Marsh, 53, of Hope Mills in the Grays Creek Community, passed away on Friday, May 29, 2015.



He was born on April 12, 1962, in Robeson County, NC.

He was a graduate of South View High School and Chowan College. He enjoyed playing chess every weekend with friends. He also

loved playing high school and college basketball.

He is survived by his parents Vance Brewer Marsh and Katherine Carter Marsh, of Grays Creek, NC; two sisters Janet Smith, of Hope Mills, NC and Kathy Redlin, of Myrtle Beach, SC; one brother Michael Marsh, of Grays Creek, NC; daughter Ethelyn Churchwell, of White Oak, NC; and son Jacob; and several nieces, nephews and a host of friends.

A visitation will be held from 11:45 a.m. until 12:45 p.m. prior to services. Funeral services will follow at 1:00 p.m. Wednesday, June 3, 2015 at Cape Fear Baptist Church, in Grays Creek with Rev. David Canady officiating. Burial will follow in the church cemetery.

Online condolences may be sent to [sullivanshighland.com](http://sullivanshighland.com).

Services are entrusted to Sullivan's Highland Funeral Service & Crematory, of Fayetteville, NC.



Click to send flowers using our local area florist

Free delivery to our funeral home & sat. on wife fees



View/Sign the Condolence Book

Images by Free Digital Services

## Vanderkop, Amy

---

**From:** Vanderkop, Amy  
**Sent:** Wednesday, April 13, 2016 9:12 AM  
**To:** Vozzo, Steven  
**Cc:** Carter, Heather  
**Subject:** RE: Lexis/Nexis Verification - Vance Brewer Marsh

At this point, I just need to figure out WHERE he actually is. Hand delivery would be great if it's going to take a few tries to locate/get him. Plus there are 2 CPAs to deliver.

Please keep me informed on what you all want me to do.

Thanks,  
Amy

**From:** Vozzo, Steven  
**Sent:** Wednesday, April 13, 2016 8:47 AM  
**To:** Vanderkop, Amy <amy.vanderkop@ncdenr.gov>  
**Cc:** Carter, Heather <Heather.Carter@ncdenr.gov>  
**Subject:** RE: Lexis/Nexis Verification - Vance Brewer Marsh

Amy –  
Thanks for digging on this one.  
Let me check with Heather. VB has moved about over the years.  
He was living at 1627 Zarzamora Street where the burns were occurring. And I believe we had to hand deliver our NRE as well.  
He also has another place on NC-87 where he has lived and burned.  
For this case, do you want us to try to hand deliver since we might have to scout him out? I do not think this would be a dangerous situation.  
Again, I am ccing Heather C and will get her to weigh in.  
Thanks again,  
Steven

**Steven Vozzo**  
Regional Air Quality Supervisor  
Division of Air Quality - Fayetteville Regional Office  
NC Department of Environmental Quality

910 433 3361 office  
[Steven.Vozzo@ncdenr.gov](mailto:Steven.Vozzo@ncdenr.gov)

225 Green Street, Suite 714  
Fayetteville NC 28301



Nothing Compares

*All correspondence to and from this address is subject to the  
North Carolina Public Records Law and may be disclosed to third parties.*

**From:** Vanderkop, Amy  
**Sent:** Tuesday, April 12, 2016 8:48 AM  
**To:** Vozzo, Steven <[steven.vozzo@ncdenr.gov](mailto:steven.vozzo@ncdenr.gov)>  
**Subject:** FW: Lexis/Nexis Verification - Vance Brewer Marsh

Please see the email below. I was thinking I would try to send the Sheriff to 5284 Butler Nursery Road in Fayetteville. Are you familiar with this address? Do you think that is the right thing for me to do?

Thanks for your assistance with these cases!  
Amy

**From:** Wilburn, Danielle [<mailto:dwilburn@ncdoj.gov>]  
**Sent:** Wednesday, April 06, 2016 3:34 PM  
**To:** Vanderkop, Amy <[amy.vanderkop@ncdenr.gov](mailto:amy.vanderkop@ncdenr.gov)>  
**Cc:** Bernier, James <[jbernier@ncdoj.gov](mailto:jbernier@ncdoj.gov)>; Pjetraj, Michael <[michael.pjetraj@ncdenr.gov](mailto:michael.pjetraj@ncdenr.gov)>; Vozzo, Steven <[steven.vozzo@ncdenr.gov](mailto:steven.vozzo@ncdenr.gov)>; Caudill, Craig <[craig.caudill@ncdenr.gov](mailto:craig.caudill@ncdenr.gov)>  
**Subject:** RE: Lexis/Nexis Verification - Vance Brewer Marsh

Hi Amy,

2 8 306

Please see the attached information. Lexis shows his current address is 5284 Butler Nursery Road in Fayetteville. I am also attaching the Secretary of State's page for this company, which gives you two other addresses to try: 3030 H. Bullard Road in Hope Mills and 7890 NC Highway 87 S. in Fayetteville.

Also, it is worth noting that when you are attempting to serve a registered entity in NC, in some circumstances it would be appropriate to serve the entity through the Secretary of State for a \$10.00 fee. Please see the website below with further information regarding that process.

<https://www.sosnc.com/sop/ThePage.aspx>

Also, I don't mind answering these inquiries for you, however going forward please shoot these requests over to Craig first and then if he can't find anything he will contact our office for a deeper search. Let me know if you have any questions about any of this information. Thank you!

Danielle B. Wilburn, NCCP  
Paralegal to James Bernier, Jr.  
Environmental Division  
NC Department of Justice  
P.O. Box 629  
Raleigh, NC 27602  
Phone: (919) 716-6978  
Fax: (919) 716-6767  
[dwilburn@ncdoj.gov](mailto:dwilburn@ncdoj.gov)

**From:** Vanderkop, Amy [<mailto:amy.vanderkop@ncdenr.gov>]  
**Sent:** Tuesday, April 05, 2016 2:01 PM  
**To:** Wilburn, Danielle

**Cc:** Bernier, James; Pjetraj, Michael; Vozzo, Steven  
**Subject:** Lexis/Nexis Verification - Vance Brewer Marsh

Danielle,

I've been trying to get two Civil Penalties served to:

Vance Brewer Marsh, Registered Agent  
MJ Marsh Farms, Inc  
1627 Zazamore St.  
Hope Mills, NC 28348

The Sheriff was unable to deliver them and said that the violator is dead and the business has closed. Can you check your systems to see if the violator is truly dead (and provide documentation)? I think the Sheriff is mistaken by which "Vance Marsh" died. I have located Vance Allen Marsh's obituary from last year: <http://www.sullivanshighland.com/obits/obituary.php?id=552470>.

If you find Vance Brewer Marsh, can you provide the current address on file?

Thanks for your help,  
Amy

**Amy Vanderkop**  
Administrative Assistant  
Division of Air Quality, Stationary Source Compliance Branch  
North Carolina Department of Environmental Quality

919 707 8432 office  
[amy.vanderkop@ncdenr.gov](mailto:amy.vanderkop@ncdenr.gov)

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Raleigh, NC 27699-1641



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NC Department of Environment and Natural Resources  
Division of Air Quality

TELEPHONE LOG

Date: 4/25/16 Time: 9:45 am/pm

Name: Amy V. Case #: 2015-035  
FRO 2015-036

Conversation with: Heather Carter Telephone #: \_\_\_\_\_

Business: Vance Brever marsh County: \_\_\_\_\_

(verify address)

**Summary:**

I will mail her the  
CPAs for both cases and  
she + Sheriff will find + hand deliver

HARD TO LOCATE VIOLATOR

NC Department of Environment and Natural Resources  
Division of Air Quality

TELEPHONE LOG

Date: 5/24 & 26 & 27/2016

Time: see notes am / pm

Name: VB Marsh

Case #: 2015-35  
2015-036

Conversation with: N/A  
2015-035 VB Marsh

Telephone #: (910) 703-9211

Business: 2015-036 MJ Marsh Farms

County: \_\_\_\_\_

(verify address)

Summary: 5/24/16 @ 5:13pm & 5:14pm & 5:27pm  
5/26/16 @ 11:47am & 3:15pm  
5/27/16 @ 8:21am, 9:12am, 9:27am

5/27/16 @ 10:15am

Michael Pietraj called the number above multiple times w/ no  
answer & a full voicemail request message. Mr. Marsh had int. 1  
5/28/16 to submit remission or OAH paperwork. He submitted a remission  
request for 2015-035, although not completely filled out. We will  
present both cases for remission since he is also the registered  
agent for <sup>MJ</sup>VB Marsh Farms (2015-036) although he did not  
submit remission paperwork.



PAT MCCRORY  
Governor

DONALD R. VAN DER VAART  
Secretary

SHEILA C. HOLMAN  
Director

March 18, 2016

Cumberland County Sheriff's Dept.  
131 Dick St.  
Fayetteville, NC 28301

747379

RECEIVED

APR 05 2016

Enclosed, please find a Return of Service for a Civil Penalty Assessment against

Mr. Vance Marsh, Registered Agent  
MJ Marsh Farms Inc.  
1627 Zarzamora St.  
Hope Mills, NC 28348

(910) 723-0677 or (910) 703-9211

To avoid any further delays in the process of this document the Division of Air Quality would like to have the enclosed documents served by your department. The county tax offices have been called to verify the addresses.

**\*\*It is most important to return the form filled out in detail as to how the documents were served.\*\***

Attached please find a check in the amount of \$30.00 for your service. We thank you in advance for your service and attention to this matter. If you have any questions please do not hesitate to call me at 919-707-8432.

2016 MAR 23 AM 10:05

Sincerely,

Amy Vanderkop

Amy Vanderkop, Administrative Assistant  
Division of Air Quality, NCDEQ

cc: Enforcement File (DAQ 2015-036)

10-210



## RETURN OF SERVICE

I certify that this NOTICE OF SERVICE was received on the 28 day of March, 2016 and together with the document(s) was served as follows:

On \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_, 2016 at the following location,

Address Delivered To: \_\_\_\_\_

RECEIVED

APR 05 2016

\_\_\_\_\_ document(s) were served on the following person,

Person Delivered To:

unserved. Def is deceased and  
business is closed

By:

\_\_\_\_\_ delivering a copy to the above named individual personally

\_\_\_\_\_ leaving a copy at the dwelling house or usual place of abode of the above named individual with a person of suitable age and discretion residing therein.

\_\_\_\_\_ leaving a copy at the place of business of the above named individual, where said individual is the owner or operator of a business or corporation, at the following address.

Documents Served By:

Eall Butler, Sheriff

R. Myers 0066, Deputy

If not served on the above named individual, state reason:

The Civil Penalty Assessment (CPA) letter for DAQ 2015-036, was sent to the Sheriff's office with a check for \$30.00 to cover the delivery of the letter.

**Return To: DEQ/Division of Air Quality  
Enforcement Group-ROS  
1641 Mail Service Center  
Raleigh, North Carolina 27699-1641**



PAT MCCRORY  
Governor

DONALD R. VAN DER VAART  
Secretary

SHEILA C. HOLMAN  
Director

March 18, 2016

Mr. Vance Marsh, Registered Agent  
MJ Marsh Farms Inc.  
1627 Zarzamora St.  
Hope Mills, NC 28348

SUBJECT: Delivery of Civil Penalty Assessment for Violation(s)  
2D .1900 Open Burning  
File No.: DAQ 2015-036  
Violator: MJ Marsh Farms Inc.  
County: Cumberland

Dear Mr. Marsh:

Please be advised that our attempts to have this document delivered via certified mail have failed therefore in an effort to ensure delivery of this to you we have sought help from other resources.

*Please understand that you have 30 days from delivery of this document to respond in order to avoid further legal action.*

If you have questions you may contact me at 919-707-8432, and I thank you in advance for your prompt attention to this matter.

Sincerely,

Amy Vanderkop, Administrative Assistant  
Division of Air Quality, NCDEQ

cc: Enforcement File (DAQ 2015-036)



PAT MCCRORY  
Governor

DONALD R. VAN DER VAART  
Secretary

SHEILA C. HOLMAN  
Director

**CERTIFIED MAIL RETURN RECEIPT REQUESTED**

**7014 2120 0003 9404 8199**

February 10, 2016

Mr. Vance Marsh, Registered Agent  
MJ Marsh Farms Inc.  
1627 Zarzamora St.  
Hope Mills, NC 28348

SUBJECT: Civil Penalty Assessment for Violation(s)  
2D .1900 Open Burning  
File No.: DAQ 2015-036  
Violator: MJ Marsh Farms Inc.  
County: Cumberland

Dear Mr. Marsh:

This letter transmits notice of civil penalty assessed against MJ Marsh Farms Inc. in the amount of \$2,000 and \$403 investigative costs, for a total of \$2,403.

Enclosed is a copy of the assessment document explaining this penalty. This action was taken under the authority vested in me by the delegation pursuant to North Carolina General Statutes (NCGS) 143-215.114A(d). Any new or continuing violation(s) may be the subject of a new enforcement action, including additional penalty.

***You must take one of the three actions outlined below within thirty (30) days from the date of receipt of this letter. Please be advised that if you fail to exercise one of the following options within thirty (30) days, you will lose your right to appeal or contest this case and your case will be forwarded to the Attorney General's Office for collection.***

**1. Submit payment of the penalty:**

Payment should be made directly to the order of the North Carolina Department of Environmental Quality (NCDEQ). When submitting payment, please reference your DAQ case number on your check to insure proper posting. Please do not include the attached waiver form when submitting payment. Payment of the penalty will not foreclose further enforcement action for any continuing or new violation(s). Please submit payment to the attention of:

***Enforcement Group - Payment***  
Department of Environmental Quality  
Division of Air Quality  
1641 Mail Service Center  
Raleigh, NC 27699-1641



PAT MCCRORY  
*Governor*

DONALD R. VAN DER VAART  
*Secretary*

SHEILA C. HOLMAN  
*Director*

March 18, 2016

Cumberland County Sheriff's Dept.  
131 Dick St.  
Fayetteville, NC 28301

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Hope Mills, NC 28348

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Sincerely,

Amy Vanderkop, Administrative Assistant  
Division of Air Quality, NCDEQ

cc: Enforcement File (DAQ 2015-036)

## RETURN OF SERVICE

I certify that this **NOTICE OF SERVICE** was received on the \_\_\_\_ day of \_\_\_\_\_, 2016 and together with the document(s) was served as follows:

On \_\_\_\_\_ the \_\_\_\_ day of \_\_\_\_\_, 2016 at the following location,

Address Delivered To: \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ document(s) were served on the following person,

Person Delivered To: \_\_\_\_\_  
\_\_\_\_\_

By: \_\_\_\_\_ **delivering a copy to the above named individual personally**  
\_\_\_\_\_ **leaving a copy at the dwelling house or usual place of abode**  
of the above named individual with a person of suitable age  
and discretion residing therein.  
\_\_\_\_\_ **leaving a copy at the place of business of the above named**  
individual, where said individual is the owner or operator of a  
business or corporation, at the following address.

Documents Served By:

\_\_\_\_\_, Sheriff

\_\_\_\_\_, Deputy

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PAT MCCRORY  
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DONALD R. VAN DER VAART  
Secretary

SHEILA C. HOLMAN  
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March 18, 2016

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2D .1900 Open Burning  
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If you have questions you may contact me at 919-707-8432, and I thank you in advance for your prompt attention to this matter.

Sincerely,

Amy Vanderkop, Administrative Assistant  
Division of Air Quality, NCDEQ

cc: Enforcement File (DAQ 2015-036)



PAT MCCRORY  
Governor

DONALD R. VAN DER VAART  
Secretary

SHEILA C. HOLMAN  
Director

**CERTIFIED MAIL RETURN RECEIPT REQUESTED**

**7014 2120 0003 9404 8199**

February 10, 2016

Mr. Vance Marsh, Registered Agent  
MJ Marsh Farms Inc.  
1627 Zarzamora St.  
Hope Mills, NC 28348

SUBJECT: Civil Penalty Assessment for Violation(s)  
2D .1900 Open Burning  
File No.: DAQ 2015-036  
Violator: MJ Marsh Farms Inc.  
County: Cumberland

Dear Mr. Marsh:

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Enclosed is a copy of the assessment document explaining this penalty. This action was taken under the authority vested in me by the delegation pursuant to North Carolina General Statutes (NCGS) 143-215.114A(d). Any new or continuing violation(s) may be the subject of a new enforcement action, including additional penalty.

***You must take one of the three actions outlined below within thirty (30) days from the date of receipt of this letter. Please be advised that if you fail to exercise one of the following options within thirty (30) days, you will lose your right to appeal or contest this case and your case will be forwarded to the Attorney General's Office for collection.***

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***Enforcement Group - Payment***  
Department of Environmental Quality  
Division of Air Quality  
1641 Mail Service Center  
Raleigh, NC 27699-1641



# Enforcement New Case Data Sheet

DAQ 2015-036

Case Sent to RCO: 12/29/2015 Case Received RCO: 12/29/2015

## Return Receipt:

**Violator:** MJ Marsh Farms Inc.  
**Contact:** Mr. Vance Marsh, Registered Agent  
 1627 Zarzamora St.  
 Hope Mills, NC 28348

CPA Date: 2/10/2016

Violation(s)	Occur	Number Assessed	Violation Begin Date	NOV Date	Penalty Code	Penalty Amount	Overage Amount	Overage Code
2D .1900 Open Burning	1	1	07/23/2015	10/08/2015	2-20b	\$2000		

Total Assessed: 92000

Investigation Costs: \$403

Total Amount Due: \$2403

**Region:** FRO  
**County:** Cumberland  
**CountyPrem:**  
**Entity Type:** Non-Plant - Business/Contracto  
**Permit Class:**  
**Track Type:** Fast  
**Enforcement Officer:** JV

**Department of Environment and Natural Resources  
Division of Air Quality**

**Fayetteville Regional Office  
225 Green Street, Suite 714  
Fayetteville, NC 28301  
(910) 433-3300 Phone      (910) 485-7467 Fax**

**29 December 2015**

**MEMORANDUM**

**TO:** Amy Vanderkop

**THROUGH:** Steven Vozzo, Regional Supervisor

**FROM:** Heather Carter, Compliance Coordinator

**WRITTEN BY:** Pam Vivian, Environmental Specialist

**SUBJECT:** Fast Track Enforcement Case  
M.J. Marsh Farms, Inc.  
Hope Mills, NC, Cumberland County      6/26-00000  
Case No. 2015-036

**Responsible party or Contact name and mailing address:**

Mr. Vance Brewer (VB) Marsh  
1627 Zarzamora St  
Hope Mills, NC 28348

**Type and number of violations:**

One violation of 15A NCAC 2D .1900, "Open Burning"

**Materials or equipment involved in violation:**

Two piles at 1639 Zarzamora St containing burned household garbage and other non-vegetative materials; and one pile at 1611 Zarzamora St containing burned debris including approximately 4 tires, aerosol cans, lumber, and vegetative materials.

**Date of Violation Discovery:**

24 July 2015 – 1639 Zarzamora St  
28 July 2015 – 1611 Zarzamora St

**Date of NOV:**

October 8, 2015. Certified Letter green card was received on October 14, 2015.

**Investigative Costs for action:**

\$403

**Recommendation of Regional Office:**

Assess as a business. Prior Knowledge. Penalty Tree section 2.2 OB, burning of significant amount of non-vegetative debris.

**Other Information:**

Mr. Vance Brewer (VB) Marsh is the registered agent for M. J. Marsh Farms, Inc, and has a history (documented since the late 1990's) of causing and allowing illegal open burning on property he either lives on or manages. Other family members own all the property he is involved with, but he manages the properties.

Multiple Cumberland County agencies were involved with this property and they were the people who recognized the illegal burning and contacted FRO DAQ to investigate. Due to the extensive history with Mr. Marsh, the FRO was in contact with RCO and the AGO. These discussions led to the delay in issuing the NOV/NRE. There are two related open burning assessment recommendations being submitted – one against Vance Brewer Marsh and the second again M.J. Marsh Farms Inc. Different fires are being attributed to each case. Additionally the cost of investigation is also separate since they were investigated on different dates.

Mr. VB Marsh called to arrange an in-person meeting with Ms. Vivian and Ms. Carter to respond to the NRE's he received. During the meeting on 28 October 2015, Mr. Marsh admitted that he has burned tires and other non-vegetative debris in the past and did burn some of the non-vegetative materials around his residence. He acknowledged that he is the person who rents the mobile homes to the "tenants" on family property adjacent to his residence (and he reportedly has the power turned on in his name at these locations). Mr. Marsh also stated that he knew about the "tenants" burning tires at 1611/1621 Zarzamora St, and that he allowed it. He also stated that he knows he should have made them stop burning these materials on this property. He was unable to provide contact information for the "tenant" that was renting the mobile home at 1611 Zarzamora St since the tenant is no longer living at that location. The tenant at 1639 Zarzamora St did speak with Ms. Vivian and stated he did not burn any debris that the burn piles were there when he moved in.

Mr. Marsh stated the following resolutions during the meeting on 28 Oct 2015:

- 1- He will quit burning period,
- 2- He will tell tenants they cannot burn non-vegetative materials,
- 3- He will change the rental agreements to include "no open burning allowed" language.

**ADDENDUM A: COST OF THE ENFORCEMENT ACTION**

**COST OF THE INVESTIGATION:**

Investigator	Hours	Hourly Salary	Subtotal
Pam Vivian – 24 July 15	3.0	\$32.05	\$96.15
28 July 15	4.0	\$32.05	\$128.20

Transportation	Investigators	Miles	Cost at \$ 0.30 per mile
Official State Vehicle			
24 July 15	Pam Vivian	25	\$7.50
28 July 15	Pam Vivian	25	\$7.50

**COST OF PREPARATION OF THE ENFORCEMENT ACTION:**

Preparer	Hours	Hourly Salary	Subtotal
Pam Vivian	2.0	\$32.05	\$64.10

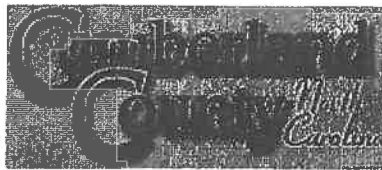
**REGIONAL OFFICE COSTS (TOTAL):** **\$303**

**ADMINISTRATIVE COST:** **\$100**

**TOTAL INVESTIGATIVE COST:** **\$403**

**ADDENDUM B: SUPPORTING DOCUMENTATION**

1. The Division of Air Quality, Fayetteville Regional Office Complaint Investigation Report for the 24 & 28 July 2015 open burning investigation, including photographs, GIS screen shots with pile locations, and property records.
2. Notice of Violation/Notice of Recommendation for Enforcement (NOV/NRE) issued to M. J. Marsh Farms, Inc., dated 8 October 2015, with return receipt dated 14 October 2015.
3. *Additional Information:*
  - *Previous NOVs*
    - 01/14/08- NOV- allowing open burning of tires on MJ Marsh Farms property
    - 11/20/12- NOV- open burning non-vegetative materials on MJ Marsh Farms property
  - NC Secretary of State Corporation and Registered Agent documentation



## REAL ESTATE TAX SHEET

[EMAIL](#)[Click for Property Info Sheet](#)

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DATE: 08/06/2015

COUNTY OF CUMBERLAND

TIME: 17:04:22

**Parcel ID:** 0431-99-7928-**TaxYear:** 2014 **Owner Name:** M J MARSH FARMS INC**Owner Address:** 7890 S NC 87 HWY FAYETTEVILLE NC 28306**Situs Address:** 001639 ZARZAMORE ST N/A**Taxing District:** 0091 GRAYS CREEK**Taxing Rate:** 0.009025000**Tax Bill Number:** 4745807**Old Parcel ID:** 0431-99-6943-**Property Class:** RESIDENTIAL**Legal Description:** PT LT 1 M J MARSH FARMS INC (0.68 AC)

	Total	Land	Building	Misc.
<b>Appraised:</b>	12,700.00	0.00	0.00	0.00
<b>Assessed:</b>	12,700.00	0.00	0.00	0.00
<b>Exemption:</b>	0.00			
<b>Taxable:</b>	12,700.00			

	Tax Year: 2014	Applied	Paid	Owed
<b>Tax:</b>		114.62	114.62	0.00
<b>Sass:</b>		48.00	48.00	0.00
<b>Fees:</b>		0.00	0.00	0.00
<b>Interest:</b>		3.25	3.25	0.00
<b>Total:</b>		165.87	165.87	0.00

Interest data is not current - please call for up-to-date amount (910-678-7507)

Receipt #	Receipt Type	Payment Date	Paid Amount
04617648	MAIL	01/06/2015	165.87

Authority	Description	Orig Amount
CNTY	COUNTY WIDE	93.98
GYSCK	GRAYS CRK FD	12.70
REC	RECREATION	6.35
SFIRE	SPEC FIRE TX	1.59
INTR	INTEREST	3.25
SWF1	SW USER FEE	48.00



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DATE: 08/06/2015

COUNTY OF CUMBERLAND

TIME: 17:07:07

**Parcel ID:** 0431-99-2918-**TaxYear:** 2014 ▼

Go

**Owner Name:** M J MARSH FARMS INC**Owner Address:** 7890 S NC 87 HWY FAYETTEVILLE NC 28306**Situs Address:** 001611 ZARZAMORE ST N/A**Taxing District:** 0091 GRAYS CREEK**Taxing Rate:** 0.009025000**Tax Bill Number:** 4745793**Old Parcel ID:** 0431-99-1940-**Property Class:** RESIDENTIAL**Legal Description:** 0.95 AC M I CASHWELL LD

	Total	Land	Building	Misc.
<b>Appraised:</b>	15,250.00	0.00	0.00	0.00
<b>Assessed:</b>	15,250.00	0.00	0.00	0.00
<b>Exemption:</b>	0.00			
<b>Taxable:</b>	15,250.00			

	Tax Year: 2014	Applied	Paid	Owed
<b>Tax:</b>		137.64	137.64	0.00
<b>Sass:</b>		48.00	48.00	0.00
<b>Fees:</b>		0.00	0.00	0.00
<b>Interest:</b>		3.71	3.71	0.00
<b>Total:</b>		189.35	189.35	0.00

Interest data is not current - please call for up-to-date amount (910-678-7507)

Receipt #	Receipt Type	Payment Date	Paid Amount
04617647	MAIL	01/06/2015	189.35

Authority	Description	Orig Amount
CNTY	COUNTY WIDE	112.85
GYSCK	GRAYS CRK FD	15.25
REC	RECREATION	7.63
SFIRE	SPEC FIRE TX	1.91
INTR	INTEREST	3.71
SWF1	SW USER FEE	48.00





# BUSINESS CORPORATION ANNUAL REPORT

SOSID: 0518181  
Date Filed: 11/5/2014 10:38:00 AM  
Elaine F. Marshall  
North Carolina Secretary of State

CA2014 309 01679

NAME OF BUSINESS CORPORATION: M. J. Marsh Farms, Inc.SECRETARY OF STATE ID NUMBER: 0518181 STATE OF FORMATION: NCREPORT FOR THE FISCAL YEAR END: 12/31/2013

Filing Office Use Only

☒ Changes**SECTION A: REGISTERED AGENT'S INFORMATION**1. NAME OF REGISTERED AGENT: VANCE B MARSH

2. SIGNATURE OF THE NEW REGISTERED AGENT: \_\_\_\_\_

SIGNATURE CONSTITUTES CONSENT TO THE APPOINTMENT

3. REGISTERED OFFICE STREET ADDRESS &amp; COUNTY

3030 H Bullard RdHope Mills, NC 28348 CUMBERLAND

4. REGISTERED OFFICE MAILING ADDRESS

3030 H Bullard RdHope Mills, NC 283487890 NC HWY 87 SOUTHFAYETTEVILLE, NC 28306**SECTION B: PRINCIPAL OFFICE INFORMATION**1. DESCRIPTION OF NATURE OF BUSINESS: Farming Livestock and hay2. PRINCIPAL OFFICE PHONE NUMBER: (910) 678-8782

3. PRINCIPAL OFFICE EMAIL: \_\_\_\_\_

4. PRINCIPAL OFFICE STREET ADDRESS &amp; COUNTY

3030 H Bullard RdHope Mills, NC 28348 CUMBERLAND

5. PRINCIPAL OFFICE MAILING ADDRESS

7890 NC Highway 87 SFayetteville, NC 28306**SECTION C: OFFICERS** (Enter additional Officers in Section E.)NAME: Michael J MarshNAME: Vance B Marsh

NAME: \_\_\_\_\_

TITLE: PresidentTITLE: Secretary / Treas

TITLE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

3030 H Bullard Rd3030 H Bullard RdHope Mills, NC 28348Hope Mills, NC 28348**SECTION D: CERTIFICATION OF ANNUAL REPORT.** Section D must be completed in its entirety by a person/business entity.Vance B Marsh Thank you. 11-3-14

SIGNATURE

DATE

Form must be signed by an officer listed under Section C of this form.

VANCE BREWER MARSH

Print or Type Name of Officer

Sec. Treas.

TITLE

SUBMIT THIS ANNUAL REPORT WITH THE REQUIRED FILING FEE OF \$25

MAIL TO: Secretary of State, Corporations Division, Post Office Box 29525, Raleigh, NC 27626-0525



## Civil Penalty Assessment Briefing Sheet - Fast Track Cases

Case #: 2015-035, 036 Violator Vance Brewer (VB) Marsh and M.J. Marsh Farms, Inc.  
RO Contact FRO

### Description of Violator

Type of Firm: Individual Company Contractor Other \_\_\_\_\_

Process/Products: OB of tires, synthetic materials, non-vegetative materials, household garbage – Mr. VB Marsh is affiliated with each of the following properties describe below, and as father to the property owners, and as the secretary/treasurer of MJ Marsh Farms, Inc. He has not complied with State and County laws over the years that resulted from various violations at several property locations.

### Description of Violation

Discovery Date: 7/23, 7/24, 7/28 of 2015 Discovered by: Inspection Complaint Other \_\_\_\_\_  
Nature of violation:

DAQ FRO received complaint from Cumberland County Sheriff's Department for open burning and the County Sheriff's Dept. also came on site to help DAQ with open burning investigation while they investigated animal cruelty control issue (horse)

### Investigated on 7/23/2015 for VB Marsh (individual)

- At 1627 Zarzamora St., observed a total of 12 piles that consisted of 40+ tires, mattress box springs, plastics, furniture, clothing, household garbage, metals, paper, and other unidentified non-vegetative materials had been burned for waste disposal
- At 1621 Zarzamora St., observed a total of 5 piles consisted of burnt remnants of numerous tires.
- 01/14/08 – NOV for allowing illegal open burning of tires on MJ Marsh Farms property, different location
- 09/14/10 – NOV for burning non-vegetative material for waste disposal – different location sent to VB individually
- 06/13/12 – NOV for burning non-vegetative materials for waste disposal – different location sent to VB individually
- 11/20/2012 – NOV for illegal open burning of non-vegetative materials on MJ Marsh Farms property, different location

### Investigated on 7/24 and 7/28/2015 for MJ Marsh Farms, Inc.

- At 1639 Zarzamora St., observed 2 piles that consisted illegal open burning of household garbage, and non-vegetative materials.
- At 1611 Zarzamora St., observed 1 pile that consisted evidence of illegal burning of 4 tires, tire rims and aerosol cans.
- 01/14/08 – NOV for allowing illegal open burning of tires on MJ Marsh Farms property, different location

- 11/20/2012 – NOV for illegal open burning of non-vegetative materials on MJ Marsh Farms property, different location

#### Property ownership

1627 – Janet Marsh, Mr. VB Marsh lives here.

1621 – Michael Marsh

1639 – MJ Marsh Farms, Inc.

1611 – MJ Marsh Farms, Inc.

NOV/NRE was sent out to both parties on 10/8/2015. NOV to Michael Marsh (the son), property owner of 1621; NOV to Janet Marsh (daughter), property owner of 1627.

#### Compliance History / Prior Violations (see details above)

Violation type, date, & amount assessed: \_\_\_\_\_  
\_\_\_\_\_

#### Assessment Factors

- Degree/Extent of Harm: \_\_\_\_\_
- Willfulness or negligence: \_\_\_\_\_
- Effectiveness of corrective action: \_\_\_\_\_

#### Company Response

No written reply, but Mr. VB Marsh came to DAQ on 10/28/2015 and discussed the illegal open burning on various properties with DAQ FRO staff, and admitted to allowing the illegal open burning by others on his family land that he manages. He took responsibility for all the illegal open burning at all the properties.

#### Recommended Penalty – Amount and Rationale

Economic Benefit to the violator (not applicable if left blank): \_\_\_\_\_

Enforcement Guideline section: NOV/NRE \$  
Region recommends various sections under penalty tree.  
VB Marsh – 2.4OB \$1500 740 + 2nd  
MJ Marsh Farms, Inc. – 2.2OB \$2000