

## **AGENDA ITEM: 17-06**

### **DAQ CIVIL PENALTY ASSESSMENT CASE SUMMARY**

**Case Number:** DAQ 2016-029      **Region:** Fayetteville Regional Office      **County:** Robeson

**Violator:** Harold Chavis dba V&H Tire Shop

#### **Case Summary**

- On August 15, 2016, DAQ staff received a complaint call from Robeson County Environmental Control Officer, Mr. Kenneth Hailey, concerning an excessively large fire tire producing heavy black smoke that occurred on August 12, 2016 near 1120 McGirt Road, Maxton, Robeson County, North Carolina owned by Harold Chavis, owner of V&H Tire Shop, North Carolina Forest Service, Smith's Fire Department, Queheel Fire Department, and Robeson County Environmental Control all responded to the fire.
- On August 22, 2016, DAQ staff investigated the burn site and observed a large charred area that had been cleaned up of all tire remnants. The burn area was measured approximately 140 feet long and 40 feet wide. Harold Chavis admitted to DAQ staff there were about 1,200-1,500 tires, originating from his business, stored on his property where the fire occurred.
- A Notice of Violation/Notice of Recommendation for Enforcement (NOV/NRE) dated August 26, 2016, was sent to Harold Chavis dba V&H Tire Shop for the above violation. A written response to the NOV/NRE was received on November 11, 2016, stating that the burn site had been cleaned up, the debris had been disposed of properly, and procedures were in place to properly dispose of future waste.
- On December 07, 2016, Sheila Holman, Director of DAQ, issued a civil penalty assessment in the amount of \$25,000.00 plus \$531.00 investigative costs, for the above noted violation. This certified letter was delivered on February 07, 2017.
- The DAQ received a request for remission from Harold Chavis dated February 23, 2017. The request included a justification for remission request and a waiver of rights to an administrative hearing and stipulation of facts.
- On March 22, 2017, Michael A. Abraczinskas, Director of DAQ, reviewed the information contained in the remission and found no grounds to modify the assessment.
- The DAQ has received a request for an oral presentation to the EMC from the violator dated April 20, 2017.



PAT MCCRORY  
*Governor*

DONALD R. VAN DER VAART  
*Secretary*

SHEILA C. HOLMAN  
*Director*

26 August 2016

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

Mr. Harold Chavis, Owner  
V & H Tire Shop  
110 McGirt Rd.  
Maxton, NC 28364

**SUBJECT: Notice of Violation/Notice of Recommendation for Enforcement: Open Burning**  
Harold Chavis dba V & H Tire Shop  
Maxton, NC, Robeson County 6/78-00000

Dear Mr. Chavis:

On 22 August 2016, Ms. Pam Vivian and Mr. Jeff Cole, both with this office, investigated a complaint lodged against you by the Robeson County Environmental Control Office for open burning a large amount of tires on your farmland property located behind 1285 McGirt Road, in Maxton, Robeson County, NC. The NC Forest Service along with the Queheel and Smiths Fire Departments responded to and extinguished a large tire fire on this property on 12 August 2016. Upon arrival on site, Ms. Vivian and Mr. Cole observed the approximate 140 ft. by 40 ft. area of charred remains of the tire burn and found that the metal remnants had been removed from the site. Ms. Vivian spoke by phone with you later this same day, and you said you had been storing tires from your business over the years on this property. You stated that there were probably 1200 to 1500 tires that had been burned but you did not know who burned them. Ms. Vivian asked why you were storing the tires in this location when State Law requires you to collect a privilege tax on all tires sold and to dispose of the scrap tires from your business at an approved collection site. You stated that you just preferred to dispose of them on your property. You told Ms. Vivian you called '911' to report the fire, but you did not remain on-site for their arrival or the extinguishing of the fire. You also told Ms. Vivian that you had hired people to clean up the burn area and they had taken the metal to a salvage place possibly in Dillon, SC. You were asked to provide contact information for those you hired, but to date you have not responded with that information. 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.

During the course of the investigation, we learned that there was another large tire fire on this same property in the January/February 2016 timeframe. It appears that you are avoiding the proper disposal of tires generated from your business and illegally open burning them for waste disposal. You are *required* to find a legal method for the disposal of these wastes. Additional information concerning the proper disposal of solid waste can be obtained from a Division of Waste Management

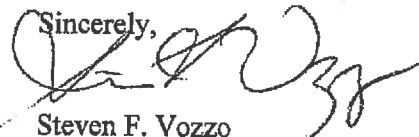
Specialist at (910) 433-3300. In addition, please refer to the enclosed Pollution Prevention/Small Business insert for further information if you need assistance.

As stated in the "subject" above, this letter represents not only a Notice of Violation for the open burning investigated that occurred on 12 August 2016, but puts you on notice that this office is preparing an enforcement report addressing the violation 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 9 September 2016**, 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. Please provide the following information as part of your response: 1) the contact information for the people you hired to clean up and dispose of the tire fire remnants, 2) disposal records and receipts for the tire fire remnants, and 3) contact information for all the people or businesses using this property for disposal of waste. 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.deq.nc.gov](http://www.deq.nc.gov).

Sincerely,



Steven F. Vozzo  
Regional Air Quality Supervisor  
NCDEQ Division of Air Quality

SFV\pcv

attachments - OB Insert and DEACS Insert

cc: (w/o attachment)

FRO Complaint Files

FRO Enforcement Files

Robeson County Environmental Control Office, PO Box 366, St Pauls, NC 28384


Smith's Fire Department, PO Box 70, Maxton, NC 28364

NC Forestry Service, 221 Airport Rd, Fayetteville, NC 28306

(with attachments)

Harold Chavis, PO Box 40, Maxton, NC 28364 (uncertified)

Harold Chavis, 1482 McGirt Rd, Maxton, NC 28364 (uncertified)

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 </p> <p><input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>	
		B. Received by (Printed Name)	C. Date of Delivery
<p>1. Article Addressed to:</p> <p>V &amp; H TIRE SHOP MR. HAROLD CHAVIS, OWNER 110 MCGIRT RD MAXTON, NC 28364</p>		<p>D. Is delivery address the same as item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes, attach delivery address below. <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>RECEIVED</b></p> <p><b>AUG 31 2016</b></p>	
		<p>2. Service Selected</p> <p><input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Priority Mail Express®</p> <p><input type="checkbox"/> Registered® <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> Collect on Delivery</p>	
<p>3. Article Number</p> <p>(Transfer from service label)</p>		<p>Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
		<p>7012 3050 0001 9399 0379</p>	
PS Form 3811, July 2013		Domestic Return Receipt	

## Complaint Investigation Report

NC Dept. of Environmental Quality  
Division of Air Quality

County: Robeson  
Region: FRO  
Suspect: Harold Chavis dba V & H Tire Shop  
Facility ID#  
Record # 17843

Regional Investigator: Vivian, Pam  
Regional Co-investigator:  
Partner Agency:  
Date Complaint Received: 08/15/2016  
Received By: Vivian, Pam  
Date assigned: 08/19/2016

Suspect: Harold Chavis dba V & H Tire Shop  
Suspect Contact: Harold Chavis dba V & H Tire Shop  
Physical Location: behind 1120 McGirt Rd - Maxton  
Mailing Address: PO Box 40 and 1482 McGirt Rd  
City/State/Zip: Maxton, NC 28364  
Telephone: (910)-844-1030  
Alternate Telephone: (910)-844-1070

Investigation date: 08/22/2016  
Follow-up date:  
Report submit date: 09/06/2016

Complainant: Kenneth Hailey  
Complainant Address: PO Box 366  
City/State/Zip: St Pauls NC  
Telephone (H):  
Telephone (W): (910) 827-4324  
Call Back Required? No Response Requested

Complaint type: OB - Business  
Complaint description: Unknown suspect burned  
200 plus tires for waste disposal

Referral to DAQ: Local/state/fed agency

Situation Dangerous:  
Occurring Now:

Violation documented: Yes  
NCFS Permit:

(HSC)

Signature: *Pam Vivian gdc*

Report Date: *9/6/2016*

### Complaint:

On 15 August 2016, I, Pam Vivian with FRO DAQ received a complaint call from Officer Kenneth Hailey with the Robeson County Environmental Enforcement Agency at 910-827-4324 informing this office about a large tire burn that occurred around 4:45 pm on Friday, 12 August 2016 near the road address 1285 McGirt Rd, Maxton, NC (that was the closest address for 911 purposes). He said the pile had over 200 tires burning. Officer Hailey observed the black smoke while returning from another job related duty. He tracked it down but also called '911' to report. The illegal burn is down a dirt road further back in the woods. He has the GPS coordinates but needs to go back to the office to obtain that information. He said there was a closed gate at the entrance of the dirt road and at first the fire department could not access and go beyond to where the fire was burning. Officer Hailey said he understood someone from a small single-wide mobile home next to this entry, came out and opened it. He said Queheel Fire Department responded along with North Carolina Forest Service (NCFS). A fire break was established and the fire was eventually extinguished.

### Directions:

From FRO travel south on I-95 business/Hwy 301; continue on Hwy 301; turn right onto Hwy 71 south; continue travelling on Hwy 71 south; in Red Springs continue on Hwy 71 south/3rd Ave; travel 9 miles and turn right onto McGirt Rd; after a mile, location should be on your right down a dirt road (across from this road is a dirt horse racing track fenced on both sides with tires).

Suspect History: No past history was found.

## Summary of investigation:

### 15 August 2016

I called back Officer Hailey to obtain his email address so I could send a request for any available information. He said he did take some of pictures but you really cannot see the tires from the position he was standing. He told me he would send the pictures he had in an email. He also said the burn property address was 1120 McGirt Rd: PIN but is located near the home of 1285 McGirt Rd in a large piece of farmland off towards the wood-line. His email address: [kennethtyron@yahoo.com](mailto:kennethtyron@yahoo.com). I sent an email requesting any information, as well as providing my contact information.

I called Chief Shawn Phillips with the Queheel Volunteer Fire Department: 910-844-5237 and he said he was out of town when this incident happened. He said that once the report was completed he would make sure this office received a copy. He provided his email address: [queheelfire@aol.com](mailto:queheelfire@aol.com). I sent an email requesting this report and pictures that may have been taken, as well as providing my contact information.

I called Mr. Robby Freeman, Forest Ranger NCFS in Robeson County, 910-618-5540 and he told me I could obtain a report but had to send a request. He provided his email: [robby.freeman@ncagr.gov](mailto:robby.freeman@ncagr.gov) and also [jeff.stone@ncagr.gov](mailto:jeff.stone@ncagr.gov) who was involved with this illegal burn but Mr. Stone was not available. Mr. Freeman said he would send the request to Michael Good, District Forester for report release approval. I sent an email requesting this report and any pictures that may have been taken, as well as providing my contact information.

I searched Robeson County GIS for this address location and the property is owned by Harold Chavis and wife, Valerie. County tax records provided a mailing address: PO Box 40, Maxton, NC 28364. Reverse address and people searches indicates 5 people are associated at 1120 McGirt Rd and all have same last name "Chavis." I could not obtain a phone contact number.

### 19 August 2016

I called Mr. Hailey to arrange a meeting on McGirt Rd to investigate this incident. Mr. Hailey said he could meet on Monday 22 August 2016 at 12 noon.

### 22 August 2016

Jeff Cole and I met with Mr. Hailey along McGirt Rd. He led us to the burn site located behind 1120 McGirt Rd, and nearby to 1285 McGirt Rd, in a farm field that had been harvested of hay. Mr. Hailey unchained a gate that appeared to be locked. He said he now understands that the gate is not locked, just made to look that way and can be opened by others. We followed him back to the burn site that was well beyond any homes and adjacent to acres of woodland.

We observed the tire burn area that was ranged to be about 140 ft long and about 40 ft wide and had a lot of black and white residue on top. The fire had apparently spread about 40 ft into the previously harvested hay field. It was apparent within the tire burn area that several small trees had burned down almost to the ground but the remaining small trunks remained above the ground, resembling deer antlers. It was apparent this tire burn site had been cleaned-up of practically all steel belt tire wire. We observed small pieces of wire scattered about but nothing of significance. We observed the remains of glass containers but each appeared to have melted due to the immense heat created by this burn. We only found one small remnant of a partially charred yet unburned tire piece that was about 9 inches long by 2 inches wide. We observed the forestry fire wall entrance. Mr. Cole walked throughout it to further document. During this walk, Mr. Cole observed beyond the fire wall a large blended pile of about 40 unburned tires and several piles of roof shingles. Vegetation was growing around these non-vegetative materials. It was apparent the fire response and actions prevented another area from also being ignited. Mr. Hailey stated there had been another fire in the past, and pointed towards the west area. Although there was new vegetative growth, we observed some dead vegetation as if from a past burn. This area had a lot of black soil/residue on top. Mr. Bailey said he did not know what had happened but I could ask Queheel Fire Department and probably get more information.

We left and after exiting the gated area, Mr. Cole and I stopped at the home near the gate. Mr. Bailey went to continue with other job duties. A man was out in the yard and we went to greet him. While providing an NC

OB flyer with a business car and introducing Mr. Cole and myself, I asked what he knew about the tire burn that occurred Friday, 12 August 2016. He said he was Aubrey Jacobs, nephew of Harold Chavis, and his mother, Barbara Jacobs is Mr. Chavis' sister and she lives here at 1285 McGirt Rd. He provided his contact number: 910-674-1514. I explained about the burn complaint received from Robeson County and asked what he knew about this event. Mr. Jacobs stated the following:

- Neither his Mother or other family who live here are connected to that burn.
- Responsible person is Harold Chavis.
- Mr. Chavis is his Mother's brother and he is Mr. Chavis' nephew.
- He was out fishing with a friend, returned later in the afternoon, and saw smoke.
- The gate was put in about 2 years ago but is not really kept locked, only made to look as if it was locked.
- He has not really seen people come and go because he does not live there.
- He said the main people who enter are Harold Chavis and the people who work for him.
- There are other back trails used by various motorized vehicles, ATVs that lead to this property but he does not know who started this fire.
- When the fire occurred a young junior fire fighter named Hunt apparently was riding an ATV out there.
- He does not know the full name of Hunt.
- About 10 minutes later, Mr. Chavis arrived and Hunt and him went back to the burn area.
- About 10 minutes later both came back and both left the area.
- About 15 minutes later the fire department and forestry arrived.
- Later on Environmental Control arrived too.
- Mr. Chavis owns a tire shop down the road on the left V&H Tire Shop.
- People there would be able to give more information or answer questions.
- He has not liked that all these agency people are questioning people here at his Mother's home when they had nothing to do with it.

I told Mr. Jacobs if I needed to call him back it would be to help resolve other questions for this investigation. He agreed to call him if needed. As we were leaving this dirt road onto McGirt Rd, we observed mail boxes but only one was identified with an address #1020. Directly behind these mail boxes, we saw a man working with a sickle cutting down large weeds along the edges of what appeared to be a horse race type track. Both sides of this track were lined with upright large tires that appeared to be in some form of a fence around both sides of the track. Along the left side of McGirt Road we saw a large red sign pointing towards a dirt road on the right that had the name of 'Lumber River Land Drags' with a contact number of 910-280-0282 on it. We proceeded on the dirt road and observed an overhead sign stating 'Chavis Farms.' We drove around to get to the man working and observed other signs and tracks that made us think this was some form of an entertainment type business for horses, ATVs, tractor pulls, and other similar events. The man came walking towards us and after introducing Mr. Cole and myself while handing him an NC OB flyer with a business card, I asked what he knew about the tire burn from Friday, 12 August 2016. He said:

- He was Albert Locklear, 910-844-9367, and lives at 485 Bryant Circle, Maxton, NC 28364 and works for Mr. Chavis.
- He only helps keep up with yard work and other small jobs and he did not know anything about the tire burn.
- We do not burn anything; someone else must have done it.

We left and went to the tire shop located at 110 McGirt Rd. We observed a large business sign: V&H Tire Shop, 910-844-1030. This shop states it offers a wide-variety of automotive mechanical needs. A man came to greet us and after introducing Mr. Cole and myself while handing him an NC OB flyer with a business card, I asked for Harold Chavis concerning the tire burn that occurred on Friday, 12 August 2016. He said:

- He is Terry Chavis, son of Harold Chavis.
- His Dad had already left for the day.
- He did not know anything about the fire and told me to talk to his Dad.
- He would not provide a phone number to call his Dad.
- He would call his Dad later and let him know to call me.

Back at FRO DAQ, I called the tire shop and asked to speak with Harold Chavis concerning the tire burn on 12 August 2016. A man answering said he was Tim Chavis, Harold Chavis' son. I explained who I was and said I needed to discuss this tire burn with his Father. He said his Dad went home but he would call him and tell him I needed to talk with him because he did not know who started that fire. I told him it was important that Mr. Chavis call me to discuss the tire burn.

I called Cheryl Stone with the Robeson County Emergency Management Center and requested to receive the '911' Dispatch Report for this illegal burn. She said she would fax it.

A few minutes later I received a call from Harold Chavis from number 910-844-1070 and he said the following:

- He does not know the name of the young man who called him to inform about the tire burn occurring on his property.
- He called '911' to report the fire.
- He has been storing tires there for a long time.
- There were about 1,200 to 1,500 tires on that property.
- He does charge a percent for tires that are >20 inches which is 2%, and <20 inches which is 1%.
- He just stores them on his land instead of disposing of them.
- He did not know anything about piles of roof shingles and other tires dumped beyond the fire line. He has not dumped any roof shingles out there.
- This is old land and with the various vehicles that have driven out there over the years, there is no telling who dumped roof shingles mixed with those tires beyond the fire line.
- He did contact some people to clean up the mess out there after that tire burn but he does not remember who he contacted and he does not know where they took the tire wire and other mess.
- He said his mailing address was PO Box 40, Maxton, NC 28364 and his home address was 1482 McGirt Rd, Maxton, NC 28364.

I told him as I continue my investigation I would need to get back with him to resolve further questions/concerns.

### **23 August 2016**

I searched the Robeson County Property GIS and found information concerning 1285 McGirt Rd which was used in the '911' dispatch report. This property is located on the same property owned by Harold Chavis: PIN 930800888000. The search stated Barbara Jacobs, which is Harold Chavis' sister, plus four other people live there. No phone contact numbers were provided. I searched V&H Tire Shop and it is owned by Harold Chavis: PIN 930713983600 with a mailing address of 1482 McGirt Rd. I searched this address and found this property is also owned by Harold Chavis: PIN 839890386200. This is the address Mr. Chavis provided for his home address. Searches for the shop phone number: 910-844-1030 stated this is a landline. Search for the number Harold Chavis called me back on: 910-844-1070 stated this is a landline and associated with 5T's Trucking which is also associated with 910-844-1030. I searched the NC Corporate website but neither V & H Tire Shop nor 5T's Trucking are listed.

This office received a faxed copy of the '911' Dispatch Report from Robeson County Emergency Management Center. It stated James Chavis had called '911' from number 910-844-1030.

I called back to Mr. Chavis to obtain the names of the people he hired to clean up the tire fire. Mrs. Chavis answered the phone and stated V & H Tire Shop.

- I explained who I was noting earlier conversations with Harold Chavis and needing to follow up.
- She was a bit agitated sounding and asked why I had to call back and keep asking questions.
- I explained I am involved in an investigation of illegal tires having been burned and need to get all the facts to complete my investigation. She said she would get her husband. Mr. Chavis got on the phone.
- He has been trying to get up with the brother of the man who cleaned up the burn area and will let me know once he finds out. I asked for the number so I could call the man but he said he would find out and let me know.



- He believes the wire was taken to a salvage place in Dillon, SC but he would let me know once he found out as well.

#### **24 August 2016**

I left a voice message and sent an email to Queheel Fire Department, Chief Shawn Phillips requesting information concerning the Junior firefighter and the response report. I received an email back stating his department was not the primary station but Smith's Fire Department for this response and to contact them for more information but he would send a response report from his station.

I called and spoke with Chief Brandon Oxendine, for Smith's Fire Department, 910-736-3284 and he said:

- The young firefighter is Travis Hunt and he is about 17 or 18 years of age.
- The fire was burning very hot and both Queheel and Smith's responding engines had to first extinguish the harvested hay field which had caught on fire as well as some of the nearby woodland.
- He said they used water to extinguish the burn.
- The fire was so hot they did not move as close to the burn.
- Normally foam is used for a tire fire but it was decided to extinguish with water using the truck ladders as needed to spray high up to stop the burn behind the fire, especially since forestry was bulldozing the fire line.
- By the time they finished, every tire had been burned down and there had been a lot of them.
- He could not estimate how many tires had burned and he would determine if any fire fighter took pictures. Everyone was trying to get things set and extinguished.
- He told me that back in January/February 2016 there was another tire fire, westward on this same property location.
- He said it looked very similar in size to this one and they had to cut the lock from the gate. This time the lock was not locked only chained.
- He said at the race track area across McGirt Rd from this land, there are a large accumulation of tires piled up over there behind the metal building/barn.
- He will send fire response reports to our office and check to see if any firefighter did take any pictures of the Jan/Feb and even the August tire burns. If so, he will send them as well. He requested I send an email to him requesting information so he would not forget. I sent an email: [bransmith3200@gmail.com](mailto:bransmith3200@gmail.com).

#### **26 August 2016**

I called and left a voice message for Mr. Miller and requested a copy of any report or letter Robeson County Solid Waste may have sent to Harold Chavis for the 12 August 2016.

I sent a group email to Stephanie Chavis, Robeson County Fire Marshal and Cheryl Stone Admin Support, Chiefs Brandon Oxendine and Shawn Phillips, County Solid Waste Tony Miller and Kenneth Hailey, and NCFS John Memborn, Jeff Stone, and Robert E. Freeman requesting information in the form of pictures, letters, and/or reports each may have to assist with this investigation. At this time the requested information has been slowly coming to DAQ FRO.

Later this day, I received a faxed fire response report from Chief Phillips.

#### **Comments/Recommendations:**

Mr. Chavis has not been very helpful in providing information throughout this investigation. Mr. Chavis did admit to hauling and storing the tires collected in the course of his business activities on his property. Recommend sending Mr. Chavis an NRE/NOV for violating the NC OB rules by allowing, permitting, or causing the open burning of 1200+ tires generated from his tire shop business.

/pcv

**Send NRE/NOV letter Certified to:**

Harold Chavis, V & H Tire Shop, 110 McGirt Rd, Maxton, NC 28364

**Send NRE/NOV copy uncertified to:**

Harold Chavis, PO Box 40, Maxton, NC 28364

**Send NRE/NOV copy uncertified to:**

Harold Chavis, 1482 McGirt Rd, Maxton, NC 28364

**Send copies of this letter to:**

- Robeson County Environmental Control Office, PO Box 36, St Pauls, NC 28384
- Smith's Fire Department, PO Box 70, Maxton, NC 28364
- NC Forestry Service, 221 Airport Rd, Fayetteville, NC 28306

**Attachments:**

RC Env Control Pictures  
FRO DAQ Pictures  
Fire Department's Pictures of burning tires  
Various emails  
Robeson County Property GIS/Tax Records (burn area, tire shop, and residence of Harold Chavis)  
NC Corporate Website  
Various People Searches  
EMC '911' Dispatch Report  
Queheel Fire Department Response Report  
Smith's Fire Department Response Report  
NC Forestry Service Incident Report

**Follow-up Investigation:**

**29 August 2016**

I received an email from Chief Phillips providing firefighter Travis Hunt's contact number: 910-217-1662. I spoke with Mr. Hunt, and said the following:

- The day of the fire, he was at home with his family cutting grass.
- Around 2:45pm he noticed a large plume of heavy black smoke.
- He rode over to see what was burning.
- He arrived and saw the large tire fire going on and the fire spreading into the hay field and woodland.
- He called Mr. Chavis to inform him of what was occurring. Mr. Chavis soon arrived but immediately left saying he would call '911' to report the fire.
- He stayed at the fire, took a short video of the burn and then, using a pine branch, he began beating the fire that was spreading. Emergency response arrived and Mr. Hunt went back to his home, put on his fire fighter gear, and road his ATV back to the burn location to assist putting the fire out.
- He would send a copy of the video to me and I provided him my email address.

**2 September 2016**

We received the tire burn video which shows a massive pile of tires burning creating huge plumes of black smoke. Later this same day, I received the NCFS incident report for this burn from John Mewborn.

**6 September 2016**

Mr. Vozzo and I called Chief Smith and inquired of the fire response reports for the 12 August 2016 burn, as well as one that occurred back in Jan/Feb 2016 in this same general area and with a large amount of tires. He said he would send them to us as soon as he got to the fire station.

**13 September 2016:**

I received a voice message from Cody Hunt with Hunt Environmental Office in Lumberton, 910-674-5925. He requested a return call to discuss Harold Chavis' response letter. Mr. Vozzo and I called and left a message requesting Mr. Hunt to call this office. Mr. Vozzo received a return call the following day from Mr. Hunt and told him what the NRE letter had requested. Mr. Hunt said he was going to assist Mr. Chavis with this and should have something in the mail by Friday, September 16, 2016.

**3 October 2016:**

I called Mr. Chavis and inquired about not receiving a response for his NOV/NRE as previous conversations with Mr. Cody Hunt on 13 September 2016 had indicated on his behalf. Mr. Chavis said he thought a response had been sent. He said Mr. Eric T. Locklear, Attorney: 910-774-9306 and another, Mr. Arley Jacobs, Attorney worked towards cleaning up this tire burn. He said he now recycles tires, and these companies buy from him. He said the tires are chipped and used with septic tank installations and other countries buy them for other needs.

**4 October 2016:**

I received a voice message and email from Mr. Hunt requesting a copy of the NOV/NRE letter sent to Mr. Chavis stating: *"This is to update you on the status of V&H Tire in Maxton, NC. We are manifesting tire disposal for him shortly and also are going by the site today to take final pictures and send something in response to the NOV shortly."* Mr. Vozzo sent a copy of the NOV/NRE letter to Mr. Hunt via email.

**11 November 2016:**

FRO received a written response from Cody Hunt on behalf of Mr. Harold Chavis. The response indicates the property has been cleaned up and that Mr. Chavis has established proper disposal protocols that he follows.

**16 November 2016:**

It was discovered that the Robeson County GIS website shows that the property where the illegal open burning of tires occurred on 12 August 2016, which was previously owned by Mr. Harold Chavis and wife, now is owned by Mr. William Floyd and wife, as of 16 September 2016.

## Complaint Investigation Report

NC Dept. of Environmental Quality  
Division of Air Quality

County: Robeson  
Region: FRO  
Suspect: Harold Chavis dba V & H Tire Shop  
Facility ID#  
Record # 17843

August 12, 2016

Taken later this same day.

Photos taken by Robeson Co. Environmental Control Office



About 1500 tires were burned for waste disposal; burn area ranged 140' long by 40' wide.



Another view of smoke and active burn of tires.



Another view of smoke and active burn of tire.



Another view of smoke and active tire burn.



## Complaint Investigation Report

NC Dept. of Environmental Quality  
Division of Air Quality

County: Robeson  
Region: FRO  
Suspect: Harold Chavis dba V & H Tire Shop  
Facility ID#  
Record # 17843

Pictures from Fire Department

12 August 2016

Burning large amount of tires





## Complaint Investigation Report

NC Dept. of Environmental Quality  
Division of Air Quality

County: Robeson  
Region: FRO  
Suspect: Harold Chavis dba V & H Tire Shop  
Facility ID#  
Record # 17843

August 12, 2016 fire occurred.  
August 22, 2016 FRO DAQ investigated.

Photos taken by Jeff Cole (DAQ)

Page 1 of 3



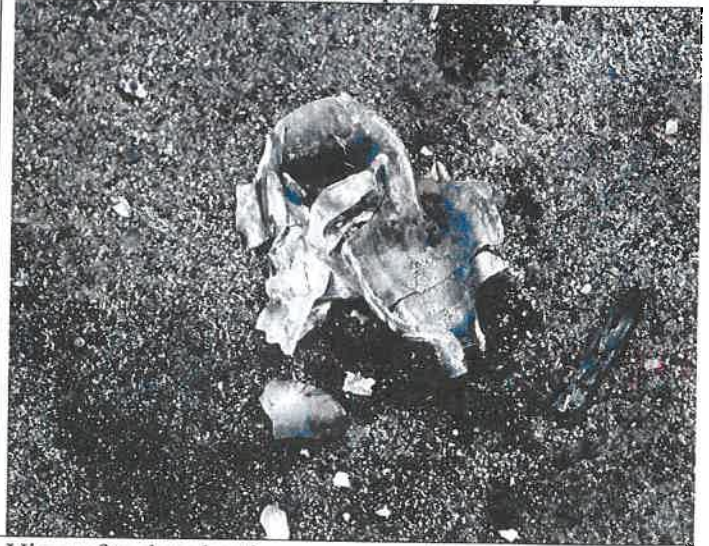
View of length and width of tire burn area.



Other view of length and width of tire burn area and charred burned down trees (stumps) caused by burn.



View of some tire wire remnants; burn cleaned up.



View of a glass bottle that had melted during burn.



## Complaint Investigation Report

NC Dept. of Environmental Quality  
Division of Air Quality

County: Robeson  
Region: FRO  
Suspect: Harold Chavis dba V & H Tire Shop  
Facility ID#  
Record # 17843

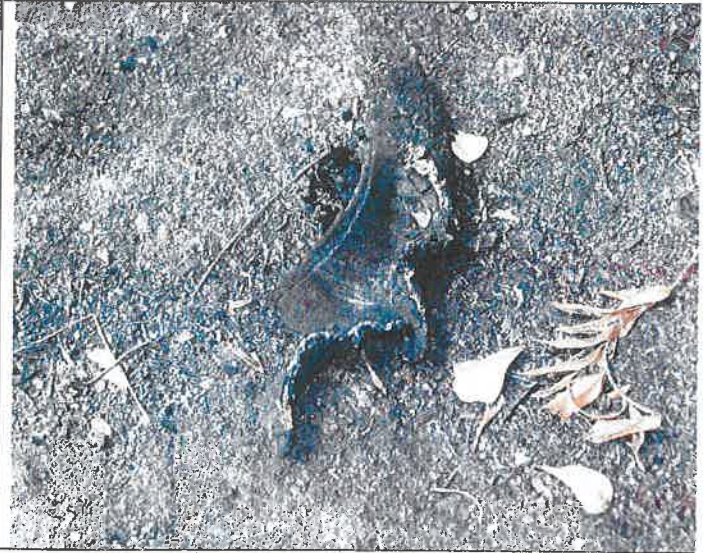
August 12, 2016 fire occurred.  
August 22, 2016 FRO DAQ investigated.

Photos taken by Jeff Cole

Page 2 of 3



View of more small glass bottles that had melted.



Only piece of tire remnant found in burn area.



View a charred brick found in burn area.



View of the fire line built to contain woodland fire created during this burn.



## Complaint Investigation Report

NC Dept. of Environmental Quality  
Division of Air Quality

**County:** Robeson  
**Region:** FRO  
**Suspect:** Harold Chavis dba V & H Tire Shop  
**Facility ID#**  
**Record #** 17843

August 12, 2016 fire occurred.  
August 22, 2016 FRO DAQ investigated.

Photos taken by Jeff Cole

Page 3 of 3



About 40 more tires with several piles of roof shingles mixed with other non-vegetative and vegetative debris found when walking fire line but beyond the line.



Another view of more tires, shingles, and non-vegetative debris mixed with vegetative debris found when walking fire line but beyond the line.



CONNECTGIS  
 http://www.gisconnectgis.com/ConnectGIS/...  
 File Edit View Favorites Tools Help

Layers  
 Information  
 Properties  
 New Tax Information  
 Tax Card  
 Map Number (Do not use Space): 23090100205  
 Owner Name (Last Name First Name): FLOYD WILLIAM P & MARY P  
 Owner Name 2: ANNA FLOYD BERTA  
 Deed Book: 02055  
 Deed Page: 0838  
 Owner Address: 12541 APPON RD  
 Owner State: NC  
 Owner Zip: 28352  
 Deeded Acres: 71.5  
 NBD Code: 23001  
 Land Value: 0  
 Improvement Value: 0  
 Phy Street Address: MCCURT RD  
 Legal Description: EAST OF MCCURT RD ST. 1308  
 Current Owner lot: 56091005  
 Owner 2: 56091005  
 Owner Address 2:  
 PHL:  
 Date Sold: 93081173301  
 District Code: 20160916  
 Town Code: 16  
 Fee: 23

Display Labels: 123 Display 90  
 Legend  
 Results

Search  
 Feet  
 1/51  
 2000/2003  
 Excel 2000/2003

New property  
 annex.

Sold on 09/16/2016





Google earth

Google earth

feet  
meters

400  
100



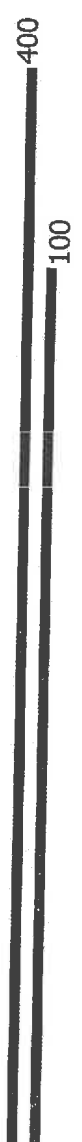
TAKEN 12/8/11



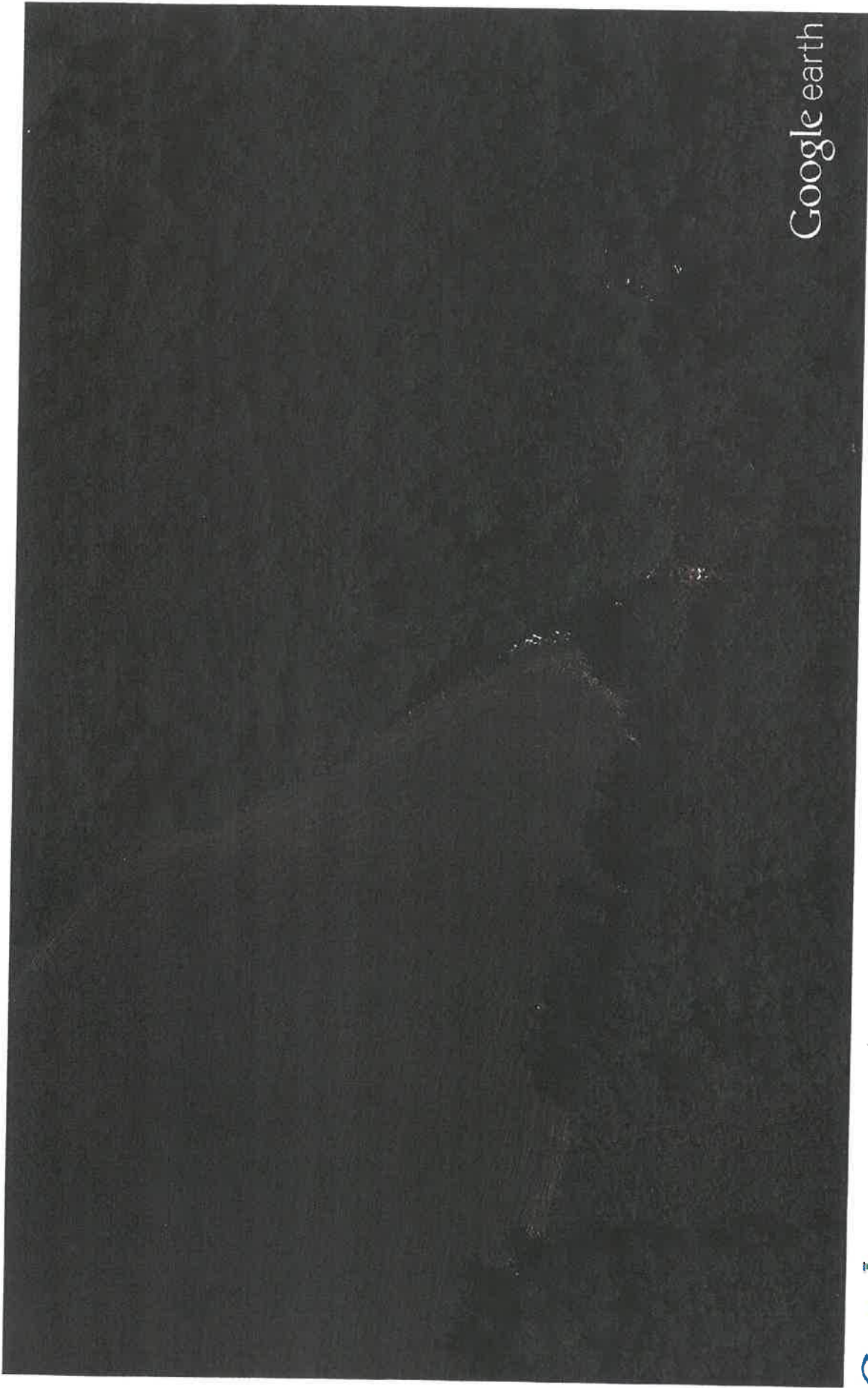
Google earth

Google earth

feet  
meters



TAKEN 5/24/13



Google earth

feet  
meters

Google earth

400  
100



TAKEN 10/25/13





Google earth

Google earth

feet  
meters

400  
100



*Taken 1/30/15*



Google earth

Google earth

feet  
meters

600  
200



MAP DATED 5/14/16





# Robeson County Government

## TAX ADMINISTRATION RECORD SEARCH

Select Search:  
[Real Property Record Search](#)  
[Tax Bill Search](#)  
[GIS Search](#)

[Account](#) | [Buildings](#) | [Land](#) | [Sketch](#) | [Deeds](#) | [Sales](#) | [Photo](#) | [Tax Bill](#) | [Map](#)

Account Details for CHAVIS HAROLD & WF VALERIE

New Search

<b>Property Owner</b> CHAVIS HAROLD & WF VALERIE	<b>Owner's Mailing Address</b> PO BOX 40 MAXTON, NC 283640000	<b>Property Location Address</b> 1120 MCGIRT RD <i>burning location</i>
<b>Administrative Data</b> Parcel Ref No. <b>230901002</b> PIN <b>930800888000</b> Account No. <b>34518016</b> Tax District <b>SMITHS FIRE</b> Land Use Code <b>A-40</b> Land Use Desc <b>80 OR MORE ACRES</b> Subdiv Code Subdiv Desc Neighborhood <b>23001</b>	<b>Administrative Data</b> Legal Desc <b>AC MCNAIR INV CO</b> Deed Bk/Pg <b>00728 / 0435</b> Plat Bk/Pg <b>/</b> <b>Sales Information</b> Grantor Sold Date <b>2001-01-01</b> Sold Amount <b>0</b> \$	<b>Valuation Information</b> Market Value <b>310,200</b> \$  Market Value - Land and all permanent improvements, if any, effective January 1, 2010, date of County's most recent General Reappraisal  Assessed Value <b>290,300</b> \$  If Assessed Value not equal Market Value then subject parcel designated as a special class -agricultural, horticultural, or forestland and thereby eligible for taxation on basis of Present-Use and/or reduction from a formal appeal procedure

Back to Results

Print This Property Record Card

New Search

Data Disclaimer: All data shown here is from other primary data sources and is public information. Users of this data are hereby notified that the aforementioned public information sources should be consulted for verification of the information contained on this website. While efforts have been made to use the most current and accurate data, Robeson County, NC and Data Providers assume no legal responsibility for the use of the information contained herein.

You can direct any questions or comments about the data displayed here on the [Robeson County Tax Contact Page](#)

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# Robeson County Government

## TAX ADMINISTRATION RECORD SEARCH

Select Search:  
[Real Property Record Search](#)  
[Tax Bill Search](#)  
[GIS Search](#)

[Account](#) | [Buildings](#) | [Land](#) | [Sketch](#) | [Deeds](#) | [Sales](#) | [Photo](#) | [Tax Bill](#) | [Map](#)

Account Details for CHAVIS HAROLD & WF VALERIE

New Search

<b>Property Owner</b> CHAVIS HAROLD & WF VALERIE	<b>Owner's Mailing Address</b> 1482 MCGIRT RD MAXTON, NC 283640000	<b>Property Location Address</b> 110 MCGIRT RD <i>V+H Tire Shop</i>
<b>Administrative Data</b> Parcel Ref <b>110102009</b> No. PIN <b>930713983600</b> Account No. <b>34518008</b> Tax District <b>QUE HILL FIRE</b> Land Use Code <b>C-70</b> Land Use Desc <b>GARAGES/SHOP/CAR DEALERS</b> Subdiv Code Subdiv Desc Neighborhood <b>11009</b>	<b>Administrative Data</b> Legal Desc <b>LT 3 RIVERS EDGE SUBDIV B LDG ON BOTH LOTS 3 &amp; 4</b> Deed Bk/Pg <b>00790 / 0893</b> Plat Bk/Pg <b>/</b> <b>Sales Information</b> Grantor Sold Date <b>2004-01-01</b> Sold Amount \$ <b>0</b>	<b>Valuation Information</b> Market Value <b>371,100</b> Value \$ Market Value - Land and all permanent improvements, if any, effective January 1, 2010, date of County's most recent General Reappraisal Assessed <b>371,100</b> Value \$ If Assessed Value not equal Market Value then subject parcel designated as a special class -agricultural, horticultural, or forestland and thereby eligible for taxation on basis of Present-Use and/or reduction from a formal appeal procedure

Back to Results

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New Search

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# Robeson County Government

## TAX ADMINISTRATION RECORD SEARCH

Select Search:  
[Real Property Record Search](#)  
[Tax Bill Search](#)  
[GIS Search](#)

[Account](#) | [Buildings](#) | [Land](#) | [Sketch](#) | [Deeds](#) | [Sales](#) | [Photo](#) | [Tax Bill](#) | [Map](#)

Account Details for CHAVIS HAROLD & WF VALERIE

New Search

<b>Property Owner</b> CHAVIS HAROLD & WF VALERIE	<b>Owner's Mailing Address</b> 1482 MCGIRT RD MAXTON, NC 283640000	<b>Property Location Address</b> 1482 MCGIRT RD <i>his home address</i>
<b>Administrative Data</b> Parcel Ref No. 230901004 PIN 839890386200 Account No. 34518000 Tax District SMITHS FIRE Land Use Code D-10 Land Use Desc SINGLE FAMILY Subdiv Code Subdiv Desc Neighborhood 23001	<b>Administrative Data</b> Legal Desc AC E/S SR 1308 Deed Bk/Pg 01718 / 0028 Plat Bk/Pg / <b>Sales Information</b> Grantor Sold Date 2004-01-01 Sold Amount 0 \$	<b>Valuation Information</b> Market Value \$ 143,900  Market Value - Land and all permanent improvements, if any, effective January 1, 2010, date of County's most recent General Reappraisal  Assessed Value \$ 143,900  If Assessed Value not equal Market Value then subject parcel designated as a special class -agricultural, horticultural, or forestland and thereby eligible for taxation on basis of Present-Use and/or reduction from a formal appeal procedure

*Business  
K & H  
Fire  
Shop*

Back to Results

Print This Property Record Card

New Search

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Harold Chavis dba V & H Tire Shop  
110 McGirt Road  
Maxton, NC 28364  
910-844-1030 or 1070

Shop business later disposes of tires at burn location  
12 August 2016 major tire burn occurred (1200 to 1500)  
15 August 2016 reported to FRO DAQ  
19 August 2016 assigned to investigate  
22 August 2016 investigated with Robeson Env. Officer Hailey

### Robeson Property GIS

The screenshot displays the Robeson Property GIS web application. The main map area shows an aerial view of a property with various colored overlays (red, blue, green) indicating different zones or boundaries. The property is located near a road labeled 'MCGIRT RD'. The sidebar on the right contains the following information:

Information	
<b>Parcels</b>	
View Tax Information	
Tax Card	
Map Number (Do not use Spaces)	210102X09
Owner Name (Last Name First Name)	CHAVIS HAROLD & W/ VALERIE
Owner Name 2:	
Deed Book:	00752
Deed Page:	5893
Owner Address:	1452 MCGIRT RD
Owner State:	NC
Owner Zip:	283640000
Deeded Acres:	0
NBID Code:	11009
Land Value:	51500
Improvement Value:	319600
Phys Street Address:	110 MCGIRT RD
Legal Description:	LT 3 RIVERS EDGE SUBDIV B
Current Owner Id:	34518008
Owner Id:	34518008
Owner Address 2:	
Pin:	930723184969
Date Sold:	2004/01/01
District Code:	9
Town Code:	11
less	

At the bottom of the screen, there is a Windows taskbar with several open applications, including Excel 2000/2003. The system clock shows 11:31 AM on 8/22/2016.

V & H Tire Shop





Results

©2009, 2016 Duke Solutions. All Rights Reserved. | Software Notices

Display Labels 1-48

Display 50

Ret

100%

4:11 PM  
8/19/2016

(911)  
1285 McGirt  
Tire Burn  
August 12, 2016



Harold Chavis dba V & H Tire Shop  
1482 McGirt Rd  
P.O. Box 40  
Maxton, NC 28364

Chavis' Home Address <sup>1122</sup>~~1200~~ McGirt Rd  
Major Tire Burn (1200 to 1500)  
12 August 2016

### Robeson Property GIS

The screenshot displays the Robeson Property GIS web application. The main map area shows an aerial view of a property with a red outline. The sidebar on the right contains the following information:

Information	
<b>Parcels</b>	
<a href="#">View Tax Information</a>	
<a href="#">Tax Card</a>	
Map Number (Do not use Spaces): 230901004	
Owner Name (Last Name First Name): CHAVIS HAROLD & W F VALENE	
Owner Name 2:	
Deed Book:	01718
Deed Page:	0028
Owner Address:	1482 MCGIRT RD
Owner State:	NC
Owner Zip:	283640000
Deeded Acres:	0
NBND Code:	23001
Land Value:	7100
Improvement Value:	135600
Phys Street Address:	1482 MCGIRT RD
Legal Description:	ACRES SR 1308
Current Owner Id:	34518000
Owner Id:	34518000
Owner Address 2:	
PIN:	839890386200
Date Sold:	20040101
District Code:	16
Town Code:	23

At the bottom of the page, there is a Windows taskbar with the system clock showing 12:11 PM on 8/22/2016.

Harold Chavis  
Home Location



# North Carolina Forest Service

## Incident Response Report Wildfire - State Jurisdiction

Rec'd In Email  
9/2/16  
PCV

Core Information		Incident Record #	NCST-078-FY2017-0006
Incident Name	Buffalo Ranch	Reported	8/12/2016 @ 1516
Incident Origin	Robeson, NC	Attacked	8/12/2016 @ 1542
Latitude	34 47.773620	Contained	8/12/2016 @ 1645
Longitude	-79 19.802520	Controlled	8/12/2016 @ 1713
Landowner Type	Private (Person)	Readiness Plan	2
Landowner Name	Harold Chavis	Initial Attack Size (Ac.)	1.00
Landowner Address	PO BOX 40 MAXTON, NC 283640000	Forested (Ac.)	9.72
Incident Commander	Robert Earl Freeman NC Forest Service	Non Forested (Ac.)	0.00
NCFS Activity	Assisted by FD Or Other Agency	Total Area Burned (Ac.)	9.72
		Crowning	False
		Fuel Model	5. Brush

### Responding Resources

County	Name	Title	Suppression Time	Mop-up Time	Est Cost
Robeson	Kenneth Campbell	Ffe0	1.05	0.47	25.84
Robeson	Robert Freeman	Ast County Ranger	1.05	0.47	24.32
Personnel Estimated Totals		2	2.10	0.94	50.16

Agency	Equipment	Suppression Time	Mop-up Time	Est Cost
Fire Department - Volunteer	Type 6 Engine	1.00	0.00	50.00
Fire Department - Volunteer	Type 2 Engine	1.00	0.00	113.00
Fire Department - Volunteer	Type 2 Engine	1.00	0.00	113.00
Fire Department - Volunteer	Type 2 Engine	1.00	0.00	113.00
NC Forest Service	Type 6 Engine	1.05	0.47	76.00
NC Forest Service	Type III TPL	1.05	0.47	129.20
NC Forest Service	Hauling Unit	1.05	0.47	95.76
Equip. Estimated Totals	7	7.15	1.41	689.96

--

--

Impacts to Robeson, NC				
Forested	4.86	Timberland	0.00	0.00
Non Forested	0.00	Crops	0.00	0.00
<b>Total</b>	<b>4.86</b>			
		Homes Damaged	0	0.00
Civilian Injuries	0	Homes Destroyed	0	0.00
Civilian Deaths	0	Structures Damaged	0	0.00
Fire Fighter Injuries	0	Structures Destroyed	0	0.00
Fire Fighter Deaths	0	Vehicle	0	0.00
		Livestock	0	0.00
Homes	0	Other	0	0.00
Structures	0			

<b>Law Enforcement</b>		<b>Cause Class: Undetermined</b>		<b>RP Status :N/A</b>	
<b>Charges:-</b>					
<b>RP Class</b>		<b>Race / Ethnicity</b>			
<b>Reason Behind</b>		<b>Sex</b>			
<b>Preventive Action</b>		<b>DOB</b>			
<b>Full Name</b>	:	<b>Charging Officer</b>			
<b>Address / State / Zip</b>	:	<b>Date Charged</b>			

**Remarks**

A pile of tires were on fire when VFD's arrived on scene. Robeson County Environmental Control Officer was on scene when I arrived and he contacted Air Quality.

<b>Record Status: Approved</b>			
<b>Record Created By:</b>	Mr Robert Earl Freeman	Assistant County Ranger	08/18/2016
<b>Record Approved By:</b>	John M Mewborn Jr	District Ranger - LE	09/02/2016

07824	NC	08/12/2016	15	1603996	0	NFIRS - 9
FDID	State	Incident Date	Station	Incident Number	Exposure	Apparatus

Unit ID: 1510  
 Serial #:  
 Type: 00  
 Other apparatus/resource

Dispatched: 8/12/2016 2:59:44PM Use:  
 Enroute:  
 Arrival: 8/12/2016 3:20:55PM  
 Clear: 8/12/2016 6:01:54PM  
 In Quarters:

**Actions Taken**

- |    |    |
|----|----|
| 1) | 3) |
| 2) | 4) |

**Personnel ID**

**Name**

Unit ID: 1511  
 Serial #:  
 Type: 00  
 Other - Not Specified In Inve

Dispatched: 8/12/2016 2:59:44PM Use:  
 Enroute:  
 Arrival: 8/12/2016 3:20:55PM  
 Clear: 8/12/2016 6:01:54PM  
 In Quarters:

**Actions Taken**

- |    |    |
|----|----|
| 1) | 3) |
| 2) | 4) |

**Personnel ID**

**Name**

Unit ID: POV  
 Serial #:  
 Type: 00  
 Other - Not Specified In Inve

Dispatched: 8/12/2016 2:59:44PM Use:  
 Enroute:  
 Arrival: 8/12/2016 3:20:55PM  
 Clear: 8/12/2016 6:01:54PM  
 In Quarters:

**Actions Taken**

- |    |    |
|----|----|
| 1) | 3) |
| 2) | 4) |

**Personnel ID**

**Name**

07824 FDID	NC State	08/12/2016 Incident Date	15 Station	1603996 Incident Number	0 Exposure	Mutual Aid
---------------	-------------	-----------------------------	---------------	----------------------------	---------------	------------

<b>Aid Given or Received:</b> 3      Mutual aid given														
<b>Dept Name:</b> SMITH'S	<b>FDID:</b> 07822	<b>Their Incident #:</b>												
<b>Type:</b>	<b>Dept Code:</b>	<b>State:</b>												
<b>Mutual Aid Department Times:</b>  <b>Dept Notified:</b> Not Available <b>Dept Cancelled:</b> Not Available <b>Dept Arrived on Scene:</b> Not Available <b>Dept Cleared:</b> Not Available	<b>Support Provided:</b> <table> <tr> <td></td> <td><b># of Apparatus:</b></td> <td><b># of Personnel:</b></td> </tr> <tr> <td><b>Fire:</b></td> <td>0</td> <td>0</td> </tr> <tr> <td><b>EMS:</b></td> <td>0</td> <td>0</td> </tr> <tr> <td><b>Other:</b></td> <td>0</td> <td>0</td> </tr> </table>			<b># of Apparatus:</b>	<b># of Personnel:</b>	<b>Fire:</b>	0	0	<b>EMS:</b>	0	0	<b>Other:</b>	0	0
	<b># of Apparatus:</b>	<b># of Personnel:</b>												
<b>Fire:</b>	0	0												
<b>EMS:</b>	0	0												
<b>Other:</b>	0	0												



<b>07824</b> FDID	<b>NC</b> State	<b>08/12/2016</b> Incident Date	<b>15</b> Station	<b>1603996</b> Incident Number	<b>0</b> Exposure	<b>NFIRS - 1</b> <b>Basic</b>
----------------------	--------------------	------------------------------------	----------------------	-----------------------------------	----------------------	----------------------------------

Location	<input type="checkbox"/> Address is on the Wildland Fire Module	Census Tract:
<b>Street Address</b>		
<b>1285 McGIRT RD</b>		<b>Maxton, NC 28364</b>
Street Address	Apt./Suite/Room	City, State and Zip Code
<b>CAN RD</b>		
Cross street or directions		

<b>Incident Type</b> <b>160 Special outside fire, other</b>  <b>Shifts &amp; Alarms</b>  <table style="width:100%;"> <tr> <td style="width:33%;">Shift</td> <td style="width:33%;">Alarm</td> <td style="width:33%;">District</td> </tr> </table>	Shift	Alarm	District	<b>Dates &amp; Times</b>  Alarm: <b>8/12/2016 2:59:44PM</b> Arrival: <b>8/12/2016 3:20:55PM</b> Controlled: Last Unit: <b>8/12/2016 6:01:54PM</b>
Shift	Alarm	District		

<b>Aid Given or Received</b> <b>3 Mutual aid given</b>  <b>Actions Taken</b> <b>74 Provide apparatus</b> Primary Action Taken (1) <b>76 Provide water</b> Additional Action Taken (2) <b>73 Provide manpower</b> Additional Action Taken (3)	<b>Resources</b>  <input checked="" type="checkbox"/> Apparatus or Personnel Form Used  <table style="width:100%;"> <tr> <td></td> <td style="text-align: center;">Apparatus</td> <td style="text-align: center;">Personnel</td> </tr> <tr> <td>Suppression:</td> <td style="text-align: center;"><b>3</b></td> <td style="text-align: center;"><b>0</b></td> </tr> <tr> <td>EMS:</td> <td style="text-align: center;"><b>0</b></td> <td style="text-align: center;"><b>0</b></td> </tr> <tr> <td>Other:</td> <td style="text-align: center;"><b>0</b></td> <td style="text-align: center;"><b>10</b></td> </tr> </table> <input type="checkbox"/> Resource counts include aid received		Apparatus	Personnel	Suppression:	<b>3</b>	<b>0</b>	EMS:	<b>0</b>	<b>0</b>	Other:	<b>0</b>	<b>10</b>
	Apparatus	Personnel											
Suppression:	<b>3</b>	<b>0</b>											
EMS:	<b>0</b>	<b>0</b>											
Other:	<b>0</b>	<b>10</b>											

<b>Estimated Dollar Losses &amp; Values</b>			
<b>LOSSES</b>		None	
Property:	<b>0</b>	<input type="checkbox"/>	<b>PRE-INCIDENT VALUE:</b>
Contents:	<b>0</b>	<input type="checkbox"/>	Property: <b>0</b>
			Contents: <b>0</b>

<b>Casualties</b> <input checked="" type="checkbox"/> None  <table style="width:100%;"> <tr> <td></td> <td style="text-align: center;">Deaths</td> <td style="text-align: center;">Injuries</td> </tr> <tr> <td>Fire Service:</td> <td style="text-align: center;"><b>0</b></td> <td style="text-align: center;"><b>0</b></td> </tr> <tr> <td>Civilian:</td> <td style="text-align: center;"><b>0</b></td> <td style="text-align: center;"><b>0</b></td> </tr> </table>		Deaths	Injuries	Fire Service:	<b>0</b>	<b>0</b>	Civilian:	<b>0</b>	<b>0</b>	<b>Hazardous Materials Released</b>   
	Deaths	Injuries								
Fire Service:	<b>0</b>	<b>0</b>								
Civilian:	<b>0</b>	<b>0</b>								
<b>Detector</b>	<b>Mixed Use Property</b>									

<b>Property Use</b> <b>900 Outside or special property, other</b>
--

Person/Entity Involved

Name

Business name

Street Address

Post Office Box

Apt./Suite/Room

City, State and Zip Code

Phone Number

Owner

**HAROLD CHAVIS**

Name

Business name

**1285 MCGIRT RD**

Street Address

Post Office Box

Apt./Suite/Room

**MAXTON, NC 28364**

City, State and Zip Code

Phone Number

Insurance Company

Total Insurance

Authorization

Officer in charge:

**FEILDS, PATRICK**

Signature:

Assignment **IC**

Date

**8/12/2016**

**PATRICK FEILDS**

Member making report: **Wood, Tyler**

Signature:

Assignment **REPORT**

Date

**8/12/2016**

**Tyler Wood**

07824	NC	08/12/2016	15	1603996	0	NFIRS - 1
FDID	State	Incident Date	Station	Incident Number	Exposure	Notes

**Notes**      **Title:** Notes Page 1

DISPATCHED WITH STATION 32 MUTUAL AID TO A BRUSH FIRE TO PROVIDE WATER. UPON ARRIVAL FOUND SAME TO BE TIRES BURNING THAT SPREAD TO THE BRUSH SURROUNDING IT. STATION 6 CONTACTED FOR PLOW AND RCSD CONTACTED FOR ILLEGAL BURN.

Done

SMITH'S VOLUNTEER FIRE DEPARTMENT			
INCIDENT REPORT STA #32			
DATE <u>8/12/16</u> REPORT BY: _____		TRUCKS	DRIVER
INCIDENT ADDRESS <u>1285 McGirt R</u>		<input checked="" type="checkbox"/> 3210	<u>3204</u>
CROSS STREET <u>Capn / White oak Dr</u>		<input type="checkbox"/> 3211	
		<input type="checkbox"/> 3221	
		<input checked="" type="checkbox"/> 3230	<u>3201</u>
PERSONNEL	SIGNATURE	OWNER'S NAME	
<input checked="" type="checkbox"/> 3200 BRANDON OXENDINE	<i>Brandon Oxendine</i>	ADDRESS	
<input checked="" type="checkbox"/> 3201 LAWRENCE LOCKLEAR	<i>Lawrence Locklear</i>	VEHICLE INFORMATION	
<input type="checkbox"/> 3202 EDWARD BRYANT	<i>Edward Bryant</i>	MAKE	
<input checked="" type="checkbox"/> 3203 HARLEN CHAVIS	<i>Harlen Chavis</i>	MODEL	
<input checked="" type="checkbox"/> 3204 AARON EDWARDS	<i>Aaron Edwards</i>	YEAR	
<input type="checkbox"/> 3205 GEORGE FREEMAN		TAG#	
<input checked="" type="checkbox"/> 3206 DARREL EDWARDS	<i>Darrel Edwards</i>	STRUCTURE SIZE	
<input type="checkbox"/> 3207 JAMES JACKSON		L	W
<input type="checkbox"/> 3208 BRIAN BARTON		1 STORY	2 STORY
<input type="checkbox"/> 3250 MAURICE LOCKLEAR		OFFICER IN CHARGE	
<input checked="" type="checkbox"/> 3251 SANDRA LOCKLEAR	<i>Sandra Locklear</i>	FIRE MARSHAL	
<input type="checkbox"/> 3256 LAURA FREEMAN		GRASS/WOODS-ACRES BURNED ( )	
<input type="checkbox"/> 3261 DWIGHT MCGIRT		MUTUAL AID PERSONNEL / APPARATUS	
<input type="checkbox"/> 3262 CHARLIE BULLARD		STA 15	9 2
<input type="checkbox"/> 3263 LETTIE MAE BRYANT		STA 23	
<input type="checkbox"/> 3264 SELENA MCGIRT		STA 26	
<input type="checkbox"/> 3265 DONALD LOWERY		OTHER "663"	1
<input type="checkbox"/> 3268 BRITNEY CUMMINGS		EMS	
<input checked="" type="checkbox"/> 3269 NELSON CHAVIS	<i>Nelson Chavis</i>	PRE INCIDENT VALUE	
<input type="checkbox"/> 3270 LEKISH BARTON		LOSS VALUE	
<input type="checkbox"/> 3272 TONY SOMMERS		CONTENTS	
<input checked="" type="checkbox"/> 3273 BRIAN REVELS	<i>Brian Revels</i>	LOSS VALUE	
<input type="checkbox"/> 3274 JOSHUA CLARK		111 STRUCTURE	
<input type="checkbox"/> 3275 JEREMY SCOTT		131 VEHICLE FIRE	
<input type="checkbox"/> 3279 CHRIS SANDERSON		141 FOREST/WOOD / Tires	
<input type="checkbox"/> 3280 TRYON JACOBS		142 BRUSH FIRE	
<input type="checkbox"/> 3281 ISAAC TYLER		143 GRASS FIRE	
<input type="checkbox"/> 3282 DANNIE LOCKLEAR		311 ASSIST EMS	
<input type="checkbox"/> 3290 WYATT OXENDINE		322 MVA INJURIES	
<input checked="" type="checkbox"/> 3291 PATRICK SCOTT	<i>Patrick Scott</i>	324 MVA TRAFFIC	
<input type="checkbox"/> 3292 VICTORIA LOCKLEAR		412 GAS LEAK	
<input type="checkbox"/> 3293 MAKENNA SAMPSON		745 FIRE ALARM	
<input type="checkbox"/> 3294 CHARLES LOCKLEAR		OTHER	
COMMENTS <u>Upon arrival found heavy black smoke / flames. Hay field was burning. 2.5 acres burned</u>			

Environmental Control officer  
K. Hatley  
1510

3284 Keni Ruhl



DIVISION OF AIR QUALITY - CIVIL PENALTY ASSESSMENT

Violator: Harold Chavis dba V & H Tire Shop

County: Robeson

Case Number: 2016-029

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 1200-1500 times.*
- 2) The duration and gravity of the violation;  
*Fire occurred on one day.* *Written response provided by an environmental consultant hired by Mr. Chavis.*
- 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;  
*Violator saved money by burning vs. proper disposal.*
- 6) Whether the violation was committed willfully or intentionally;  
*Unclear.*
- 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  
*No prior history with DAQ.*
- 8) Cost to the State of the enforcement procedures;  
*Normal investigative and processing costs incurred.*

12/7/2016  
Date

Sheila C. Holman  
Sheila C. Holman



ROY COOPER  
*Governor*

*Secretary*

SHEILA C. HOLMAN  
*Director*

January 20, 2017

Robeson County Sheriff's Office  
120 Legend Rd.  
Lumberton, NC 28358

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

Mr. Harold Chavis, Owner  
Harold Chavis dba V & H Tire Shop (910) 844-1030 or (910) 844-1070  
1482 McGirt Rd.  
Maxton, NC 28364

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.

Sincerely,

Amy Vanderkop, Administrative Assistant  
Division of Air Quality, NCDEQ

cc: Enforcement File (DAQ 2016-029)

## RETURN OF SERVICE

I certify that this **NOTICE OF SERVICE** was received on the \_\_\_\_ day of \_\_\_\_\_, 2017 and together with the document(s) was served as follows:

On \_\_\_\_\_ the \_\_\_\_ day of \_\_\_\_\_, 2017 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

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

The Civil Penalty Assessment (CPA) letter for DAQ 2016-029, 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**





ROY COOPER  
Governor

Secretary

SHEILA C. HOLMAN  
Director

January 20, 2017

Mr. Harold Chavis, Owner  
Harold Chavis dba V & H Tire Shop  
1482 McGirt Rd.  
Maxton, NC 28364

SUBJECT: Delivery of Civil Penalty Assessment for Violation(s)  
2D .1900 Open Burning  
File No.: DAQ 2016-029  
Violator: Harold Chavis dba V & H Tire Shop  
County: Robeson

Dear Mr. Chavis:

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 2016-029)



Air Quality  
ENVIRONMENTAL QUALITY

PAT MCCRORY  
Governor

DONALD R. VAN DER VAART  
Secretary

SHEILA C. HOLMAN  
Director

**CERTIFIED MAIL RETURN RECEIPT REQUESTED**  
**7014 2120 0003 9404 8984**

December 7, 2016

Mr. Harold Chavis, Owner  
Harold Chavis dba V & H Tire Shop  
1482 McGirt Rd  
Maxton, NC 28364

SUBJECT: Civil Penalty Assessment for Violation(s)  
2D .1900 Open Burning  
File No.: DAQ 2016-029  
Violator: Harold Chavis dba V & H Tire Shop  
County: Robeson

Dear Mr. Chavis:

This letter transmits notice of civil penalty assessed against Harold Chavis dba V & H Tire Shop in the amount of \$25,000 and \$531 investigative costs, for a total of \$25,531.

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 the 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 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, NC 27699-1641

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, NC 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, Regional Supervisor Fayetteville Regional Office  
Enforcement File (DAQ 2016-029)

STATE OF NORTH CAROLINA

COUNTY OF ROBESON

NORTH CAROLINA  
ENVIRONMENTAL MANAGEMENT  
COMMISSION

IN THE MATTER OF:

HAROLD CHAVIS

DBA V & H TIRE SHOP

FOR VIOLATION OF:

15A NCAC 2D .1900

"OPEN BURNING"

CASE NUMBER 2016-029

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 15 August 2016, Pam Vivian with the Fayetteville Regional Office (FRO), Division of Air Quality (DAQ) received a complaint call from Robeson County Environmental Control Officer, Mr. Kenneth Hailey, concerning an excessively large tire fire that occurred on 12 August 2016 near 1120 McGirt Road, Maxton, Robeson County, NC. The property is owned by Harold Chavis. North Carolina Forest Service, Smith's Fire Department, Queheel Fire Department, and Robeson County Environmental Control all responded to this tire fire. Photos were obtained from various responders showing a large area of tires burning producing heavy black smoke.
- B. On 22 August 2016, Pam Vivian and Jeff Cole both with FRO DAQ, met with Mr. Hailey at the burn site. The investigators observed a large charred area that had been cleaned up of practically all tire remnants. This burn area was measured by rangefinder to be approximately 140 feet long and 40 feet wide. It was determined that Mr. Harold Chavis, property owner, also owns V & H Tire Shop located at 110 McGirt Road, Maxton, Robeson, NC.
- C. On 22 and 23 August 2016, Mr. Harold Chavis admitted there were about 1,200 to 1,500 tires, originating from his business, stored on his property at 1120 McGirt Rd. Mr. Chavis stated that he does charge disposal fees for tires but disposes of the tires on his property instead of an approved disposal site.
- D. On 26 August 2016, an NOV/NRE was sent to Mr. Harold Chavis dba V & H Tire Shop. The certified mail return receipt was signed but not dated. FRO DAQ received it on 31 August 2016. After multiple phone requests, a written response was received on 11 November 2016, stating the site had been cleaned up, the debris had been disposed of properly, and procedures were in place to properly dispose of future waste.
- E. Air Quality Enforcement History: None

F. The costs of investigation in this matter totaled \$531.

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

II. CONCLUSIONS OF LAW:

- A. Harold Chavis dba V & H Tire Shop 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:

Harold Chavis dba V & H Tire Shop is hereby assessed a civil penalty of:

\$ <u>25,000.00</u>	For one (1) violation of 15A NCAC 2D .1900, "Open Burning," for the open burning that occurred on 12 August 2016.
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\$ <u>25,000.00</u>	TOTAL CIVIL PENALTY, which is <u>100</u> percent of the maximum penalty authorized by G.S. 143-215.114A.
---------------------	--

\$ <u>531</u>	Investigation costs
---------------	---------------------

\$ <u>25,531.00</u>	<u>TOTAL AMOUNT DUE</u>
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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.

12/7/2016  
Date

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

STATE OF NORTH CAROLINA

NORTH CAROLINA  
ENVIRONMENTAL MANAGEMENT  
COMMISSION

County of Robeson

FILE NO. DAQ 2016-029

IN THE MATTER OF ASSESSMENT	)	REQUEST FOR REMISSION OF CIVIL
OF CIVIL PENALTIES AGAINST	)	PENALTIES; WAIVER OF RIGHT TO
Harold Chavis dba V & H Tire Shop	)	AN ADMINISTRATIVE HEARING
	)	AND STIPULATION OF FACTS

Having been assessed civil penalties totaling \$25,531 for violation(s) of:

2D .1900 Open Burning

as set forth in the assessment document of the Director, Division of Air Quality dated December 7, 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 ( ) \_\_\_\_\_

## JUSTIFICATION FOR REMISSION REQUEST

**DAQ Case Number:** 2016-029

**County:** Robeson

**Violator:** Harold Chavis dba V & H Tire Shop

**Facility ID:**

**Amount Assessed:** \$25,531 (\$25,000 in penalty and \$531 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:**

RETURN OF SERVICE

I certify that this NOTICE OF SERVICE was received on the 21 day of Jan, 2017 and together with the document(s) was served as follows:

On \_\_\_\_\_ the 7 day of Feb, 2017 at the following location,

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

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

Person Delivered To:

1482 McGint Rd. Maxton NC  
- Mr. Harold Chavis, Owner

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:

K. Sealey, Sheriff  
Vincent R. Lock, Deputy

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

The Civil Penalty Assessment (CPA) letter for DAQ 2016-029, 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**



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

Harold Chavis dba V & H Tire Shop  
DAQ 2016-029  
Robeson County

EXPLANATION: On 12/7/16, the Division of Air Quality, assessed a total penalty of \$25,531 (Civil Penalty of \$25,000 plus investigative costs of \$531) against Harold Chavis dba V & H Tire Shop, for:

2D .1900 Open Burning

On 3/1/17, Harold Chavis dba V & H Tire Shop requested remission and waived the right to an administrative hearing by stipulating the facts were as alleged in the assessment document.

RECOMMENDATION: a. MAA The Division of Air Quality opposes any remission or mitigation of the civil penalty and recommends the initial assessment in the amount of \$25,531 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.



ROY COOPER  
*Governor*

MICHAEL S. REGAN  
*Secretary*

MICHAEL A. ABRACZINSKAS  
*Director*

March 24, 2017

Robeson County Sheriff's Dept.  
120 Legend Rd.  
Lumberton, NC 28358

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

Mr. Harold Chavis, Owner  
Harold Chavis dba V & H Tire Shop (910) 844-1030  
1482 McGirt Rd  
PO Box 40  
Maxton, NC 28364

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.

Sincerely,

Amy Vanderkop, Administrative Assistant  
Division of Air Quality, NCDEQ

cc: Enforcement File (DAQ 2016-029)

## RETURN OF SERVICE

I certify that this NOTICE OF SERVICE was received on the \_\_\_\_ day of \_\_\_\_\_, 2017 and together with the document(s) was served as follows:

On \_\_\_\_\_ the \_\_\_\_ day of \_\_\_\_\_, 2017 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

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

The Request for Remission of a Civil Penalty Assessment for DAQ 2016-029, 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**



ROY COOPER  
Governor

MICHAEL S. REGAN  
Secretary

MICHAEL A. ABRACZINSKAS  
Director

March 24, 2017

Mr. Harold Chavis, Owner  
Harold Chavis dba V & H Tire Shop  
1482 McGirt Rd  
PO Box 40  
Maxton, NC 28364

SUBJECT: Delivery of Request for Remission of a Civil Penalty Assessment for Violation(s)  
2D .1900 Open Burning  
File No.: DAQ 2016-029  
Violator: Harold Chavis dba V & H Tire Shop  
County: Robeson

Dear Mr. Chavis:

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 2016-029)





ROY COOPER  
Governor

MICHAEL S. REGAN  
Secretary

MICHAEL A. ABRACZINSKAS  
Director

**Delivery by Sheriff**

March 24, 2017

Mr. Harold Chavis, Owner  
Harold Chavis dba V & H Tire Shop  
1482 McGirt Rd  
PO Box 40  
Maxton, NC 28364

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

File No.: DAQ 2016-029  
Violator: Harold Chavis dba V & H Tire Shop  
County: Robeson

Dear Mr. Chavis:

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 \$25,531 (Civil Penalty of \$25,000 plus Investigative Costs of \$531). 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.

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,

A handwritten signature in black ink, appearing to read "M. Abraczinskas", followed by the word "for:".

Michael A. Abraczinskas, Director  
Division of Air Quality, NCDEQ

Enclosure: Request for Oral Presentation

cc: Steven F. Vozzo, Regional Supervisor Fayetteville Regional Office  
Enforcement File (DAQ 2016-029)

COUNTY OF Robeson

DAQ Case Number: 2016-029

IN THE MATTER OF ASSESSMENT )  
OF CIVIL PENALTIES AGAINST: )  
Harold Chavis dba V & H Tire Shop )  
)**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 (\_\_\_\_\_)\_\_\_\_\_

RETURN OF SERVICE

1302  
301820

I certify that this NOTICE OF SERVICE was received on the 4 day of April, 2017 and together with the document(s) was served as follows:

On    the 5 day of April, 2017 at the following location,

Address Delivered To: 1482 McGirt Rd  
Maxton NC 28304

   document(s) were served on the following person,

Person Delivered To: Mr. Harold Chavis

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:

K. Staley, Sheriff  
Vincent R. Lockhart, Deputy

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

The Request for Remission of a Civil Penalty Assessment for DAQ 2016-029, 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**



February 23, 2017

*Enforcement Group – Remission*  
Department of Environmental Quality  
Division of Air Quality  
1641 Mail Service Center  
Raleigh, N.C. 28699-1641

RE: 2D .1900 Open Burning  
File No.: DAQ 2016-0029  
Violator: Harold Chavis dba V & H Tire Shop  
County: Robeson

To Whom It May Concern:

I am writing to request a remission of the civil penalty assessed in this matter in the amount of \$25,000.00 with regard to the open burning that occurred on August 12, 2016. I am enclosing for your review a report by Hunt Environmental Associates (Exhibit A) that details the cleanup of the property after the burn that reflects that the property has been inspected and all burned tire material was removed and properly disposed of.

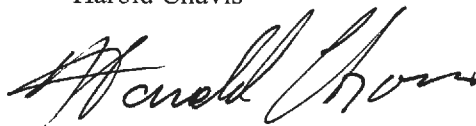
I had purposefully been accumulating and storing tires on the property for use in constructing a race track park for horses. I have a conditional use permit (Exhibit B) to operate a horse track and dirt bike track on my farm issued by the Robeson County Board of Commissioners. I have one training track for horses that I built out of tires which stand in an upright position on the property. I am including a Google Maps image of the tires (Exhibit C) at the training track for horses. My plans for the tires that burned were to use them to construct the perimeters of the track by stacking the tires and filling them with sand. I am enclosing pictures (Exhibit D) of how I planned to stack the tires. I had accumulated these tires from my tire shop and other vendors.

The wooded area near these tires was set on fire. I have no idea who set the property on fire. As a result of this fire, the tires caught fire and burned. I had the property properly gated and someone without my permission intentionally entered the property as a trespasser to set the wooded area on fire.

I hereby request a remission of the civil penalty assessed in this matter in the amount of \$25,000.00 with regard to the open burning that occurred on August 12, 2016, because I have properly abated any continuing environmental damage resulting from the violation as set forth in the attached report by Hunt Environmental Associates. Further, the violation was the result of a fire set in a nearby wooded area and it is unknown to me the identity of the person who set the fire. They illegally trespassed onto my property. There is no way that you can prevent or prepare for a fire that appears to have been intentionally set by someone that had no reason, purpose, permission or authority to be on the property. Lastly, I have not been assessed civil penalties for any previous violations. I appreciate your earnest and thoughtful consideration of my request for remission in this matter. I look forward to your response.

Sincerely,

Harold Chavis

A handwritten signature in black ink, appearing to read "Harold Chavis", written in a cursive style.

# HUNT ENVIRONMENTAL ASSOCIATES

1730 Rennert Road  
PO Box 390  
Lumberton, NC 28359  
Phone: (910) 674-5925  
Fax: (866) 768-8016

November 11, 2016

Mr. Harold Chavis  
V&H Tire Shop  
110 McGirt Rd.  
Maxton, Robeson County, NC  
Facility ID No. Unknown  
NCDENR Incident No. Unknown

Subject: Open Burning Letter Report  
V&H Tire Shop  
Maxton, Robeson County, North Carolina

Mr. Harold:

Pursuant to your request, Hunt Environmental Associates, PLLC submits the following letter report details the work scope, field activities, and findings/recommendations of this investigation:

## **Background**

Herald Chavis, V & H Tire Shop, is located in Robeson County at 110 McGirt Road, Maxton North Carolina. (**Figure 1** and **Figure 2**). The subject property is reportedly owned and operated by Mr. Harold Chavis & Wife Valerie.

As detailed in the "Notice of Violation / Notice of Recommendation for Enforcement: Open Burning Report" submitted to you on August 26, 2016 for the property stated above, a violation of the North Carolina Administrative Code 15A 2D. 1900, "Open Burning" occurred.

Achieved actions laid forth in this report were legal disposal for burned tires associated with open burning letter, and the establishment of proper disposal protocols for future disposal needs. This is to prevent any future violations of the open burning code.

## **Field Activities**

Under the direction of HEA, the V & H Tire Shop site operator removed the burned tires from the property area of concern. On October 4, 2016, under the direction of HEA, V & H Tire Shop disposed of truck and car tire material associated with the NCDEQ open burning letter to the

Robeson County Landfill. A Non-Hazardous Waste Manifest and disposal receipt for these activities is attached as **Figure 3**.

**Conclusions/Recommendations**

A visual inspection was conducted on the property after V & H Tire Shop completed cleanup activities. Pictures were captured and documented. **Figure 4**

Therefore the following measures were taken to meet NCDEQ requirements as detailed above and in the *Notice of Violation* letter dated August 26, 2016:

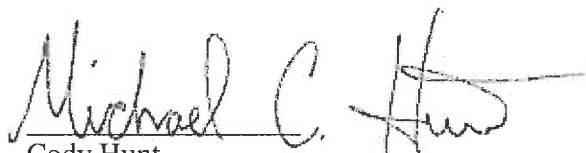
- 1) The area of concern was inspected and all burned tire material was removed and properly disposed of.
- 2) Open Burning Letter Report submitted to NCDEQ and V & H Tire Shop.

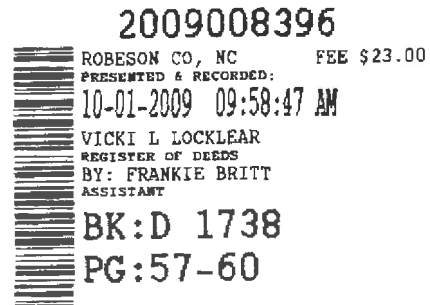
This document, entitled Open Burning Letter Report, has been prepared for NCDEQ and V & H Tire Shop in general accordance with sound practices under the direct supervision of the Michael Cody Hunt, Professional Geologist (PG), N.C. Reg. #2352, of Hunt Environmental Associates, PLLC (HEA).

A copy of this letter will be sent to Mr. Steve F. Vozzo, NCDEQ for his review and consideration.

If you should need further information or clarification, please advise.

Submitted by:

  
Cody Hunt  
President



**NORTH CAROLINA**

**ROBESON COUNTY**

**Ret: M. Frizzell  
Planning Dept**

**CONDITIONAL USE PERMIT**

**APPLICANT: HAROLD CHAVIS**

**PROPERTY OWNER: HAROLD CHAVIS AND WF, VALERIE**

**TOWNSHIP: SMITHS (23) MAP: 09 BLOCK: 01 PARCEL: 002**

**DEED REFERENCE: DEED BOOK 728, PAGE 0435**

**PROPOSED USE OF PROPERTY: HORSE TRACK, DIRT BIKE TRACK AND  
COMMUNITY BUILDING**

**MEETING DATE: AUGUST 3, 2009**

On the date listed above, the Robeson County Board of Commissioners met to consider an application to issue a Conditional Use Permit for the aforelisted proposed use of property at the aforelisted property location.

Having heard all the evidence and argument presented at the hearing, the Robeson County Board of Commissioners finds that the application is complete, that the application complies with all of the applicable requirements of the Robeson County Subdivision Ordinance, and/or the Robeson County Zoning Ordinance for the development proposed, and that, therefore, the application to make use of the above described property for the purpose indicated is hereby approved, subject to all applicable provisions of the Robeson County Subdivision Ordinance, and/or the Robeson County Zoning Ordinance, and the following conditions:

(1) The applicant shall complete the development strictly in accordance with the plans submitted to and approved by the Robeson County Board of Commissioners, of Robeson County, North Carolina.

(2) In issuing the Conditional Use Permit, the Robeson County Board of Commissioners has placed the following additional conditions or requirements upon the owner, his successors and assigns in exercising the rights granted herein:

- a. The proposed structure must comply with the NC Building Code;
- b. Hours of operation for the dirt bike track will be Thursday 5:00 p.m. – 10:00 p.m., Saturday 3:00 p.m. – 11:00 p.m. and Sunday 1:00 p.m. – 7:00 p.m. with an additional hour for clean up and closing on each of the three nights;
- c. Hours for the horse track will be Saturday only 10:00 a.m. – 7:00 p.m. with one hour for clean up and closing;
- d. Hours for the community building are to be Thursday – Sunday 8:00 a.m. – 11:00 p.m. with an additional hour for clean up and closing;
- e. Hours of operation are to be posted on the premises;
- f. No gambling or sell of alcohol on the premises at any given time;
- g. There is to be one (1) law enforcement officer for every 100 people at any given event;
- h. Existing vegetative buffer that is on the premises must be continuously maintained for the duration of the Conditional Use Permit;
- i. A freestanding sign not to exceed 32 square feet (4' x 8') may be erected a minimum of 70 feet from the center of the highway and fifteen (15) feet from each property line; and
- j. This permit will be subject to any restrictive covenants that may appear of record.

(3) This permit shall automatically expire within one (1) year after the aforelisted meeting date if the use authorized herein has not been commenced when no substantial construction, erection, alteration, excavation, demolition or similar work is necessary before commencement of such use or less than ten (10) percent of the total cost of all construction, erection, alteration, excavation, demolition or similar work on any development herein has been completed on the site.

(4) It is understood by the owner, his assigns and/or successors in interest, that any violation of the Robeson County Zoning Ordinance, including but not limited to the conditions set forth in Paragraph (2) above, may result in the institution of appropriate action or proceedings to prevent the unlawful violation of this permit.

(5) If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect.

(6) That the terms of this permit shall supersede and take the place of any and all permits issued on this property.



(7) Review and Revocation of Permit - If the Zoning Administrator or other interested party determines that a violation of the Conditional Use Permit may have occurred, the Robeson County Board of Commissioners may conduct a public hearing to determine whether or not the terms of the permit have been or are being violated. Upon such finding, the Robeson County Board of Commissioners may revoke or modify said permit.

(8) Abandonment & Obsolescence - If the use permitted under this Permit is not utilized for at least 12 months the Zoning Administrator is to be notified. Upon request by the Zoning Administrator, the use shall be completely removed within 90 days and the site restored to its pre-existing condition. If the lessee of the property is unreachable, the removal of the use shall be the responsibility of the landowner.

If this permit authorizes development on a tract of land larger than one acre, nothing authorized by the permit may be done until the property owner properly executes and returns to the County the attached acknowledgment of the issuance of this permit so that the County may have it recorded in the Robeson County Register of Deeds.

IN WITNESS WHEREOF, the Robeson County Board of Commissioners has caused this permit to be issued in its name, and the undersigned, being all of the property owners of the property above described, do hereby accept this Conditional Use Permit, together with all its conditions, as binding on them and their successors in interest.

**ROBESON COUNTY BOARD OF COMMISSIONERS**

BY:

  
NOAH WOODS, CHAIRMAN

ATTEST:

  
TAMMY S. FREEMAN, CLERK

APPROVED AS TO FORM:

  
COUNTY ATTORNEY

HAROLD CHAVIS AND WF, VALERIE CHAVIS, owners do hereby acknowledge receipt of this Conditional Use Permit. The undersigned does further acknowledge that no work may be done pursuant to this permit except in accordance with all of its conditions and requirements and that this restriction shall be binding on them and their successors in interest.

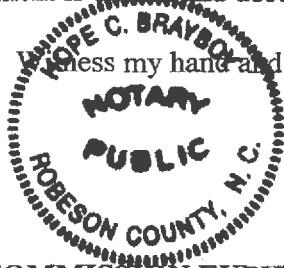
  
HAROLD CHAVIS

  
VALERIE CHAVIS

## STATE OF NORTH CAROLINA

## COUNTY OF ROBESON

This is to certify that on the 8th day of September, 2009, before me Hope C. Brayboy of Robeson County, personally came Tammy S. Freeman, with whom I am personally acquainted, who being duly sworn, deposes and says: that Noah Woods is the Chairman of the Board of Commissioners of Robeson County and that Tammy S. Freeman is the Clerk to the Board of Commissioners of Robeson County, the body politic and corporate described in and which executed the foregoing instrument; that she knows the common seal of said corporation; that the seal affixed to the foregoing instrument is said common seal, and the same of the corporation was subscribed thereto by the Chairman of the Board of Commissioners and attested by said Clerk to the Board of Commissioners, and that the common seal was affixed all by order of the Board of Commissioners of the County of Robeson duly given, and said instrument is the act and deed of said County of Robeson.



Witness my hand and seal, this the 8th day of September, 2009.

Hope C. Brayboy  
NOTARY PUBLIC

MY COMMISSION EXPIRES: \_\_\_\_\_

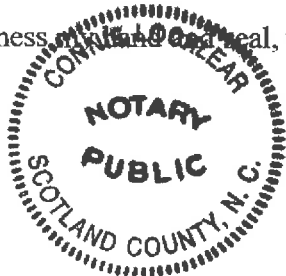
My Commission Expires October 16, 2010

## STATE OF NORTH CAROLINA

## COUNTY OF ROBESON

I, a Notary Public of the County and State aforesaid, certify that **HAROLD CHAVIS AND WF, VALERIE CHAVIS** personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and seal, this the 14 day of September, 2009.



Connie Rottler  
NOTARY PUBLIC

MY COMMISSION EXPIRES: \_\_\_\_\_

My Commission Expires 8-16-2013

Google Maps 1480 McGirt Rd

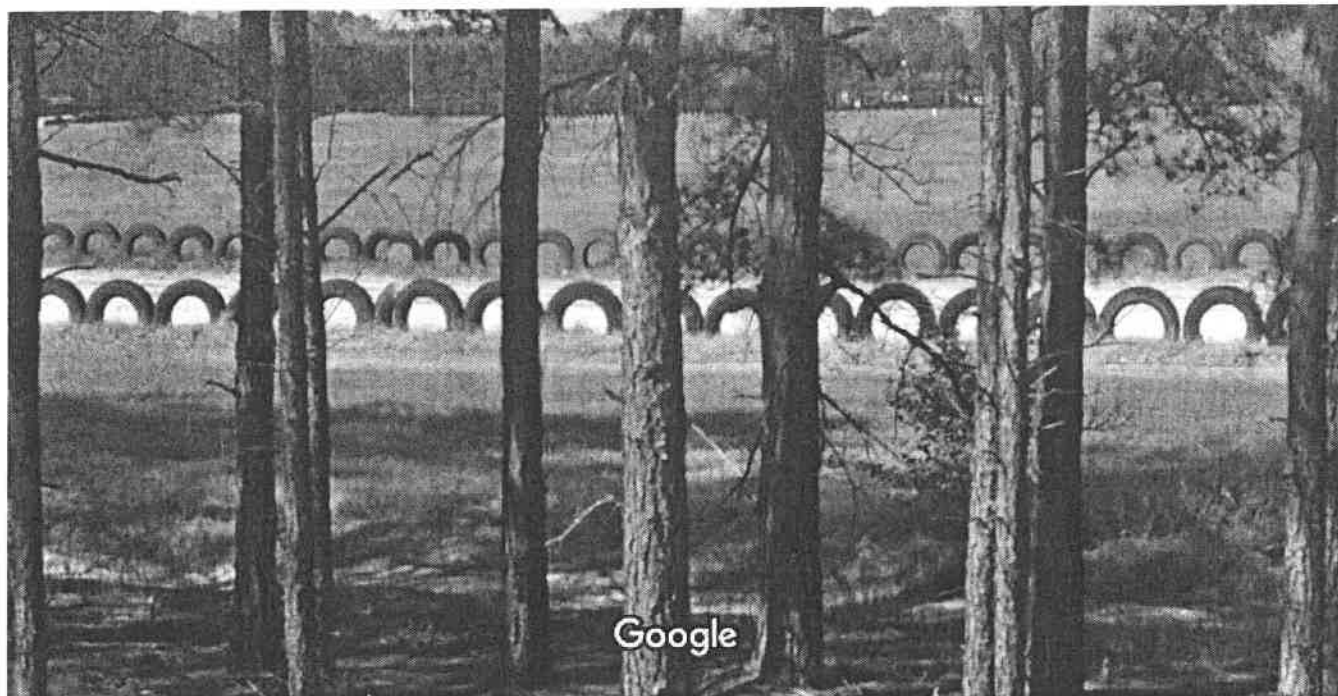


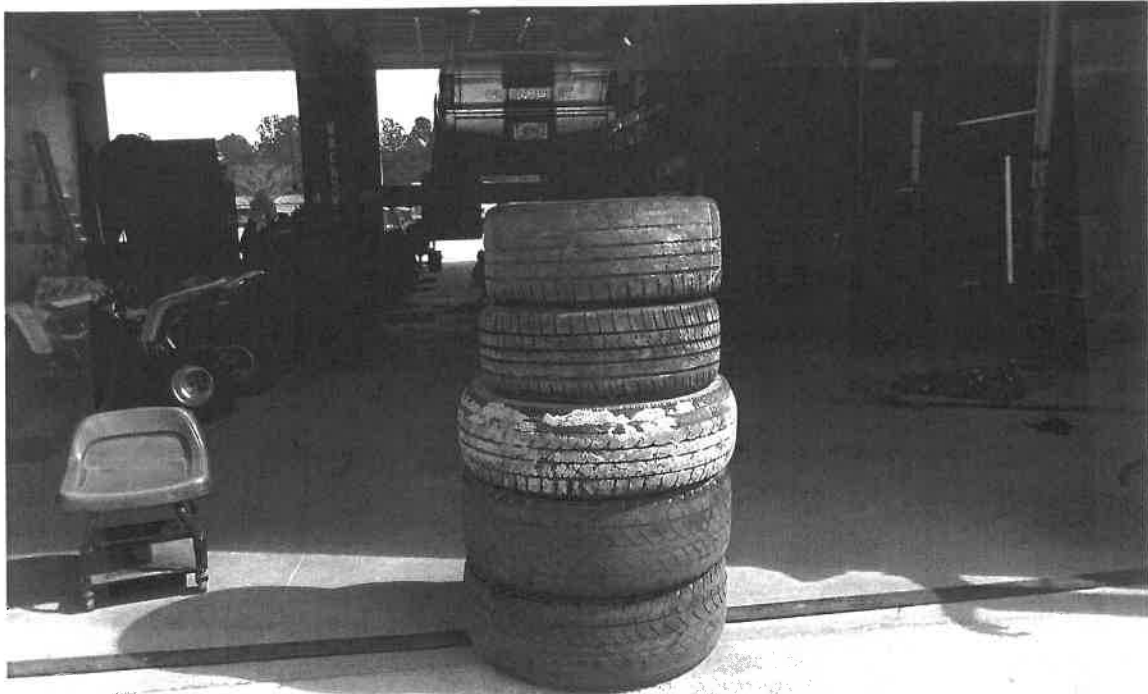
Image capture: Apr 2013 © 2017 Google

Maxton, North Carolina

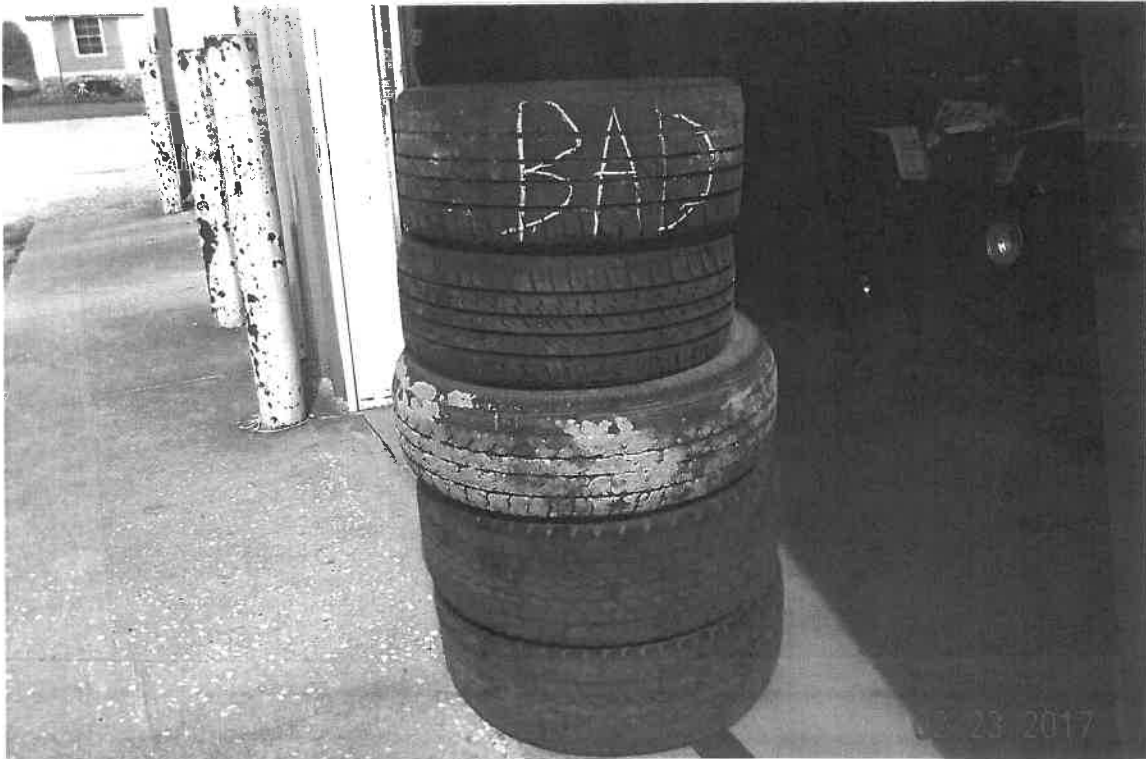
Street View - Apr 2013





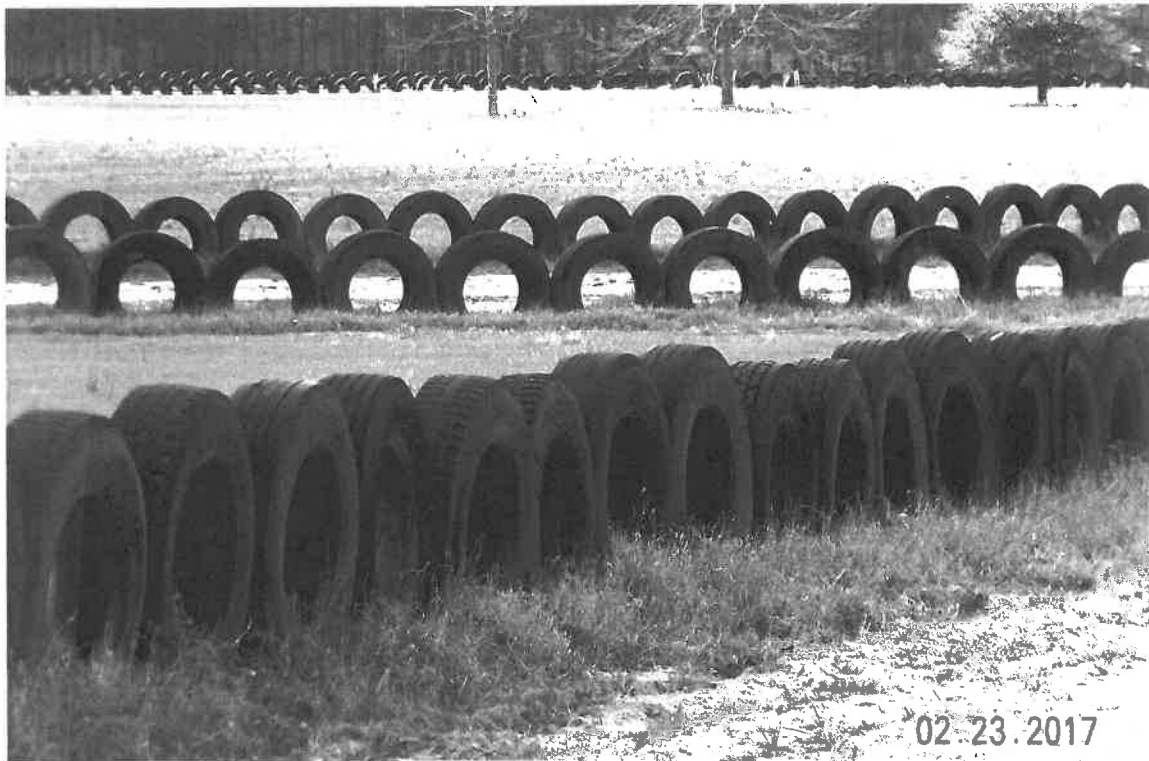


02.23.2017



02.23.2017







## STATE OF NORTH CAROLINA

NORTH CAROLINA  
ENVIRONMENTAL MANAGEMENT  
COMMISSION

County of Robeson

FILE NO. DAQ 2016-029

IN THE MATTER OF ASSESSMENT  
OF CIVIL PENALTIES AGAINST  
Harold Chavis dba V & H Tire Shop)  
)  
)  
)  
) REQUEST FOR REMISSION OF CIVIL  
PENALTIES; WAIVER OF RIGHT TO  
AN ADMINISTRATIVE HEARING  
AND STIPULATION OF FACTS

Having been assessed civil penalties totaling \$25,531 for violation(s) of:

2D .1900 Open Burning

as set forth in the assessment document of the Director, Division of Air Quality dated December 7, 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 23<sup>rd</sup> day of February, 2017

Signature

By

Harold Chavis

Print Name

Address 1482 McGirt Rd  
Mexico NC 28364Telephone (910) 844-1030

JUSTIFICATION FOR REMISSION REQUEST

DAQ Case Number: 2016-029

County: Robeson

Violator: Harold Chavis dba V &amp; H Tire Shop

Facility ID:

Amount Assessed: \$25,531 (\$25,000 in penalty and \$531 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:

**HUNT**  
**ENVIRONMENTAL ASSOCIATES**

1730 Rennert Road  
PO Box 390  
Lumberton, NC 28359  
Phone: (910) 674-5925  
Fax: (866) 768-8016

FRO DAA  
doesn't have  
figure 3.04  
never painted  
it.

November 11, 2016

Mr. Harold Chavis  
V&H Tire Shop  
110 McGirt Rd.  
Maxton, Robeson County, NC  
Facility ID No. Unknown  
NCDENR Incident No. Unknown

Subject: Open Burning Letter Report  
V&H Tire Shop  
Maxton, Robeson County, North Carolina

Mr. Harold:

Pursuant to your request, Hunt Environmental Associates, PLLC submits the following letter report details the work scope, field activities, and findings/recommendations of this investigation:

### **Background**

Herald Chavis, V & H Tire Shop, is located in Robeson County at 110 McGirt Road, Maxton North Carolina. (**Figure 1** and **Figure 2**). The subject property is reportedly owned and operated by Mr. Harold Chavis & Wife Valerie.

As detailed in the "Notice of Violation / Notice of Recommendation for Enforcement: Open Burning Report" submitted to you on August 26, 2016 for the property stated above, a violation of the North Carolina Administrative Code 15A 2D. 1900, "Open Burning" occurred.

Achieved actions laid forth in this report were legal disposal for burned tires associated with open burning letter, and the establishment of proper disposal protocols for future disposal needs. This is to prevent any future violations of the open burning code.

### **Field Activities**

Under the direction of HEA, the V & H Tire Shop site operator removed the burned tires from the property area of concern. On October 4, 2016, under the direction of HEA, V & H Tire Shop disposed of truck and car tire material associated with the NCDEQ open burning letter to the



Robeson County Landfill. A Non-Hazardous Waste Manifest and disposal receipt for these activities is attached as **Figure 3**.

**Conclusions/Recommendations**

A visual inspection was conducted on the property after V & H Tire Shop completed cleanup activities. Pictures were captured and documented. **Figure 4**

Therefore the following measures were taken to meet NCDEQ requirements as detailed above and in the *Notice of Violation* letter dated August 26, 2016:

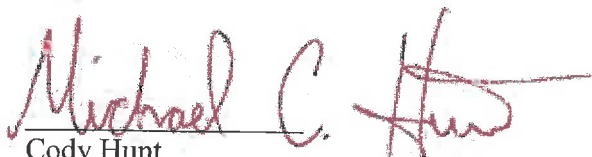
- 1) The area of concern was inspected and all burned tire material was removed and properly disposed of.
- 2) Open Burning Letter Report submitted to NCDEQ and V & H Tire Shop.

This document, entitled Open Burning Letter Report, has been prepared for NCDEQ and V & H Tire Shop in general accordance with sound practices under the direct supervision of the Michael Cody Hunt, Professional Geologist (PG), N.C. Reg. #2352, of Hunt Environmental Associates, PLLC (HEA).

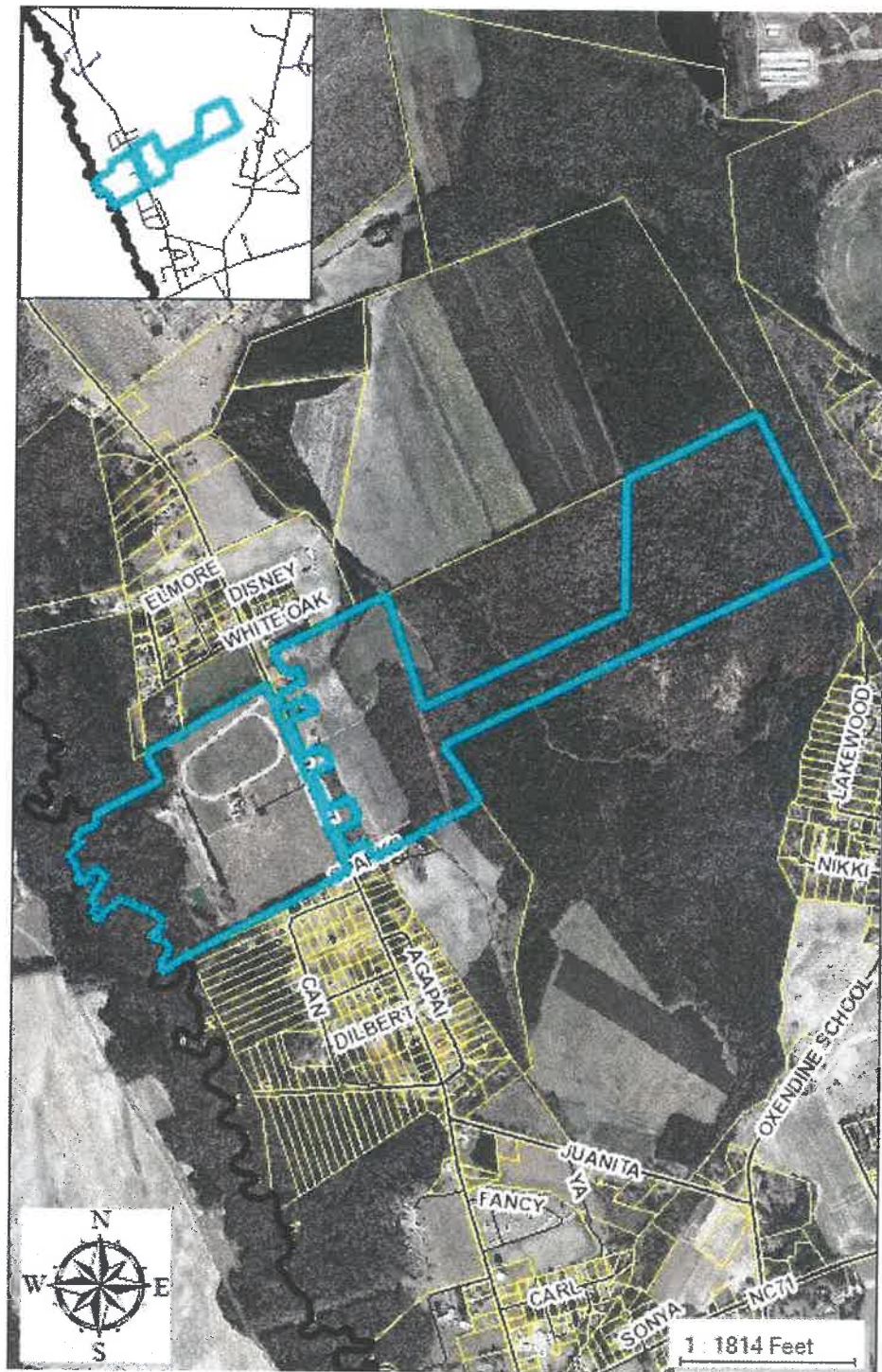
A copy of this letter will be sent to Mr. Steve F. Vozzo, NCDEQ for his review and consideration.

If you should need further information or clarification, please advise.

Submitted by:

  
Cody Hunt  
President

# FIGURES



**Figure 1: Overview Map**

Client: V & H Tire Shop  
Project #: 16-0901178

<b>OBJECTID</b>	<b>Map Number (Do not use Spaces)</b>	<b>Owner Id</b>
2204	230901002	34518016
<b>Current Owner Id</b>	<b>Owner Name (Last Name First Name)</b>	<b>Owner Name 2</b>
34518016	CHAVIS HAROLD & WF VALERIE	
	<b>Owner Address</b>	
	PO BOX 40	
<b>Owner Address 2</b>	<b>Owner State</b>	<b>Owner Zip</b>
	NC	283640000
<b>District Code</b>	<b>Town Code</b>	<b>NBHD Code</b>
16	23	23001
<b>Deed Book</b>	<b>Deed Page</b>	<b>Date Sold</b>
		20050101
<b>Legal Description</b>	<b>Phy Street Address</b>	<b>Land Value</b>
8/SIDES SR 1308	1120 MCGIRT RD	212600
<b>Improvement Value</b>	<b>Deeded Acres</b>	<b>PIN</b>
77700	276.86	930800752351

The information contained on this or any other associated page is NOT to be construed or used as a "legal description". Map information is believed to be accurate but accuracy is not guaranteed. This information is compiled from recorded deeds, plats and other public data. Users of the Robeson County Geographic Information System are hereby notified that the aforementioned information sources should be consulted for verification of the information contained on this map. Any errors or omissions should be reported to the Robeson County Geographic Information Systems Division. In no event will Robeson County be liable for any damages, including loss of data, lost profits, business interruption, loss of business information or other pecuniary loss that might arise from the use of this map or the information it contains.

Figure 1: Overview Map (Continued)



Figure 2: Site Location Map

**Figure 3: Non-Hazardous Waste Manifest and Disposal Receipt**

Client: V & H Tire Shop  
Project #: 16-0901178

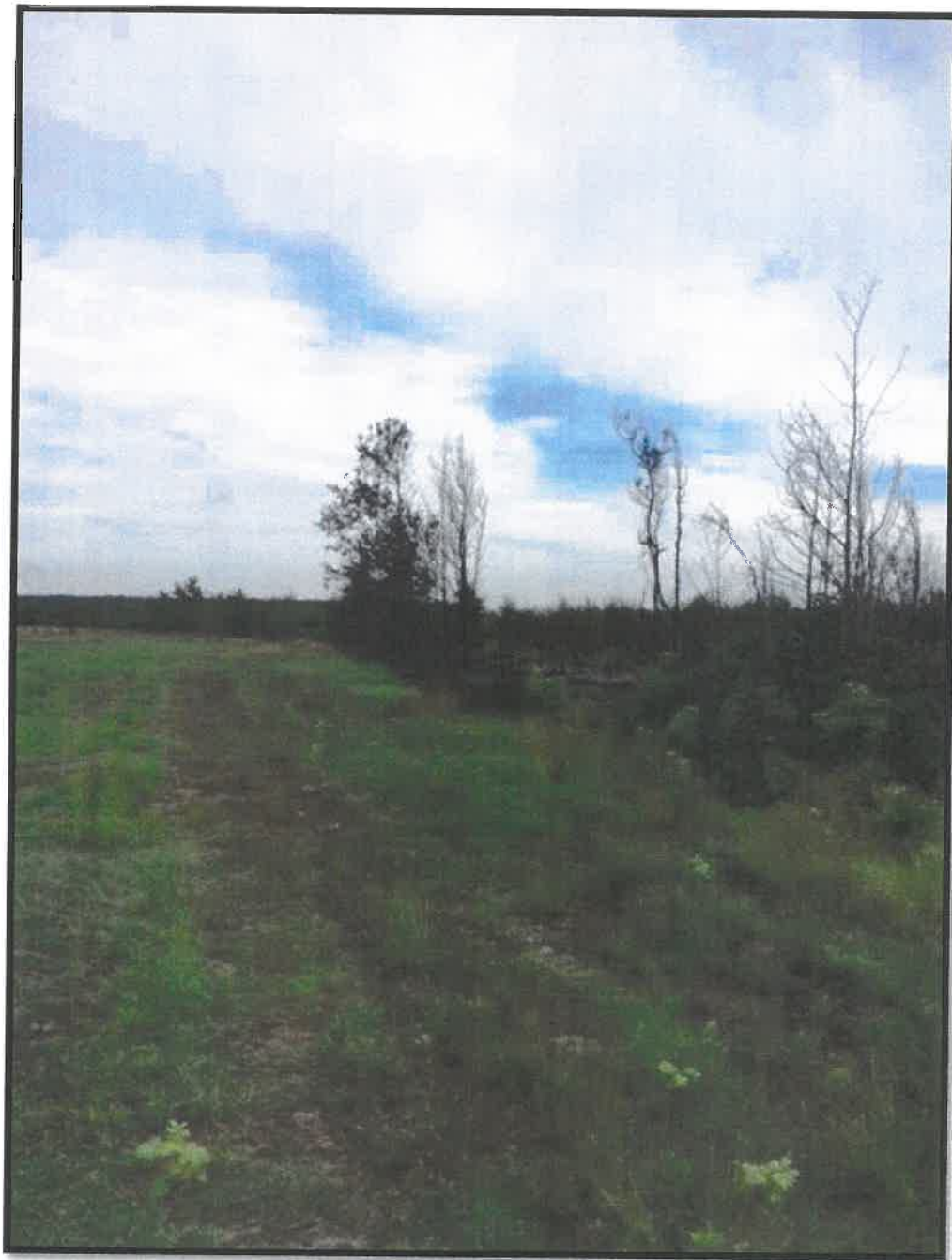
Page 6 of 9



**Figure 3: Non-Hazardous Waste Manifest and Disposal Receipt (Continued)**

Client: V & H Tire Shop  
Project #: 16-0901178

Page 7 of 9



**Figure 4: Site Photos**

Client: V & H Tire Shop  
Project #: 16-0901178



**Figure 4: Site Photos (Continued)**

Client: V & H Tire Shop  
Project #: 16-0901178

STATE OF NORTH CAROLINA

ENVIRONMENTAL MANAGEMENT  
COMMISSION

COUNTY OF Robeson

DAQ Case Number: 2016-029

IN THE MATTER OF ASSESSMENT  
OF CIVIL PENALTIES AGAINST:  
Harold Chavis dba V & H Tire Shop)  
)  
)  
)

## 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 20th day of April, 20 17.

Harold Chavis  
SIGNATURE

TITLE (President, Owner, etc.)  
1482 McGirt Road  
ADDRESS  
Maxton, NC 28364

TELEPHONE (910) 844-1030



# **MISCELLANEOUS DOCUMENTS**



## Pjetraj, Michael

---

**From:** Pjetraj, Michael  
**Sent:** Wednesday, December 07, 2016 9:43 AM  
**To:** Gallagher, Tony  
**Subject:** DWM-DAQ - Tire information

Tony,  
Thanks for the voice mail last Friday.

My notes indicate that:

- Most DWM tire clean-ups are more than 1200 tires
- Recycler would charge approximately \$3-5k (ballpark) *~ county collects to the recycler -*
- Labor & fuel is not included in this estimate
- Landfill would charge ~\$1 per tire *- only 1 or 2 landfills in the state*
- Tires must be laced & fitted
- Probably >5k cost savings

*Have grant \$ - will help / assist -*

*30k hrs ~ 10k hrs*

Do you have a minute to call?

**Michael Pjetraj, P.E.**  
Stationary Source Compliance Branch Supervisor  
Division of Air Quality  
North Carolina Department of Environmental Quality

919-707-8497 office  
[michael.pjetraj@ncdenr.gov](mailto:michael.pjetraj@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.*

# Enforcement New Case Data Sheet

DAQ - 2016-029

Case Sent to RCO: 11/17/2016 Case Received RCO: 11/17/2016


## Return Receipt:

Violator: Harold Chavis dba V & H Tire Shop  
 Contact: Mr. Harold Chavis, Owner  
 1482 McGirt Rd  
 PO Box 40  
 Maxton, NC 28364

CPA Date: 12/27/2016

Violation(s)	Occur	Number Assessed	Violation Begin Date	NOV Date	Penalty Code	Penalty Amount	Overage Amount	Overage Code
2D .1900 Open Burning	1	1	08/22/2016	08/26/2016	2-406	\$25,000		

Total Assessed: \$25,000  
 Investigation Costs: \$ 531  
 Total Amount Due: \$ 25,531

Region: FRO  
 County: Robeson  
 CountyPrem:  
 Entity Type: Non-Plant - Business/Contracto  
 Permit Class:  
 Track Type: Normal  
 Enforcement Officer: 

**Department of Environmental Quality  
Division of Air Quality**

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

16 November 2016

**MEMORANDUM**

**TO:** Amy Vanderkop  
**THROUGH:** Steven Vozzo, Regional Supervisor  
**FROM:** Heather Carter, Compliance Coordinator  
**WRITTEN BY:** Pam Vivian, Environmental Specialist  
**SUBJECT:** Normal Track Enforcement Case  
Harold Chavis, dba V & H Tire Shop  
Maxton, NC, Robeson County      6/78-00000  
Case No. 2016-029

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

Harold Chavis  
dba V & H Tire Shop  
110 McGirt Road  
Maxton, NC 28364

**Type and number of violations:**

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

**Materials or equipment involved in violation:**

Approximately about 1,200 to 1,500 tires were burned for waste disposal.

**Dates of Violation Discovery:**

August 15, 2016

**Date of NOV:**

August 26, 2016

**Investigative Costs for action:**

\$ 531

**Recommendation of Regional Office:**

Assess as a business, per DAQ Penalty Tree, section 2.4 OB.

**Other Information :**

Mr. Harold Chavis admitted he does charge disposal fees for tires but stores the tires on his property instead of using the funds to dispose of them properly at an approved disposal site as required by DWM rules. Therefore, he has incurred a monetary gain from storing these tires on his property and burning them for waste disposal.

Multiple tire fires have occurred on Mr. Chavis's property. The fire extinguished on 19 January 2016 reportedly contained 200+ tires. It appears that Mr. Chavis has been using this property for some time as a burn site for disposing of the tires accumulated from his business. Google Earth shows historical satellite views of the property. We screen shot different dates and attached so that it is clear that the tires and other materials (possibly washing machines and other appliances) have been dumped on this site for a number of years, and possibly burned over the years for waste disposal.

We recently learned that on 16 September 2016, Mr. Chavis sold the property where the illegal open burning of 1200+ tires occurred to Mr. William Floyd and wife. Therefore, the appears to be motivation for the illegal burning of 1200+ tires for waste disposal may have been to clean up the property in order to sell it to Mr. Floyd.

Mr. Cody Hunt, on behalf of Mr. Chavis, submitted a written response to the NRE on 11 November 2016. The response implies that they clean up the site and disposed of the tire remnants. However, the FRO DAQ investigators noted that there was very little burned debris on site when they arrived on 22 August 2016. The site had already been cleaned of metal remnants that could be sold for a profit by salvagers. The only other material on site to clean up would have been the unburned materials that apparently had been dumped on site but that did not burn in the 12 August 2016 fire, including shingles and additional tires as seen in the pictures taken onsite by FRO DAQ investigators. FRO DAQ asked for receipts to get the quantity of remaining debris and to show where the debris had been taken. This was never provided.

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

COST OF THE INVESTIGATION:

Investigators	Hours	Hourly Salary	Subtotal
Pam Vivian	10	\$32.44	\$324.40

Transportation	Investigators	Miles	Cost at \$ 0.34 per mile
Official State Vehicle- August 22, 2016	Pam Vivian	76	\$25.84

COST OF PREPARATION OF THE ENFORCEMENT ACTION:

Preparer	Hours	Hourly Salary	Subtotal
Pam Vivian	2.5	\$32.44	\$81.10

REGIONAL OFFICE COSTS (TOTAL):

ADMINISTRATIVE COST:

**TOTAL INVESTIGATIVE COST:**

\$431  
3 ~~\$100~~ 200 for NT cost  
7 ~~\$531~~  
OK but keep @ \$531  
any for cost

**ADDENDUM B: SUPPORTING DOCUMENTATION**

1. The Division of Air Quality, Fayetteville Regional Office Complaint Investigation Report for the August 22, 2016 open burning investigation, including photographs.
2. Notice of Violation/Notice of Recommendation for Enforcement (NOV/NRE) issued to Harold Chavis dba V & H Tire Shop, dated August 26, 2016, with return receipt, and the written response from Harold Chavis dba V & H Tire Shop, received on 11 November 2016.
3. Robeson County Environmental Control Agency photos.
4. Robeson County GIS property records
5. Robeson County Emergency Management Center Dispatch Report.
6. Queheel Fire Department fire response report with photos.
7. Smith's Fire Department fire response reports (August 12, 2016 and January 19, 2016).
8. NC Forestry Service Incident Report
9. Goggle Satellite maps of stored/burned area (dated)



## Vanderkop, Amy

---

**From:** Carter, Heather  
**Sent:** Thursday, November 17, 2016 2:53 PM  
**To:** Vanderkop, Amy  
**Cc:** Vozzo, Steven; Vu, Thaochi  
**Subject:** Re: Fast Track ENF Case # 2016-029 - Harold Chavis dba V & H Tire Shop

No. It did not come through in the email originally sent to Steven. I thought Mr Hunt was sending a hard copy, but we have not received anything in the mail to date.

Sent from my iPhone

On Thu, Nov 17, 2016 at 1:18 PM -0500, "Vanderkop, Amy" <[amy.vanderkop@ncdenr.gov](mailto:amy.vanderkop@ncdenr.gov)> wrote:

Heather,

I do not see Figure 3 in this document. Do you have it?

Thanks,  
Amy

**From:** Carter, Heather  
**Sent:** Thursday, November 17, 2016 12:47 PM  
**To:** Vanderkop, Amy <[amy.vanderkop@ncdenr.gov](mailto:amy.vanderkop@ncdenr.gov)>  
**Cc:** Vozzo, Steven <[steven.vozzo@ncdenr.gov](mailto:steven.vozzo@ncdenr.gov)>  
**Subject:** Fast Track ENF Case # 2016-029 - Harold Chavis dba V & H Tire Shop

Amy,  
Please find attached the following documents in support of the enforcement against Mr. Chavis:  
ENF document  
C16  
Pictures (taken by FD, RCSW, & DAQ)  
Fire Reports (Queheel FD, Smith's FD, & NCFS)  
GIS and Property Records  
Google Earth Images  
NRE & Return Receipt  
Violator response

**\*NOTE\*** the file named "Chavis, Harold V & H Tire Shop GIS Floyd Owner 20161116" shows that the property where the burning occurred has changed ownership since the date of the fire.

Additionally, I have attached a 10 second video, that was taken by a firefighter, of the fire as it occurred. Not sure it if is useful, but it is included just in case.

Please let me know if you need the hard copy or word document version of any of the supporting documents (like the pictures or google earth images).

## Vanderkop, Amy

---

**From:** Vanderkop, Amy  
**Sent:** Friday, November 18, 2016 7:55 AM  
**To:** Bircher, Amy (abircher@ncdoj.gov); 'Spiller, Asher'; Smith, Daniel W  
**Cc:** Vu, Thaochi; Pjetraj, Michael  
**Subject:** Normal Track Case - Harold Chavis dba V & H Tire Shop (2016-029)  
**Attachments:** 2016-029 Harold Chavis dba V & H Tire Shop.pdf

Team,

I've attached a Normal Track case to be heard at next month's Regional Supervisors meeting on December 7<sup>th</sup>.

Thanks,  
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



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Thanks!

**Heather Carter**

Compliance Coordinator  
Division of Air Quality - Fayetteville Regional Office  
North Carolina Department of Environmental Quality

910 433 3363 office  
910 485 7464 fax  
[Heather.Carter@ncdenr.gov](mailto:Heather.Carter@ncdenr.gov)

225 Green St.  
Suite 714  
Fayetteville, NC 28301



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## Civil Penalty Assessment Briefing Sheet - Fast Track Cases

clear +  
convincing  
evidence

Case #: 2016-029 Violator Harold Chavis dba V&H Tire Shop RO Contact FRO

### Description of Violator

Type of Firm: Individual Company Contractor Other small business

Process/Products: open burning of 1200-1500 tires – tires originated from tire shop

tax mandate  
by state  
+ disposal fee  
(environmental  
fee?)

### Description of Violation

Discovery Date: 8/12/2016 Discovered by: Report Review Inspection Complaint Other

Nature of violation:

On 8/15/2016, DAQ FRO received a complaint call from Roberson County Environmental Control Officer, Kenneth Hailey, concerning an excessive large tire fire that occurred on 8/12/2016 at the property owned by Harold Chavis. Many departments responded to extinguish the fire.

On 8/22/2016, DAQ FRO investigated the burning site, and observed a large charred area about 140ft long and 40ft wide and had been cleaned up with all the tire remnants.

On 8/22 and 8/23, 2016, DAQ FRO spoke with Harold Chavis on the phone and he indicated that there were about 1200-1500 tires at the burning site, and all of them were originated from his business, V&H Tire Shop and stored at his property. He also admitted that he charges for a disposal fee of the tires, but decided to keep them at his property instead of disposing them at the local landfill. He did not know who started the fire. He did call for 911, but did not stay at the site during FD arrival of extinguishing the fire.

Mr. Harold does not live on the burning site (1120 McGirt rd). He lives down the street at 1482 McGirt rd. The burning site was later sold in September 2016.

NOV/NRE was sent out to the violator on 8/26/2016.

### Compliance History / Prior Violations

Violation type, date, & amount assessed:

No prior history in the past 5 years with DAQ – However, Smith's FD provided an incident for a large tire fire (200+) at the same location

### Assessment Factors

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

### Company Response

On 11/11/2016, FRO DAQ received a written response from Cody Hunt, on behalf of Harold Chavis stated that the site has been cleaned up and tire remnants were disposed.

### Recommended Penalty – Amount and Rationale

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

Region recommends 2.4 OB under penalty tree for a business. \$25K

as present line, still own business(?)