

# North Carolina Department of Environmental Quality

Pat McCrory  
Governor

Donald R. van der Vaart  
Secretary

October 30, 2015

**CERTIFIED MAIL 7015 0640 0007 5707 9833**  
**RETURN RECEIPT REQUESTED**

Mr. Andrew Ballentine, Solid Waste Manager  
Post Office Box 398  
Hickory, North Carolina 28603

SUBJECT: **Notice of Deficiency**  
Compliance Inspection Report  
City of Hickory Transfer Station  
Permit #: 18-08T  
Catawba County

Dear Mr. Ballentine:

On October 21, 2015, Charles Gerstell, Environmental Senior Specialist, representing the State of North Carolina, Division of Waste Management Solid Waste Section, inspected the above referenced facility for compliance with North Carolina solid waste statues and rules. You, Lewis Berry, and Justin Gross were present and represented the City of Hickory Transfer Station during this inspection. The following violations were noted:

- A. 15A North Carolina Administrative Code 13B .0201(c) states:** *“No solid waste management facility shall be established, operated, maintained, constructed, expanded or modified without an appropriate and currently valid permit issued by the Division. It is the responsibility of every owner and operator of a proposed solid waste management facility to apply for a permit for the facility. The term “owner” shall include record owners of the land where the facility is located or proposed to be located and holders of any leasehold interest, however denominated, in any part of the land or structures where the facility is located or proposed to be located.”*

The permit for the City of Hickory Transfer Station was issued on February 19, 2010 and was valid for five years. The permit was scheduled for review on February 4, 2015. At the time of inspection, no permit renewal request or subsequent information had been submitted to the Division. Therefore the City of Hickory is in violation of 15A NCAC 13B .0201(c) for operating a solid waste management facility without a currently valid permit.

610 East Center Avenue, Suite 301, Mooresville, North Carolina 28115  
Phone: 704-663-1699\Internet: [www.ncdenr.gov](http://www.ncdenr.gov)

The above deficiencies may have or can compromise the facility's ability to ensure protection of the public health and the environment and thus require remedial action on behalf of the facility in order to maintain compliance with 15A NCAC 13B. 0201(c). In order to resolve these issues, the City of Hickory must complete the following:

1. Within **30 days** of receipt of this Notice of Deficiency, a complete permit renewal application to include an updated site plan and operational plan must be submitted to the Solid Waste Section for review. All permit requests and subsequent information must be submitted to:

Larry Frost, Permitting Engineer  
NCDEQ – Division of Waste Management  
2090 U.S. Highway 70  
Swannanoa, North Carolina 28778

The item(s) listed above were observed by Section staff and require action on behalf of the facility in order to come into or maintain compliance with the Statutes, Rules, and/or other regulatory requirements applicable to this facility. Be advised that pursuant to N.C.G.S. 130A-22, an administrative penalty of up to \$15,000 per day may be assessed for each violation of the Solid Waste Laws, Regulations, Conditions of a Permit, or Order under Article 9 of Chapter 130A of the N.C. General Statutes. Further, the facility and/or all responsible parties may also be subject to enforcement actions including penalties, injunction from operation of a solid waste management facility or a solid waste collection service and any such further relief as may be necessary to achieve compliance with the North Carolina Solid Waste Management Act and Rules.

Please keep me informed of your progress in this matter. Solid Waste Section staff will conduct follow-up inspection(s) to verify that the facility has completed the requirements of this Notice of Violation.

If you have any questions please contact me at (704) 235-2144 or [charles.gerstell@ncdenr.gov](mailto:charles.gerstell@ncdenr.gov).

Sincerely,



Digitally signed by Charles T. Gerstell  
DN: cn=Charles T. Gerstell,  
o=Division of Waste Management, ou=Solid Waste Section,  
email=charles.gerstell@ncdenr.gov, c=US  
Date: 2015.10.30 10:09:20 -04'00'

Charles T. Gerstell  
Environmental Senior Specialist  
Division of Waste Management - Solid Waste Section

Enclosure: Facility Compliance Inspection Report

Cc: Jason Watkins, Field Operations  
Deb Aja, Western District Supervisor  
Jessica Montie, Compliance Officer

**FACILITY COMPLIANCE INSPECTION REPORT**  
**Department of Environmental Quality**  
**Division of Waste Management - Solid Waste Section**

<b>UNIT TYPE:</b>											
Lined MSWLF		LCID		YW		Transfer	<input checked="" type="checkbox"/>	Compost		SLAS	<b>COUNTY: Catawba</b> <b>PERMIT NO.: 18-08T</b> <b>FILE TYPE: COMPLIANCE</b>
Closed MSWLF		HHW		White goods		Incin		T&P		FIRM	
CDLF		Tire T&P / Collection		Tire Monofill		Industrial Landfill		DEMO		SDTF	

**Date of Site Inspection:** October 21, 2015

**Date of Last Inspection:** May 5, 2014

**FACILITY NAME AND ADDRESS:**

City of Hickory Transfer Station  
 1050 1<sup>st</sup> Avenue, Southwest  
 Hickory, North Carolina 28601

**GPS COORDINATES:** N: 35.73125 W: 81.35588

**FACILITY CONTACT NAME AND PHONE NUMBER:**

Name: Andrew Ballentine, Solid Waste Manager  
 Telephone: (828) 323-7439  
 Fax: (828) 323-7403  
 Email address: [aballentine@hickorync.gov](mailto:aballentine@hickorync.gov)

**FACILITY CONTACT ADDRESS:**

Post Office Box 398  
 Hickory, North Carolina 28603

**PARTICIPANTS:**

Andrew Ballentine, Solid Waste Manager  
 Louis Berry, City of Hickory  
 Justin Gross, City of Hickory  
 Charles Gerstell, NCDEQ – Solid Waste Section

**STATUS OF PERMIT:**

A Permit to Operate a Municipal Solid Waste Transfer Facility was issued to the City of Hickory on February 19, 2010. This permit expired on February 19, 2015.

**PURPOSE OF SITE VISIT:**

Comprehensive Inspection

**STATUS OF PAST NOTED VIOLATIONS:**

N/A

**OBSERVED VIOLATIONS**

**15A North Carolina Administrative Code 13B .0201(c) states:** *“No solid waste management facility shall be established, operated, maintained, constructed, expanded or modified without an appropriate and currently valid permit issued by the Division. It is the responsibility of every owner and operator of a proposed solid waste management facility to apply for a permit for the facility. The term “owner” shall include record owners of the land where the facility is located or proposed to be located and holders of any leasehold interest, however denominated, in any part of the land or structures where the facility is located or proposed to be located.”*

# FACILITY COMPLIANCE INSPECTION REPORT

## Division of Waste Management Solid Waste Section

Page 2 of 2

The permit for the City of Hickory Transfer Station was issued on February 19, 2010 and was valid for five years. The permit was scheduled for review on February 4, 2015. At the time of inspection, no permit renewal request or subsequent information had been submitted to the Division. Therefore the City of Hickory is in violation of 15A NCAC 13B .0201(c) for operating a solid waste management facility without a currently valid permit.

To achieve compliance, within **30 days** of receipt of the Notice of Deficiency, the City of Hickory must submit a complete permit renewal application to include an updated site plan and operational plan to the Solid Waste Section for review. All permit requests and subsequent information must be submitted to:

Larry Frost, Permitting Engineer  
NCDEQ – Division of Waste Management  
2090 U.S. Highway 70  
Swannanoa, North Carolina 28778

The item(s) listed above were observed by Section staff and require action on behalf of the facility in order to come into or maintain compliance with the Statutes, Rules, and/or other regulatory requirements applicable to this facility. Be advised that pursuant to N.C.G.S. 130A-22, an administrative penalty of up to \$15,000 per day may be assessed for each violation of the Solid Waste Laws, Regulations, Conditions of a Permit, or Order under Article 9 of Chapter 130A of the N.C. General Statutes. Further, the facility and/or all responsible parties may also be subject to enforcement actions including penalties, injunction from operation of a solid waste management facility or a solid waste collection service and any such further relief as may be necessary to achieve compliance with the North Carolina Solid Waste Management Act and Rules.

### ADDITIONAL COMMENTS

1. The facility consists of a Municipal Solid Waste Transfer Facility having a service area of the City of Hickory only.
2. Tonnage records from July 2014 – September 2015 were verified. The facility received 26, 530.79 tons of waste during this time period.
3. Waste screening reports were verified. The screenings appeared to be performed with adequate frequency. The reports provided good documentation of observed unacceptable waste streams and final disposition of those wastes.
4. Certified Transfer Station Operations Specialists.
  - Ronald Lewis Berry, II (expires 2/22/17)
  - Randall S. Cline (expires 4/3/18)
  - David L. Fulbright (expires 2/11/18)
  - Justin Zane Gross (expires 4/3/18)
  - Chucky Allan Thompson (expires 4/3/18)
5. Gates were provided at both entrances to the facility to prevent unauthorized access.
6. Facility signs located on each gate to the facility displayed the p081”ermit number as “18-03081” which is incorrect. Mr. Justin Gross stated that the signs had been installed within the past year. **All signage must be corrected to show the proper permit number of “18-08T”.**
7. Waste is unloaded directly into hoppers by City employees. As waste is offloaded, the transfer station attendant views the waste being deposited into the hopper through a window in the interior operator room.
8. The floor of the transfer station was well managed. No buildup of residues was observed.
9. The walls of the facility were free of heavy residues.
10. No unacceptable waste streams were observed.
11. Leachate drains located within the floor of the facility were free of obstruction and appeared operational.
12. Windblown waste was well managed at the time of inspection.
13. Bait boxes were installed around the perimeter of the building to control vectors.

**FACILITY COMPLIANCE INSPECTION REPORT**  
**Division of Waste Management**  
**Solid Waste Section**

Page 3 of 3

14. Exterior drains within the paved and concrete portions on the south side of the facility deposit into the sanitary sewer system. The drains appeared to be operational at the time of inspection. However, heavy leaf matter was observed within the leachate drain that extends south within the ground of the eastern most trailer loading area. It is recommended that leaf matter be removed from the leachate drain to ensure proper function of the device.
15. A dumpster and several roll-out cans were provided on the south side of the trailer loading area. It was explained that incidental waste that falls onto the ground as transfer trailers pull away from the compactors is immediately removed and placed into the waste containers. Waste within the containers is deposited into the transfer station hoppers and properly disposed at the end of the working day.
16. During the inspection, city staff was observed cleaning a waste truck out on the south side of the facility within the area that drains directly into the sanitary sewer system. Mr. Ballentine explained that trucks use this area for clean-out purposes so as to not obstruct the leachate drains within the floor of the transfer station with waste. Once the trucks finish the clean-out process, all waste deposited onto the ground is loaded into the dumpster or roll-out cans for proper disposal within the transfer station hoppers.
  - **This clean-out process is not described in the approved operations plan for the facility. Please ensure that this process is clearly defined in updated operations plans for the facility included with future permit applications.**

Please contact me if you have any questions or concerns regarding this inspection report.

  
 Digitally signed by Charles T. Gerstell  
 DN: cn=Charles T. Gerstell,  
 o=Division of Waste Management,  
 ou=Solid Waste Section,  
 email=charles.gerstel@ncdenr.gov,  
 c=US  
 Date: 2015.10.30 12:46:19 -04'00'

Phone: (704) 235-2144

Charles T. Gerstell  
 Environmental Senior Specialist  
*Regional Representative*

Sent on: <u>10/30/15</u>		Email		Hand delivery	<input checked="" type="checkbox"/> (w/ NOD)	US Mail		Certified No. [ ]
--------------------------	--	-------	--	---------------	---	------------	--	-------------------

Copies: Jason Watkins, Field Operations Branch Head  
 Deb Aja, Western District Supervisor  
 Jessica Montie, Compliance Officer