



FACILITY COMPLIANCE INSPECTION REPORT
Division of Waste Management
Solid Waste Section

UNIT TYPE:											
Lined MSWLF		LCID	X	YW		Transfer		Compost		SLAS	COUNTY: Durham PERMIT NO.: 32-F FILE TYPE: COMPLIANCE
Closed MSWLF		HHW		White goods		Incin		T&P	X	FIRM	
CDLF		Tire T&P / Collection		Tire Monofill		Industrial Landfill		DEMO		SDTF	

Date of Site Inspection: September 3, 2014

Date of Last Inspection: July 10, 2013

FACILITY NAME AND ADDRESS:

Fogleman and Fogleman Landfill and Recycling Facility – LCID Landfill and Processing Facility
 4005 Intermere Road
 Durham, NC 27704

GPS COORDINATES: N: 36.05502 E: -78.81176

FACILITY CONTACT NAME AND PHONE NUMBER:

Jay Fogleman, Manager w. 919-682-0068 c. 919-795-4386 f. 919-682-0662 jay.fogleman@frontier.com	Linda Fogleman, Secretary/Treasurer c. 919-795-4388 lfogle@frontier.com
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FACILITY CONTACT ADDRESS:

Linda Fogleman, Secretary/Treasurer
 Fogleman and Fogleman Soils, Inc.
 4005 Intermere Road
 Durham, NC 27704

PARTICIPANTS

John Patrone, Environmental Senior Specialist - Solid Waste Section (SWS)
 Jay Fogleman, Manager - Fogleman and Fogleman Soils, Inc.

STATUS OF PERMIT:

Permit To Operate (PTO) issued March 27, 2012
 Permit To Construct (PTC) issued in conjunction with PTO
 PTO expiration date December 19, 2016

PURPOSE OF SITE VISIT:

Comprehensive Inspection

STATUS OF PAST NOTED VIOLATIONS:

None

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OBSERVED VIOLATIONS

None

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

On September 3, 2014, John Patrone met with Jay Fogleman to conduct a comprehensive inspection of the Fogleman and Fogleman Landfill and Recycling Facility – LCID Landfill and Processing Facility on Intermere Road in Durham, Durham County.

1. The facility is a land clearing and inert debris (LCID) landfill and recycling operation.
2. The facility permit, operations plan, and site plan were discussed.
3. The facility is in operation Monday through Friday from 7:00 am – 5:00 pm.
4. The recycling operation pertains to materials recovery and processing. The landfill can be mined and material screened, ground, crushed, and stored within the landfill footprint. Overs can be reintroduced and/or new fill material added to the area mined.
5. The recycling operation also pertains to grinding and crushing new material within the landfill footprint.
6. Currently, land clearing debris (LCD) is ground atop the landfill cap, adjacent to the working face. Mulch is deposited directly into transfer trailers and hauled off site. Used asphalt, stone, and concrete are screened on the property, outside of the landfill footprint. The facility is not currently crushing asphalt, stone, and concrete. Mr. Fogleman stated that the facility began grinding LCD in ~ May 2014 and has been screening used asphalt, stone, and concrete for ~ 1 year.
7. The facility collects logs for firewood. Mr. Fogleman stated that firewood logs are stockpiled outside of the landfill footprint.
8. Clean soil is stockpiled for use at the landfill and for sale to customers. Mr. Fogleman stated that the soil stockpile is outside of the landfill footprint.
9. The facility collects scrap metal and stores it in boxes outside of the landfill footprint.
10. Mr. Fogleman stated that the landfill has not been mined to date.
11. Material stockpiles should not exceed 10 feet in height.
12. The minimum buffer between material stockpiles and process equipment should be 20 feet.
13. Adequate fire breaks should be maintained between waste received and product stored.
14. In addition to the permit, the facility must conform to the operational requirements of the North Carolina Solid Waste Management Rules, 15A North Carolina Administrative Code (NCAC) 13B .0566, and the facility operational plan.
15. The LCID landfill is permitted for ~ 38.7 acres. Mr. Fogleman stated that ~ 25 acres has been used.
16. The facility is permitted to receive land clearing waste, inert debris, yard trash, used asphalt, uncontaminated soil, and untreated and unpainted wood.
17. The facility is permitted to receive wooden pallets for processing only.
18. Segregated loads of low carbon nitrogen ratio material should not be received for processing.
19. A majority of the material deemed acceptable for processing must be sold, used, or reused within one year.
20. Permanent edge of waste markers have been installed.
21. The facility has a NCDENR Division of Water Quality (DWQ) - National Pollutant Discharge Elimination System, General Permit (No. NCG020000, exp. 12/31/14) and a NCDENR Division of Land Resources (DLR) – Land Quality Section (LQS) mining activity/borrow pit permit (No. 32-09, exp. 01/14/21).
22. A surety bond has been posted for the mining permit 32-09 and is considered acceptable as the financial assurance requirement for the solid waste facility permit 32-F.

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23. Mr. Fogleman stated that the landfill is constructed in tiered sections. Material is built-up, spread-out (pushing it laterally across and down the side slope), and covered with soil.
24. Mr. Fogleman stated that horizontal benches were constructed along much of the south side of the landfill side slope, creating smaller lifts for ease of operation and maintenance.
25. Per 15A NCAC 13B .0566(4), "Adequate soil cover shall be applied monthly, or when the active area reaches one acre in size, whichever occurs first."
26. Per the abovementioned, ensure all material placed in the LCID landfill is covered with soil. When material is adequately covered with soil it shall not be visible.
27. The north and east landfill side slopes contain LCID material that has rolled down from atop and/or become uncovered.
28. Mr. Fogleman stated that all LCID material that is uncovered will be adequately covered with soil by March 1, 2015 [as it is likely that the side slopes must be re-graded/re-constructed].
29. As discussed, much of the north and east side slopes may require that material be placed at the toe of the side slope in benches and the area "built-up" and graded accordingly. The side slopes will be extended-out, encompassing the LCID material that requires soil cover. If necessary, the top section of the LCID landfill may be knocked-down onto "built-up" areas.
30. As discussed, additional material may be placed atop LCID material that requires soil cover along the north and east side slopes in order to stabilize the area ensuring soil cover remains in place.
31. Landfill side slopes should be graded such that intermediate soil cover is uniform throughout.
32. Landfill side slopes appeared steep.
33. Excavation, grading, and fill material side slopes shall not exceed three to one (3:1).
34. Repair erosion rills along landfill side slopes.
35. The landfill cap contains vegetative material.
36. Vegetation on the landfill cap, to include side slopes, should be routinely cut.
37. Woody vegetation should be removed from the landfill cap.
38. The facility multiplies the number and type of vehicles received by an estimated capacity (yd³) for each vehicle type to obtain the amount of LCID material accepted: pickup = 1, single axle = 5, tri-axle = 8, quad-axle = 11, dumpster = 11, small trailer = 18 and large trailer = 25.
39. Mr. Fogleman stated that the facility receives ~ 65 trucks a day and that material is generally from Durham County.
40. The facility maintains records of the amount of LCID material received. Land clearing and inert debris buried from July 2013 through August 2014 is 43,237 yd³ and LCD ground and removed from the facility is 220 yd³. Facility throughput does not include soil received for resale.
41. The facility annual report (FAR) dated July 24, 2014 was received by SWS. Material received from July 2013 through June 2014 is ~ 2,943 yd³ a week or ~ 153,036 yd³ a year.
42. The throughput reported on the FAR is for all material received at the facility. In the future report only the amount of material buried. A statement can be made on the FAR for the type and amount of material processed for recycling.
43. The facility conducts random soil screening of the soil received to minimize the possibility of accepting contaminated soil. The facility purchased a Mini Rae Lite broadband volatile organic compounds (VOC) gas monitor (model: PGM7300) that uses a photoionization detector (PID) with low alarm set at 50 ppm.
44. Soil is collected from trucks in order to create a representative sample of the soil accepted from a job site. Mr. Fogleman stated that he began using the Mini Rae Lite in June 2014. A representative test record was verified.
45. At the time of the inspection the wood grinder was awaiting repair. The landfill cap contained a stockpile of LCD to be ground. Mr. Fogleman stated that when the grinder is in operation it operates daily and a minimum amount of LCD is stockpiled. The facility uses a horizontal grinder.
46. The firewood log operation should be included in the facility operations plan when it is modified/renewed.
47. The facility may seek conditional approval for a temporary disaster debris staging site (TDDSS) at or adjacent to the property. Mr. Fogleman was asked to contact SWS for further discussion.
48. The Redwood Volunteer Fire Department will address an emergency at the facility.

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- 49. The facility has all-weather access roads. Although, the gravel drive around the landfill should be maintained for ease of ingress and egress.
- 50. The facility is secured by a locked gate.
- 51. The facility has a proper sign.
- 52. The permit expiration date is December 19, 2016.
- 53. Permit renewal application shall be submitted to the SWS by September 19, 2016

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



Phone: 336-771-5095 Fax: 336-771-4631

John Patrone, Environmental Senior Specialist
Division of Waste Management, NCDENR

Sent on: <u>September 10, 2014</u>	<input checked="" type="checkbox"/>	Email	<input type="checkbox"/>	Hand delivery	<input type="checkbox"/>	US Mail	<input type="checkbox"/>	Certified No. <u> </u>
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Electronic Copies: Jason Watkins, Field Operations Branch Head - SWS
Sarah Rice, Compliance Officer - SWS
Jay Fogleman, Manager - Fogleman and Fogleman Soils, Inc.

Digital pictures taken September 3, 2014
by John Patrone, DWM-SWS

North side slope (rear of landfill)



West rear side slope (left side of landfill)



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West front side slope (left side of landfill)



East side slope (right side of landfill)



Working face (area w/concrete)



LCD to be ground – stockpiled atop landfill

