



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	FIRM	
CDLF	Tire T&P / Collection		Tire Monofill	Industrial Landfill	DEMO	SDTF	

Date of Site Inspection: July 27, 2015

Date of Last Inspection: April 21, 2015

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:

Fogleman Soils, landfill & Recycling
 Linda Fogleman, Secretary/Treasurer
 4005 Intermere Road
 Durham, NC 27704

PARTICIPANTS

John Patrone, Environmental Senior Specialist - Solid Waste Section (SWS)
 Timmy Ferrell, Landfill Manager - Fogleman Soils, landfill & Recycling

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

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."

On July 27, 2015, SWS conducted an inspection of the Fogleman and Fogleman Landfill and Recycling Facility – LCID Landfill and Processing Facility. Solid waste along the north and west side slopes was not adequately covered with soil. Solid waste along the northeast side slope requires additional soil cover. Material that has been placed in the LCID landfill received over a month ago shall be covered with soil; to include material along the side slopes, accumulated material at the bottom of the side slopes, and material uncovered due to soil erosion.

By October 30, 2015, the facility shall adequately cover with soil solid waste that has been placed in the LCID landfill received over a month ago. The SWS may conduct intermittent inspections to ensure completion.

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 July 27, 2015, John Patrone met with Timmy Ferrell 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 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.
3. Mr. Ferrell stated that the landfill has not been mined to date.
4. Recycling pertains to materials recovery and processing operations.
5. Material received can be sorted within the landfill footprint for grinding and crushing.
6. Land clearing debris (LCD) is sorted atop the landfill cap to be chipped. Mulch is deposited directly into transfer trailers. The material is sold for boiler fuel.
7. Used asphalt, stone, and concrete can be screened/crushed on the property, outside of the landfill footprint. The facility does not use a screener or crusher. If needed, material is crushed with machinery.
8. The facility collects logs for firewood. Firewood logs are stockpiled until cut.
9. Clean soil is stockpiled for use at the landfill and for sale to customers.
10. If the facility receives scrap metal it is stored until hauled-off for recycling.
11. The facility is permitted to receive land clearing waste, inert debris, yard trash, used asphalt, uncontaminated soil, and untreated and unpainted wood.
12. The facility is permitted to receive wooden pallets for processing only.
13. Segregated loads of high nitrogen carbon ratio material should not be received for processing.
14. Material stockpiles should not exceed 10 feet in height.
15. The minimum buffer between material stockpiles and process equipment should be 20 feet.
16. Adequate fire breaks should be maintained between waste received and product stored.
17. Permanent edge of waste markers have been installed. Ensure they are readily visible.
18. Per 15A NCAC 13B .0565(3)(j), "... Excavation, grading, and fill material side slopes shall not exceed three to one (3:1)."

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19. Per 15A NCAC 13B .0566(3), "Solid waste shall be restricted to the smallest area feasible and compacted as densely as practical into cells."
20. 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."
21. The northeast side slope has been graded and soil applied, although additional soil cover is needed.
22. The north and west side slopes contain exposed material. Material that has been placed in the LCID landfill received over a month ago shall be covered with soil; to include material along the side slopes and accumulated material at the bottom of the side slopes. Mr. Ferrell stated that it is likely that the side slopes will have to be reconstructed and graded accordingly. Per discussion with Mr. Ferrell, the aforementioned shall be completed by October 30, 2015.
23. Repair erosion rills along landfill side slopes.
24. Bare areas should be sown with grass seed.
25. Vegetation on the landfill cap, to include side slopes, should be routinely mowed.
26. Woody vegetation should be removed from the landfill cap and side slopes.
27. The facility maintains records of the amount of LCID received. Material placed in the landfill from September 2014 through June 2015 is 39,016 tons.
28. The facility maintains records of the amount of LCD ground. Material ground for boiler fuel from September 2014 through June 2015 is 1,408.7 tons.
29. The facility annual report (FAR) dated July 24, 2014 was received by the SWS. Material received from July 2013 through June 2014 is ~ 2,943 yd³ a week or ~ 153,036 yd³ a year.
30. The throughput reported on the FAR is for all material received at the facility. Report only the amount of material buried on the LCID FAR.
31. The facility has a NCDENR Division of Energy, Mineral and Land Resources (DEMLR) – Land Quality Section (LQS) mining activity/borrow pit permit (No. 32-09, exp. 01/14/21).
32. 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.
33. The facility conducts random soil screening of the soil received to minimize the possibility of accepting contaminated soil. The facility has 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. Soil is collected from trucks in order to create a representative sample of the soil accepted from a job site.
34. The facility permit, operations plan, and site plan were discussed.
35. The facility is in operation Monday through Friday from 7:00 am – 5:00 pm.
36. The Redwood Volunteer Fire Department can be contacted to address an emergency at the facility.
37. The facility has all-weather access roads.
38. The facility is secured by a locked gate.
39. The facility has a proper sign.
40. The permit expiration date is December 19, 2016.
41. Permit renewal application shall be submitted to the SWS by September 19, 2016.

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

Phone: 336-776-9673

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

Sent on: <u>July 29, 2015</u>	X	Email		Hand delivery		US Mail		Certified No. []
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Electronic Copies: Deb Aja, Western District Supervisor - SWS
Jessica Montie, Compliance Officer - SWS
Jay Fogleman, Manager - Fogleman Soils, landfill & Recycling
Timmy Ferrell, Landfill Manager – Fogleman Soils, landfill & Recycling
(stockcarkid3@yahoo.com)

Digital pictures taken July 27, 2015
by John Patrone, DWM-SWS

Northeast side slope requiring additional soil cover (view 1) North side slope requiring soil cover (view 1)



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North side slope requiring soil cover(view 2)



West side slope requiring soil cover



Northeast side slope requiring additional soil cover (view 2) LCD grinding area atop landfill and adjacent overs pile

