



North Carolina Department of Environment and Natural Resources

Pat McCrory
Governor

John E. Skvarla, III
Secretary

June 20, 2014

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

CERTIFICATION NUMBER 7011 2000 0001 6591 2186

Mr. Mike Cummins
Edgecombe Co. C&D/closed MSWLF
P.O. Box 10
Tarboro, North Carolina 27886

SUBJECT: Notice of Violation
Compliance Inspection Report
Edgecombe Co. MSWLF Transfer
3302T
Edgecombe County

Dear Mr. Cummins:

On June 10, 2014, Ben Barnes, 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. Mike Cummins was present and represented the Edgecombe Co. C&D&MSWLF(closed) during this inspection. The following violations were noted:

A. 15A NCAC 13B. 0203(d) states: "By receiving solid waste at a permitted facility, the permit-tee(s) shall be considered to have accepted the conditions of the permit and shall comply with the conditions of the permit."

General Permit Condition Number 5 of the Permit to Operate states: "By beginning construction or receiving waste at this facility the permit-tee shall be considered to have accepted the terms and conditions of this permit."

General Permit Condition Number 6 states: "Construction and operation of this solid waste management facility must be in accordance with the Solid Waste Management Rules, 15A NCAC 13B, Article 9 of the Chapter 130A of the North Carolina General Statutes (NCGS 130A-290, et seq.), the conditions contained in this permit; and the approved plan. Should the approved plan and the rules conflict, the Solid Waste Management Rules shall take precedence unless specifically addressed by permit condition."

Conditions of Permit to Operate Number 6 states: The landfill is permitted to receive the following waste types in part: (a) C&D solid waste as defined in 15A NCAC 13B Rule .0532 (8) means solid waste generated solely from the construction, remodeling, repair, or demolition operations on pavement and buildings or structures.

Conditions of Permit to Operate Number 14 states in part: The permit-tee must actively employ a training and screening program at the facility prepared in accordance with the Section .0544(e) for detecting and preventing the disposal of excluded or unauthorized wastes.

B. 15A NCAC 13B .0542 OPERATIONAL REQUIREMENTS FOR C&DLF FACILITIES:

(a) The owner or operator of a C&DLF unit must maintain and operate the facility in accordance with the operation plan prepared in accordance with this Rule. The operation plan must be submitted in accordance with Rule .0535 of this Section. Each phase of operation must be defined by an area which contains five years of disposal capacity.

(c) Waste Acceptance and Disposal Requirements

(1) A C&DLF must accept on those wastes it is permitted to receive.

(e) Waste Exclusions. The following wastes must not be disposed of in a C&DLF unit:

(1) Containers such as tubes, drums, barrels, tanks, cans, and bottles unless they are empty and perforated

(7) Municipal solid waste as defined in GS. 130A-290(a)(18a).

(l) Drainage control and water protection requirements.

(4) Leachate must be contained on-site or treated prior to discharge. An NPDES permit may be required prior to the discharge of leachate to surface waters.

15A NCAC 13B .0544 MONITORING PLANS AND REQUIREMENTS FOR C&DLF FACILITIES

(e) A waste acceptability program. Owners and operators of all C&DLF units must implement a program at the facility for detecting and preventing the disposal of industrial, hazardous, liquid, municipal solid waste and excluded wastes in accordance with the Operating Plan or the effective permit. This program must include

(3) training of facility personnel to recognize industrial, hazardous, liquid, municipal and excluded waste.

During the inspection:

- *Two leachate breakouts were observed. One was being re-absorbed into the cover. The other was flowing off site.*
- *A load of waste containing a large percentage of MSW was dumped on the working face and not removed until instructed. Other MSW was observed in on the working face.*
- *A large number of flies were also observed on the working face indicating the presence of putrescible waste in the landfill.*

Based upon the foregoing, The Edgecombe Co. C&D and closed MSWLF shall come into compliance by **July 25, 2014** with all requirements of the regulations in **15A NCAC 13B .0203(d), .0542(a)(c)(e)(I)(4) & .0544(e)(3)** by completing the following:

- Institute an improved training and screening program for the recognition of non-C&D waste so that only waste defined as C&D is accepted.
- Perform necessary repairs so leachate is contained under the soil cover. **A temporary berm was placed below the leachate breakout on June 11, 2014. This should contain the leachate unless a heavy rain occurs.**
- Remove the leachate contaminated soil. This soil can be placed on the top of the landfill. Sample the soil and leachate according to the method listed below:
 - Submit a sampling plan for Solid Waste Section review and approval prior to conducting the sampling activities.
 - The sampling plan should include sampling methodology and a figure depicting the sampling locations.
 - A summary report (in electronic format) containing the results of the assessment should be submitted to the Solid Waste Section within 30 days of receiving the analytical results from the NC certified laboratory.

Soil Sampling

- Guidelines for soil sampling are located at http://portal.ncdenr.org/c/document_library/get_file?uuid=d28d4f91-4b6d-4c9d-afd9-47c9ee93615f&groupId=38361.
- Conduct subsurface soil sampling to evaluate the extent of the potential environmental impacts from the release(s) at the facility. Discrete soil samples should be collected between one to two feet below ground surface. Composite soil samples will not be accepted. A background subsurface soil sample should also be collected.
- Analyze subsurface soil samples for the Appendix I of 40 CFR Part 258 list of constituents consisting of both VOCs and metals. Please also analyze for pH.
- The results should be compared to the Preliminary Soil Remediation Goal Table. Both the health based and the protection of groundwater soil goals must be met. The table is located at http://portal.ncdenr.org/c/document_library/get_file?uuid=5539ecfb-739f-4345-9459-b514508135f1&groupId=38361.

Surface Water Sampling

- Guidelines for surface water sampling are located at http://portal.ncdenr.org/c/document_library/get_file?uuid=d28d4f91-4b6d-4c9d-afd9-47c9ee93615f&groupId=38361.
- Conduct surface water sampling to evaluate the extent of the potential environmental impacts from the release(s) at the facility. A background surface water sample should also be collected.
- Analyze surface water samples for the Appendix I of 40 CFR Part 258 list of constituents consisting of both VOCs and metals. Please also analyze for the field parameters pH, specific conductance, ORP, dissolved oxygen, and turbidity.
- The results should be compared to the 2B Surface Water Standards.

The Edgecombe Co. C&D/closed MSWLF shall provide a written certification with supporting documentation on company letterhead confirming that the noted compliance schedule has been completed. Include in this certification any actions taken to prevent these deficiencies from occurring in the future. Mail this certification to Ben Barnes, NCDENR, PO Box 1568, Elm City, North Carolina 27822 by the noted compliance date.

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 252 236 4453 or e-mail ben.barnes@ncdenr.gov.

Sincerely,



Ben Barnes
Ben Barnes
Environmental Senior Specialist
Division of Waste Management - Solid Waste Section

copies: Michael Scott, Section Chief
Dennis Shackelford, Eastern District Supervisor
Jessica Montie, Compliance Officer
Ming-tai Chao, Permitting Engineer
Lorenzo Carmon, County Manager, Edgecombe Co. 7011 2000 0001 6591 2193