



FACILITY COMPLIANCE INSPECTION REPORT
Division of Waste Management
Solid Waste Section

UNIT TYPE:

Lined MSWLF		LCID		YW		Transfer		Compost		SLAS		COUNTY: Nash PERMIT NO.: CCB0057 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: May 19, 2014

Date of Last Inspection: December 27, 2009

FACILITY NAME AND ADDRESS:

Swift Creek CCB Fill Site
 8097 North US 301
 Battleboro, North Carolina

GPS COORDINATES: N: 36.08194 W: -77.74629

FACILITY CONTACT NAME AND PHONE NUMBER:

Name: Robert Waldrop David Franchina
 Telephone: 706 253 1051 704 331 7543
 Email address: BWaldrop@fcsi.biz dave.franchina@klgates.com

FACILITY CONTACT ADDRESS:

Robert Waldrop, President and CEO
 Full Circle Solutions
 665 Molly Lane, Suite 100
 Woodstock, Georgia 30189

Mr. David Franchina *on behalf of ReUse Technology Inc. and Goldman Sachs*
 K&L Gates
 Hearst Tower
 214 North Tryon Street
 47th Floor
 Charlotte, North Carolina

PARTICIPANTS:

Ellen Lorscheider, NCDENR-SWS Special Waste Branch Head
 Ben Barnes, NCDENR-SWS Environmental Senior Specialist

STATUS OF PERMIT:

CCB fill site, no permit required

PURPOSE OF SITE VISIT:

Inspection of closed CCB fill site

STATUS OF PAST NOTED VIOLATIONS:

NONE

OBSERVED VIOLATIONS:

15A NCAC 13B 1705 DESIGN, CONSTRUCTION, AND OPERATION FOR STRUCTURAL FILL FACILITIES

(a) states that:

The structural fill facility must be designed, constructed, operated, closed, and maintained in such a manner as to minimize the potential for harmful release of constituents of coal combustion by-products to the environment or create a nuisance to the public.

(f) states that:

The coal combustion by-product structural fill facility shall be effectively maintained and operated to ensure no violations of ground water standards, 15A NCAC 2L.

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. On November 11, 1991 ReUse Technologies submitted to the Solid Waste Section a request to fill part of a 32.72 acre tract parcel ID# 387500004570.
2. On December 3, 1991 the Solid Waste Section issued a letter to ReUse Technologies indicating that the project appeared to meet the guidelines previously agreed for such reuse.
3. On February 4, 1997 the Solid Waste Section discovered that CCB's had been deposited within 25 feet of the southern property line and less than 50 feet from surface waters on the eastern boundary of the fill area.
4. On March 7, 1997 the Section received written confirmation that this condition had been rectified.
5. On December 13, 2001 the Section received an application to expand the 1991 proposed fill area including as built drawings. A review of these drawings revealed that the 1991 fill area had not been constructed according to the submitted plan.
6. On December 5, 2003 Full Circle Solutions, incorporated in Georgia, purchased from ReUse Technologies all of the business assets including the Swift Creek CCB fill site. The principals of the company remained the same. Full Circle Solutions agreed to accept all responsibilities and coverage under all permits notifications and government approvals related to ReUse Technology business.
7. On November 4, 2004 the Section was provided with a Closure Notice for the site.
8. On September 16, 2006 after numerous meetings, an NOV, an NOI and other correspondence, Section directives and counter proposals a Compliance Order With Administrative Penalty was issued to ReUse Technologies/Full Circle Solutions.
9. On July 19, 2007 the CO was closed. Full Circle Solutions had met the requirements of the CO.
10. On May 16, 2014 the Solid Waste Section issued to Full Circle Solutions and ReUse Technologies a *Warning Notice*. Continued ground water exceedances were observed due to the required minimum two foot separation between the ash and the seasonal high groundwater table not being maintained. The Section has required the submittal of a completed groundwater corrective action application selecting a proposed remedy and two contingency plans for the facility within 90 days of receipt of the May 16, 2014 letter.
11. The *Warning Notice* is included in the inspection report.

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

Ben Barnes

Phone: 252 236 4453 email: ben.barnes@ncdenr.gov

Ben Barnes
Environmental Senior Specialist
Regional Representative

Sent on: July 18, 2014		Email		Hand delivery	X	US Mail		Certified No. []
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Copies: Jason Watkins, Field Operations Branch Head
Ellen Lorscheider, Special Waste Branch Head
Dennis Shackelford, Eastern District Supervisor
Jessica Montie, Compliance Officer



View of the edge of fill facing south



View of the edge of fill facing north



Views of the surface of the fill area

May 16, 2014

Sent Via Email - BWaldrop@fcsi.biz

Mr. Robert Waldrop
Full Circle Solutions Inc.
President and CEO
665 Molly Lane, Suite 100
Woodstock, Georgia 30189

Sent Via Email - dave.franchina@klgates.com

Mr. David Franchina *on behalf of ReUse Technology Inc. and Goldman Sachs*
K&L Gates
Hearst Tower
214 North Tryon Street
47th Floor
Charlotte, NC 28202

Re: *Warning Notice*
Swift Creek CCB Structural Fill, Battleboro, Nash County
CCB0057
DIN 21032

Dear Mr. Waldrop and Mr. Franchina,

The Solid Waste Section has completed a review of the *Assessment Monitoring Report December 3-4, 2013* dated March 2014 (DIN 21009) and received via email on April 8, 2014 for the Swift Creek CCB Structural Fill.

Historical and recent groundwater monitoring results for the Swift Creek CCB Structural Fill indicates groundwater contamination and exceedances of the NC 2L Groundwater Standards. Full Circle Solutions Inc. submitted the *Swift Creek Monitoring Plan – Dewatering Program* dated September 2007 (DIN 13981), and the Solid Waste Section approved this plan in October 2007 (DIN 13989). An intercepting cut-off drain was installed along the western portion of the facility in 2008. The goal of the corrective measure was to intercept groundwater flowing from west to east and therefore reduce the groundwater levels in that area of the facility. The effectiveness of the corrective measure was monitored through measuring water levels within the groundwater piezometers at the facility and continued semiannual groundwater and surface water monitoring. Based upon data collected over the years since the installation, the corrective measure appears to have (1) reduced the amount of groundwater level fluctuation; (2) demonstrated a general decreasing trend of several constituents of concern within certain areas of the facility, and (3) produced surface water sampling locations that have not indicated any contamination.

However, the required minimum two foot separation between the ash and the seasonal high groundwater table is still not complete since there are continued NC 2L Groundwater Standard exceedances within the shallow groundwater at the facility.

As a result of the continued NC 2L Groundwater Standard exceedances at the facility, an additional corrective measure will be required to be implemented. *Within 90 days of receipt of this letter*, please submit a completed groundwater corrective action application selecting a proposed remedy and two contingency plans for this facility. Please select a remedy that will control the migration of contaminated groundwater to prevent unacceptable impacts to the adjacent groundwater and surface waters and to reduce the overall groundwater contamination at the facility. For consistency within the Solid Waste Section, please submit the following within your application: (1) list and describe the proposed selected remedy; (2) list two contingency plans if the proposed selected remedy is deemed ineffective; (3) provide a site map designating the locations of the piezometers, groundwater monitoring wells, and surface water monitoring locations; (4) provide any draft conceptual schematics/figures/plans relating to the proposed selected remedy; and (5) provide a copy of the facility's closure plan.

After the Solid Waste Section approves the proposed selected remedy and the two contingency plans in writing, a submittal of a Groundwater Corrective Action Plan (CAP) will be required *within 90 days* of Solid Waste Section approval. The Solid Waste Section will review the submitted Groundwater Corrective Action Plan (CAP) and must approve, or request additional information prior to its implementation.

If you have any questions or concerns regarding this letter, please feel free to contact me at 919-707-8294 or by email at jaclynne.drummond@ncdenr.gov. Thank you in advance for your anticipated cooperation with this matter.

Sincerely,



Jaclynne Drummond
Compliance Hydrogeologist
Solid Waste Section, Division of Waste Management
NCDENR

cc sent via email: Michael Scott, Solid Waste Section Chief
Dennis Shackelford, Eastern District Supervisor
Ellen Lorscheider, Solid Waste Section Planning and Program Branch Supervisor
Ben Barnes, Environmental Senior Specialist
Elizabeth Werner, Permitting Hydrogeologist