



FACILITY COMPLIANCE INSPECTION REPORT
Division of Waste Management
Solid Waste Section

UNIT TYPE:											
Lined MSWLF		LCID		YW		Transfer		Compost	<input checked="" type="checkbox"/>	SLAS	COUNTY: HENDERSON PERMIT NO.: SWCD-45-01 FILE TYPE: COMPLIANCE
Closed MSWLF		HHW		White goods		Incineration		T&PN		FIRM	
CDFL		Tire T&P / Collection		Tire Monofill		Industrial Landfill		DEMO		SDTF	

Date of Site Inspection: 9/11/2014

Date of Last Inspection Report: 5/6/2013

FACILITY NAME AND ADDRESS:

Waste Stream Innovations (WSI)
 4028 Haywood Road
 Mills River, NC 28759

GPS COORDINATES: N: 35.374254 E: -82.544585

FACILITY CONTACT NAME AND PHONE NUMBER:

Name: Andrew Huske
 Telephone: (828) 273-7585
 Email address: huskeandrew@bellsouth.net ; wastestreaminnovations@gmail.com

FACILITY CONTACT ADDRESS:

290 Cashdon Drive
 Mills River, NC 28759

PARTICIPANTS:

Andrea Keller – NCDENR Solid Waste Section
 Deb Aja – NCDENR Solid Waste Section
 Andrew Huske – Facility Owner/Operator
 Rob Rusnak and Denese Ballew – invite of A. Huske

STATUS OF PERMIT:

Active Demonstration Project – initiated April 23, 2010
Expired – April 23, 2012

PURPOSE OF SITE VISIT:

Comprehensive Inspection

STATUS OF PAST NOTED VIOLATIONS:

ONGOING: 15A NCAC 13B .0201 Permit Required (c) No solid waste management facility shall be established, operated, maintained, constructed, expanded or modified without an appropriate and valid permit issued by the Division.

RESOLVED: 15A NCAC 13B .1408 Testing and Reporting Requirements (a) (1) A composite sample of the compost produced at each compost facility shall be analyzed at intervals of every 20,000 tons of compost produced or

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every six months, whichever comes first, for test parameters for each Type of facility as designated in Table 3 of this Rule. (See item #3 in the Additional Comment section below).

OBSERVED VIOLATIONS:

1. **15A NCAC 13B .1401(a)** All persons whose purpose is or includes the production of compost from solid waste or solid waste co-composted with other wastes shall not construct, operate, expand or modify a facility until a currently valid permit for a solid waste compost facility is issued by the Division.

On September 11, 2014, the owner of the facility stated that an additional, unapproved, 1000 cy of animal waste was accepted on site with the intention to compost and distribute. In addition, the facility was never approved for the composting of 100% animal waste. The facility does not have a current permit to operate and was under an ongoing notice of violation for failure to meet closure requirements. (See items #2 and #4 in the Additional Comment section below).

The facility is in violation of 15A NCAC 13B .1401(a) for continuing to accept waste, operate, and modify the process without a currently valid permit from the Division.

2. **15A NCAC 13B .1407 Classification/Distribution of Solid Waste Compost Products (d)(2)** Grade B compost shall be restricted to distribution for land and mine reclamation, silviculture, and agriculture (on non-food chain crops) projects.

On September 11, 2014, the owner of the facility stated that material which failed Class A test standards was sold as Class B product to a landscaper for use on a new construction site in Asheville, NC. (See item #3 in the Additional Comment section below).

The facility is in violation of 15A NCAC 13B .1407(d)(2) in that it sold material with restricted use for applications other than allowed by Rule.

3. **15A NCAC 13B .1407 Classification/Distribution of Solid Waste Compost Products (g)** If the owner intends to distribute the product, the owner shall provide instructions to the user on any restrictions on use and recommended safe uses and application rates. The following information shall be provided on a label or an information sheet and a copy of the label or information sheet shall be submitted to the Solid Waste Section:

- (1) **Classification grade as outlined in Paragraph (d) of this Rule;**
- (2) **Recommended uses;**
- (3) **Application rates;**
- (4) **Restrictions on usage;**

The owner of the facility sold Class B product to landscapers, for use on a new construction site, without providing information on the product classification, recommended uses, application rates, or usage restrictions. (See item #3 below).

The facility is in violation of 15A NCAC 13B .1407(g)(1), 15A NCAC 13B .1407(g)(2), 15A NCAC 13B .1407(g)(3), 15A NCAC 13B .1407(g)(4), in that it sold material without providing classification grade, recommended uses, application rates, or restrictions on usage.

In order to achieve compliance the facility must, within 30 days:

1. Submit the results of the Foreign Matter Test conducted in conjunction with your July 2014, analytical sampling event to Andrea Keller (andrea.keller@ncdenr.gov) at the Asheville Regional Office.
2. Submit the Closure Plan for the facility, as outlined in the comment section below, to Tony Gallagher (tony.gallagher@ncdenr.gov).

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3. Contact, in writing, all recipients of the failed Class A compost batch(s) with information on classification and including usage restrictions. In addition, copies of all letters and information provided to buyers [as required by 15A NCAC 13B .1407 (g)] must be sent to the Section (Andrea Keller).
4. Determine appropriate option(s) for the acceptance/removal of the manure-based feed stocks, as outlined in the comment section below, and submit plans for the removal of this material to the Section for approval (Tony Gallagher).

Be advised that material abandoned on site and/or material land applied without meeting recommended uses, application rates, or usage restrictions, is prohibited and could constitute additional violations of North Carolina Administrative Code 13B.

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 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 site to discuss the status of site closure. Mr. Huske had invited Denese Ballew and Rob Rusnak to participate in the inspection.
2. Regarding the Ongoing Violation: 15A NCAC 13B .0201 Permit Required (c). A Notice of Violation was issued on May 22, 2013 to address the failure to submit a closure plan. The conference call on March 20, 2014 again outlined the requirements for closure. No submittals were received with respect to facility clean-up or closure. Closure requirements were discussed during September 11, 2014 site inspection with all parties. A. Keller agreed to email D. Ballew facility documents including the most recent inspection and Notice of Violation, along with the demonstration application, in order to assist with the facility closure plan.
3. Discussed lab testing and results required per 15A NCAC 13B .1408(a)(1). Mr. Huske stated that samples were submitted to ETS in June of 2013 to resolve the prior violation and four current samples, one per windrow, were collected on July 21, 2014. These results, per Mr. Huske, indicated that 3 samples “passed Class B Standards” – approximately 1000 cy – and that some of this material was sold for a “landscaping project” in Asheville. The remaining material was re-composted on site. A. Keller asked whether it was “sold as Class B” and Mr. Huske stated “yes” and that it went to landscaping not food growth (new construction site).

The previous inspection report, dated May 6, 2013, was discussed at this time, with respect to the following passage:

During the previous site inspections it was noted that material, primarily the finished compost product, continued to be removed from the site and the previous inspection report stated the following:

However, the plant vegetation and soils in containers which remain on site have not been screened or separated from the plastics. As this material may be difficult to compost (to Grade A requirements) at this point without further additional nitrogenous materials or supplements, please contact Tony Gallagher (919-707-8280) to further discuss the options available (Grade B compost, soil amendment, test requirements, etc.).

Mr. Gallagher will be able to discuss, in detail, the process by which the material may be allowed to be managed on site with alternative methods which could address the lack of nitrogenous materials,

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the ability to meet Grade A requirements, or the financial cost of disposal for the remaining feed stocks. If the facility intends to work toward distribution or land application of Class B compost the **Waste Analysis Report should be sampled for immediately** (<http://www.ncagr.gov/agronomi/uyrwaste.htm>) so that results can be discussed with the Section and provided during the soil amendment calculations.

No Waste Analysis Report (W.A.R.) was available and the facility had not submitted results or soil amendment calculations to the Section. In addition, when a facility intends to distribute product, the owner shall provide instructions to the user on any restrictions on use and recommended safe uses and application rates [per 15A NCAC 13B .1407(g)]. On October 10, 2014, the recipient of the material stated that they were not informed that the material was Class B, of any restrictions or recommended uses, or application rates. It was also stated that they had requested documentation on the quality of the material and had not received anything in writing from the facility.

4. Analytical Data for the July 2014 samples was provided to the Section by Environmental Testing Solutions, Inc.:

Sample Name	Fecal Coliform Results (MPN)	Cadmium (mg/kg)	Copper (mg/kg)	Lead (mg/kg)	Nickel (mg/kg)	Zinc (mg/kg)
LIMITS	1000	39	1500	300	420	2800
WSI-1-Grab	14,490					
WSI-2-Grab	12,420					
WSI-3-Grab	14,950					
WSI-4-Grab	210,000					
WSI-5-Composite		<1.69	17.5	16.5	6.05	73.7

Please submit the Foreign Matter Test results to the Section (to A. Keller) for review.

5. The facility had received approximately 1000 cy of manure from TapRoot Dairy Farm on August 25, 2014 (per Mr. Huske) as a “contract for a client.” This material had been placed in six windrows at the facility, four of which were “straight manure” composting and two were mixed with the remaining compost which had failed fecal coliform limits for Class A material. The material was to be utilized at a local organic farm (unnamed). A. Keller stated that the facility was not approved to accept new material on site as the facility was not permitted and moving toward final closure. In addition, the facility was never approved for straight 100% manure composting. Regarding the feed stock materials remaining on site in windrows:
- Two windrows with co-mingled manure wastes cannot be composted on site or distributed as a product. This material must be disposed of at a facility permitted to receive it (ex. a permitted Type 3 compost facility).
 - The four windrows with 100% manure cannot be composted or distributed as compost. This material could be returned to the generator or disposed of at a facility permitted to receive it. To discuss any other possible alternative uses for this material, such as land application, contact Ed Williams with the Division of Water Resources (ed.williams@ncdenr.gov; 828-296-4686).
 - Notify the Section prior to removal/use/disposal of any of the remaining materials on site.**
6. The current status of the remaining material on site was discussed. There had been no change in the quantities or status of the on-site plastics or unground wood wastes (land clearing materials and pallets). The facility has not ground material due to lack of funds. Mr. Huske stated that he had attempted to get a grinder on site as an equipment demonstration, but the equipment was not capable of grinding the large stumps on site. Mr. Huske stated that he was still pursuing options for the removal of plastics (outlets) but that nothing was concrete. It was also stated that he intended to bring in a grinder to grind plastics on site to generate a better product (improve options for getting it off site). A. Keller stated that the facility was not approved for plastic grinding – this issue had been discussed in the past. The material is not under cover, the facility is not permitted for processing of plastics.

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7. Closure Plan requirements were discussed. The following information must be included in whatever Closure Plans are submitted to the Section:
- a. Final disposition of all on site materials: wood, plastic, manure, compost, feed stocks, etc.; and
 - b. Plans for returning the property to its original condition; and
 - c. Time frame for cleanup and closure.

Send Closure Plan: Tony Gallagher
 NCDENR Division of Waste Management
 Solid Waste Section
 1601 Mail Service Center
 Raleigh, NC 27699-1646
 tony.gallagher@ncdenr.gov
 (919) 707-8280

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

Phone: 828-296-4700

Andrea Keller
Environmental Senior Specialist
Regional Representative

Sent on: November 21, 2014	Email: huskeandrew@bellsouth.net wastestreaminnovations@gmail.com	US Mail: 290 Cashdon Drive Mills River, NC 28759	Certified No. <u>7014 0510 0000</u> <u>4466 1384</u>
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ec: Jason Watkins, Field Operations Branch Head – Solid Waste Section
 Deb Aja, Western District Supervisor – Solid Waste Section
 Tony Gallagher, Compost & Land Application Branch Manager – Solid Waste Section
 Sarah Rice, Compliance Officer – Solid Waste Section
 Ed Williams, Division of Water Resources
 Steve Wyatt, County Manager, Henderson County