



PAT MCCRORY
Governor

DONALD R. VAN DER VAART
Secretary

LINDA CULPEPPER
Director

February 19, 2016

CERTIFIED MAIL 70142120000080551149
RETURN RECEIPT REQUESTED

William S. Clark, County Manager
111 Washington Street
Whiteville, NC 28472

SUBJECT: **Notice of Violation**
 Compliance Inspection Report
 Columbus County LCID Landfill
 2401-LCID-2000
 Columbus County

Dear Mr. Clark:

On February, 15, 2016, Mr. Wes Hare, representing the State of North Carolina, Division of Waste Management Solid Waste Section (Section), inspected the above referenced facility for compliance with North Carolina solid waste statutes and rules. The following violations were noted:

- A. **15A NCAC 13B .0201(c)** states “No solid waste management facility shall be established, operated, maintained, constructed, expanded or modified without an appropriate and currently valid permit issued by the Division. It is the responsibility of every owner and operator of a proposed solid waste management facility to apply for a permit for the facility. The term "owner" shall include record owners of the land where the facility is located or proposed to be located and holders of any leasehold interest, however denominated, in any part of the land or structures where the facility is located or proposed to be located.”

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

Attachment 3, Part I, Number 1 of the expired Permit to Operate (PTO) states the following: “The Permit to Operate shall expire November 17, 2015. Pursuant to 15A NCAC 13B .0201(g), no later than August 17, 2015, the owner or operator must submit a request to the Section for permit review and must submit updated facility plans meeting the requirements of Rule 0.565 and 0.566.”

The abovementioned violations have occurred because the PTO has expired. Within fifteen days of receipt of this Report, the County must submit a renewal request for the PTO.

- C. **15A NCAC 13B .0566(14)** states “Leachate shall be properly managed on site through the use of current best management practices.”

Leachate was ponded on the perimeter road and flowing into a nearby vegetated buffer. By March 31, 2016, corrective actions need to occur so as to stop the flow of leachate from the landfill.

The above violations may have or can compromise the facility’s ability to ensure protection of the public health and the environment and thus require remedial action on behalf of the facility in order to maintain compliance with 15A NCAC 13B .0201(c) and 15A NCAC 13B .0203(d). In order to resolve these issues, Columbus County must formally request renewal of the PTO within fifteen days of receipt of this Notice to Mr. Ed Mussler, Head of the Permitting Branch of this Section.

The violations 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 a 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 910-796-7405 or e-mail wes.hare@ncdenr.gov.

Sincerely,

Wes Hare
Environmental Senior Specialist
Division of Waste Management - Solid Waste Section

copies: Jason Watkins, Field Operations Branch Head
Jessica Montie, Compliance Officer
Ed Mussler, Permitting Branch Head
Danny Fowler, Public Utilities Director
Bob George, Public Utilities
Amanda Davis, Public Utilities



FACILITY COMPLIANCE INSPECTION REPORT
Division of Waste Management
Solid Waste Section

Table with columns for Unit Type (Lined MSWLF, Closed MSWLF, CDLF) and rows for various waste types (LCID, HHW, Tire T&P/Collection, YW, White goods, Tire Monofill, Transfer, Incin, Industrial Landfill, Compost, DEMO, SLAS, FIRM, SDTF). Includes a summary box for County: COLUMBUS, Permit No.: 2401-LCID-2000, File Type: COMPLIANCE.

Date of Site Inspection: February 15, 2016 Date of Last Inspection: February 25, 2015

FACILITY NAME AND ADDRESS:

Columbus County Land Clearing & Inert Debris Landfill
Landfill Road
Whiteville, North Carolina 28472

GPS COORDINATES: N: 34.29330° W: 78.75123°

FACILITY CONTACT NAME AND PHONE NUMBER:

Mr. Danny Fowler, Public Utilities Director
910.642.2828
dfowler@columbusco.org

FACILITY CONTACT ADDRESS:

Columbus County c/o
Mr. Danny Fowler, Public Utilities Director
612 North Madison Street
Whiteville, North Carolina 28472

William Clark, County Manager
111 Washington Street
Whiteville, NC 28472
bclark@columbusco.org

PARTICIPANTS:

Wes Hare, NCDENR Solid Waste Section

STATUS OF PERMIT:

EXPIRED November 17, 2015; Current five years permit issued November 17, 2010; permit review request was due before April 17, 2015.

PURPOSE OF SITE VISIT:

Comprehensive Inspection

STATUS OF PAST NOTED VIOLATIONS:

Not applicable

OBSERVED VIOLATIONS:

- 1. 15A NCAC 13B .0201(c) states "No solid waste management facility shall be established, operated, maintained, constructed, expanded or modified without an appropriate and currently valid permit issued by the Division. It is the responsibility of every owner and operator of a proposed solid waste management facility to apply for a permit for the facility. The term "owner" shall include record owners of the land where the facility is located or proposed to be located and holders of any leasehold interest, however denominated, in any part of the land or structures where the facility is located or proposed to be located."
2. 15A NCAC 13B .0203(d) states "By receiving solid waste at a permitted facility, the permittee(s) shall be considered to have accepted the conditions of the permit and shall comply with the conditions of the permit."

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The abovementioned violations have occurred because the PTO has expired. Renewal required within fifteen days.

3. 15A NCAC 13B .0566(14) states “Leachate shall be properly managed on site through the use of current best management practices.”

Leachate was ponded on the perimeter road and flowing into a nearby vegetative buffer. Correction required by March 31, 2016.

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. The hours of operation are Monday through Friday, 7:30am-12:00pm and 12:30pm-4:00pm; closed weekends.
2. The site is secured with a gate at the entrance; controlled access for safety.
3. The entrance and haul roads are being maintained so as to provide all-weather access.
4. The county subcontracts an operator to push and cover waste.
5. The working face is maintained at less than one acre in size.
6. The Permit to Operate the landfill has expired. **Within fifteen days of receipt of this Report, the County must formally request renewal of the PTO.**
7. As noted above, leachate was ponded on and flowing across the perimeter road. **By March 31, 2016, corrective actions need to occur so as to stop the flow of leachate from the landfill.**



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

Phone: 910-796-7405

Wes Hare
 Environmental Senior Specialist
Regional Representative

Sent on 2/19/16	X	Email		Hand delivery	X	US Mail	X	Certified No. 70142120000080551149
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Copies: Jason Watkins, Field Operations Branch Head - Solid Waste Section
 Jessica Montie, Compliance Officer – Solid Waste Section
 William S. Clark, County Manager
 Bob George, Public Utilities
 Amanda Davis, Public Utilities