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North Carolina Department of Environment and Natural Resources

Division of Waste Management

Beverly Eaves Perdue
Governor

Dexter R. Matthews
Director

Dee Freeman
Secretary

March 16, 2010

Mr. Phil Castro
Mitchell County Manager
26 Crimson Laurel Cir #1
Bakersville, NC 28705-0409

Subject: Pre-Regulatory Landfill Sites in Mitchell County

Dear Mr. Castro:

The General Assembly of North Carolina enacted Senate Bill 1492 which created a program to assess the public health and environmental hazards at landfill and dump sites that operated prior to 1983 and to develop and implement remedial action plans at sites requiring remediation. The Pre-Regulatory Landfill Unit (Unit) was created in the Inactive Hazardous Sites Branch (IHSB) to oversee these activities. The purpose of this letter is to make you aware of the sites identified in your county and to provide general guidance of relevant state statutes.

Based on the information obtained by the Unit, the sites listed below tentatively qualify under Senate Bill 1492. The approximate locations are shown in the attached map.

<u>ID Number</u>	<u>Site Name</u>	<u>Site Address</u>
NONCD0000431	Bakersville Refuse Disposal	White Oak Rd
NONCD0000432	Spruce Pine Refuse Disposal	Beaver Creek Rd

Work at these sites may be performed using the Unit's resources or through local government actions. The Unit has prioritized the sites statewide based on their threat to public health and the environment and will perform assessments and implement remedial actions based on this priority. Local governments may opt to perform the work at any time under the guidance of the Unit. Reimbursement of local government costs may be available for assessments and remedial actions to abate an imminent hazard as funds are available. The conditions for reimbursement include approval of the assessment and remediation plan by the Unit and certified accounting of costs. A document, *IHSB Guidelines for Addressing Old Landfills & Dumps*, was developed to assist local governments and the Unit in this work. It is available on our web site, <http://portal.ncdenr.org/web/wm/sf/ihs/ihsguide>.

An additional purpose in notifying you of these sites is to provide information to assist in your responsibilities in the permitting of private drinking water wells. The General Assembly enacted legislation which required local health departments to implement programs for the permitting, inspecting, and testing of private drinking water wells by July 1, 2008. State well construction standards in 15A NCAC 2C require a minimum horizontal separation of 500 feet between a water supply well and a landfill

Mr. Phil Castro
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or disposal site. More precise location information for the sites in your county may be requested from the Unit.

If you are aware of additional sites, have additional information on the identified sites, or need further information, please contact me at (919) 508-8473.

Sincerely,

Pat Backus

Patricia M. Backus, P.E.
Pre-Regulatory Landfill Unit
Inactive Hazardous Sites Branch
Superfund Section

cc: Mr. Allen Hughes
Environmental Health Director
Mitchell County



North Carolina Department of Environment and Natural Resources

Dexter R. Matthews, Director

Division of Waste Management

Michael F. Easley, Governor
William G. Ross Jr., Secretary

February 26, 2007

<SAL> <FIRST> <LAST>, County Manager
County of <MUNICIPALITY>
<ADDRESS>
<TOWN>, North Carolina <ZIP>

Subject: Assessment, Cleanup, and Redevelopment of Old Landfill Sites Within Your Jurisdiction

Dear <SAL> <LAST>:

Governor Easley released his proposed budget February 22, 2007. Included in the budget is a specific item I believe should be of interest to you from a fiscal, environmental and public health protection perspective.

There are approximately 700 old landfills statewide and <LANDFILL#> old landfills in your local area that closed before the State permitting system became effective. These landfills are listed on the Old Landfill Sites portion of the Inactive Hazardous Sites Inventory maintained by the Superfund Section, Division of Waste Management. Any person, including local governments, that arranged for disposal or disposed of waste in the landfills may be held liable for the cleanup of the site. I have attached a report that identifies the location of known old landfill sites in <COUNTY NAME> County that may have closed prior to 1983 and thus qualify for the program described in this letter.

The Division has surveyed old landfills in 47 counties. The results of the survey indicate reason for concern about potential public health and safety impacts of these sites if they are not addressed. Seventy percent of the sites surveyed had a school, church, residence, day care or drinking water source within 1000 feet. The Division has found 102 old landfills that have a drinking water well within 500 feet. Thirteen of the landfills surveyed have residences built over the old landfill. The cost of assessment and cleanup of these old landfill sites can be as high as several million dollars.

Governor Easley's budget establishes a partnership between the State and local governments to both clean up the old landfill sites and provide funding for redevelopment of the sites. Many are in prime locations for redevelopment opportunities. The Governor's budget proposes to pay for cleanup and redevelopment of these sites through a surcharge on disposal of solid waste. The funding mechanism is a fair one. It is based on the idea that those who use solid waste disposal facilities should share responsibility for cleanup of sites used for solid waste disposal in the past that may have been lawful at the time, but did not meet standards that we now know are necessary to protect public health and safety.

The proposed \$2.00 per ton disposal surcharge would apply to residential, commercial, industrial, and construction and demolition debris type waste that is either disposed at a landfill or passes through a transfer station for disposal out-of-state. The State would use revenue from the surcharge to contract for cleanup of the old landfill sites and to provide grants to local government for redevelopment. The funds could also be used across the state to clean up other hazardous substance disposal sites that have no viable responsible party.

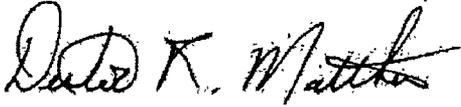
The only tool currently available to the State to ensure cleanup when it is needed is an enforcement action against those who owned, operated, or contributed to old landfills. The Governor's proposal would avoid placing an unreasonable

burden on any one local government and allow us to use our resources for actual cleanup rather than legal action. When old landfill sites were in use, North Carolina citizens, businesses, and industries benefited from their existence as a place to dispose of waste. The surcharge on waste disposal is a way for citizens, businesses, and industries to form a partnership for cleanup and redevelopment of these old landfill sites.

There is great interest this session of the General Assembly in strengthening requirements for landfills permitted in North Carolina. I encourage you to take a close look at legislation that will be introduced, specifically this initiative and what it can bring to your jurisdiction.

If you have questions regarding the program for clean-up of old landfills, please contact Jack Butler, Chief of the Superfund Section, at jack.butler@ncmail.net or call (919)508-8450.

Sincerely,

A handwritten signature in black ink that reads "Dexter R. Matthews". The signature is written in a cursive style with a large initial "D" and "M".

Dexter R. Matthews, Director

cc: David Thompson, NCACC
Jack Butler, Chief – Superfund Section



North Carolina Department of Environment and Natural Resources

Dexter R. Matthews, Director

Division of Waste Management

Michael F. Easley, Governor
William G. Ross Jr., Secretary

February 27, 2007

<SAL> <FIRST> <LAST>
<TITLE>, <MUNICIPALITY>
<ADDRESS>
<TOWN>, North Carolina <ZIP>

Subject: Assessment, Cleanup, and Redevelopment of Old Landfill Sites Within Your Jurisdiction

Dear <SAL> <LAST>:

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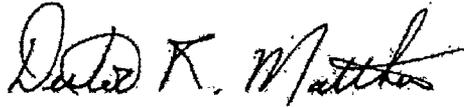
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If you have questions regarding the program for clean-up of old landfills, please contact Jack Butler, Chief of the Superfund Section at jack.butler@ncmail.net or (919) 508-8450.

Sincerely,

A handwritten signature in black ink, appearing to read "Dexter R. Matthews". The signature is fluid and cursive, with the first name "Dexter" being more prominent.

Dexter R. Matthews, Director

cc: Ellis Hankins, NCLM
Jack Butler, Chief – Superfund Section

The mailing list for these letters is filed in a folder in the first file cabinet drawer for the old landfill sites.

A statewide Old Landfill Inventory report is filed in a folder in the first file cabinet drawer for the old landfill sites.

Subject: Unlined Landfills

From: "Kathy Young" <kyoung@mitchell.main.nc.us>

Date: Thu, 10 Feb 2005 08:27:19 -0500

To: <cheryl.marks@ncmail.net>

Ms. Marks:

I have reviewed the information that you sent to Mitchell County concerning old unlined landfills. I have sent the information to Charles Vines, Mayor of Bakersville and to Richard Canipe, Town of Spruce Pine. They have both reviewed the information and have no additional information to report.

If you should have any questions, or need further information please do not hesitate to contact me.

Sincerely,

Kathy Young
Clerk to the Board
Mitchell County
26 Crimson Laurel Circle
Suite 2
Bakersville, NC 28705

828.688.2319 x 312

828.688.4443 Fax

kyoung@mitchell.main.nc.us



North Carolina Department of Environment and Natural Resources

Dexter R. Matthews, Director

Division of Waste Management

Michael F. Easley, Governor
William G. Ross Jr., Secretary

February 1, 2005

Mr. Ryan Whitson
County Manager
26 Crimson Laurel Circle, Suite 1
Bakersville, North Carolina 28705-0409

Re: Request for Information on old unlined landfills, Mitchell County.

Dear Mr. Whitson,

The Division of Waste Management, Superfund Section, Inactive Hazardous Sites Branch (Branch) is in the process of cataloging old landfills in the state. This letter is being sent to you to solicit your cooperation in providing information on old unlined landfills that are not subject to Division of Waste Management, Solid Waste Section post-closure regulations in your county. This process is a part of a statewide effort to accurately inventory old dumpsites to aid in safe reuse and to protect public health and the environment.

Once an old landfill site has been identified, the site location, site usage, and vicinity usage is researched. Potential hazards to the public and the environment are then evaluated by risk assessment. Sites then are reviewed based on risk and/or by safe redevelopment requests.

The Branch then works with owners and responsible parties on final solutions for containment of the waste and to ensure safe reuse of the old landfill sites. Safe reuse might involve engineering controls to prevent exposure to wastes, if necessary, and restrictive covenants limiting the property to certain uses and setting conditions for construction or other soil disturbing activities. Annual reporting that restrictive covenants remain in place will be a duty of the current owner.

Known old landfills/dump sites are maintained in a database. Attached is a listing of known sites located in your county. Available information that may include location and years of operation information for each site is also listed. Please review the list and verify or provide information that will more accurately characterize the site(s). If you have knowledge of sites not included on the list, please add the additional sites along with location information, directions, years of operation, and any additional notable information.

Please return the list and any additional information within 90 days to:

Cheryl Marks
Inactive Hazardous Sites Branch
Superfund Section
NC Division of Waste Management
401 Oberlin Road - Suite 150
Raleigh, NC 27605-1350

Or you may email me with your response at Cheryl.Marks@ncmail.net or call with any questions concerning this request at (919) 733-2801, extension 283. Thank you for your cooperation.

Sincerely,

A handwritten signature in cursive script that reads "Cheryl Marks".

Cheryl Marks, Hydrogeologist
Inactive Hazardous Site Branch
NC Superfund Section

Old Landfill Inventory - Location Information

Latitude/Longitude and other data in this report is highly subject to inaccuracies. State Plane coordinates replace latitude/longitude entries as data is collected. These coordinates may also be subject to error.

COUNTY: MITCHELL

Site Name:	BAKERVILLE REFUSE DISPOSAL	In IHS Inventory?	No
ID Number:	NONCD0000431	Other Agency Lead	
Site Address:	HWY 226	NFA or NFA-Restricted Use?	No
City:	BAKERVILLE	Unable to Locate	<input type="radio"/>

State Plane X:	Latitude:	36.0152
State Plane Y:	Longitude:	-82.146

Directions: HWY 226, 1 MI E

LDFL Size (Acres):	1	Present Within 1000 ft of Ldfl		Residence On Ldfl?	No
Property Size (Acres):	1	Church	No	Potable Well Within 500 ft?	No
Date Open:	1962	School	No	Adjoins Perennial SW?	No
Date Closed:	1972	Day Care	No		
		Residential	No		

Notes:

(End Site Record)

Site Name:	SPRUCE PINE REFUSE DISPOSAL	In IHS Inventory?	No
ID Number:	NONCD0000432	Other Agency Lead	
Site Address:	HWY 19 E	NFA or NFA-Restricted Use?	No
City:	SPRUCE PINE	Unable to Locate	<input type="radio"/>

State Plane X:	Latitude:	35.9328
State Plane Y:	Longitude:	-82.0546

Directions: HWY 19 E, 3 MI NE

LDFL Size (Acres):	3	Present Within 1000 ft of Ldfl			
Property Size (Acres):	3	Church	No	Residence On Ldfl?	No
Date Open:	1965	School	No	Potable Well Within 500 ft?	No
Date Closed:	1972	Day Care	No	Adjoins Perennial SW?	No
		Residential	No		

Notes:

(End Site Record)

Number of Sites: 2

(End County Record)