



PAT MCCRORY  
*Governor*

DONALD R. VAN DER VAART  
*Secretary*

MICHAEL E. SCOTT  
*Acting Director*

April 6, 2016

Sent via email: [ericevans@edgecombeco.com](mailto:ericevans@edgecombeco.com)

Mr. Eric Evans, Manager  
Edgecombe County  
PO Box 10  
Tarboro, NC 27886

**RE: Summary of Outstanding Items for Renewal of Permit 3301-CDLF-1997  
Edgecombe County Construction and Demolition Debris Landfill (C&DLF) Over Closed Edgecombe  
County Landfill (MSWLF), (Permit No. 3301-CDLF-1997 over 3301-MSWLF-1979)**

Dear Mr. Evans,

This letter is a follow-up of our meeting on April 5, 2016 at your office, regarding the need for additional information that must be submitted to allow the Solid Waste Section (Section) to proceed with the renewal of the referenced permit. As discussed, the Section received Edgecombe County's permit amendment application (Application) for continuing operations of the Edgecombe County C&DLF – Phases 1, 2, & 3 over the closed, unlined MSWLF, Permit Number 3301-CDLF-1997 on September 15, 2014 (DIN 21802); and the permit fee on September 29, 2014.

***PERMITTING PROCESS – Open Permit 3301-CDLF-1997***

On October 17, 2014, the Section sent the Edgecombe Solid Waste Department written comments (DIN 21982) on the engineering portions of the application and requested that the County provide additional information. Correspondence between the Section and the County and S&ME via e-mail on February 6, 2015 indicated that a response to the Section's comments was being drafted, but no timeframe of submittal was specified. The Permit to Operate for the Edgecombe County C&DLF (DIN 9853), Permit Number 3301-CDLF-1997, expired **March 31, 2015**. Further correspondence via email on April 22, 2015 from the County/S&ME stated that the issues would be resolved, again with no timeframe. The Section sent an additional e-mail on October 5, 2015 expressing concern that the issues noted in the October 17, 2014 comments were still not resolved. In addition to the permit application itself, Edgecombe County is required by law to submit financial assurance documentation for a solid waste management facility. The deadline for submittal of Financial Assurance documentation for the fiscal year ending June 2015 was November 31, 2015. The Section has requested this documentation from the County's Finance Department on numerous occasions.

***CORRECTIVE ACTION PLAN (CAP) – Closed Permit 3301-MSWLF-1979***

During technical review of the renewal application, the Section initiated communication on September 17, 2014, with Edgecombe County's consultant, S&ME, Inc. regarding the Corrective Action Evaluation Report (CAER), which was not included in the application received. The submittal of the CAER is required to demonstrate the effectiveness of the implemented corrective action program in accordance with Rule 15A NCAC 13B .0547(4)(c) and the approved Corrective Action Plan (CAP) (DIN 9206) dated June 30, 2008.

Groundwater underneath the closed, unlined Edgecombe Landfill has been impacted by historical municipal solid waste disposal activities at the landfill unit and is subject to assessment and corrective action requirements. During the permit amendment application process to continue to construct and operate the Edgecombe County CDLF, the County was required to submit a CAP for the purpose of restoring the impacted groundwater to 2L Groundwater Standards and the protection of human health and the environment. The CAP conclusively selected the remedial alternatives consisting of in-situ isolation combined with monitored natural attenuation (MNA). The CAP (DIN 9206) was approved on January 16, 2009.

On July 27, 2010, Edgecombe County submitted to the Section a Corrective Action Plan Addendum (CAP Addendum) describing a revised design for implementing the proposed hydraulic barrier (in-situ isolation) portion of the approved CAP. On August 9, 2010 the Section approved this CAP Addendum (DIN 11254) and requested that the County implement the construction of the hydraulic barrier according to the schedule outlined in the CAP (DIN 11321).

On July 19, 2012, Edgecombe County submitted to the Section a document titled, "Baseline Groundwater Sampling and Monitored Natural Attenuation Report" (DIN 17097) which concluded that baseline concentrations of the constituents of concerns (COCs) and geochemical parameters have been established at the closed, unlined MSWLF. The report recommended using the baseline data "to gauge the progress of natural attenuation of the COCs to determine the processes by which attenuation is occurring." The report also requested to remove certain constituents from the list of required MNA parameters. The County also requested to suspend MNA monitoring until the hydraulic barrier wall was constructed and to analyze groundwater samples for MNA parameters every 18 months thereafter. The Section denied the request to reduce the MNA parameter list, but allowed the County to temporarily suspend MNA monitoring until after the barrier wall construction was complete.

A permit condition requires the County to submit a CAER to demonstrate the effectiveness of the implemented corrective action program, including a technical evaluation of MNA as a remedy at the facility. The County failed to submit the permit-required CAER. An additional permit condition requires the County to submit a USEPA approved MNA screening model at least annually to simulate the groundwater remediation at the facility and determine the mass flux and mass balance. The model must be submitted annually with a monitoring report. The County failed to implement this permit condition. Due to the extensive barrier wall construction delay, the County has not been able to fulfill the aforementioned requirements and in conclusion, the Section has determined that the County is in violation of Rules 15A NCAC 13B .0547(4) and .1637(a)(1) & (2) for not implementing the approved corrective action remedy.

## **CONCLUSION**

To be able to complete the review of the renewal application for the Edgecombe County CDLF, Permit Number 3301-CDLF-1997, Edgecombe County will need to submit the following to the Section **within 30 days of electronic receipt of this letter:**

1. The complete permit application including the complete written responses to all Section comments which will be properly incorporated into the revised permit amendment application;
2. Edgecombe County's Financial Assurance Local Government Test for Fiscal Year End 2015, which will include closure costs, post-closure cost, and potential assessment and corrective action estimates for permit 3301-CDLF-1997; as well as current corrective action cost estimate for permit 3301-MSWLF-1979;
3. The completed CAER as detailed above; and
4. The schedule for installing the proposed hydraulic barrier (in-situ isolation) according to the corrective action approved plan.

The items listed above 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, withholding of solid waste and/or recycling program grants, tax certifications and other funds such as scrap tires, white goods, etc. and any such further relief as may be necessary to achieve compliance with the North Carolina Solid Waste Management Act and Rules.

If you have any questions, please contact Ming-Tai Chao at 919-707-8251 or [ming.chao@ncdenr.gov](mailto:ming.chao@ncdenr.gov) regarding permitting, Sarah Rice at 919-707-8287 or [sarah.rice@ncdenr.gov](mailto:sarah.rice@ncdenr.gov) regarding financial assurance, or myself at 336-776-9674 or [jason.watkins@ncdenr.gov](mailto:jason.watkins@ncdenr.gov) regarding any additional questions or concerns.

Sincerely,

Jason M. Watkins  
Field Operations Branch Head  
Solid Waste Section

cc: Ellen Lorscheider, Chief - SWS  
Ed Mussler, Permitting Branch Head - SWS  
Ming-Tai Chao, Permitting Engineer - SWS  
Sarah Rice, Compliance Officer - SWS  
Christine Ritter, Hydrogeologist - SWS