DIN26016

Rice, Sarah M

From: Rice, Sarah M
Sent: Wednesday, April 27, 2016 4:16 PM
To: Mussler, Ed (ed.mussler@ncdenr.gov)
Cc: Gaither, Allen; Lorscheider, Ellen; Watkins, Jason; Aja, Deborah; Gerstell, Charles
Subject: CHR Complete - Wilkes County MSWLF, permit 9704-MSWLF-1993

Tracking:

Recipient	Read
Mussler, Ed (ed.mussler@ncdenr.gov)	
Gaither, Allen	
Lorscheider, Ellen	
Watkins, Jason	Read: 4/27/2016 4:17 PM
Aja, Deborah	
Gerstell, Charles	

Good afternoon Ed,

We have performed a compliance history review for Wilkes County, permit 9704-MSWLF-1993. The results do not indicate that the permit should be declined at this time. The invoice has been paid. Financial Assurance has been submitted.

There are landfill gas concerns at facilities, 9701-MSWLF-1988 (closed Wilkes County LF) and 9702-MSWLF-1975 (closed Wilkes County LF), but the County has taken steps to address the issues.

Please let me know if you have any questions or concerns.

Regards,

Sarah M Rice
Compliance Officer
Field Operations Branch, Solid Waste Section
Division of Waste Management
NC Dept of Environmental Quality

919 707 8287 office/fax
sarah.rice@ncdenr.gov

Physical Address:
217 West Jones Street
Raleigh, NC 27603

Mailing Address:
1646 Mail Service Center
Raleigh, NC 27699-1646

Nothing Compares

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PERMIT APPLICATION REVIEW FORM

Review Requested by:	Allen Gaither
Date Requested:	1/8/2016
Facility Name and Permit ID	Wilkes County MSWLF, 9704-MSWLF-1993
Applicant (Owner) Name	Wilkes County
Description of Permit Request [This is the action the applicant is requesting in accordance with NCGS 130A-295.8(b)]	☐ (1)a. New – New Facility ☐ (1)b. New – Expand Facility Boundary ☐ (1)c. New – Expand Waste Boundary ☐ (1)d. New – Substantial Amendment ☐ (2)a. Amendment – Next Phase of the Approved Facility Plan ☒ (2)b. Amendment – Renewal/Review ☒ 5YR ☐ 10YR ☐ (2)c. Amendment – Change in Ownership ☐ (3)a. Modification – Change to Approved Plans **(No CHR)** ☐ (3)b. Modification – Subsequent Permit to Operate **(No CHR)** ☐ (3)c. Modification – Five-year Limited Review ☐ (4) Major Permit Modification
Permitted Annual Tonnage	57,000 TPY
Permit Fee	$15,000
Date Application Received	1/4/2016
Contact Name, Title & Phone #	Mr. Kent Brandon, Solid Waste Director, (336) 696-5806
Email Address	kbrandon@wilkescounty.net
Company	Wilkes County
911 Address	9219 Elkin Highway
Mailing Address	P.O. Box 389
City/State/Zip	Roaring River, NC 28669
Parent Company	N/A
Known Subsidiaries	N/A
Other known names business has operated under	N/A
Known Counties of Operation	Wilkes
Does the applicant have a past or current solid waste permit?	Yes ☒ No ☐ Unknown ☐ Facility Type: MSW Permit #: 97-01,02 & 04
Did the permit applicant submit Financial Assurance cost estimates?	Yes ☒ No ☐ Not Needed ☐
Other notes	

PAT MCCRORY

DONALD R. VAN DER VAART

LINDA CULPEPPER

January 26, 2016

MR. KENT BRANDON, SOLID WASTE DIRECTOR
WILKES COUNTY
P.O. BOX 389
ROARING RIVER, NC 28669

Re: Compliance History Review, WILKES COUNTY MSWLF, Permit # 9704-MSWLF-1993

Dear Mr. Brandon:

The agency received your application for ***the renewal of Permit # 9704-MSWLF-1993.***

Under N.C.G.S. § 130A-294 (b2)(2) and 295.3 the agency will be conducting a review to determine WILKES COUNTY's past compliance with federal and state laws, regulations, and rules, including permit conditions, for the protection of the environment or conservation of natural resources. Enclosed is a preliminary questionnaire for you to complete for all solid waste management facilities that WILKES COUNTY has been issued a permit by the Solid Waste Section. Additional follow-up information may be requested. Please be advised that under subsection N.C.G.S. § 130A-294(b3), the agency is not required to review your application until you have satisfied the agency that you have met the requirements of subsection (b2).

Please email all of the requested information to sarah.rice@ncdenr.gov or send by mail to the address below.

Sincerely,

Sarah M. Rice

Digitally signed by Sarah Rice
DN: cn=Sarah Rice, o=Division of Waste Management, ou=Solid Waste Section, email=sarah.rice@ncdenr.gov, c=US
Date: 2016.01.26 16:15:11 -05'00'

Sarah Rice, Compliance Officer
Division of Waste Management, NCDEQ

cc: Ellen Lorscheider, Section Chief
Ed Mussler, Permitting Branch Head
Jason Watkins, Field Operations Branch Head
Allen Gaither, Permitting Engineer
Deb Aja, District Supervisor
Charles Gerstell, Environmental Senior Specialist

Central File

Compliance Review

WILKES COUNTY is requested to provide the following information for all solid waste management facilities. For purposes of the questions below, the phrase "within the past five years," means five years prior to the date of this request.

For each question that is marked with an answer other than "not applicable," please provide a written, detailed explanation, including how or if the matter has been resolved.

A. The following question applies to all of the applicant's solid waste management (including hazardous waste management) activities.

1. With respect to the applicant's solid waste management activities, check whether the applicant has been a party to or received any of the following within the past five years. If not applicable, mark "N/A":

Na a. Compliance Order with a penalty
Na b. Compliance order without a penalty
Na c. Order to cease operating
Na d. Order to abate public health nuisance [130A-19];
Na e. Order to abate imminent hazard [130A-20];
Na f. Order to abate nuisance scrap tire site [130A-309.60]).
Na g. Administrative Consent Agreement or Settlement Agreement (e.g., may involve revised permit conditions)
Na h. Revocation or suspension of a permit
Na i. Denial of a permit application for a solid waste management facility
Na j. Penalty Collection lawsuit (lawsuit to collect an unpaid penalty)
Na k. Confession of Judgment (for the payment and collection of an unpaid penalty or other monies owed to a special account, such as the scrap tire account or white goods account)
Na l. Injunctive relief or law suit for injunctive relief
Na m. Lawsuit for forfeiture of gain (N.C.G.S. §130A-28)
Na n. Lawsuit for recovery of money (N.C.G.S. §130A-27)
Na o. State Criminal action- misdemeanor or felony (N.C.G.S. 130A-25; 130A-26.1 and 26.2; 14-399
Na p. Federal criminal action-misdemeanor or felony

B. **[Note: Questions 2 and 3 cover any type of environmental violation.]**
Check all applicable boxes **(ONE MUST BE CHECKED FOR EACH QUESTION)**.
Within the past five years:

2. The applicant has been convicted of, or pled guilty or no contest to, a criminal violation of a statute, regulation, or rule for the protection of the environment or conservation of natural resources.

__a. in state court
__b. in federal court
✓c. not applicable

3. A monetary penalty (whether denominated as a civil penalty, an administrative penalty, a judicial penalty, or by some other designation), has been assessed against the applicant for the violation of a state or federal statute, regulation, rule, including a permit condition, or for the protection of the environment or conservation of natural resources.

   __a. in a state forum
   __b. in a federal forum
   ✓c. not applicable

[Note: Questions 4 and 5 will encompass those situations where a solid waste management facility operated in violation of solid waste management statutes/regulations, as well as water quality, including groundwater and surface water, sedimentation and erosion control, and air quality statutes/regulations, among others.]

4. With respect to any solid waste management facility (including hazardous waste management) owned or operated by the applicant, a lawsuit for injunctive relief has been filed against the applicant for the violation of a statute, regulation or rule for the protection of the environment or conservation of natural resources.

   __a. in state court
   __b. in federal court
   ✓c. not applicable

5. With respect to any solid waste management facility (including hazardous waste management) owned or operated by the applicant, a judgment, or consent judgment, for injunctive relief has been entered against the applicant for the violation of any statute, regulation or rule for the protection of the environment or conservation of natural resources.

   __a. in state court
   __b. in federal court
   ✓c. not applicable

6. A permit for a solid waste management facility owned or operated by the applicant has been revoked or suspended.

   __a. in a state forum
   __b. in a federal forum
   ✓c. not applicable

7. An environmental permit for any undertaking other than a solid waste management facility has been revoked or suspended.

   __a. in a state forum
   __b. in a federal forum
   ✓c. not applicable

8. The applicant submitted a permit application for the proposed ownership or operation of a solid waste management facility that has been denied.

   __a. in a state forum
   __b. in a federal forum
   ✓c. not applicable

9. A governmental agency or unit has notified the applicant in writing that the applicant has operated or is operating a solid waste management facility without the requisite permit.

   __a. yes
   ✓b. not applicable

10. A governmental agency or unit has notified the applicant in writing that the applicant has operated or is operating a solid waste management facility outside the scope of the permitted activity.

    __a. yes
    ✓b. not applicable

11. A governmental agency or unit has notified the applicant in writing that the applicant has operated or is operating a facility or undertaking other than a solid waste management facility without the requisite environmental permit(s).

    __a. yes
    ✓b. not applicable

The applicant may be requested to provide a written, sworn statement certifying the status of the matter.

If the applicant certifies that the applicant is now in compliance, the applicant may be asked to submit proof from the agency having jurisdiction over the violation that the applicant is in the process of correcting or has corrected the violation to the satisfaction of the agency.

The applicant will be asked to certify the truth and accuracy of the answers provided to these compliance review questions.

I, Kent Brandon, hereby certify on behalf of WILKES COUNTY as WILKES COUNTY's Solid Waste Director (title of position with applicant), that I have read the foregoing answers provided to the Compliance Review, that the information and answers contained in the responses to the Compliance Review are true and accurate based on my own knowledge and my review of documents and that I have not omitted any material information or falsified any information contained in the foregoing answers. I further certify that I have the requisite authority vested in me by WILKES COUNTY to bind the corporation to the accuracy and completeness of the information provided herein. I am aware that there are significant penalties for making any false statement, representation, or certification including the possibility of a fine and imprisonment.

Signature/printed name and title:

Attest: Kent Brandon
Solid Waste Director

State of North Carolina
County of Wilkes

Sworn and subscribed to before me this the 29th day of Jan 2016.

Martha B. McNeill
Martha B. McNeill
notary public

My Commission expires: 11-18-2017

SEAL

MARTHA B MCNEILL
Notary Public
WILKES COUNTY, NC

Rice, Sarah M

From: Lane, Ervin
Sent: Friday, January 29, 2016 9:12 AM
To: Rice, Sarah M; Gerstell, Charles
Cc: Aja, Deborah
Subject: RE: CHR - Wilkes County, permit 9704-MSWLF-1993

Follow Up Flag: Follow up
Flag Status: Flagged

There are landfill gas issues at 97-01 and 97-02, but they have taken steps to address them, so they are technically in compliance.

Ervin Lane
Compliance Hydrogeologist
NC Department of Environmental Quality
Division of Waste Management - Solid Waste Section
919-707-8288 (phone/fax)

217 West Jones Street
1646 Mail Service Center
Raleigh, NC 27699-1646

http://portal.ncdenr.org/web/wm/sw
ervin.lane@ncdenr.gov

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties unless the content is exempt by statute or other regulation.

From: Rice, Sarah M
Sent: Thursday, January 28, 2016 11:57 AM
To: Gerstell, Charles <charles.gerstell@ncdenr.gov>; Lane, Ervin <ervin.lane@ncdenr.gov>
Cc: Aja, Deborah <deborah.aja@ncdenr.gov>
Subject: CHR - Wilkes County, permit 9704-MSWLF-1993

Good afternoon,

We are conducting a compliance history review on Wilkes County. Please let us know if there are any compliance concerns with the County we should be aware of.

Regards,

Sarah M Rice
Compliance Officer
Field Operations Branch, Solid Waste Section

Division of Waste Management
NC Dept of Environmental Quality

919 707 8287 office/fax
sarah.rice@ncdenr.gov

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Rice, Sarah M

From: Gerstell, Charles
Sent: Friday, January 29, 2016 8:15 AM
To: Rice, Sarah M
Cc: Aja, Deborah; Lane, Ervin
Subject: RE: CHR - Wilkes County, permit 9704-MSWLF-1993

Follow Up Flag: Follow up
Flag Status: Flagged

Sarah,
I am unaware of any compliance concerns with the subject facility at this time.

Thanks,
C.T.

Charles Gerstell
Environmental Senior Specialist
Division of Waste Management – Solid Waste Section
Department of Environmental Quality

704-235-2144 office
919-609-5563 mobile
charles.gerstell@ncdenr.gov

610 East Center Avenue, Suite 301
Mooresville, North Carolina 28115

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From: Rice, Sarah M
Sent: Thursday, January 28, 2016 11:57 AM
To: Gerstell, Charles <charles.gerstell@ncdenr.gov>; Lane, Ervin <ervin.lane@ncdenr.gov>
Cc: Aja, Deborah <deborah.aja@ncdenr.gov>
Subject: CHR - Wilkes County, permit 9704-MSWLF-1993

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Regards,

Sarah M Rice

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Field Operations Branch, Solid Waste Section
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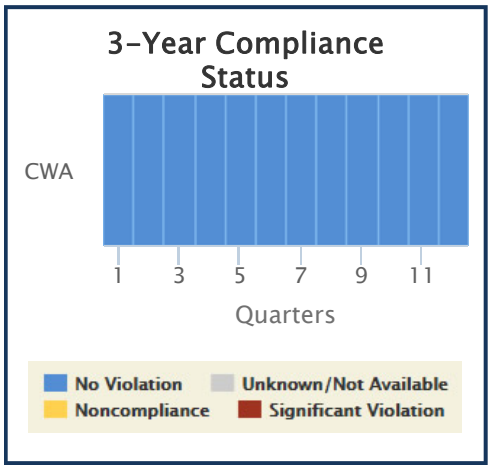
Detailed Facility Report

Facility Summary

ROARING RIVER LANDFILL

9219 ELKIN HWY, ROARING RIVER, NC 28669

FRS (Facility Registry Service) ID: 110022547387
EPA Region: 04
Latitude: 36.207954
Longitude: -80.986352
Locational Data Source: FRS
Industry: No description found
Indian Country: N



Enforcement and Compliance Summary

Statute	Insp (5 Years)	Date of Last Inspection	Current Compliance Status	Qtrs in NC (Non-Compliance) (of 12)	Qtrs in Significant Violation	Informal Enforcement Actions (5 years)	Formal Enforcement Actions (5 years)	Penalties from Formal Enforcement Actions (5 years)	EPA Cases (5 years)	Penalties from EPA Cases (5 years)
CWA	1	11/10/2010	**No Violation**	0	0	--	--	--	--	--

Related Reports

CWA Pollutant Loading Report
CWA Effluent Charts

Regulatory Information

Clean Air Act (CAA): No Information
Clean Water Act (CWA): Minor, Permit Effective (NCG120066)
Resource Conservation and Recovery Act (RCRA): No Information
Safe Drinking Water Act (SDWA): No Information

Other Regulatory Reports

Air Emissions Inventory (EIS): No Information
Greenhouse Gas Emissions (eGGRT): No Information
Toxic Releases (TRI): No Information

Facility/System Characteristics

Facility/System Characteristics

System	Statute	Identifier	Universe	Status	Areas	Permit Expiration Date	Indian Country	Latitude	Longitude
FRS		110022547387					N	36.207954	-80.986352
ICP	CWA	NCG120066	Minor: General Permit Covered Facility	Effective		10/31/2017	N	36.2105	-80.988

Facility Address

System	Statute	Identifier	Facility Name	Facility Address
FRS		110022547387	ROARING RIVER LANDFILL	9219 ELKIN HWY, ROARING RIVER, NC 28669
ICP	CWA	NCG120066	ROARING RIVER LANDFILL	9219 ELKIN HWY, ROARING RIVER, NC 28669

Facility SIC (Standard Industrial Classification) Codes

System	Identifier	SIC Code	SIC Desc
No data records returned			

Facility NAICS (North American Industry Classification System) Codes

System	Identifier	NAICS Code	NAICS Description
No data records returned			

Facility Tribe Information

Tribal Name	EPA Tribal ID	Distance to Tribe (miles)
No data records returned		

Enforcement and Compliance

Compliance Monitoring History (5 years)

Statute	Source ID	System	Inspection Type	Lead Agency	Date	Finding
CWA	NCG120066	ICP	Evaluation	State	11/10/2010	

Entries in italics are not considered inspections in official counts.

Compliance Summary Data

Statute	Source ID	Current SNC (Significant Non-compliance)/HPV (High Priority Violation)	Description	Current As Of	Qtrs in NC (Non-Compliance) (of 12)
CWA	NCG120066			09/30/2015	0

Three Year Compliance Status by Quarter

Statute	Program/Pollutant/Violation Type	QTR 1	QTR 2	QTR 3	QTR 4	QTR 5	QTR 6	QTR 7	QTR 8	QTR 9	QTR 10	QTR 11	QTR 12	QTR 13*
CWA (Source ID: NCG120066)		10/01-12/31 2012	01/01-03/31 2013	04/01-06/30 2013	07/01-09/30 2013	10/01-12/31 2013	01/01-03/31 2014	04/01-06/30 2014	07/01-09/30 2014	10/01-12/31 2014	01/01-03/31 2015	04/01-06/30 2015	07/01-09/30 2015	10/01-12/31 2015
	Facility-Level Status	No Viol	No Viol	No Viol	No Viol	No Viol	No Viol	No Viol	No Viol	No Viol	No Viol	No Viol	No Viol	Und
	SNC (Significant Non-compliance)/RNC (Reportable Non-Compliance) History													

*Quarter 13 is draft/unofficial and has not been fully quality assured. Read more

Informal Enforcement Actions (5 Years)

Statute	Source ID	Type of Action	Lead Agency	Date

Statute	Source ID	Type of Action	Lead Agency	Date
No data records returned				

Formal Enforcement Actions (5 Years)

Statute	Source ID	Type of Action	Lead Agency	Date	Penalty	Penalty Description
No data records returned						

ICIS (Integrated Compliance Information System) Case History (5 years)

Primary Law/Section	Case No.	Case Type	Lead Agency	Case Name	Issued/Filed Date	Settlement Date	Federal Penalty	State/Local Penalty	SEP (Supplemental Environmental Project) Cost	Comp Action Cost
No data records returned										

Environmental Conditions

Water Quality

Permit ID	Combined Sewer System?	Number of CSO (Combined Sewer Overflow) Outfalls	Watershed (HUC (Hydrologic Unit Code) 8)	Watershed Name (HUC (Hydrologic Unit Code) 8)	Watershed (HUC (Hydrologic Unit Code) 12)	Watershed Name (HUC (Hydrologic Unit Code) 12)	Receiving Waters	Impaired Waters	Impaired Class	Causes of Impairment(s) by Group(s)	Watershed with ESA (Endangered Species Act)-listed Aquatic Species?
NCG120066			03040101	UPPER YADKIN	030401010602	Grays Creek-Yadkin River		No			Yes

Waterbody Designated Uses

Reach Code	Waterbody Name	Exceptional Use	Recreational Use	Aquatic Life Use	Shellfish Use	Beach Closure Within Last Year	Beach Closure Within Last Two Years
03040101002027		No	No	No	No	No	No

Air Quality

Non-Attainment Area?	Pollutant(s)
No	Ozone
No	Lead
No	Particulate Matter

Pollutants

Toxics Release Inventory History of Reported Chemicals Released in Pounds per Year at Site

TRI Facility ID	Year	Total Air Emissions	Surface Water Discharges	Off-Site Transfers to POTWs (Publicly Owned Treatment Works)	Underground Injections	Releases to Land	Total On-site Releases	Total Off-site Releases
No data records returned								

Toxics Release Inventory Total Releases and Transfers in Pounds by Chemical and Year

Chemical Name

Chemical Name
No data records returned

Demographic Profile

Demographic Profile of Surrounding Area (3 Miles)

This section provides demographic information regarding the community surrounding the facility. ECHO compliance data alone are not sufficient to determine whether violations at a particular facility had negative impacts on public health or the environment. Statistics are based upon the 2010 US Census and American Community Survey data, and are accurate to the extent that the facility latitude and longitude listed below are correct. The latitude and longitude are obtained from the EPA Locational Reference Table (LRT) when available.

Radius of Area:	3	Land Area:	99%	Households in Area:	951
Center latitude:	36.207954	Water Area:	1%	Housing Units in Area:	1,107
Center Longitude:	-80.986352	Population Density:	84/sq.mi.	Households on Public Assistance:	9
Total Persons:	2,353	Percent Minority:	15%	Persons Below Poverty Level:	1,278

Race Breakdown	Persons (%)	Age Breakdown	Persons (%)
White:	2,047 (87%)	Child 5 years and younger:	138 (5.86%)
African-American:	216 (9.18%)	Minors 17 years and younger:	515 (21.89%)
Hispanic-Origin:	96 (4.08%)	Adults 18 years and older:	1,839 (78.16%)
Asian/Pacific Islander:	6 (.25%)	Seniors 65 years and older:	406 (17.25%)
American Indian:	2 (.08%)		
Other/Multiracial:	82 (3.48%)		

Education Level (Persons 25 & older)	Persons (%)	Income Breakdown	Households (%)
Less than 9th Grade:	226 (12.05%)	Less than $15,000:	187 (17.73%)
9th through 12th Grade:	422 (22.51%)	$15,000 - $25,000:	236 (22.37%)
High School Diploma:	703 (37.49%)	$25,000 - $50,000:	324 (30.71%)
Some College/2-yr:	438 (23.36%)	$50,000 - $75,000:	139 (13.18%)
B.S./B.A. or More:	86 (4.59%)	Greater than $75,000:	169 (16.02%)