

State of North Carolina  
Department of Environment  
and Natural Resources



Michael F. Easley, Governor  
William G. Ross, Jr., Secretary  
Dexter R. Matthews, Director

**THE DIVISION OF WASTE MANAGEMENT**

September 7, 2007

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Buncombe County  
c/o Wanda Greene, County Manager  
205 College Street  
Asheville, NC 28801

**Re: Compliance Order**  
**Buncombe County Landfill, Permit #11-07**

Dear Ms. Greene:

Enclosed is a Compliance Order issued to Buncombe County because of certain violations of the North Carolina Solid Waste Management Act (N.C. General Statute 130A, Article 9) and of the North Carolina Solid Waste Management Rules (15A N.C. Administrative Code 13B) which implements the Act. This Compliance Order describes the violations of concern and the actions required by Buncombe County to come into compliance with both the General Statutes and the Administrative Code.

I encourage Buncombe County to schedule an informal conference at once with my staff to discuss this Compliance Order. Please contact Ms. Deborah Aja, Western Regional Supervisor, at the Asheville Regional Office at 828-296-4702

Sincerely,

Paul S. Crissman, Chief  
Solid Waste Section  
Division of Waste Management

Enclosure

cc: Nancy Scott, Assistant Attorney General  
Deborah Aja, Western District Supervisor  
Mark Poindexter, Supervisor, Field Operations Branch  
Jaclyne Drummond, Compliance Hydrogeologist  
Ed Mussler, Supervisor, Permitting  
Larry Frost, Permitting Engineer  
Central Files, Solid Waste

**NORTH CAROLINA DEPARTMENT OF  
ENVIRONMENT AND NATURAL RESOURCES  
DIVISION OF WASTE MANAGEMENT  
SOLID WASTE SECTION**

**In Re:** Buncombe County  
c/o Wanda Greene, County Manager  
205 College Street  
Asheville, NC 28801

**COMPLIANCE ORDER**

**PRELIMINARY STATEMENT**

This Compliance Order is issued under N.C. General Statutes 130A-22, the Solid Waste Management Act (N.C.G.S. 130A, Article 9), and the Solid Waste Management Rules (15A N.C. Admin. Code 13B). Title 15A of the N.C. Admin. Code, Chapter 13B contains standards and requirements applicable to the proper management of solid waste.

On March 1, 1971, the State of North Carolina, Department of Human Resources, Division of Health Services, Solid Waste Section, implemented a Solid Waste Management Program under the Solid Waste Management Act, N.C.G.S. 130A, Article 9 and Rules codified at 15A N.C. Admin. Code 13B. Solid Waste Management is now regulated under the Solid Waste Section of the Division of Waste Management of the Department of Environment and Natural Resources. Mr. Paul S. Crissman, Chief of the Solid Waste Section, Division of Waste Management, Department of Environment and Natural Resources, has been delegated the authority to implement both the Act and the Rules. Based upon information available, the Division has determined that Buncombe County is in violation of certain requirements of the Act and/or Rules, as set forth below.

**STATEMENT OF FACTS**

1. The Buncombe County Landfill (Permit No. 11-07) located at 85 Panther Branch Road, Alexander, North Carolina is permitted as a Municipal Solid Waste Landfill and is governed by Title 15A North Carolina Administrative Code 13B section .1600.
2. On July 27, 2007, at approximately 8:00 a.m., County staff discovered a leachate outbreak flowing out of Cell #3 at the bottom of the waste slope, outside of the landfill liner, which was in the vicinity of the Cell #3 leachate pump facility. The leachate flowed into a roadside storm water runoff ditch, into a culvert, under the entrance road and into a storm runoff collection area. The leachate leak was estimated by Camp Dresser & Mckee, to have lasted for approximately 8 hours. Mr. Jerry Mears, the Buncombe County Solid Waste Director and Landfill Manager, telephoned Mr. Al Hetzell, Environmental Senior Specialist with the Solid Waste Section, to inform him of the outbreak approximately 2 hours after it was discovered, as soon as the emergency was under control.
3. Buncombe County reported the cause of the leachate outbreak to be an inoperative pump which allowed leachate to collect into Cell # 3. This caused the leachate to leak in the vicinity of the Cell #3 pump station. The control panel did not indicate that the pump was inoperative. In response, the Buncombe County Landfill staff replaced the existing  $\frac{3}{4}$  horse power leachate pumps with 5 horse power leachate pumps. The leachate levels were pumped down within permitted levels which reduced the leachate head pressure in Cell #3.

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4. On July 31, 2007, Mr. Tom Williams from Pace Lab Analytical Services, Inc., took water samples from sediment ponds #3 and #4 in order to help determine if leachate had flowed into stormwater detention pond #4. The county forwarded the results by email to Mr. Hetzell on August 9, 2007.
5. On August 16, 2007, Mr. Hetzell conducted a site visit to the Buncombe County Landfill to photograph and verify the area of the Leachate release.

**STATEMENT OF VIOLATIONS**

The above facts constitute a violation of Title 15A N.C. Admin. Code Subchapter 13B

1. Section .1626(8)(d) which states that:

Leachate shall be contained on site or properly treated prior to discharge.

Buncombe County violated this rule in that leachate was released from the landfill and entered the storm water sediment system without being properly treated prior to discharge.

**CONDITIONS FOR COMPLIANCE**

Based on the foregoing, you are hereby ordered to take the following actions:

1. Monitor to assure leachate is contained on site or properly treated prior to discharge in accordance with 15 A NCAC 13B .1626 (8) (d).
2. To assess the impact of the leachate release outside the waste cell, the County shall acquire the services of a N.C. licensed professional geologist with experience in assessment and remediation of ground water contamination and submit a phased assessment plan to the Division. The professional geologist shall consult with the Solid Waste Section Hydrogeologist about the site prior to developing the plan. The Section will review the submitted plan, approve, or request more information or amendments before implementation. The plan shall then be implemented as approved. With 30 days, submit this plan to:

Jaclynn Drummond, Compliance Hydrogeologist  
NC DENR – Division of Waste Management  
Solid Waste Section  
410 Oberlin Road, Suite 150  
1646 Mail Service Center  
Raleigh, North Carolina 27699-1646

3. Within 30 days, submit a report that assesses the leachate collection system, the leachate recirculation system, the hydraulic capacity of both systems, the ability of the systems to maintain less than one foot of head on the base liner of the landfill, and the cause of the release, and outlines steps to prevent future leachate releases. The report shall also include a contingency plan that addresses the county's preparation and response to future leachate releases. A Section engineer will review the submitted plan, and will either approve or request more information or amendments before implementation. An application for a permit modification and approval by the Solid Waste will be required prior to any operational changes or modifications of the leachate collection system.

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4. Within 30 days, submit a revised operations plan for routine inspections of the leachate system and the leachate recirculation system. The revised operation plan will include provisions for yearly cleaning and periodic camera inspections of the leachate collection system. The leachate recirculation system cleaning, maintenance, and inspection will be addressed as appropriate. Any design changes or remediation of either system that is deemed appropriate shall be submitted for approval. Submit the report described above, the application for permit modification and revised operation plan to:

Ed Mussler, Permitting Branch Head  
NC DENR – Division of Waste Management  
Solid Waste Section  
410 Oberlin Road, Suite 150  
1646 Mail Service Center  
Raleigh, North Carolina 27699-1646

Also submit a copy of the application for permit modification and revised operation plan to:

Larry Frost, Permitting Engineer  
NC DENR – Division of Waste Management  
Asheville Regional Office  
2090 US Highway 70  
Swannanoa, NC 28778

**NOTE:** The above submittals require a permit modification and therefore a permit application fee for a municipal solid waste landfill modification will apply.

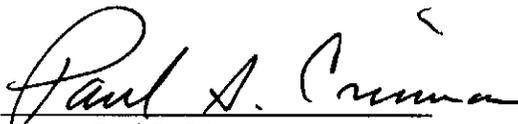
**POTENTIAL CONSEQUENCES OF FAILURE TO COMPLY**

You are hereby advised that, pursuant to N.C.G.S. 130A-22, each day of continued violation of any requirement of the act, the rules, or any order issued under the act or rules constitutes a separate violation for which a penalty of up to \$5,000.00 per day may be imposed. If the violation(s) continue, you may also be subject to further enforcement actions including 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.

**INFORMAL CONFERENCE**

The Division encourages you to schedule an informal conference to discuss this matter and to give you an opportunity to provide additional information, including any actions you have taken to correct the violation(s). If you desire an informal conference, please contact:

Ms. Deborah Aja  
NC DENR – Division of Waste Management  
Solid Waste Section  
2090 US Highway 70  
Swannanoa, North Carolina 28778  
Telephone (828) 296-4702

By:   
Paul S. Crissman

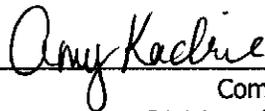
Chief, Solid Waste Section  
Division of Waste Management  
Department of Environment and Natural Resources

**CERTIFICATE OF SERVICE**

I hereby certify that I have caused a copy of the foregoing Compliance Order to be served upon the person designated below, at the last known address, causing said copy to be deposited in the U.S. Mail, First Class (certified mail postage prepaid, and return receipt requested) in an envelope addressed to:

Buncombe County  
c/o Wanda Greene, County Manager  
205 College Street  
Asheville, NC 28801

Dated this 7 day of September, 2007



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Compliance Officer  
Division of Waste Management  
Department of Environment and Natural Resources