NCDENR

North Carolina Department of Environment and Natural Resources

Dexter Matthews, Director | Division of Waste Management | Beverly Eaves Perdue, Governor
Dee Freeman, Secretary

January 28, 2010

Sent Via Certified Mail - 7008 0150 0000 3068 4459 and
Sent Via Email - mike.gurley@awin.com

Mr. Mike Gurley
Environmental Manager
BFI Waste Systems of North America, Inc., a wholly owned subsidiary of Republic Services Inc.
5105 Morehead Road
Concord, NC 28027

Re: *Assessment Monitoring and Characterization of Contaminant Plume*
Charlotte Motor Speedway Landfill V, Cabarrus County, Permit #13-04

Dear Mr. Gurley:

The Solid Waste Section has completed a review of the *Groundwater Statistical Analysis Report First Semi-Annual 2009 Sampling Event* dated September 2009 and submitted on behalf of BFI Waste Systems of North America, Inc. by Herst & Associates, Inc. for the lined Charlotte Motor Speedway Landfill V (lined municipal solid waste landfill). The landfill began Assessment Monitoring pursuant to 15A NCAC 13B .1634 following confirmation of Appendix I volatile organic compounds detected during the October, 2004 groundwater sampling event. Appendix II groundwater monitoring is being conducted on an annual basis. Several organic and inorganic Appendix I and Appendix II constituents have been detected consistently in the groundwater at the landfill in both shallow and bedrock groundwater monitoring wells. Several of the constituents have consistently exceeded either the North Carolina 2L Groundwater Standards or the North Carolina Groundwater Protection Standards. However, the landfill has not addressed the contaminant release in accordance with 15A NCAC 13B .1634(g) and has continued assessment monitoring pursuant to 15A NCAC 13B .1634(f) because Herst and Associates, Inc. has calculated that the detected contaminants are not statistically significant increases above levels of contaminants detected in wells designated as "background/upgradient" monitoring wells at the landfill.

Groundwater monitoring wells MW-11, MW-14, MW-14B, and MW-15 per Table 1 of the *Groundwater Statistical Analysis Report First Semi-Annual 2009 Sampling Event* are designated as "background/upgradient" wells for the landfill. Groundwater monitoring well MW-14 had detections (below groundwater standards) of both tetrachloroethane (PCE) and toluene during the first semiannual sampling event of 2009, and groundwater monitoring well MW-14B, a deep well, had a detection (below the groundwater standard) of toluene during the first semiannual event of 2009. In addition, varying concentrations (below groundwater standards) of volatile organic compounds have been detected in all four of these wells.

The Solid Waste Section notes that groundwater monitoring wells installed at a sanitary landfill for the purpose of sampling background groundwater quality are required to show background water quality which is unaffected by landfilling or other man-made activities. Background groundwater monitoring

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wells thus are expected to be "clean" wells, free from man-made constituents and containing only those constituents which occur naturally in groundwater in the area at levels which are naturally occurring. There is considerable doubt that any or all of the four wells described as background groundwater monitoring wells reflects the actual background water quality in the vicinity of the landfill.

The Groundwater Quality Standards codified at 15A N.C. Administrative Code 2L .0202 were adopted under the authority of G.S. 143-214.1 and 143B-282 for the protection of all groundwaters of the State. The Standards set the maximum allowable concentrations resulting from any discharge of contaminants to the land or waters of the State.

Based upon the above site specific factors and the unknown risk to public health and the environment, the Solid Waste Section is concerned about the volatile organic compound exceedances at a lined landfill. A release of contaminants from a landfill that exceeds the North Carolina Chapter 2L Standards or the North Carolina Groundwater Protection Standards requires the landfill to determine the impact, and if necessary, proceed with corrective action at the landfill.

Please address these matters by performing the requirements of 15A NCAC 13B .1634, including the following work:

(1) Place a notice in the operating record concerning the contamination.

(2) Notify all appropriate local government officials.

(3) Characterize the nature and the horizontal and vertical extent of the release. Installation of additional groundwater monitoring wells is likely to be part of this undertaking.

(4) Notify all persons who own land or reside on land that directly overlies any part of the plume of contamination if contaminants have migrated off-site.

(5) Within 90 days, initiate an assessment of corrective measures as required under 15A NCAC 13B .1635.

(6) Determine if four groundwater monitoring wells designated as "background/upgradient" wells are warranted at the landfill; determine if a new clean "background/upgradient" groundwater monitoring well is warranted at the landfill; and determine whether the detections in the four "background/upgradient" groundwater monitoring wells are related to liquid leachate or to landfill gas.

(7) Determine if Rocky River, a Class C stream, is the groundwater discharge.

(8) Conduct a well and receptor survey within 1,500 feet from the edge of waste.

BFI Waste Systems of North America, Inc., a wholly owned subsidiary of Republic Services Inc. shall acquire the services of a North Carolina Professional Geologist with experience in assessment and remediation and submit for approval by the Solid Waste Section, a phased Water Quality Assessment Plan. The North Carolina Professional Geologist shall consult with Ms. Jaclynne Drummond prior to preparing the Water Quality Assessment Plan. The Solid Waste Section will review the submitted Water Quality Assessment Plan and then approve, or request additional information prior to implementation. The Water Quality Assessment Plan shall then be implemented as approved. Within 60 days of receipt of this letter, please submit the Water Quality Assessment Plan to Ms. Jaclynne Drummond.

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We solicit your cooperation and would like to avoid taking enforcement action. At the same time, it is your responsibility to comply with the requirements of the Solid Waste Management Statute and the North Carolina Administrative Code. Thank you for your anticipated cooperation with this matter.

Sincerely,

Paul S. Crissman
Section Chief
Solid Waste Section

cc via email: Brad Green, General Manager (Brad.Green@awin.com)
Jamey Amick, Area President (JAmick@republicservices.com)
Steve Jett, Herst & Associates (sjett@herstassociates.com)
Mark Poindexter, Field Operations Supervisor
Jaclynne Drummond, Compliance Hydrogeologist
Brian Wootton, Permitting Hydrogeologist
Donald Herndon, Compliance Officer
Deb Aja, Western District Supervisor
Teresa Bradford, Environmental Senior Specialist
John Murray, Permitting Engineer
Ed Mussler, Permitting Supervisor

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MR MIKE GURLEY
ENVIRONMENTAL MANAGER
BFI WASTE SYSTEMS OF NORTH
AMERICA INC
5105 MOREHEAD ROAD
CONCORD NC 28027

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