NCDENR
North Carolina Department of Environment and Natural Resources
Division of Waste Management

Beverly Eaves Perdue
Governor

Dexter R. Matthews
Director

Dee Freeman
Secretary

July 8, 2010

CERTIFIED MAIL
Return Receipt Requested
7008 0150 0000 3068 3568
Mr. James H. Lewis
James Lewis Demo Landfill
108 Tate Street
Mount Holly, NC 28120

CERTIFIED MAIL
Return Receipt Requested
7008 0150 0000 3068 3575
Mr. Rodney Lewis
113 Noell Drive,
Mount Holly, NC 28120

CERTIFIED MAIL
Return Receipt Requested
7008 0150 0000 3068 3582
Mr. Dwayne E. McCorkle
1204 Old Highway 27
Mount Holly, NC 28120

Subject: Closure of Land Clearing and Inert Debris Landfill
Expired Permit Permit Number 36-A
Gaston County
Document ID # 11088

Dear Mr. Lewis:

Based on a site inspection conducted on February 4, 2010 the Solid Waste Section has documented that the referenced facility is inactive. According to the Facility Compliance Audit Report (ID # 9897) issued to Mr. Lewis from the Solid Waste Section on February 11, 2010; Condition No. 9 states in-part: *"Mr. Lewis has also expressed his wish to have his name removed from the landfill permit and sell a portion of the property on which the landfill is located.* ***"Therefore within 60 days of the issuance of the audit report, a new permit application must be submitted to the Division for approval or the site must be properly closed.*** *If a permit*

application is not received, a closure package will be issued to you with requirements to properly close the landfill".

On March 19, 2010, Brian Wootton of the Solid Waste Section spoke with Dwayne McCorkle, who identified himself as co-owner and operator. Mr. McCorkle stated the landfill property might be transferred to himself as sole owner and the landfill continue to operate. On March 22, 2010, Brian Wootton sent an e-mail to Mr. McCorkle requesting a response from Mr. McCorkle, stating his intensions to possibly become the new owner of the landfill. Included in the e-mail to Mr. McCorkle were permit application requirements to be completed by the applicant and returned to the Solid Waste Section. On June 9, 2010, the Gaston County Register of Deeds recorded a deed made on November 3, 2008 to convey the landfill property to Dwayne Eric McCorkle. The deed was recorded in Book 4518 at Pages 697-699 in the Gaston County Registry and made reference to the Solid Waste Permit that was recorded in Book 2148 at Pages 329-332.

To date, a new permit application has not been submitted as Therefore, the landfill must be closed in accordance with the conditions of Section .0510 and .0566 of the Solid Waste Management Rules. All persons named on the permit are responsible for proper closure of the landfill. When a disposal site/facility has been closed any future disposal operations will require an application for a new permit. Any activities not associated with the maintenance or monitoring of the closed site/facility may be viewed as operation of the facility, therefore violating North Carolina Solid Waste Management Rules. Failure to properly close the facility may result in an enforcement action, which may include injunctive action and/or the assessment of administrative penalties of up to $15,000 per day for each day of continued violation of any requirement of the Act, the rules, or any term of condition of your permit, including the failure to properly apply for renewal of the facility's permit.

The following actions must be completed by August 15, 2010 to comply with Section .0510 and .0566 of the Solid Waste Management Rules:

1. Unacceptable waste exists; such as clothing, painted wood, shingles, pieces of metal, plastic buckets, a tire, etc. must be removed prior to closure.
2. Vehicles, such as trucks and trailers must be relocated to an area off of the landfill.
3. Markers must be provided marking the edge of waste.
4. **Submit a letter certifying your intention to close the facility in accordance with Section .0510 of the Solid Waste Rules or submit a complete application for continued operation in accordance with Section .0565. Failure to respond may result in enforcement action.**

By September 15, 2010, the following actions must be taken to properly close the landfill if a complete new permit application is not submitted by August 15, 2010:

1. The disposal area shall be covered with a minimum of one foot of suitable soil sufficient to allow surface water runoff in a controlled manner.
2. Adequate erosion control measures, structure, or devices shall be utilized to prevent silt from leaving the site and to prevent excessive on site erosion.
3. Plant a suitable ground cover sufficient to restrain erosion. If trees, woody vegetation, Kudzu or Japanese Honeysuckle are present, then this type of vegetations needs to be removed prior to planting.

In order to complete closure, you must submit a letter of certification signed by a North Carolina licensed professional engineer, that a minimum of one foot of suitable soil cover has been placed over the entire landfill (utilizing at least 4 random test holes per acre) by September 30, 2010. The letter of certification must include

documentation of compliance with the conditions of Section .0510 and .0566 of the Solid Waste Management Rules, and, a survey plat of the land prepared by a registered land surveyor in accordance with N.C.G.S. 47-30. The following shall be depicted on the plat:

1. Horizontal distances between edge of waste, property lines, residential dwellings, commercial or public buildings, wells, and surface waters.
2. Surveyed boundaries of the parcel, the permitted solid waste disposal areas, and permitted facility boundaries;
3. The name of the property owner of record, acreage, references to recorded deeds and plats, and parcel identification numbers.
4. Property lines, north arrow, scale, and bearings and distance taken from the deed;
5. A notice that the plat is not for subdivision purposes, and is recorded to give notice of a restricted buffer zone.
6. Certification and seal by a registered land surveyor.

No later than October 15, 2010, submit the attached certified copy of the Letter of Closure recorded by the Register of Deeds and indexed in the grantor index under the name of the land owner for the property identified by deed located in BOOK: 4518 AND PAGES: 697-699, and, a certified copy of the Survey Plat recorded by the Register of Deeds. The certified copy of the Survey Plat and Letter of Closure affixed with the Register's seal and the date, book, and page number of the recording shall be returned to the Solid Waste Section at the following address:

Division of Waste Management
Solid Waste Section
Address
Attn: Brian Wootton, Permitting Hydrogeologist

POST-CLOSURE MAINTENANCE CONDITIONS

Post-closure maintenance and monitoring for this facility shall consist of whatever measures, procedures, and activities required to maintain this facility in compliance with the following closure conditions specified below. The Owner/Operator shall follow post closure maintenance and monitoring of the above referenced Land Clearing and Inert Debris Landfill in accordance with 15A NCAC 13B .0510 CLOSURE CONDITIONS, 15A NCAC 13B .0564 SITING CRITERIA, and 15A NCAC 13B .0566 OPERATIONAL REQUIREMENTS which require in part:

1. Any future disposal at the site shall require a new permit.
2. A buffer of 100 feet shall be maintained from the disposal area to property lines, residential dwellings, commercial or public buildings, and wells. A buffer of 50 feet shall be maintained from the waste boundary to all surface waters of the state as defined in G.S. 143-212.
3. The disposal area shall be maintained with a minimum of one foot of suitable soil cover sloped to allow surface water runoff in a controlled manner and maintained with ground cover sufficient to restrain erosion. Trees and other woody vegetation will not be allowed to grow on top of the disposal area.
4. Adequate erosion control measures, structures, or devices shall be utilized to prevent silt from leaving the site and to prevent excessive on site erosion.
5. Surface water shall not be impounded over waste.
6. Leachate shall be properly managed on site through the use of current best management practices.

7. The facility shall be adequately secured by means of gates, chains, berms, fences, etc. to prevent unauthorized access.
8. The Division may require further action in order to correct any condition which is or may become injurious to the public health, or a nuisance to the community.
9. Ground water separation of four (4) feet shall be maintained and/or devices utilized to maintain ground water at four (4) feet shall remain.
10. If methane monitoring wells and/or groundwater monitoring wells are required at the site they shall be maintained for the purposes of monitoring.

If you have any questions, please contact me at 919-508-8524.

Sincerely,

Brian Wootton

Brian Wootton
Permitting Hydrogeologist

cc: Paul Crissman, Solid Waste Section Chief
Mark Poindexter, Field Operations Branch Supervisor
Deborah Aja, Western District Supervisor
Charles Gerstell, Environmental Senior Specialist
Ed Mussler, Permitting Branch Supervisor
Terry Townsend, Associate Attorney General
Gaston County Solid Waste & Recycling Division

Enclosures

STATE OF NORTH CAROLINA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
DIVISION OF WASTE MANAGEMENT (DWM), 1646 MAIL SERVICE CENTER; RALEIGH, N.C. 27699-1646

LAND CLEARING AND INERT DEBRIS LANDFILL
LETTER OF CLOSURE
FACILITY PERMIT NUMBER 36-A

James H. Lewis
Rodney Lewis
Dwayne E. McCorkle

is hereby issued a LETTER OF CLOSURE for the Land Clearing and Inert Debris Landfill located off of Tate Street, on property described in deed recorded in BOOK4518 AND PAGES: 697-699and MAP CABINET: ____A and PAGE: ____ , in Mount Holly, Gaston County, North Carolina in accordance with Article 9, Chapter 130A, of the General Statutes of North Carolina and all rules promulgated thereunder and subject to the conditions set forth in this LETTER OF CLOSURE.

For any permit issued by the DWM to be valid it must have been recorded as specified in the Permit. The certification of recordation was received by the Solid Waste Section: Permit Number 36-A is recorded in BOOK: 2148 AND PAGE: 329 and MAP CABINET: ___A and PAGE: ____ in the Gaston County Register of Deeds.

POST-CLOSURE MAINTENANCE AND CONDITIONS
Post-closure maintenance and monitoring for this facility shall consist of whatever measures, procedures, and activities required to maintain this facility in compliance with the following closure conditions specified below:

Note: The Facility consists of the disposal unit and 100 feet of buffer or to property line, whichever is less, surrounding the disposal unit.

1. Any future disposal at the site shall require a new permit.
2. The Facility shall not be developed or utilized for residential, commercial, industrial, or institutional purposes, including but not limited to above- or below-ground construction or improvements such as utilities, roads, parking lots and sidewalks, except for any construction and improvements which are approved by DENR.
3. No surface or subsurface native or fill earthen materials may be removed from the Facility without the written permission of DENR or its successor in function. There shall be no alteration, disturbance or removal of the existing soil, landscape and contours, other than DENR-approved erosion control measures, unless approved by DENR.
4. The Facility shall be maintained in accordance with 15A NCAC 13B .0564 SITING CRITERIA, and 15A NCAC 13B .0566 OPERATIONAL REQUIREMENTS which require in part:

a. A buffer of 100 feet shall be maintained from the disposal area to property lines, residential dwellings, commercial or public buildings, and wells. A buffer of 50 feet shall be maintained from the waste boundary to all surface waters of the state as defined in G.S. 143-212.
b. The disposal area shall be maintained with a minimum of one foot of suitable soil cover sloped to allow surface water runoff in a controlled manner and maintained with ground cover sufficient to restrain erosion. Trees and other woody vegetation will not be allowed to grow on top of the disposal area.
c. Adequate erosion control measures, structures, or devices shall be utilized to prevent silt from leaving the site and to prevent excessive on site erosion.
d. Surface water shall not be impounded over waste.
e. Leachate shall be properly managed on site through the use of current best management practices.
f. The facility shall be adequately secured by means of gates, chains, berms, fences, etc. to prevent unauthorized access.

5. The Facility shall not be used for mining, extraction of coal, oil, gas or any other minerals or non-mineral substances unless approved by DENR.
6. Any surface or underground water shall not be used for any purpose. The installation of groundwater wells or other devices for access to groundwater for any purpose other than monitoring groundwater quality or remediation of groundwater contamination in accordance with a DENR approved remediation plan is prohibited.
7. Ground water separation of four (4) feet shall be maintained and/or devices utilized to maintain ground water at four (4) feet shall remain;
   Solid waste, vehicles, mobile homes and offices, appliances and other materials, including waste materials, recyclables, and virgin materials, shall not be disposed or stored on the Facility unless they are necessary to implement a DENR approved remediation plan.
8. Activities necessary to remediate contamination at the Facility, maintain the security of the Facility, prevent human exposure to contaminated materials, and to prevent erosion of contaminated soil at the Facility are permitted, if approved in writing in advance by DENR or its successor in function.
9. All other uses and activities at the Facility are prohibited unless approved in writing in advance by DENR or its successor in function.
10. No person conducting environmental assessment or remediation at the property, or involved in determining compliance with applicable land use restrictions, at the direction of, or pursuant to a permit or order issued by, DENR or its successor in function may be denied access to the property for the purpose of conducting such activities.
11. If methane monitoring wells and/or groundwater monitoring wells are required at the site they shall be maintained for the purposes of monitoring.
12. The Division may require further action in order to correct any condition which is or may become injurious to the public health, or a nuisance to the community.

I do hereby certify that the attached LETTER OF CLOSURE is an exact and true original of PERMIT NUMBER 36-A.

_____	_____	_____
Print Name (Dwayne E. McCorkle)	Signature (Dwayne E. McCorkle)	Date

North Carolina

_____ County

I, _____, Notary Public for _____ County,

North Carolina, do hereby certify that Dwayne Eric McCorkle personally appeared before me this day and acknowledge the due execution of the foregoing instrument.

Witness my hand and official seal,

This the _____ day of _____, 20 ___.

OFFICIAL SEAL

_____

NOTARY PUBLIC

My commission expires _____, 20_____.