

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

July 17, 2008

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Haywood County
c/o David B. Cotton, County Manager
215 N. Main Street
Waynesville, NC 28786

Re: Compliance Order
Haywood County Landfill-C&D Unit Permit Number 44-07, Haywood County

Dear Mr. Cotton:

Enclosed is a Compliance Order issued to Haywood 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 Haywood County to come into compliance with both the General Statutes and the Administrative Code.

I encourage Haywood County to schedule an informal conference at once with my staff to discuss this Compliance Order. Please contact Mr. Troy Harrison at the Asheville Regional Office at (828) 296-4701.

Sincerely,

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

Enclosure

cc: Teresa Townsend, Assistant Attorney General
Deborah Aja, Western District Supervisor
Troy Harrison, Environmental Senior Specialist
Mark Poindexter, Supervisor, Field Operations Branch
Ervin Lane, Compliance Hydrogeologist
Central Files, Solid Waste

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

In Re: Haywood County
c/o David B. Cotton, County Manager
215 N. Main Street
Waynesville, NC 28786

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 Haywood County is in violation of certain requirements of the Act and/or Rules, as set forth below.

STATEMENT OF FACTS

1. The Haywood County Landfill (Permit No. 44-07), located at 3898 Fines Creek Road in White Oak, North Carolina, consists of a municipal solid waste (MSW) landfill unit, a construction and demolition (C&D) landfill unit, and land clearing and inert debris (LCID) landfill unit.
2. On March 19, 2008, at approximately 10:00 a.m., Mr. Troy Harrison, Environmental Senior Specialist, Solid Waste Section, received a telephone call from Mr. Steven King, Haywood County Solid Waste Director, informing him that a leachate breakout had occurred in the C&D landfill unit that morning. Mr. King informed Mr. Harrison that soil and water samples were taken by Mountain Environmental Group to be analyzed by Pace Analytical. Mr. Harrison was unable to inspect the landfill that day due to a previously scheduled appointment and advised Mr. King to take photographs and document remediation activity.
3. On March 20, 2008, Mr. Harrison inspected the Haywood County C&D Landfill unit with Mr. King present. At the time of inspection, there were multiple leachate breakout locations. Mr. Harrison took several photographs. Mr. Harrison observed three specific breakout locations located in the capped slope of the landfill, topographically up gradient from the upper drainage ditch and the upper entrance road to the landfill. Mr. Harrison noted that the leachate was black in color with a strong chemical odor that resembled sulfur. Mr. Harrison photographed the leachate flowing into the upper drainage ditch. Several spill control mats and socks had been placed to help contain the

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leachate within the disposal cell boundary. The remainder of the leachate that was not absorbed by the control mats and socks flowed beyond the limits of the active disposal cell boundary. Mr. Harrison also noted three additional leachate breakouts located within the landfill footprint down gradient from the upper entrance road. Mr. Harrison noted that all of the leachate breakouts occurred in the same general location on the southeast, portion of the C&D disposal cell. Mr. Harrison instructed Mr. King to contain the leachate within the active disposal cell boundary and Mr. King agreed to do so.

4. On April 1, 2008, Mr. Harrison and Mr. Allen Gaither, Permitting Engineer with the Solid Waste Section, met with Mr. King and Mr. Shumpert, Haywood County Engineer, for a follow up investigation. The locations of the leachate breakouts near the upper entrance road had been excavated. No leachate was observed flowing near the upper entrance road into the drainage ditch. Leachate continued to flow into the lower drainage ditch but was located within the active disposal cell.
5. On April 9, 2008, Mr. Harrison received an analytical report from Pace Analytical. The results were forwarded to the Raleigh Central Office for further review.
6. On April 25, 2008, Mr. King e-mailed Mr. Harrison and stated that the County had repaired the C&D Landfill by filling the holes with gravel. The County had also placed a pipe to assist with future leachate drainage and would be extending a "leachate catch basin" the following week. The "leachate catch basin" is a small depression, located over the waste area, designed to prevent leachate from flowing off-site. Leachate captured by the leachate "catch basin" is pumped into a truck and delivered to the waste water treatment plant.

STATEMENT OF VIOLATION

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

1. Section .0542 (I)(4) which states:

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

Haywood County violated this rule in that on March 19 and 20, 2008, leachate was released from the landfill site. Leachate migrated beyond the limits of the active disposal cell. Once leachate leaves the active disposal cell, the nature and extent of contamination cannot be determined without conducting an environmental assessment. Mr. Harrison observed three specific breakout locations in the capped slope of the landfill, up gradient from the drainage ditch and near the upper entrance road to the landfill from which leachate was leaving the active disposal cell untreated.

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 15A NCAC 13B .0542(I)(4).

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2. Submit a map showing the sample locations taken by Mountain Environmental Group on March 19, 2008, as related to the leachate break-out locations. Include the depth of soil sample collection. Within 14 days, submit the map to:

Ervin Lane, 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 in 30 days, 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 Ervin Lane, 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.

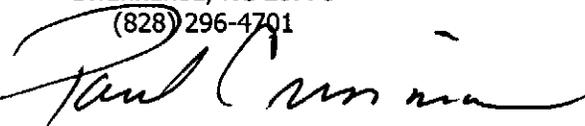
POTENTIAL CONSEQUENCES OF FAILURE TO COMPLY

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 \$15,000.00 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:

Troy Harrison
Environmental Senior Specialist
NC DENR- Division of Waste Management
Asheville Regional Office
2090 US Highway 70
Swannanoa, NC 28778
(828) 296-4701

By: 

Paul S. Crissman
Chief, Solid Waste Section
Division of Waste Management
Department of Environment and Natural Resources

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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:

Haywood County
c/o David B. Cotton, County Manager
215 N. Main Street
Waynesville, NC 28786

Dated this 17th day of July, 2008.

Amy Kadrie

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