



North Carolina Department of Environment and Natural Resources

Division of Waste Management

Dexter R. Matthews

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Secretary

October 19, 2009

Mr. Tim Rogers
Solid Waste Director
Solid Waste Department
460 B S Landfill Road
Dudley, North Carolina 28333-5321

Subject: Final Corrective Action Plan and Revised Financial Assurance Mechanism
Wayne County Landfill
Construction and Demolition Landfill, Permit 96-01
Doc ID 8734

Dear Mr. Rogers:

The Solid Waste Section (SWS) reviewed the draft of the revised report text (draft report) for the second revision of the Corrective Action Plan (CAP) for the Wayne County Landfill. Municipal Engineering Services Company, P.A. (MESCO) submitted the draft report with its response letter, dated August 14, 2009 (Doc ID 8733). On June 26, 2009 MESCO requested more time to abandon one water supply well, acquire more field data, and revise costs for corrective action. Of the aforementioned items, one remains unaddressed: submission of the well abandonment record. In the cover letter for the draft report, the record is reportedly in Appendix F. However, the appendix is not in the draft report. In the draft report, the record is reportedly in Appendix D. However, it is not among records comprising the appendix. The well abandonment record for the well reportedly abandoned on July 9, 2009 should be included in the final CAP.

Both a hard copy and electronic copy of a final CAP including all revised appendices, maps, tables, etc should now be submitted. In addition to the well abandonment record, include an appendix in which more information about the active Gas Collection and Control System (GCCS) is presented—wellhead details, flare details, data analysis, etc. Because the GCCS is part of the CAP, information about it should be comparable to what is presented for groundwater monitoring plans. **A final CAP replacing the draft report is required for compliance with Regulations 15A NCAC 13B .1637 and 15A NCAC 13B .0547 (4)(c).**

The SWS has not received a revised financial assurance mechanism. Included in the draft report is the cost for corrective action but it is not recorded in the revised financial assurance mechanism the SWS previously requested. The SWS received a letter from the chief financial officer of Wayne County, dated January 28, 2009, showing financial assurance for closure and post-closure but not for corrective action. Financial assurance for corrective action is specified in Regulation 15A NCAC 13B .1628 (d). Also note that in Regulation 15A NCAC 13B .1628 (d)(1)(A) is the specification that the cost estimate be adjusted for inflation. A revised financial

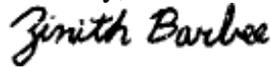
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assurance mechanism reflecting cost of the final CAP should be sent to Mr. Donald Herndon in the SWS. He can be contacted at 919-508-8502 or at: donald.herndon@ncdenr.gov.

Please note an additional requirement for financial assurance. Wayne County Landfill must establish financial assurance in the amount of three million dollars (\$3,000,000) to “cover potential assessment and corrective action at the facility”. This financial assurance is specified in Statute NCGS 130A-295.2(h), effective August 1, 2009, and is in addition to financial assurance specified in Regulation 15A NCAC 13B .1628 (d). The amount may be appropriately increased by the Division of Waste Management. Within the next year, Wayne County Landfill will be required to re-evaluate its corrective action plan(s) for compliance with the statute. Within 30 days of receiving this letter, submit to Mr. Herndon a document for this financial assurance.

If you have questions, please contact me at 919-508-8401 or zinith.barbee@ncdenr.gov.

Sincerely,



Zinith Barbee
Project Manager
Solid Waste Section

cc: Mark Poindexter	Field Operations Supervisor
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Donald Herndon	SWS
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