

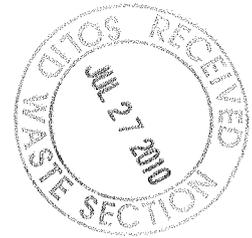
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Ms. Jaclynne Drummond
 Solid Waste Section - Compliance
 Division of Waste Management
 North Carolina Department of Environment and Natural Resources
 401 Oberlin Road, Suite 150
 Raleigh, NC 27605

July 26, 2010

Re: **Response to *Warning Notice* Letter, dated July 15, 2010**
Environmental Monitoring Report Deficiencies
Alexander County Landfill, Permit #02-01
MESCO Project No. G10059.0



Dear Ms. Drummond:

Municipal Engineering Services Co., P.A. (MESCO), on behalf of Alexander County, appreciates the opportunity to respond to your *Warning Notice* letter to Alexander County (the County) dated July 15, 2010. Below we have reproduced the issues raised in your letter (paraphrased in italics by paragraph) and presented our corresponding response (indented).

First Page

The three paragraphs on Page 1 of your letter presented a summary of document review, possible reporting deficiencies, and references to memoranda issued by the Solid Waste Section (Section) on October 27, 2006, February 23, 2007, and October 17, 2007. In our opinion, the information presented on Page 1 represents a “background” section of your letter intended to support the basis of your letter and did not solicit a response. As such, we have responded to comments detailed on the second page of your letter.

Second Page, First Paragraph

In the first sentence of the first paragraph on Page 2, you stated,

“...it is the County’s responsibility to ensure that all environmental monitoring results are reported as required by the Solid Waste Section. For all future water quality sampling events, please submit all laboratory analytical data in a format consistent with the EDD template established by the Solid Waste Section and report all constituent concentrations at or below the SWSLs.”

MESCO is fortunate to subcontract with several State of North Carolina-certified analytical laboratories on this and other landfill sites under the Section's jurisdiction. We are working closely with all of our subcontract laboratories to ensure that all future laboratory data reported for this site will be submitted in a format consistent with the May 5, 2010 EDD template, and that all constituent concentrations at or below the SWSLs will be reported.

Second Page, Second Paragraph

In the first sentence of the second paragraph on Page 2, you stated,

"...based upon a file review of the historical water quality monitoring reports for this facility, it appears that Appendix II water quality monitoring was discontinued without Solid Waste Section approval."

In the fourth sentence of the second paragraph on Page 2, you stated,

"It appears that no routine Appendix II water quality monitoring has been conducted consistently since 2003."

A review of our files confirms your assertion that routine Appendix II water quality monitoring has not been conducted consistently since 2003. Between December 2003 and December 2006, groundwater and surface water samples were analyzed for the Appendix I list of volatile organic compounds (VOCs) and selected metals. Groundwater samples collected from five wells (MW-11, MW-12, MW-14, MW-15, and MW-17) in June 2007 were analyzed for the Appendix II contaminant list. An *Assessment for Corrective Measures (ACM)* was prepared in April 2008, and the Appendix II-listed contaminant mercury was analyzed with the Appendix I list in June 2008. In February 2009, the Section approved MESCO's recommended *Corrective Action Plan (CAP)*. A review of the *Ground and Surfacewater Sampling and Analysis Plan (SAP)* (Appendix B of the referenced *CAP*) indicates that, based on the selected remedy, water quality samples collected from groundwater and surface water monitoring points are to be analyzed for the Appendix I list. Groundwater samples collected from 14 selected wells are to be analyzed for the Section's Monitored Natural Attenuation (MNA) parameter list. In December 2009 and June 2010, water quality samples were analyzed in accordance with the referenced *SAP* for the Appendix I list and the MNA parameters only. Note that previous MNA reports have been submitted under separate header but can be included with the semi-annual water quality sampling reports if requested.

It is our understanding that, unless or until directed otherwise by the Section, water quality sampling events are to be performed in accordance with the approved *CAP*.

Second Page, Third Paragraph

In the third paragraph on Page 2, you stated,

“...the Semiannual Water Quality Monitoring Report December 2009 dated February 11, 2010 and previous water quality monitoring reports for this facility are in violation of the NCGS §89E, the North Carolina Geologist Licensing Act. All drawings, reports, or other geologic papers or documents involving geologic work must be signed and sealed by a qualified geologist who is licensed to practice in the State of North Carolina.”

According to NCGS §89E-3(9), “the term *qualified geologist* means a person who possesses all of the qualifications specified in this Chapter for licensing **except that he or she is not licensed.**” In our opinion, our Environmental Specialist, Mr. Jonathan Pfohl, who has been performing and reporting groundwater sampling events with MESCO for over twelve years, meets the Chapter’s definition of a *qualified geologist* and the minimum qualifications (as presented in §89E-9) to become licensed as a Geologist in NC. To date, he has reportedly chosen to not apply to “sit” for the examination due to personal reasons.

During the mid-1990s, MESCO’s fieldwork and reports were performed under the supervision of a subcontracted licensed geologist. Since 2000, water quality monitoring services and documentation have been performed under the direct supervision of an in-house licensed geologist. These and other services are subjected to peer review and senior review but, because some of the water quality monitoring reports presented test results without typical geologic evaluation, many were not signed and sealed by a licensed geologist. For these reasons, we disagree with your interpretation that our monitoring reports “...are in violation of the North Carolina Geologist Licensing Act”.

Your October 27, 2006 memo entitled *New Guidelines for Electronic Submittal of Environmental Monitoring Data* requested that a *Solid Waste Environmental Data Form* “...filled out completely, signed, and stamped with a Board Certified North Carolina Geologist License Seal” be sent “...in lieu of a cover letter to the Solid Waste Section”

Additionally, your *Addendum to October 27, 2006 North Carolina Solid Waste Section Memorandum Regarding New Guidelines for Electronic Submittal of Environmental Monitoring Data*, dated February 23, 2007 reminded us to “...submit a *Solid Waste Environmental Monitoring Reporting Form* in addition to our environmental monitoring data report” and explained that the form should “...be sealed by a geologist or engineer licensed in North Carolina if hydrogeologic or geologic calculations, maps, or interpretations are included in the report. Otherwise, any representative that the facility owner chooses may sign and submit the form.”

At various times during this project, we submitted the lab data with a brief letter report and cover letter, or the *Environmental Monitoring Reporting Form* to the Section and a more detailed report to the County. As site conditions “triggered” the need to perform an *Assessment for Corrective Measures* in April 2008 and a *Corrective Action Plan* in

February 2009, our water quality monitoring report grew and we inadvertently began sending the same detailed report to the County and to the Section. It is our plan to internally review and discuss the Guidelines again, and comply with options provided in the February 2007 Addendum memo referenced above.

CLOSING

Municipal Engineering Services Co., P.A., on behalf of the Alexander County, appreciates the opportunity to submit this brief response to the Solid Waste Section. We appreciate the Section bringing these issues to our attention without initiating enforcement actions. We acknowledge the seriousness of your warning and will respond immediately to meet your requests and requirements. Please contact us at (919) 772-5393, mbrown@mesco.com, or wsullivan@mesco.com if you have any questions or comments regarding this response.

Sincerely,
MUNICIPAL ENGINEERING SERVICES CO., P.A.



Mark Brown, LG, PG
Senior Professional Geologist



Wayne Sullivan, PLS, Supervisor
Solid Waste Services Section

Enclosure:
Warning Notice Letter, dated July 15, 2010

cc: Mr. Josh Mitchell, Alexander County



North Carolina Department of Environment and Natural Resources

Dexter Matthews, Director

Division of Waste Management

Beverly Eaves Perdue, Governor
Dee Freeman, Secretary

July 15, 2010

Sent Via U.S. Mail and Via Email - jmitchell@alexandercountync.gov

Mr. Josh Mitchell
Alexander County Solid Waste
621 Liledoun Road
Box 12
Taylorsville, NC 28681

**Re: WARNING NOTICE
Environmental Monitoring Reporting Deficiencies
Alexander County Landfill, Permit #02-01**

Dear Mr. Mitchell:

The Solid Waste Section has completed a review of the *Semiannual Water Quality Monitoring Report December 2009* dated February 11, 2010 (Doc ID 9870) submitted by Municipal Engineering Services Company, P.A. on behalf of Alexander County. Based upon this review, the Solid Waste Section has found deficiencies in your environmental monitoring reporting that has failed to meet the following requirements: reporting all constituent concentrations at or below the designated Solid Waste Section Limits (SWSLs) and submitting the EDD with all analytical data including the MNA parameters.

On October 27, 2006 the North Carolina Solid Waste Section issued a memorandum titled *New Guidelines for Electronic Submittal of Environmental Monitoring Data*. Two additional memoranda were also issued by the North Carolina Solid Waste Section regarding environmental monitoring, the February 23, 2007 memorandum titled *Addendum to October 27, 2006, North Carolina Solid Waste Section Memorandum Regarding New Guidelines for Electronic Submittal of Environmental Data* and the October 17, 2007 memorandum titled *Environmental Monitoring Data for North Carolina Solid Waste Management Facilities*. All three memoranda have been available on our webpage for over three years (http://www.wastenotnc.org/swhome/enviro_monitoring.asp). The EDD template is also located on our webpage at <http://portal.ncdenr.org/web/wm/sw/envmonitoring>. The EDD template standardizes the environmental reporting process, eliminates the need for laboratories to submit paper copies of analytical results to the Solid Waste Section, reduces the labor intensive data entry by Solid Waste Section, improves efficiency, and ensures consistency of stored data.

In addition, the February 23, 2007 memorandum titled *Addendum to October 27, 2006, North Carolina Solid Waste Section Memorandum Regarding New Guidelines for Electronic Submittal of Environmental Data*, stated, "Analytical data from laboratories that cannot meet the new reporting limits will not be accepted," and "Failure to comply with the requirements described in the October 27, 2006, memorandum and this addendum to the October 27, 2006, memorandum will constitute a violation of 15A NCAC 13B .0601, .0602, or .1632(b), and submittal of unacceptable data may lead to enforcement action."

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As a result, it is the County's responsibility to ensure that all environmental monitoring results are reported as required by the Solid Waste Section. For all future water quality sampling events, please submit all laboratory analytical data in a format consistent with the EDD template established by the Solid Waste Section and report all constituent concentrations at or below the SWSLs. Failure to comply may lead to enforcement action.

In addition, based upon a file review of the historical water quality monitoring reports for this facility, it appears that Appendix II water quality monitoring was discontinued without Solid Waste Section approval. The last water quality monitoring event that analyzed for the two detected Appendix II constituents, alpha-BHC (pesticide) and Silvex (herbicide), was January 2003. The full set of Appendix II parameters was analyzed only for the newly installed groundwater monitoring wells MW-16, MW-24, and MW-26 in April 2008. It appears that no routine Appendix II water quality monitoring has been conducted consistently since 2003. Within 10 days of receipt of this letter, please provide the Solid Waste Section with documentation establishing an approved variance or documentation of Appendix II water quality monitoring as required by 15A NCAC 13B .1634.

Finally, the *Semiannual Water Quality Monitoring Report December 2009* dated February 11, 2010 and previous water quality monitoring reports for this facility are in violation of N.C.G.S. §89E, the North Carolina Geologists Licensing Act. All drawings, reports, or other geologic papers or documents involving geologic work must be signed and sealed by a qualified geologist who is licensed to practice in the State of North Carolina.

If you have any questions or concerns regarding this letter, please contact me at 919-508-8500 or at jaclynne.drummond@ncdenr.gov. Thank you for your anticipated cooperation with this matter.

Sincerely,



Jaclynne Drummond
Hydrogeologist
Environmental Compliance
Solid Waste Section

cc via electronic mail: Jonathan Pfohl Municipal Engineering (jpfohl@mesco.com)
Bonnie McKee, Pace Analytical (bonnie.mckee@pacelabs.com)
Mark Poindexter, Field Operations Supervisor
Deb Aja, Western District Supervisor
C.T. Gerstell, Environmental Senior Specialist
Solid Waste Section Central Files