



North Carolina Department of Environment and Natural Resources

Dexter Matthews, Director

Division of Waste Management

Beverly Eaves Perdue, Governor  
Dee Freeman, Secretary

September 15, 2009

R.J. Reynolds Tobacco Company  
Corporation Service Company, Registered Agent  
327 Hillsborough Street  
Raleigh NC 27603

Daniel M. Delen, President, and CEO  
R.J. Reynolds Tobacco Company  
PO Box 2990  
Winston-Salem NC 2701

Re: **Groundwater monitoring requirements**  
Closed Avoca Landfill  
Permit # 08-02  
Bertie County, North Carolina

Dear Mr. Delen and R.J. Reynolds Tobacco Company:

The Closed Avoca Landfill is in violation of *Title 15A North Carolina Administrative Code 13B, Solid Waste Management Rules and Law, Rule .0510(c)* which states "When a solid waste disposal site has been closed in accordance with the requirements of the Division, future necessary maintenance and water quality monitoring shall be the responsibility of the owner and the operator and shall be specified in the closure letter". A closure letter was issued for the Closed Avoca Landfill on March 16, 1999 and condition 8(f) of the closure letter states "Past groundwater quality data for this facility indicates that Groundwater Quality standards have been exceeded for some chemical constituents. Additional water quality assessment will be necessary in the future. Until such time RJR Tobacco is contacted by the Solid Waste Section Compliance Branch; RJR will continue to monitor and sample groundwater consistent with conditions a, b, c, and d of this section". Two additional monitor wells, MW-7 and MW-8, were installed after the property containing the landfill was sold to the Rial Corporation in 2005 and a report containing the laboratory analytical results was submitted to the Solid Waste Section on August 7, 2006.

**The Closed Avoca Landfill is in violation of 15A NCAC 13B .0510 (c) in that groundwater monitoring data has not been submitted for monitor wells MW-1 through MW-6 since 2005 and MW-7 and MW-8 since 2006.**

Although Rial Corporation is the current property owner, RJR Tobacco Co. is responsible for landfill operation and compliance with the closure letter conditions. Manganese concentrations have consistently been reported above the 2L Standard in groundwater samples collected from the Closed Avoca Landfill which warrants the need for continued monitoring in addition to remaining compliant with 15A NCAC 13B .0510 (c).

**Within 90 days of receipt of this Notice, RJR Tobacco Co. is required to complete a groundwater monitoring event and submit a report to the Solid Waste Section for**

**review. RJR Tobacco Co. should resume semi-annual monitoring at the Closed Avoca Landfill subsequent to the monitoring event.**

If you have any questions regarding this matter, please feel free to contact me at (919) 508-8516 or by email at [ervin.lane@ncdenr.gov](mailto:ervin.lane@ncdenr.gov).

Sincerely,



Ervin Lane  
Hydrogeologist  
Environmental Compliance  
Solid Waste Section

cc: Nancy Scott, Assistant Attorney General  
Mark Poindexter, Field Operations Branch Head  
Dennis Shackelford, Eastern District Supervisor  
Ben Barnes, Environmental Senior Specialist  
Solid Waste Central Files