



**FACILITY COMPLIANCE AUDIT REPORT**  
**Division of Waste Management**  
**Solid Waste Section**

<b>UNIT TYPE:</b>											
Lined MSWLF		LCID	<b>X</b>	YW		Transfer		Compost		SLAS	<b>COUNTY:</b> Catawba <b>PERMIT NO.:</b> 18-11 LCID 2008 <b>FILE TYPE:</b> COMPLIANCE
Closed MSWLF		HHW		White goods		Incineration		T&P		FIRM	
CDLF		Tire T&P / Collection		Tire Monofill		Industrial Landfill		DEMO		SDTF	

**Date of Audit:** February 12, 2010

**Date of Last Audit:** None

**FACILITY NAME AND ADDRESS:**

City of Newton Land Clearing and Inert Debris Landfill  
 1171 Boston Road  
 Newton, North Carolina

**GPS COORDINATES:** N: 35.65335 W: 81.24808

**FACILITY CONTACT NAME AND PHONE NUMBER:**

Mark A. Herman, Public Works Operations Manager (828) 695-4295

**FACILITY CONTACT ADDRESS:**

Post Office Box 550  
 Newton, North Carolina 28658

**AUDIT PARTICIPANTS:**

Charles Gerstell, NCDENR-Solid Waste Section

**STATUS OF PERMIT:**

A Permit to Operate a Land Clearing and Inert Debris Landfill was issued on September 4, 2008 and expires on September 14, 2014. The permit specifically authorized the operation of Phase 1 of the LCID Landfill only.

**PURPOSE OF AUDIT:**

Comprehensive Audit

**NOTICE OF VIOLATION(S):**

**Site Specific Permit Condition #2** approved the operation of Phase 1 of the LCID Landfill. During the inspection, a large area of un-ground leaves was observed northeast of the approved LCID Landfill area and adjacent to the access road leading to the water supply reservoir for the City of Newton. Site drawings designated this area as the "Proposed New Yard Waste Treatment and Processing Area".

Operation of a yard waste treatment and processing area was not approved under the Permit to Construct and Operate. Therefore, The City of Newton is in violation of Site Specific Permit Condition #2.

**Site Specific Permit Condition #6 states:** Revisions to the design or operation of the facility without the written approval of the Solid Waste Section are a violation of this permit.

A yard waste treatment and processing area has been started within the area without written approval from the Solid Waste Section. Therefore, the City of Newton is in violation of Site Specific Permit Condition #6.

**FACILITY COMPLIANCE AUDIT REPORT**  
**Division of Waste Management**  
**Solid Waste Section**

Page 2 of 3

**General Permit Condition #6 states:** Operation of this solid waste management facility must be in accordance with the Solid Waste Management Rules, 15A NCAC 13B; Article 9 of the Chapter 130A of the North Carolina General Statutes (NCGS 130A-290, et seq.); the conditions contained in this permit ; and the approved plan. Should the approved plan and the rules conflict, the Solid Waste Management Rules shall take precedence unless specifically addressed by permit condition.

The City of Newton is in violation of General Permit Condition #6 in that it violated the conditions contained in the permit.

To achieve compliance, the City of Newton must immediately cease use of the yard waste treatment and processing area, and within **30** days of receipt of this audit report with Notice of Violation(s), submit a permit modification to the Division clearly delineating all activities within the landfill boundary. A revised Operations Plan and associated review fees must also be submitted. All permit submittals should be sent to:

Larry Frost, Permitting Engineer  
Division of Waste Management/Solid Waste Section  
2090 U.S. Highway 70  
Swannanoa, North Carolina 28778  
(828) 296-4704



View from entrance to yard waste area from access road looking northeast.



View of yard waste area looking west.

You are hereby advised that, pursuant to N.C.G.S. 130A-22, an administrative penalty of up to \$15,000 per day may be assessed for each violation of the Solid Waste Statute or Regulations. For the violation(s) noted here, you may be subject to enforcement actions including penalties, 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.

**STATUS OF PAST NOTED VIOLATIONS:**

None

**FACILITY COMPLIANCE AUDIT REPORT**  
**Division of Waste Management**  
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Page 3 of 3

**AREAS OF CONCERN AND COMMENTS:**

1. Construction of the LCID Landfill has not started. The area is currently being used as a borrow area for soil.
2. Although the LCID landfill has not started, erosion and sedimentation control measures must still be provided along the haul road and along the soil borrow area to prevent off-site sedimentation damage. Sediment was entering the wooded area south of the access road and borrow area at the time of inspection.
3. During the inspection, leachate from the yard waste treatment and processing area was observed flowing within the ditch line along the access road leading the reservoir for a distance of approximately 30-feet. Leachate was also observed flowing into an eroded gully to an old sediment trap located on the north side of the area. All leachate must be contained to the yard waste area and managed on site though the use of best management practices.

Please contact me if you have any questions or concerns regarding this audit report.



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Charles T. Gerstell  
Environmental Senior Specialist  
*Regional Representative*

Phone: (704) 235-2144

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Cc: Mark Poindexter, Field Operations Branch Supervisor  
Deborah Aja, Western District Supervisor

E. Todd Clark, City Manager  
Post Office Box 550  
Newton, North Carolina 28658

Certified No.: 7008 1140 0002 2716 2852