



FACILITY COMPLIANCE AUDIT REPORT
Division of Waste Management
Solid Waste Section

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

Date of Audit: July 15, 2010

Date of Last Audit: February 12, 2010

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:

Wilce B. Martin, Public Works & Utilities Director (828) 695-2489
 wmartin@newtonnc.gov

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:

Follow-up audit

NOTICE OF VIOLATION(S):

No new violations

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.

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STATUS OF PAST NOTED VIOLATIONS:

Site Specific Permit Condition #2 approved the operation of Phase 1 of the LCID Landfill. During an inspection performed on February 12, 2010, 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 was found 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 had been started within the facility permit boundary without written approval from the Solid Waste Section. Therefore, the City of Newton was found in violation of Site Specific Permit Condition #6.

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 was found in violation of General Permit Condition #6 in that it violated the conditions contained in the permit.

To achieve compliance, the City of Newton was directed to immediately cease use of the yard waste treatment and processing area, and within **30** days of receipt of audit report with Notice of Violation(s) issued on March 3, 2010, submit a permit modification to the Division clearly delineating all activities within the landfill boundary.

An application for a Permit to Operate – Modification was received by the Solid Waste Section on May 10, 2010. **Therefore, the above violations are considered resolved.** However, additional information was requested in order to complete the permit modification (*see letter entitled "Permit Modification – Completeness and Technical Review" issued on May 12, 2010 by Larry Frost, Regional Engineer*). As of the issue date of this audit report, no additional information has been submitted. All requested additional information must be submitted immediately in order to complete the permit modification.

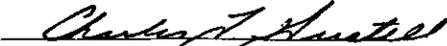
AREAS OF CONCERN AND COMMENTS:

1. This inspection was a follow-up audit to determine efforts to comply with the audit report with Notice of Violation(s) that was issued to the City of Newton on March 5, 2010.
2. Construction of the LCID Landfill has not started. The area is currently being used as a borrow area for soil.
3. 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 had entered the wooded area south of the access road and borrow area at the time of inspection.
4. Inspection of the site found that approximately 8 additional loads of primarily ground mulch and leaves had been disposed of in the same location as the large area of un-ground leaves observed during the previous inspection. These new loads of waste were specifically disposed of directly adjacent to the access road leading to the water supply reservoir. The area of new waste measured approximately 112-feet X 18-feet. **As noted on the previous audit report, the City of Newton must immediately cease use of the yard waste treatment and processing area. Further use of this area prior to approval of a permit modification may result in enforcement action.**

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


Charles T. Gerstell
Environmental Senior Specialist
Regional Representative

Phone: (704) 235-2144

Delivered on : <u>8/2/10</u> by	X	Electronic Correspondence		US Mail		Certified No
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Cc: Mark Poindexter, Field Operations Branch Supervisor
Deborah Aja, Western District Supervisor