



FACILITY COMPLIANCE AUDIT REPORT
Division of Waste Management
Solid Waste Section

UNIT TYPE: (check all that apply to this audit with same Permit number)

Lined MSWLF	<input checked="" type="checkbox"/>	LCID	<input type="checkbox"/>	YW	<input type="checkbox"/>	Transfer	<input type="checkbox"/>	Compost	<input type="checkbox"/>	SLAS	<input type="checkbox"/>	COUNTY: Cherokee PERMIT NO.: 20-02 FILE TYPE: COMPLIANCE
Closed MSWLF	<input type="checkbox"/>	HHW	<input type="checkbox"/>	White goods	<input type="checkbox"/>	Incin	<input type="checkbox"/>	T&P	<input type="checkbox"/>	FIRM	<input type="checkbox"/>	
CDLF	<input type="checkbox"/>	Tire T&P / Collection	<input type="checkbox"/>	Tire Monofill	<input type="checkbox"/>	Industrial Landfill	<input type="checkbox"/>	DEMO	<input type="checkbox"/>	SDTF	<input type="checkbox"/>	

Date of Audit: March 7, 2008

Date of Last Audit: December 18, 2007

FACILITY NAME AND ADDRESS:

Cherokee County Landfill
 10160 US 19/74/129
 Marble, NC 28905

GPS COORDINATES: (Decimal Degrees) N N: 35.18103 E: -83.90807

FACILITY CONTACT NAME AND PHONE NUMBER:

Robert Allen, Director
 828/837-2621

FACILITY CONTACT ADDRESS (IF DIFFERENT):

Cherokee County Solid Waste Department
 c/o Cherokee County Courthouse
 75 Peachtree Street, Murphy, NC 28906

AUDIT PARTICIPANTS:

Jeff Clark, Cherokee County
 Robert Allen, Cherokee County
 NC Representative Roger West
 Wayne Sullivan, Municipal Engineering
 Larry Frost, Permitting Engineer - Solid Waste Section NCDENR
 Allen Gaither, Permitting Engineer - Solid Waste Section NCDENR
 Troy Harrison, Environmental Senior Specialist, Solid Waste Section NCDENR
 Deb Aja, Western District Supervisor, Solid Waste Section NCDENR

STATUS OF PERMIT:

Original Permit to Construct issued July 15, 1997
 Permit to Construct (Phase 2) issued February 19, 2004
 Current Active-Permit to Operate issued April 1, 2005

PURPOSE OF AUDIT:

Follow-up: Audit: Follow-up of NOV issued as a result of audit conducted on 12/18/08.

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NOTICE OF VIOLATION(S) (citation and explanation):

A **15A North Carolina Administrative Code 13B .1626 (8)(d)** states: leachate shall be contained on site or be treated prior to discharge.

Cherokee County was in violation of 15A North Carolina Administrative Code 13B .1626 (8)(d) in that on March 7, 2008; water was observed in contact with solid waste and allowed to move down-gradient and off of the landfill liner. Water that comes in contact with waste is considered leachate. Please see item four in areas of concern and comments.

In order to achieve compliance, Cherokee County Landfill must immediately:

- 1. Assure leachate is contained on site or properly treated prior to discharge, and**
- 2. Assess the impact of the leachate release outside of the waste cell.**

Further action may be required by the Division.

B **15A North Carolina Administrative Code 13B .1626 (7)(a)** states: Adequate sediment control measures (structures or devices), shall be utilized to prevent silt from leaving the MSWLF facility.

Cherokee County was in violation of 15A North Carolina Administrative Code 13B .1626 (7)(a) in that on March 7, 2008; Water with sediment was allowed to flow from the landfill, over a service road into an area completely filled with sediment behind a stone check dam near the Valley River. Water and sediment then flowed over the check dam into the Valley River. **An erosion control plan was submitted to the North Carolina Division of Land Quality (DLQ) on March 17, 2008 and was rejected on March 27, 2008. A revised plan was received by DLQ on April 14, 2008 and was approved on April 24, 2008.**

In order to achieve compliance, Cherokee County Landfill must immediately:

- 1. Immediately implement the approved plan.**

Further action may be required by the Division

C **15A North Carolina Administrative Code 13B .1626 (8)(c)** states: Surface water shall not be impounded over or in waste.

Cherokee County was in violation of 15A North Carolina Administrative Code 13B .1626 (8)(c) in that on March 7, 2008; impounded water was observed on top of the landfill over an area with intermediate cover.

In order to achieve compliance, Cherokee County Landfill must immediately:

- 1. Submit a plan to the Solid Waste Section describing what action has been taken to prevent ponding of water on top of the landfill.**

Further action may be required by the Division

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. If the violation(s) noted here continue, 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 (List all noted last audit):

15A North Carolina Administrative Code 13B .1626 (8)(d) observed on December 18, 2008. An earthen berm was recently added below the current working face. The effectiveness has not been determined.

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AREAS OF CONCERN AND COMMENTS:

MSW Landfill Observations

1. The area was very wet due to a recent rain storm that ended just before audit.
2. The area of the landfill where water was ponded over and beyond the liner during December inspection was observed. This area was very muddy, from the toe of slope of waste with intermediate cover, beyond the liner. Soil has been placed in this area since the December Audit. Water was ponded beside the filled area. The entire area along the edge of the liner was muddy. White posts marked the anchor trench on this side of the liner, according to Mr. Sullivan. **The edge of the liner needs to be clearly marked around the entire landfill.**
3. The working face was located near the northwest corner of the landfill. A soil berm was constructed directly below the working face and was approximately 2-3 feet high. Mr. Sullivan explained that it was constructed to capture water running through the waste to prevent any leachate from running off of the liner. The berm appeared to be recently constructed. It is unclear if the berm was effective in containing water runoff.
4. The general area next to the working face during the December inspection was covered with soil however; waste was visible at the surface of this disposal area. There was no berm in this area. It was very muddy on this slope and in particular at the toe of the slope, all the way to the marked liner and beyond. There was nothing to prevent the water on the surface or water percolating through the cover from moving beyond the edge of the liner. Water that comes in contact with waste is considered leachate. **This is a violation of North Carolina Administrative Code 13B .1626 (8)(d).**
5. Water was observed originating from the northeast side of the landfill and to a ditch filled with water and sediment. The ditch was located at the edge of the landfill and next to a service road. Water flowed from the ditch through a culvert under the road and over the surface of the road, into an area completely filled with sediment behind a stone check dam near the Valley River. Water flowed over the check dam area directly to the Valley River. There was some litter in the brush between the sediment basin and the river. **This is a violation of 15A North Carolina Administrative Code 13B .1626(7)(a).**
6. An area of water ponded on top of waste at the top of the landfill was observed. Water was ponded in vehicle ruts and depressions throughout the top of the landfill in areas that were not used to access the current face. **This is a violation of 15A North Carolina Administrative Code 13B .1626 (8)(b).**
7. It appeared that a vehicle drove (or skidded) down the slope of the northeast corner of the landfill, which was a waste disposal area with intermediate cover. This area was not seeded during the December inspection, and was still not seeded. Some waste was visible in the area with intermediate cover. 15A North Carolina Administrative Code 13B .1626 (7)(c) requires that provisions for a vegetative ground cover sufficient to restrain erosion must be accomplished within 30 days or 120 calendar working days upon completion of any phase of MSWLF development. **This area needs to be seeded immediately.**
8. The leachate lagoon was observed. The lagoon appeared nearly dry, with some mud at the bottom. It was unclear how the lagoon could be empty since it rained heavily last week (according to Jeff Clark), and was raining before the meeting. **Cherokee County must inspect the leachate entire collection system as required by 15A North Carolina Administrative Code 13B .1626 (12) to determine why there was no leachate in the collection pond.**

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

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Troy Harrison

_____ (signature) Phone: _____.

Regional Representative

Distribution: original signed copy to facility -- e-mail to compliance officer – e-mail or copy to super

Delivered on : <u>May 6, 2008</u> by	X	hand delivery		US Mail		Certified No. []
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Cc Mark Poindexter, Field Operations Branch Head
Deb Aja, Western District Manager
David Badger, Cherokee County Manager