



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"/>	
CDFL	<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: May 6, 2008

Date of Last Audit: March 7, 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, Assistant Solid Waste Director, Cherokee County
 Robert Allen, Solid Waste Director, Cherokee County
 Troy Harrison, Environmental Senior Specialist, Solid Waste Section NCDENR
 Deb Aja, Western District Supervisor, Solid Waste Section NCDENR
 Charles Koontz, Division of Land Resources-Land Quality Section

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's issued as a result of audit conducted on 12/18/08 and 3/7/08

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

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.

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STATUS OF PAST NOTED VIOLATIONS (List all noted last audit):

1. 15A North Carolina Administrative Code 13B .1626 (8)(d) observed on December 18, 2007 and March 7, 2008. In order to achieve compliance, Cherokee County was required to:
 - a. **Assure leachate is contained on site or properly treated prior to discharge, and**
 - b. **Assess the impact of the leachate release outside of the waste cell.**

At the time of inspection, the weather was clear and dry; however, Cherokee County has made some progress in addressing this problem. **The Division has not received any report on the impact of the leachate release outside of the waste cell. This must be received before compliance is achieved.**

2. **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. In order to achieve compliance, Cherokee County was required to: Immediately implement the approved erosion control plan as approved by the North Carolina Land Quality Section. **Cherokee County is working with the Land Quality Section to correct these issues.**
3. **15A North Carolina Administrative Code 13B .1626 (8)(c)** states: Surface water shall not be impounded over or in waste. In order to achieve compliance, Cherokee County was required to: **Submit a plan to the Solid Waste Section describing what action has been taken to prevent ponding of water on top of the landfill. The Solid Waste Section still has not received this plan. Compliance will not be considered until this plan is received.**

AREAS OF CONCERN AND COMMENTS:

MSW Landfill Observations

1. This facility is a MSW landfill. The service area is Cherokee County.
2. The weather was dry and clear at the time of audit.
3. The northeastern slope of the landfill that was being covered at the time of the 12/18/07 and was still not seeded at the time of the 3/07/08 audit has been grass seeded with early growth observed. The seeding was completed by the NC Department of Transportation (NC DOT). The area that was the working face on the 12/18/07 and 3/07/08 audits have also been recently seeded; however, there appears to not have enough mulch to hold moisture. The coverage was spotty with some areas getting better growth than others. **The current practice of using NC DOT and having to conform to their schedule is not acceptable. Large areas of the landfill do not get seeded in a timely manner. In addition, Cherokee County has no control over what type of seed is used.**
4. The ditch that was observed during the 3/07/08 audit filled with water had been dug out and a rock berm constructed on the landfill side of the ditch. During this audit, Cherokee County staff indicated that the ditch was within the landfill liner. During the 3/07/08 audit, Mr. Wayne Sullivan of Municipal Engineering indicated that the ditch is actually just outside of the landfill liner. If the ditch is inside the liner, there is nothing to prevent leachate from the landfill from flowing offsite and into the Valley River. **As requested in the 3/07/08 audit, it is important that the actual location of the landfill liner be located and marked at regular intervals immediately in consultation with an engineering firm. This area must be redesigned to prevent leachate or water that has been in contact with waste from flowing offsite. If this ditch is within the liner, it must immediately be redesigned in consultation with Allen Gaither, Engineer-Solid Waste Section.**

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5. The sediment basin below the road has been cleaned out; however, it appears to be filling up quickly with sediment. The slope below the road was bare soil and unstable. Mr. Charles Koontz, North Carolina Land Quality Section was on hand for guidance on sediment issues. **It is strongly recommended that Cherokee County work with the Land Quality Section on sedimentation issues.**

6. Windblown litter was observed below the service road. **This must be picked up immediately and a fence erected to catch future windblown material.**

7. The edge of the liner was well marked on the back side of the landfill.

8. Equipment and other materials were observed parked or placed on the landfill next to the maintenance shed. This could result in a compromise of the vegetative cover. **It is recommended that nothing be stored on the landfill cap with intermediate cover. This is not an approved activity included in the operation plan.**

9. During the 3/07/08 inspection, it was observed that the leachate lagoon was nearly dry, with some mud at the bottom. After it had rained heavily the previous week and it was raining before the audit. It was requested that Cherokee County inspect the leachate collection system as required by 15A North Carolina Administrative Code 13B .1626 (12) to determine why there was no leachate in the collection pond. **This still has not been done.**

10. Cherokee County needs to mow and remove woody trees/brush from areas with intermediate cover.

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

Troy Harrison

_____ Phone: _____
Regional Representative

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

Delivered on : <u>June 3, 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