



North Carolina Department of Environment and Natural Resources

Dexter Matthews, Director

Division of Waste Management

Beverly Eaves Perdue, Governor
Dee Freeman, Secretary

September 2, 2011

Sent Via Certified Mail – Return Receipt Requested – 7006 0100 0000 8344 4601
and

Sent Via Electronic Mail (Email) – Read Receipt Requested – bperry@omnisource.com

Mr. Bill Perry
Regional Manager
OmniSource Southeast LLC - Kernersville Plant
P.O. Box 608
Kernersville, NC 27285-0608

**Re: NOTICE OF VIOLATION
Industrial Landfill Owned by OmniSource Southeast LLC - Kernersville Plant, Atlantic
Scrap and Processing, LLC, and United Metals Recyclers
Permit Numbers 34-20, 34-17, and 34-13
Forsyth County**

Dear Mr. Perry:

Based upon a recent Solid Waste Section file review and a conversation with Mr. James Winegar, Environmental Manager of OmniSource Southeast LLC on August 22, 2011, it appears that water quality monitoring ceased at the industrial landfill without prior approval from the Solid Waste Section. The last water quality monitoring report submitted was dated May 24, 2005 (Doc ID 14898) and submitted on behalf of Atlantic Scrap and Processing, LLC by W. Z. Baumgartner and Associates, Inc. for water quality monitoring conducted on April 12, 2005.

The groundwater monitoring well network in 2005 consisted of four groundwater monitoring wells: MW-1R, MW-2, MW-3, and MW-4D. Groundwater monitoring wells MW-3 and MW-4D are located downgradient of the landfill. Groundwater monitoring well MW-4D was the deepest well installed at the landfill with a total depth of 68 feet.

Pursuant to North Carolina General Statutes 130A-22(a) and to 15A North Carolina Administrative Code 13B, you are hereby informed that you are in violation of certain Laws and Regulations specifically:

15A NCAC 13B .0510(c) states that 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.

No water quality monitoring (groundwater or surface water) has been conducted at the landfill since April 12, 2005.

1

15A NCAC 2L .0106(d)(2) states that any person conducting or controlling an activity which is conducted under the authority of a permit issued by the Division and which results in an increase in concentration of a substance in excess of the standards at or beyond a compliance boundary, shall assess the cause, significance and extent of the violation of standards and submit the results of the investigation, and a plan and proposed schedule for corrective action to the Director, or his designee. The permittee shall implement the plan as approved by and in accordance with a schedule established by the Director, or his designee.

The Solid Waste Section issued the following letters regarding water quality monitoring and assessment at the landfill:

1. A letter issued to Mr. Bill Perry with United Metals Recyclers on March 9, 1999 (Doc ID 14900)
2. A letter issued to Mr. Bill Perry with United Metals Recyclers on August 18, 2000 (Doc ID 14899);
3. A letter issued to Mr. Thomas Donnelly with General Electric Capital Corporation on April 3, 2001 (Doc ID 14907); and
4. A letter issued to Mr. Bill Perry with Atlantic Scrap and Processing, LLC on September 3, 2002 (Doc ID 14906).

Also, Permit Condition Number 3 within the Permit to Operate dated September 2, 2005 (Doc ID 13016) stated that the permittee shall submit a revised Groundwater Monitoring system with a revised groundwater compliance boundary to the Solid Waste Section by the close of business May 31, 2005, and groundwater quality at this facility is subject to the classification and remedial action provisions of 15A NCAC 2L. Subsequently, a *Sampling and Analysis Plan - Groundwater Monitoring* dated May 2005 (Doc ID 14908) was submitted on behalf of Atlantic Scrap and Processing, LLC by W. Z. Baumgartner and Associates, Inc. However, it appears that the May 2005 *Sampling and Analysis Plan - Groundwater Monitoring* was never completely initiated.

In addition, based upon historical analytical water quality monitoring data and the last water quality monitoring event conducted at the landfill in April 2005, concentrations of volatile organic compounds and metals have consistently exceeded the NC Groundwater Standards.

As a result, based upon the foregoing, Ominsource Southeast LLC – Kernersville Plant shall come into compliance by completing the following:

1. Within 10 days of receipt of this Notice of Violation, please provide documentation that the Solid Waste Section approved the cessation of water quality monitoring at the landfill.
2. If documentation cannot be provided that the Solid Waste Section approved the cessation of water quality monitoring at the landfill, then within 30 days of receipt of this Notice of Violation, please re-initiate semiannual water quality monitoring at the landfill consisting of both groundwater and surface water sampling in accordance with your May 2005 *Sampling and Analysis Plan - Groundwater Monitoring*. Also, two surface water locations are required to be sampled at the landfill, one upgradient location and one downgradient location. The surface water samples shall be analyzed for the same constituents as the groundwater (Appendix I of 40 CFR 258).

If the landfill currently does not have a groundwater monitoring network and if groundwater monitoring wells were abandoned and no replacement groundwater monitoring wells were installed, then please submit a Groundwater Monitoring Well Installation Plan to install new groundwater monitoring wells at the landfill, and please also submit a revised Sampling and Analysis Plan within 30 days of receipt of this Notice of Violation.

Following installation, the groundwater monitoring wells should be developed. Groundwater samples should then be collected for field parameters and analyzed for Appendix I of 40 CFR 258 constituents within 60 days of approval of the Groundwater Monitoring Well Installation Plan and the Sampling and Analysis Plan. Please use a North Carolina certified laboratory that is capable of reporting all constituent concentrations at or below the designated Solid Waste Section Limits (SWSLs), and please include the Electronic Data Deliverable (EDD) for all sampling results using the current template established by the Solid Waste Section. Additional information regarding the SWSLs and the EDD are located on our Solid Waste Section website at http://www.wastenotnc.org/swhome/enviro_monitoring.asp and <http://portal.ncdenr.org/web/wm/sw/envmonitoring>.

Please submit a Summary Report for the groundwater monitoring network installation along with the groundwater monitoring results to the Solid Waste Section within 60 days of receiving the analytical results from a North Carolina certified laboratory. Please also include the boring logs with the well construction records within the Summary Report.

3. If any groundwater monitoring wells were abandoned as suggested within the March 31, 2006 letter (Doc ID 14909) issued to the Solid Waste Section on your behalf by W. Z. Baumgartner and Associates, Inc., and within the May 2005 *Sampling and Analysis Plan – Groundwater Monitoring*, please provide the abandonment records within 10 days of receipt of this Notice of Violation. If any groundwater monitoring wells were abandoned and proposed replacement groundwater monitoring wells were installed as indicated within the May 2005 *Sampling and Analysis Plan - Groundwater Monitoring* (Exhibit 1), please provide the well construction records within 10 days of receipt of this Notice of Violation.
4. Within 120 days of receipt of this Notice of Violation, please submit an Assessment Plan pursuant to 15A NCAC 2L .0106(d)(2) and in accordance with the Solid Waste Section letters mentioned above. The Solid Waste Section will review the submitted Assessment Plan and approve, or request additional information prior to its immediate implementation. Once the groundwater and/or surface water contaminant plume(s) has been completely delineated horizontally and vertically and based upon the results of the overall assessment, then the submittal of a Corrective Action Plan may be required pursuant to 15A NCAC 2L .0106(d)(2).

Ominsource Southeast LLC – Kernersville Plant shall provide a written certification with supporting documentation on company letterhead confirming the noted compliance schedule has been completed. Include in this certification any actions taken to prevent these deficiencies from occurring in the future. Please submit this certification to my attention.

Failure to comply with this schedule may subject the facility and/or all responsible parties 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 and the North Carolina Administrative Codes. Pursuant to N.C.G.S. 130A-22(a) and 15A NCAC 13B .0701-.0707, an administrative penalty of up to \$15,000.00 per day may be assessed for each violation of the Solid Waste Laws, Regulations, Conditions of a Permit, or an Order issued under Article 9 of Chapter 130A of the N.C. General Statutes, and the North Carolina Administrative Codes.

The Solid Waste Section solicits your cooperation and would like to avoid taking enforcement action. At the same time, it is your responsibility to comply with the requirements. If you have any questions or

concerns regarding this matter, please contact me either at (919) 508-8500 or by email at jaclynne.drummond@ncdenr.gov.

Sincerely,



Jaclynne Drummond
Compliance Hydrogeologist
Solid Waste Section

cc via electronic mail: Mark Poindexter, Field Operations Supervisor
Jason Watkins, Western District Supervisor
C.T. Gerstell, Environmental Senior Specialist
John Murray, Permitting Engineer
Brian Wootton, Permitting Hydrogeologist
Michael Scott, Solid Waste Section Chief

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MR BILL PERRY
 OMNISOURCE SOUTHEAST LLC
 KERNERSVILLE PLANT
 PO BOX 608
 KERNERSVILLE NC 27285-0608

COMPLETE THIS SECTION ON DELIVERY

A. Signature *[Signature]* Agent
 Addressee

B. Received by (Printed Name) *P. PERRY* C. Date of Delivery *9-7-11*

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No



3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number 7006 0100 0000 8344 4601
 (Transfer from service label)

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$	
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		

Postmark Here

Total Pk: MR BILL PERRY

Sent To: OMNISOURCE SOUTHEAST LLC

Street, Apt or PO Box: KERNERSVILLE PLANT

City, State: PO BOX 608

City, State: KERNERSVILLE NC 27285-0608

PS Form 3800, June 2002 See Reverse for Instructions

7006 0100 0000 8344 4601