



North Carolina Department of Environment and Natural Resources

Division of Waste Management

Beverly Eaves Perdue
Governor

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Director

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August 25, 2009

Mr. Paul Dow
Altamont Environmental, Inc.
231 Haywood Street
Asheville, North Carolina 28801

Subject: 8/17/09 Meeting Summary
Champion International Landfill #5C
Haywood County, Permit #44-01, Document ID No. 8485

Mr. Dow:

This letter is meant to summarize the concerns of the Division of Waste Management, Solid Waste Section (Section) discussed at the August 17, 2009 meeting regarding the proposed Livestock Market and Events Center for the closed International Paper Company Landfill 5C. The summary will focus on the following topics of discussion: Section Goals; Permitting Timeline; Composting; Compliance; Responsibility.

Section Goals

The goals of the Section are two-fold. First, the Section must ensure the facility and any proposed changes meet all local, state and federal requirements. Second, the Section must ensure the proposed changes do not negatively impact public health and the environment. In effect, the Section must ensure the proposed changes pose no more risk to public health and the environment than the systems that are currently in place at the facility. In this instance, the Section must ensure the proposed structures do not affect the integrity of the cap system or the efficacy of the environmental monitoring systems of the closed landfill.

Permitting Timeline

North Carolina General Statute 130A-295.8(e) provides for a 90 day determination of completeness for applications. Further, once the application is deemed complete the Section has one year to issue a decision on the permit. It should be noted; the statutory 'clock' starts with payment of the required permit activity fee. Within this statutory schedule the Section will process applications on a first-come, first-served basis working diligently to process all permit applications as quickly as possible. As discussed, the proposed construction of substantial structures on top of a closed landfill is a first and will require substantial review by the Section. Furthermore, the possibility exists the Section will deny the construction of the Livestock Market on top of the landfill. As a result, I would recommend you consider building the structures in the borrow area adjacent to landfill cell #5C. This would eliminate many of the concerns of the Section and shorten the application review process.

Composting

During the discussion Mr. L.T. Ward, WNC Regional Livestock Center, indicated the plans for the Livestock Market included composting of sawdust and animal waste. Composting within the boundary of the permitted facility would be considered a solid waste management activity and require a new Permit to Operate even though the industrial waste landfill is closed. This can be included in the application for the Livestock Market, but would require payment of an annual operating fee, in addition to the permit activity fee, and a current Operation Plan.

Compliance

In discussing impediments to the permitting process we covered a pending Notice of Violation (NOV) from the Section's Field Operations Branch. The NOV is for failure to monitor landfill gas in accordance with the facilities Post-closure Conditions. This is a serious issue. The Section does not normally process permit modifications or amendments until a facility is in compliance with the rules and statutes.

Responsibility

Permit #44-01 was issued to Champion International Paper which was purchased by International Paper. Therefore, even with a lease of property to other legal entities, International Paper maintains all responsibility and liability from a Solid Waste regulation standpoint.

If you should have any questions regarding this matter please contact me at (828) 296-4703, or by email at allen.gaither@ncdenr.gov.

Sincerely,



Allen Gaither
Environmental Engineer

Cc: Tom Richardson – International Paper
Christine Ritter – SWS/RCO
Andrea Keller – SWS/ACO
Deb Aja – SWS/ARO
Mark Poindexter – SWS/RCO
Michael Scott – SWS/RCO