

**FACILITY COMPLIANCE AUDIT REPORT**  
**Division of Waste Management**  
**Solid Waste Section**

<b>UNIT TYPE:</b>											
Lined MSWLF		LCID		YW		Transfer		Compost		SLAS	<b>COUNTY: HENDERSON</b> <b>PERMIT NO.: 45-05TP</b> <b>FILE TYPE: COMPLIANCE</b>
Closed MSWLF		HHW		White goods		Incin		T&P	<b>X</b>	FIRM	
CDFL		Tire T&P / Collection		Tire Monofill		Industrial Landfill		DEMO		SDTF	

**Date of Audit:** 07/15/10

**Date of Last Audit:** first inspection (see comment #1)

**FACILITY NAME AND ADDRESS:**

Les's Mulch Plus  
 2630 Asheville Highway  
 Hendersonville, NC 28792

**GPS COORDINATES:** **N:** 35.353059 **E:** -82.470845

**FACILITY CONTACT NAME AND PHONE NUMBER:**

Leslie or Linda Erickson, owner/operators  
 (828) 628-0350  
 (828) 243-4537  
 Linda Erickson cell: (828) 329-0329  
[brushrat2003@yahoo.com](mailto:brushrat2003@yahoo.com)

**FACILITY CONTACT ADDRESS:**

PO Box 1783  
 Fairview, NC 28730

**AUDIT PARTICIPANTS:**

Andrea Keller – NCDENR Solid Waste Section  
 Linda Erickson, operator/owner

**STATUS OF PERMIT:**

Active – November 2, 2006  
 Expires – November 2, 2011

**PURPOSE OF AUDIT:**

Comprehensive

**NOTICE OF VIOLATION(S):**

**15A NCAC 13B .0203 (d)** By receiving solid waste at a permitted facility, the permittee(s) shall be considered to have accepted the conditions of the permit and shall comply with all conditions of the permit.

During the July 15, 2010 site inspection the location of waste piles (both processed and unprocessed land clearing debris) violated buffer requirements cited within the Operations Plan (Attachment 2, Document 3 of the approved documents). See Areas of Concerns and Comments #3 below.

According to the approved documents:

1. A minimum 100-foot buffer must be maintained between the on site well and all material piles;

**FACILITY COMPLIANCE AUDIT REPORT**  
**Division of Waste Management**  
**Solid Waste Section**

Page 2 of 4

2. A minimum 100-foot buffer must be maintained between all material piles and all surface waters (on site creek and ponds); and
3. A 50-foot minimum buffer requirement must be maintained between all material piles and the property lines.

Les's Mulch Plus is in **violation of 15A NCAC 13B .0203 (d)** for failure to comply with the conditions of the permit.

**In order to achieve compliance, Les's Mulch Plus must, within 30 days of receipt of this Notice of Violation, mark and maintain the 50-foot buffer requirement between all property lines and the mulching/material storage operations; and must mark and maintain the 100-foot buffer requirement between all on site wells and surface waters and the mulching/material storage operations.**

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.

**STATUS OF PAST NOTED VIOLATIONS:**

None

**AREAS OF CONCERN AND COMMENTS:**

1. On-site for comprehensive site inspection. Facility was originally permitted as a Land Clearing Waste Treatment & Processing Facility in November of 2006. For reason unknown, the facility was not entered into the Section database for facility tracking.
2. According to the Permit to Operate (PTO) Operational Condition #6: Operation and Maintenance of this facility shall be in accordance with the 15A NCAC 13B, the Solid Waste Management Rules, and the approved Plans and Drawings as described in the List of Approved Documents, Attachment 2, Documents 1, 2, and 3.
3. In trying to determine the site buffer requirements as approved by the permitting section, several documents were referenced. The PTO Operational Condition #7 states: *All buffers from the processing and storage areas shall be maintained in accordance with the approved plans.*

The Operations Plan (Attachment 2, Document 3, front page) states the following:

- 1) *...Also, no mulch or any other material will be within **100 feet of the well...***
- 2) *The property is bordered by Mudd Creek. There are 2 man made ponds and a small stream that runs through the property. There will be no Mulch piles or any other material within **100 feet of these waters.***

Operations and Maintenance, Storage of Materials:

1. *The materials are stored in Windrows on site to age the materials. The windrows are planned to be approximately 15 feet wide at the bottom and approximately 10 feet high and oriented east/west on the site. All materials are separated from the edge of the property with a **50 foot minimum buffer** as required by .1404(a)5. On our site plan a 100' buffer is indicated.*

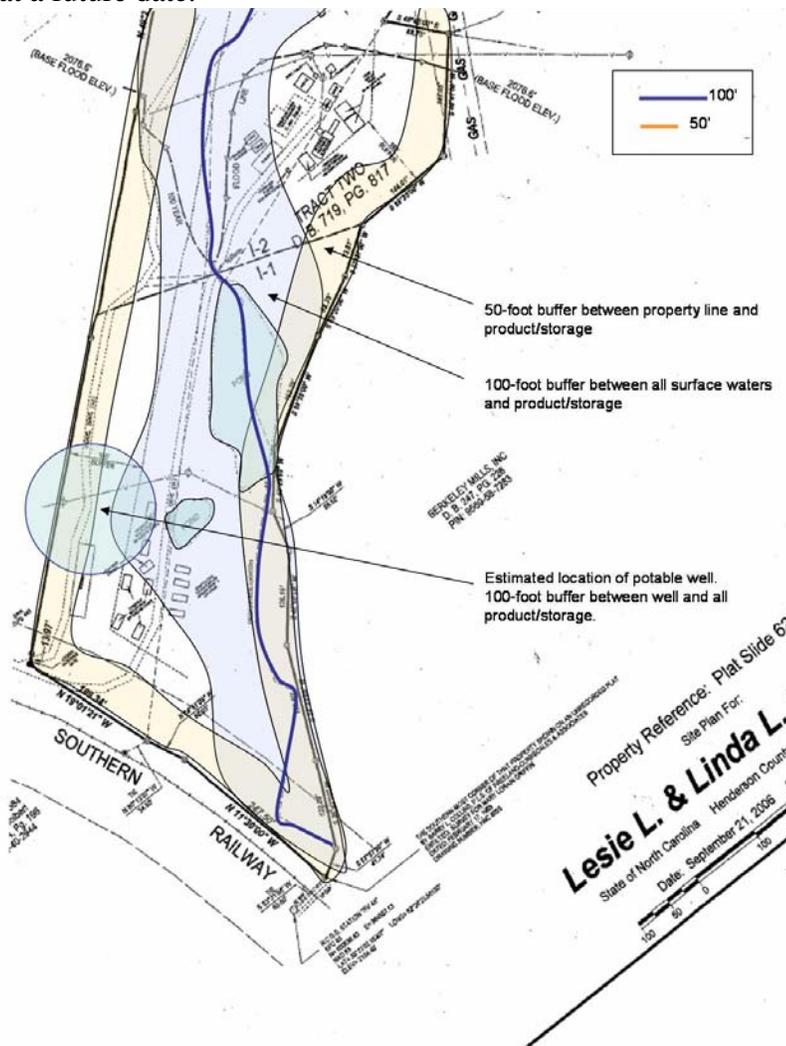
During the site inspection, the approximate location of the well (referenced above) was pointed out as being under a pile of staged land clearing (pre-grind) in order to "protect the well." Additionally, chipped product piles were located within approximately 30-feet of the well location. Along the both the on-site stream and the pond locations, land-clearing materials had been staged next to the surface waters (see photo).

FACILITY COMPLIANCE AUDIT REPORT  
Division of Waste Management  
Solid Waste Section



07/15/10

According to the approved site plan (shown below), there is limited available space on site for the storage of materials. This issue may require further discussion with the Section permitting engineer (Larry Frost, 828-296-4704) to determine if a permit modification could resolve this issue for the facility at a future date.



- The PTO Operational Condition #8 stated that this facility shall accept only land-clearing wastes, which is generated solely from land-clearing activities such as stumps, trees, brush, grass, and other naturally occurring vegetative material. Similar material generated from landscaping activities (such as grass clippings and leaf collections) are not allowed under this permit. Please note that your facility has received a complaint for product that may have mixed wastes. The complainant stated that he was told that the delivered mulch might have treated wood ground in with land clearing debris (railroad ties). While no mixed materials were

**FACILITY COMPLIANCE AUDIT REPORT**  
**Division of Waste Management**  
**Solid Waste Section**

Page 4 of 4

noted during the site inspection, please be aware of this issue and ensure that product does not contain mixed wastes.

5. The PTO Operational Condition #11 stated that *a minimum of 75% of acceptable materials received shall be treated or processed and distributed within 12 months of receipt*. During the site inspection it was stated that both grinders were inoperative. While the majority of the stockpiled land clearing material appeared to have been on site for less than six months, there were older debris piles visible toward the back of the property. Please ensure that this operational condition is met.
6. The PTO Operational Condition #12 stated that *any heat generation in excess of 110 degrees Fahrenheit (composting) in any of the piles of material at the facility may require the facility to meet all the requirements of Section .1400 of the Solid Waste Management Rules, or close*. While the observed mulch area appeared to be fairly recent product (little indication of composting), no equipment was available at the facility to ensure that material piles remain within the 110 degree limit for heat generation. A temperature gauge should be available to monitor product piles and windrows in order to meet this operational condition and to ensure that excess temperatures are not being reached (fire hazard).
7. The PTO Operational Condition #20 states that *a copy of the permit and the approved plans shall be maintained at the facility*. No site documentation was available during the time of the inspection.
8. The PTO Operational Condition #21 states that *fires and non-conforming waste incidents shall be reported to the Solid Waste Section within 24 hours, and a written notification submitted within 15 days*. No fires associated with product piles had occurred to-date according to owner/operator. For future reference, the reporting form can be located at the following link: <http://portal.ncdenr.org/web/wm/sw/forms> (under "Fire").

The emergency response plan is located within the Operations Plan. The facility has hose/pump on site to use in case of fire emergency (water source is the larger pond on site).

9. The product pile (mulch) appeared to be of acceptable materials (land clearing wood wastes). The facility appears to sort unacceptable materials out of the product piles for proper disposal. Note that the facility screening plan states that *no unacceptable materials are stored at the site. They are reloaded into trucks and immediately sent for proper disposal*.
10. The PTO Operational Condition #22 discusses the annual reporting requirements. **Reports are due on August 1<sup>st</sup>** of each year for the previous July 1 through June 30. The report is located on-line at the link noted above, under "Annual Reporting," Treatment and Processing Facility.

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



Phone: (828) 296-4700

Andrea Keller  
 Environmental Senior Specialist  
**Regional Representative**

Mailed on : <u>07/28/10</u> by		Hand delivery		US Mail	Certified No. <b>[7006 2150 0005 2458 9266]</b>
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ec: Mark Poindexter, Field Operations Branch Supervisor  
 Deb Aja, Western District Supervisor  
 Donald Herndon, Compliance Officer