



North Carolina Department of Environment and Natural Resources

Dexter R. Matthews, Director

Division of Waste Management

Beverly Eaves Perdue, Governor
Dee Freeman, Secretary

February 2, 2009

Mr. Tom Miller
Solid Waste Director
P. O. Box 3289
130 S. Queen Street
Kinston, North Carolina 28501

Subject: Corrective Action Plan
Lenoir County Sanitary Landfill
Construction and Demolition Landfill Permit 54-03
Doc ID 6654

Dear Mr. Miller:

The Solid Waste Section (SWS) has not received a Corrective Action Plan (CAP) pursuant to 15A NCAC 13B .0547(4)(c), effective July 1, 2008. Instead of a CAP, Lenoir County submitted the *Petition to Return to Detection Monitoring*. (Doc ID 6486). Subsequent correspondence between the SWS and Lenoir County (Doc ID's 6378 and 6478) contained discussion of the petition. To a list of constituents of concern (COC's), the SWS requested that cobalt be added. Cobalt is the constituent on which the petition is based. Prior to the petition, cobalt had been reportedly statistically significant, exceeded groundwater protection limits, and migrated beyond the relative point of compliance. On December 11, 2008 (Doc ID 6484), the SWS repeated its request for a CAP and specified its submission to be within 30 days. MESCO contacted the SWS on January 9, 2009, at which time MESCO requested more time.

MESCO set February 15, 2009 as a final deadline. If a CAP is not received then, enforcement action may be initiated. Pursuant to North Carolina General Statute 130A-22, an administrative penalty up to \$15,000 per day may be assessed for each violation of Regulations 15A NCAC 13B .1636-.1637 and 0.0547. Submitted with the CAP should be the application, "North Carolina Solid Waste Groundwater Corrective Action Permit Modification Application". The application is accessible at the SWS website: <http://www.wastenotnc.org/swhome/EnvMonitoring/SWCorrectiveMeasuresGuidance.pdf>.

Please address all correspondence to me. I can be reached at 919-508-8401 and at zinth.barbee@ncmail.net.

Sincerely,

Zinith Barbee
Hydrogeologist
Solid Waste Section

cc: Mark Poindexter
Ed Mussler
Sean Patrick
Central File

Solid Waste Section Field Operations Supervisor
Solid Waste Section Permitting Branch Supervisor
Municipal Engineering Services Co., P.A.