



William G. Ross Jr., Secretary

May 30, 2008

Mr. Judson Whitehurst
802 Recycling Lane
Greenville, NC 27834

Re: Application for Permit to Construct, Phase 2
C&D Landfill, Inc.
Permit No. 74-07
Pitt County, Doc ID No. 4552

Dear Mr. Whitehurst:

An application for a C&D Landfill Permit to Construct has been submitted to the Division of Waste Management, Solid Waste Section (Section) on your behalf by your consultants David Garrett and John Tucker.

In accordance with GS 130A-295.8(e), the Section has reviewed your application and found it to be incomplete within the meaning of the statute because the compliance review cannot be completed at this time. A compliance investigation is ongoing at this time. A determination of completion means that the application includes all required components but does not mean that the required components provide all the information that is required for the Section to make a decision on the application.

For the remaining portions of the application, we have performed a technical review of the submitted application and request the following:

1. In the executive summary or the first section of the report, please provide the contact person, address, phone, and email address information for the applicant, land owner, consultants, and person responsible for receiving permit fee and annual fee invoices. Also include the attached signed applicant signature page.
2. Please provide the attached signed landowner authorization form if the land owner is different from the applicant.
3. Section 1.4 indicates that there will be a portion of Phase 1 that will remain open after June 30, 2008. Section 2.0 states that Phase 1 will not receive waste after June 30. Please clarify.
4. Sections 8.3 and 8.4.1 and 8.9 – Report should not indicate that animal carcasses will be accepted.
5. Section 8.6.2 – Food containers that are found mixed in with C&D waste should be removed and properly disposed.

6. Section 8.7.1 – The sentence concerning alternative cover should be revised to say that any alternative cover will require approval of the Solid Waste Section.
7. Section 8.7.2 – Please clarify the thickness of the mulch layer that may be placed over final cover surfaces, to allow flexibility in establishing vegetation. When will these surfaces be vegetated?
8. Section 8.9 – Putrescible waste should not be accepted for disposal.
9. Section 8.11.2 – A list of prohibited wastes must be posted on the facility sign.
10. For the settlement and slope stability calculations in Section 7, please provide a discussion of the variables entered into the model, a description of each run, and discuss the specific results. Provide a discussion of the proposed 3 to 1 side slopes.
11. Section 9.3.1 – Text should be modified to say that after 5 years of monitoring gas in the post-closure period, if no explosive gas is detected, the permittee will apply to the Solid Waste Section for reduced or discontinued sampling.
12. Section 10.4 – Please discuss how the proposed methane gas monitoring plan is effective to meet the requirements of .0544(d)(2)(A). How will the headspace in the wells be sampled for methane to prevent loss of gasses? Have there been any detections of methane at the site?
13. Appendix 8 – Please submit a complete copy of the erosion and sedimentation control plan. Some of the pages are blank and many pages are missing.
14. Drawing E1 – Base Grades – What are the groundwater elevations based on? How many measurements have been made?
15. In the Facility Plan and drawings, Phase 2 as shown should be divided into 5 year sections – Phase 2, 3, and 4. Each phase must provide no more than approximately 5 years of capacity. The drawings should include transitional contours for each phase of development including operational grades for existing phases and construction grading for the new phase.
16. Please clarify the franchise. The 2003 franchise stated that the renewal would be in one year. Please provide the maps and application that was submitted to the County for the franchise request.
17. The report states that the disposal area is 23 acres, but the site suitability was for 20 acres. Please clarify.
18. The Engineering Plan must incorporate a statement from a North Carolina licensed P.E. certifying that the plan meets the requirements of 15A NCAC 13B .0539, and must bear the P.E. seal.
19. Section 6 of the report should note that the required subgrade and vertical distance requirements will be met with constructed fill, not excavation.
20. Section 5.4 – Engineering Drawings – Drawing EC2 does not show final cover cross-section details (including benches) as indicated. Please provide.
21. Section 6.1.3 - The referenced drawings do not show setbacks to surface water. The drawing S5 is missing.
22. Section 6.2 – According to the drawings, the maximum waste thickness is 85 feet instead of 70 feet. Please discuss the variables/assumptions used in the settlement calculations.
23. Section 6.5.1 – The Phase 2 subgrade must be inspected upon completion, instead of Phase 1A.
24. Sections 7.1.1.1 and 7.1.2.4 – The CQA Plan must also address the construction of the unit, not just final cover.

25. Section 7.1.5.2 – Where is Appendix A to the CQA Report that contains a list of the ASTM test procedures?
26. Section 7.2.1.1 – Please clarify the statement, “All materials to be used as compacted embankment shall be compacted to a minimum of 95% of the Standard Proctor Maximum Dry Density (ASTM D-698), or as approved by the Engineer or designated QC/QA personnel. What is meant by “or as approved by the Engineer or designated QC/QA personnel”?
27. CQA Report – This section should address how the construction of fill will be in compliance with .0540 (2)(b) (the upper two feet comprising specific soil types), and frequency of testing.
28. CQA plan – How will the depth of fill be measured? What tests or methods will be used to meet the required vertical separation requirements?
29. Section 7.2.3 - What pipes will be used in the final cover?
30. CQA Plan – The Plan should list the specific requirements (permeability, depth, etc.) of the final cover components described in .0543(1) or (3).
31. The CQA plan must also describe the procedures to ensure that the integrity of the landfill systems will be maintained prior to waste placement.
32. Please submit/address all items as required for the Operation Plan drawings, in accordance with .0542 (b)(1).
33. Section 8.4.1 – Yard waste is not approved for disposal.
34. Section 8.7.1 – Periodic cover should be applied when the area of exposed waste exceeds one-half acre in size, not one acre.
35. Section 8.10 – Air Quality Criteria and Fire Control – This Section should address compliance with requirements developed under a State Implementation Plan (SIP) approved or promulgated by the U.S. EPA Administrator pursuant to Section 110 of the Clean Air Act, as amended.
36. Operation Plan – Please describe dust control measures.
37. Section 8.15 – Recordkeeping should include notation of the date and time of placement of cover material, and all audit records, compliance records and inspection reports. Also describe compliance with .0542 (n)(3).
38. Section 9.1.2 – Drawing EC3 is missing which should show the gas vent system details.
39. Section 10.3 – The location of the surface water sampling points could not be found on any drawing. Please provide.
40. Please submit financial assurance, in accordance with N.C. G.S. 130A-295.2 (f).

Please submit response to comments as replacement pages to the December 2007 report (two paper copies). Two electronic copies of the entire application (report and drawings) is also needed, either sent by email, or on a CD.

For your reference, the Solid Waste Section rules can be found on the Section’s website at <http://www.wastenotnc.org/swhome/rule.htm>; the North Carolina General Statutes concerning solid waste are located at http://www.ncleg.net/EnactedLegislation/Statutes/HTML/ByArticle/Chapter_130A/Article_9.html; and the 2007 legislation can be found at <http://www.ncleg.net/Sessions/2007/Bills/Senate/PDF/S1492v6.pdf> and <http://www.ncleg.net/Sessions/2007/Bills/Senate/HTML/S6v4.html>.

If you have any questions or comments, please contact me at (919) 508-8510, or by email at donna.wilson@ncmail.net.

Sincerely,

A handwritten signature in cursive script that reads "Donna J. Wilson".

Donna J. Wilson
Environmental Engineer
Solid Waste Section

Attachments

cc: David Garrett
John Tucker
Dennis Shackelford, Eastern Regional Supervisor, DWM
Ben Barnes, Waste Management Specialist, DWM

Signature page of Applicant –

Name of facility _____

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision and that the information provided in this application is true, accurate, and complete to the best of my knowledge.

I understand that North Carolina General Statute 130A-22 provides for administrative penalties of up to fifteen thousand dollars (\$15,000.00) per day per each violation of the Solid Waste Management Rules. I further understand that the Solid Waste Management Rules may be revised or amended in the future and that the facility siting and operations of this solid waste management facility will be required to comply with all such revisions or amendments.

Signature

Print Name

Date

Title

Business or organization name

Certification by Land Owner (if different from Applicant):

I hereby certify that I have read and understand the application submitted by _____ for a permit to operate a Construction & Demolition Debris Landfill on land owned by the undersigned located at (address) _____; (city) _____, NC, in _____ County, and described in Deed Book and Page(s) _____.

I specifically grant permission for the construction and demolition debris landfill planned for operation within the confines of the land, as indicated in the permit application. I understand that any permit will be issued in the names of both the operator and the owner of the facility/property. I acknowledge that ownership of land on which a solid waste management facility is located may subject me to cleanup of said property in the event that the operator defaults as well as to liability under the federal Comprehensive Environmental Responsibility, Compensation and Liability Act ("CERCLA"). Without accepting any fault or liability, I recognize that ownership of land on which a solid waste management facility is located may subject me to claims from persons who may be harmed in their persons or property caused by the solid waste management facility.

I am informed that North Carolina General Statute 130A-22 provides for administrative penalties of up to fifteen thousand dollars (\$15,000) per day per each violation of the Solid Waste Management Rules. I understand that the Solid Waste Management Rules may be revised or amended in the future, and that the siting and operation of the facility will be required to comply with any such revisions or amendments.

Signature

Date

Print name

NORTH CAROLINA

_____ County

I, _____, Notary Public for said County and State, do hereby certify that _____ personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the _____ day of _____, 20__.

(Official Seal)

Notary Public

My commission expires _____.