



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

623

<b>UNIT TYPE:</b>										Fac/Perm/Co ID #	Date	Doc ID#
Unlined MSWLF	LCID	X	YW	Transfer	Compost	SLAS				92M	11/1/2010	DIN 6256
Closed MSWLF	HHW		White goods	Incineration	T&P	X	FIRM			COUNTY: WAKE		
CDLF	Tire T&P / Collection		Tire Monofill	Industrial Landfill	DEMO	X	SDTF			PERMIT NO.: 92M, 92-004T&P		
										FILE TYPE: COMPLIANCE		

**Date of Audit:** August 28, 2008 & October 13, 2008

**Date of Last Audit:** October 26, 2006

**FACILITY NAME AND ADDRESS:**

Rowland Landfill  
 3000 Gresham's Lake Road  
 Raleigh, NC 27615

**GPS COORDINATES:** N: 35.88326 E: -078.58590

**FACILITY CONTACT NAME AND PHONE NUMBER:**

Sylvia Rowland (919) 876-1877

**FACILITY CONTACT ADDRESS (IF DIFFERENT):**

Sylvia Rowland, President  
 Rowland Business Park, Inc.  
 2820 Rowland Road  
 Raleigh, NC 27615

**AUDIT PARTICIPANTS:**

August 28, 2008

Bradley Bailey, NCDENR – Solid Waste Section  
 Donna Wilson, NCDENR – Solid Waste Section  
 Sylvia Rowland, President  
 Audrey Light, Gate Keeper, Load Inspector  
 John A.K. Tucker, P.E., Consulting Engineer

October 13, 2008

Bradley Bailey, NCDENR – Solid Waste Section  
 Mary Whaley, NCDENR – Solid Waste Section  
 Audrey Light, Gate Keeper, Load Inspector  
 John A.K. Tucker, P.E., Consulting Engineer

**STATUS OF PERMIT:**

Order of Approval-“Sanitary Landfill” issued by NC Division of Health Services, August 08, 1975  
 83-001 “Demolition-Landscape Landfill” issued by Wake County, July 14, 1983  
 Revised Closure Plan, submitted by Titan Atlantic Group, Inc, May 1, 2002  
 LCID T&P Notification 92-004, issued May 2, 2002  
 Permit reviews and approvals for 1988 & 2003 are not on file; approval for 2008 is pending review

**PURPOSE OF AUDIT:**

Comprehensive Audit / Transition of Inspection Authority from Wake County

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**NOTICE OF VIOLATION(S):**

- 1.) 15A NCAC 13B .0566 (4) states that "Adequate soil cover shall be applied monthly, or when the active area reaches one acre in size, whichever occurs first." **It was observed that numerous areas exceeded the 1 acre limit (208.7 ft x 208.7 ft) of uncovered waste across the sloped faces. Adequate cover (two feet per Wake County ordinance XI) shall be applied within thirty (30) days receipt of this notification.**
- 2.) 15A NCAC 13B .0566 (11) states that "Solid waste shall not be disposed of in water." **The sediment basin was full of waste debris that appeared to have been pushed over the top of the landfill and fallen down the face and into the water that is standing in the basin. Debris must be cleaned out of the basin and properly disposed of within thirty (30) days receipt of this notification.**
- 2.) 15A NCAC 13B .0566 (5) states that "120 calendar days after completion of any phase of disposal operations, or upon revocation of a permit, the disposal area shall be covered with a minimum of one foot of suitable soil cover sloped to allow surface water runoff in a controlled manner." **It was observed that numerous areas did not have the required one (1) foot of soil cover and that the sloped faces exceeded a manageable slope (3:1). Local Wake County solid waste ordinance section XI. Operation of Land-clearing and Inert Debris Landfill (11) states that "within one month after final termination of disposal operations at the site or a major part thereof or upon revocation of a permit, the area shall be covered with at least two feet of suitable compacted earth adequately sloped to allow surface water runoff in a controlled manner without on-site erosion and off-site siltation." A manageable slope (3:1) and two feet of suitably compacted earth shall be accomplished within thirty (30) days receipt of this notification.**
- 3.) 15A NCAC 13B .0566 (7) states that "Provisions for a ground cover sufficient to restrain erosion must be accomplished within 30 working days or 120 calendar days upon completion of any phase of landfill development." **It was observed that numerous areas did not have sufficient ground cover to restrain erosion. All bare areas or eroding areas need to be provided with adequate groundcover after sloped and properly covered within thirty (30) working days or 120 calendar days.**

4.) 15A NCAC 13B .0566 (13) states that "The concentration of explosive gases generated by the facility shall not exceed:

- (a) Twenty-five percent of the lower explosive limit for the gases in facility structures.
- (b) The lower explosive limit for the gases at the property boundary."

**No documentation to confirm that this requirement is being performed was produced. This requirement is referenced in the submitted application and operation plan, currently under review, as a performance requirement. The facility received a tax certification dated November 5, 1993 for "two (2) 85 kw engine generators and associated equipment located in a building at the Rowland Landfill, Inc. which was installed in 1984. The engine generators burn landfill gas collected from the Rowland Landfill and sell electricity to CP&L." No continued monitoring appears to have been performed. Initiation of this monitoring system (permanent probe placement and well construction) referenced in the permit application must be in accordance with subchapter 2C well construction standards (15A NCAC 02C.0108) Standards of Construction: Wells other than water supply. Installation of these methane monitoring probes needs to be completed and monitoring commenced within 30 days receipt of this notification.**

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. If the violation(s) noted here continue, 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:**

**April 13, 1981, NC Division of Health Services-Solid & Hazardous Waste Management Branch issued a Notice of Violation with administrative penalty for 1.) Receiving solid waste which site not permitted to receive {.0106} 2.) Solid waste shall be restricted to the smallest area feasible {.0115 #2} 3.) Solid waste not covered with earth as specified {.0115 #3} 4.) Finished surface of the filled area shall be graded and seeded {.0115 #3 & #4} Resolved per**

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April 30, 1981 inspection in which all violations except seeding had been corrected. Site directed to be "Demolition-Rubble" site if allowed to remain in operation.

August 31, 1981, NC Department of Natural Resources & Community Development, site inspections conducted April 14, 1981 and May 15, 1981 cited that continuous discharges from the quarry to Perry Creek were a violation and required an NPDES discharge permit per NCGS 143-215.1.

May 18, 1994, Wake County Solid Waste Management, Notice, Section XII, Revocation of LCID permit; for receiving waste not permitted to receive unless corrected within twenty (20) days. No record of resolution or enforcement.

March 16, 2006, Wake County Environmental Services, Notice, Section X, cite permit to operate LCID permit expired.

October 26, 2006, NCDENR issued a Notice of Violation, NCAC 13B.0201(a) Resolved, Permit application for LCID Landfill and Treatment and Processing Facility (Preliminary-Not for Construction) submitted December 7, 2006.

**AREAS OF CONCERN AND COMMENTS:**

1.) The permit application for the LCID Landfill and the permit application for the Treatment and Processing Facility, submitted December 7, 2006, appear to be identical and only reference 15A NCAC 13B .0566, Operational Requirements for Land Clearing and Inert Debris Landfills. Treatment and Processing requirements are not addressed, but requirements may be found in 15A NCAC 13B .0301. It appears that the most recent application or permit is 83-001 issued by Wake County July 14, 1983. Typically, these are updated and resubmitted every five (5) years. The applications or permits for 1988 and 2003 have not been located. The current submissions have stamped on the cover "PRELIMINARY NOT FOR CONSTRUCTION." The permitting department issues a PTC (Permit to Construct) prior to construction to ensure that proposed facilities meet required site specifications. A PTO (Permit to Operate) is issued separately. This is a moot point as the Landfill remained in operation under the regulatory authority of Wake County until January 1, 2008. **The November 08, 2006, Wake County Environmental Services Facility Compliance Audit references: Permit Active May 01, 2002-May 01, 2007. Please provide a copy of this approved permit, operations plan and documents submitted for the permit received, within 30 days.**

2.) On May 1, 2002, a revised closure plan was submitted to Wake County presumably for the existing demolition landfill located in the abandoned quarry which was filled with tires, appliances and waste not permitted to be received. The file indicates that the site should have been closed by January 1, 1998 in accordance with section .0563 (6)(c) *Existing demolition landfills must comply with the siting criteria requirements of these Rules as of January 1, 1998 or cease operations and close in accordance with these Rules.* According to the siting criteria section .0564 (9) (b) 100 feet from the disposal area to property lines, residential dwellings, commercial or public buildings, and wells. Waste is currently buried within 100 feet of the property lines. **For sites that failed to meet the closure deadlines or failed to operate in accordance with their submitted closure plans, you may be required to close the area above the abandoned quarry and demolition landfill in accordance with 15 A NCAC 13B .0564.**

3.) On May 2, 2002, A Land Clearing Debris Treatment and Processing Notification T&P 92-004 was issued. The notification 92-004, is limited to a two (2) acre footprint and 6,000 cubic yards per quarter. Typically, these are not issued to permitted facilities. **If the violations noted in these inspections are not corrected the T&P notification will not be renewed.**

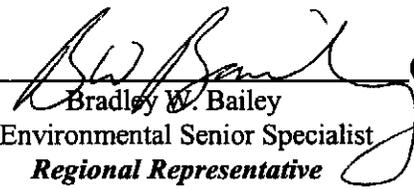
4.) On October 13, 2005, correspondence was sent to Ms. Cynthia McCoy, Natural Power, Inc. from Keith Snavelly, Hydrogeologist, Inactive Hazardous Sites Branch, Superfund Section referencing November 22, 2004 correspondence, directing your facility to abandon all monitor wells and that no further action was required. According to 15A NCAC 13B .0566 (15) Should the Division deem it necessary, groundwater or surface water monitoring, or both, may be required as provided for under Rules .0601 and .0602 of this Subchapter. **Based upon the historical waste stream of the unlined landfill, you are directed to sample the water supply well (MW1?) and an up stream and down stream surface site on Perry Creek. The results from these samples must be submitted to this department within thirty (30) days receipt of this notification. Provide this office with seventy-two (72) hours notification of the sampling date so that Solid Waste Section staff can arrange to be onsite for the sampling event and recordation of surface water sample sites selected.**

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5.) All persons whose purpose is or includes the production of compost from solid waste or solid waste co-composted with other wastes shall not construct, operate, expand or modify a facility until a currently valid permit for a solid waste compost facility is issued by the Division. This provision also applies to facilities that accept, store, or produce compost or mulch from yard waste or from residues from agricultural products and processing. General Provisions, Siting, design, application, operational, distribution, and reporting requirements shall be in accordance with Rules .1402, .1403, .1404, .1405, .1407, and .1408 of this Section. The T&P notification 92-004 issued July 9, 2008, states "If heat is generated through composting in piles of materials you must obtain a permit to operate a solid waste compost facility or alter your process." Judging by the amount of "green material" and advertising on your website and business cards, the production of composted mulch and fresh raw mulch requires you to add composting to your permit application and operational plan. **Please submit to this office, amendment to your permit application and operational plan within thirty (30) days to address this or alter your process and screening of incoming material.**

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

 (signature) Phone: (919) 508-8565  
Bradley W. Bailey  
Environmental Senior Specialist  
*Regional Representative*

**Distribution: original signed copy to facility – e-mail to compliance officer – e-mail or copy to super**

Delivered on : Nov.20, 2008 by		Hand delivery	X	US Mail	X	Certified No. [70041350000340731323]
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**Cc: Mark Poindexter, Field Operations Branch Head**  
**Michael Scott, Composting and Land Application Branch Head**  
**Donald Herndon, Compliance Officer**  
**Jason Watkins, Central District Supervisor**  
**Jaclyne Drummond, Compliance Hydrogeologist**