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State of North Carolina
Department of Environment
and Natural Resources
Division of Waste Management

James B. Hunt, Jr., Governor
Wayne McDevitt, Secretary
William L. Meyer, Director



December 30, 1997

Mr. Lloyd Cook, Director
Wayne County Solid Waste Management
P.O. Box 227
Goldsboro, North Carolina 27533-0227

Subject: Wayne County MSWLF Facility Transition Plan Modification for
Permit #96-01

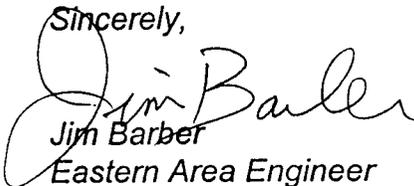
Dear Mr. Cook:

The Solid Waste Section hereby approves the modification of the referenced MSWLF Facility permit to allow the construction and operation of a CONSTRUCTION & DEMOLITION LANDFILL UNIT, Phase 1 (see sheet 2 of 4) at the Wayne County landfill. The operation of Phase 1 is effective 30 December 1997 and the operational permit for Phase 1 Area is 5 years. The facility permit will be reviewed every five years, on or before 30 December 2002 (see Condition Number 2, Page 1).

Please note operational conditions outlined on pages 1 thru five for the facility. The Waste Management Specialist for this facility is Mr. Bill Morris and he can be reached in our Washington Regional Office at (919) 946-6481.

If you have any questions about this approval letter, please contact me at (910) 486-1191 or James C. Coffey at (919) 733-0692 Ext. 255.

Sincerely,


Jim Barber
Eastern Area Engineer
Solid Waste Section

cc: Jim coffey
Terry Dover
Bill Morris

Raleigh Central Office: Wayne County MSW Facility Transition Plan Permit #
96-01.

PERMIT NO. 96-01

Modification dated: 12-30-97

STATE OF NORTH CAROLINA

DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES

DIVISION OF SOLID WASTE MANAGEMENT

P.O. BOX 27687 RALEIGH, NC 27611

SOLID WASTE PERMIT

COUNTY OF WAYNE

is hereby issued a permit to operate PHASE 1 of a

Construction and Demolition Landfill Unit

located on S.R. 1129, at the Wayne County Landfill, Dudley, Wayne County in accordance with Article 9, Chapter 130A, of the General Statutes of North Carolina and all rules promulgated thereunder and subject to the conditions set forth in this permit.


James C. Coffey, Supervisor
Permitting Branch
Solid Waste Section

PERMIT NO. 96-01
MODIFICATION DATED: 12-30-97

SOLID WASTE PERMIT
Permit to Operate
Wayne County Landfill
Construction and Demolition Debris Landfill Unit

CONDITIONS OF PERMIT:

GENERAL

1. When this property is sold, leased, conveyed or transferred, the deed or other instrument of transfer shall contain in the description section in no smaller type than that used in the body of the deed or instrument, a statement that the property has been used as a sanitary landfill.
2. This permit will be subject to review every five years, on or before 30 December 2002, as per 15A NCAC 13B .0201(c) or sooner, according to the issuance date of this permit. Modifications to the facility may be required in accordance with rules in effect at the time of review.
3. The approved plan is described by Attachment 1, "List of Documents for Approved Plan". Where discrepancies may exist, the most recent submittal and the Conditions of Permit shall govern. Some components of the approved plan are reiterated in the Conditions of Permit.
4. This permit is not transferable.
5. The Financial Assurance Instrument (FAI) for this facility shall be amended when Closure Certification has been complete and the Closure/Post-Closure Care portion of the instrument is amended. The FAI shall be reviewed and updated annually for this facility once closure of the MSW unit is complete.
6. If during the operational life of the C&D unit it becomes apparent that the operations at the facility are impacting ground water adversely; the Solid Waste Section will require landfilling activities to cease and closure of the operating unit.

CONSTRUCTION AND OPERATION

1. This permit is for development of the Wayne County Landfill Construction and Demolition Unit, Phase I in accordance with the approved plan(sheet 2 of 4 of Transition Plan Amendment Document). Additional disposal capacity will be approved for Phases II and III based on established desired operation of the facility.
2. This solid waste management facility is permitted to receive the following waste types:
 - a. Land-clearing debris as defined in G.S. 130A-290, specifically, solid waste which is generated solely from land-clearing activities, such as stumps, trees, etc.;
 - b. Inert debris defined as solid waste which consists solely of material that is virtually inert, such as brick, concrete, rock and clean soil; and
 - c. Asphalt in accordance with G.S. 130-294(m).
 - d. Construction and demolition debris defined as solid waste resulting solely from construction, remodeling, repair or demolition operations on pavement, buildings, or other structures.
 - e. C&D like waste that are similar to wastes typically found in the land clearing-inert debris and C&D waste streams consisting of wastes at this time: roofing shingle waste from the manufacturer, waste building materials from mobile home/modular home manufacturer and wooden pallets. Other wastes **MAY** be approved by the Division upon receipt of a written request with the specific waste type, how its generated, how much is generated; along with any additional information the Division may request to render a final decision on the disposal options for the waste.

Yard trash as defined in G.S. 130A-290, shall not be disposed in the landfill area. However, yard trash, along with land-clearing debris, may be accepted for processing in the Yard Waste Composting Area.
3. All sedimentation/erosion control activities will be conducted in accordance with the Sedimentation Control Act codified at 15 NCAC 4. Native vegetation shall be established on the completed landfill.
4. The following requirements shall be met prior to operation of Phase 1 at this facility:

- a. Site preparation and or closure of that area of the MSW unit shall be in accordance with the construction plans(dated 12/10/97).
 - b. Signs shall be posted at the facility in accordance with the Access and Safety Requirements under Operation Condition No. 5 listed below.
 - c. The existing groundwater monitoring system will be utilized for ground water monitoring for the C&D unit(s) in accordance with .1630 thru .1633. Assessment monitoring shall continue in accordance with Solid Waste Management Rules and any additional requirements set forth by Solid Waste Section Hydrogeologist.
 - d. Closure certification and documentation shall be submitted to the Solid Waste Section and a approved by the Section prior to receiving C&D waste in the proposed unit(s).Partial closure of units will be accepted with certification and documentation of partial unit closure submitted for approval. Seeding and stabilization of cover soils shall be performed prior to receiving C&D waste.
5. Operation of the C&D landfill units shall conform to the operating procedures described in the approved plan, in accordance with Section .1626 of the Solid Waste Management Rules, and in accordance with the following requirements:

Waste Acceptance and Disposal

- a. The facility shall accept only those solid wastes which it is permitted to receive.
- b. No municipal solid waste, hazardous waste, industrial waste, liquid waste or waste not charaterized as LCID or C&D shall be accepted for disposal.
- c. The permittee shall implement a program at the facility for detecting and preventing the disposal wastes listed in item "b" of this section. The program shall include, at a minimum:
 - (i) Random inspections of incoming loads or other comparable procedures;
 - (ii) Records of any inspections;
 - (iii) Training of personnel to recognize hazardous and liquid wastes;

- (iv) Development of a contingency plan to properly manage any identified wastes listed in item "b" of this section; the plan must address identification, removal, storage, and final disposition of waste.

Cover Material Requirements

- a. Operational soil cover of at least six inches shall be placed at least once per week or when the active area reaches 1/2 acre in size or more often as necessitated by the nature of the waste so as to prevent the site from becoming a visual nuisance and to prevent fire, windblown materials, vectors or water infiltration.
- b. Areas which will not have additional waste placed on them for 12 months or more, but where final termination of operations has not occurred, shall be covered with a minimum of one foot of soil cover.
- c. After final termination of disposal operations at the site or major part thereof, or upon revocation of a permit, the fill areas shall be covered with a cap in accordance with .1627(c) or in accordance with the rules at the time of closure.

Access and Safety

- a. The facility shall be adequately secured by means of gates, chains, berms, fences, or other security measures approved by the DSWM to prevent unauthorized entry.
- b. An attendant shall be on duty at the site at all times while it is open for public use to ensure compliance with operational requirements.
- c. The access road to the site shall be of all-weather construction and maintained in good condition.
- d. Dust control measures shall be implemented when necessary.
- e. Signs providing information on dumping procedures, the hours of operation, the permit number, and other pertinent information shall be posted at the site entrance.
- f. Signs shall be posted stating that no MSW, hazardous waste or liquid waste can be received.
- g. Traffic signs or markers shall be provided as necessary to promote an orderly traffic pattern to and from the discharge area and to maintain efficient operating conditions.

- h. The removal of solid waste from the facility is prohibited unless the owner/operator approves and the removal is not performed on the working face.
- i. Barrels and drums shall not be disposed of unless they are empty and perforated sufficiently to ensure that no liquid or hazardous waste is contained therein, except fiber drums containing asbestos.
- j. Open burning of solid waste is prohibited.
- k. The concentration of explosive gases generated at the facility shall not exceed:
 - i. twenty-five percent of the limit for gases in site structures (excluding gas control or recovery system components; and
 - ii. the lower explosive limit for gases at the facility boundary.

Erosion and Sedimentation Control

- a. Adequate sedimentation and erosion control measures shall be practiced to prevent silt from leaving the site.
- b. Adequate sedimentation and erosion control measures shall be practiced to prevent excessive on-site erosion.
- c. Provisions for a vegetative ground cover sufficient to restrain erosion must be accomplished within 30 working days or 120 calendar days upon completion of any phase of C&D landfill development.

Drainage Control and Water Protection Requirements

- a. Surface water shall be diverted from the operational area.
- b. Surface water shall not be impounded over or in waste.
- c. A separation distance of at least four feet shall be maintained between waste and the ground-water table.
- d. Solid waste shall not be disposed of in water.
- e. Leachate shall be contained on site or properly treated prior to discharge. An NPDES permit may be required prior to discharge of leachate to surface waters.

All pertinent landfill operating personnel will receive training and supervision necessary to properly operate this landfill.

6. Ground water quality at this facility is subject to the classification and remedial action provisions referenced in Rule .1634 thru .1637 of 15A NCAC 13B.
7. A closure and post-closure plan must be submitted for approval at least 90 days prior to closure or partial closure of any landfill unit. The plan must include all steps and measures necessary to close and maintain the facility in accordance with all rules in effect at that time. At a minimum, the plan shall address the following:
 - a. Design of a final cover system; using the cap requirements outlined in Rule .1627
 - b. Construction and maintenance/operation of the final cover system and erosion control structures;
 - c. Surface water, ground water, and explosive gas monitoring.

MONITORING AND REPORTING REQUIREMENTS

1. Ground-water monitoring wells and monitoring requirements for the C&D landfill units shall be in accordance with the monitoring system approved in the TRANSITION PLAN for the facility and these additional conditions:
 - a. Monitoring well design and construction shall conform to the specifications outlined in Attachment 2, "North Carolina Water Quality Monitoring Guidance Document for Solid Waste Facilities".
 - b. A geologist shall be in the field to supervise well installation, if necessary. The exact locations, screened intervals, and nesting of the wells shall be established after consultation with the SWS Hydrogeologist at the time of well installation for new monitoring wells.
 - c. For each new monitoring well constructed, a well completion record shall be submitted to DSWM within 30 days upon completion.
 - d. Sampling equipment, procedures, and parameters shall conform to specifications outlined in the above-referenced guidance document, (Attachment 2), or the current guidelines established by DSWM at the time of sampling and in accordance with the approved TRANSITION PLAN OR ASSESSMENT AND REMEDIATION PLAN.

- e. In order to determine ground-water flow directions and rates, each monitoring well shall be surveyed, and hydraulic conductivity values and effective porosity values shall be established for the screened intervals for each new monitoring well.
 - f. The permittee shall sample the monitoring wells semi-annually or as directed by the SWS Hydrogeologist.
 - g. A readily accessible unobstructed path shall be initially cleared and maintained so that four-wheel drive vehicles may access the monitoring wells at all times.
2. The permittee shall maintain a record of all monitoring events and analytical data. Reports of the analytical data for each water quality monitoring sampling event shall be submitted to DSWM in a timely manner.
 3. The permittee shall maintain a record of the amount of solid waste received at the facility, compiled on a monthly basis. Scales shall be used to weigh the amount of waste received.
 4. On or before 01 August 98 (or an earlier date as requested by the Solid Waste Section), and each year thereafter, the permittee shall report the amount of waste received (in tons) at this facility and disposed of in the landfill to the Solid Waste Section and to all counties from which waste was accepted, on forms prescribed by the Section. This report shall include the following information:
 - a. The reporting period shall be for the previous year, beginning 01 July and ending on 30 June;
 - b. The amount of waste received and landfilled in tons, compiled on a monthly basis, according to Condition 6 described above; and
 - c. Documentation that a copy of the report has been forwarded to all counties from which waste was accepted.
 5. All records shall be maintained on-site and made available to the SWS upon request.
 6. The Post-Closure plan approved in the TRANSITION PLAN shall be implemented and followed upon capping and closing the operating unit(s).

ATTACHMENT 1

List of Additional Documents for the Approved Transition Plan

1. Site and Construction Transition Plan modification application for the Wayne County, Permit # 96-01. Document titled "Construction and Demolition Landfill for Wayne County North Carolina", dated 2 December 1997 and received 12 December 1997.

file

State of North Carolina
Department of Environment,
Health and Natural Resources



James B. Hunt, Jr., Governor
Wayne McDevitt, Secretary

OCT 10 1997

The Honorable Phil Baddour, Jr.
North Carolina General Assembly
PO Box 916
Goldsboro, NC 27533-0916

Dear Representative Baddour:

Thank you for your recent letter expressing your concerns for Wayne County and its efforts to have a new lined landfill facility constructed and operational by January 1, 1998.

Staff with the Division of Waste Management are also concerned that Wayne County will not have ample time to construct a lined landfill by the deadline. As I am sure you are aware, the rule requiring unlined landfills to stop receiving wastes by January 1, 1998, has been in effect since 1991. It was reconsidered and upheld by the Commission for Health Services on two separate occasions. Legislation to change the 1998 deadline was even introduced, but never enacted by the General Assembly. The deadline is firm, and only three months remain. At least six months are required for construction of a lined landfill facility. Based on this information, the division advised Wayne County to prepare a contingency plan to transfer waste to an operating lined landfill facility.

The division also explained to Wayne County officials the public information procedures for solid waste permits. North Carolina Administrative Code requires that the division allow at least 45 days for the public to comment on the draft permit and conditions of permit. However, the rules are more flexible regarding public hearings. They require the division to hold a public hearing on the draft permit only if a significant degree of public interest is determined. Since no one presented comments at the public hearing held by Wayne County during its local government approval process and no public comment was received by staff during permit review, the division decided not to schedule a public hearing. This decision was included in the public notice.

The Honorable Phil Baddour, Jr.
Page 2

The Division of Waste Management has assured me that it will work with Wayne County and its consultants to get a portion of the facility operational as quickly as possible. Hopefully, this will minimize the time required to transfer waste.

Thank you again for sharing your concerns with me. If I can be of further assistance, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Wayne McDevitt". The signature is written in a cursive style with a large, sweeping initial "W".

Wayne McDevitt
Secretary

WMcD:WLM

cc: William L. Meyer, Director
Division of Waste Management

GOVERNOR AND SECRETARY LOG LETTERS

TO: Dexter Matthews

DATE: 9/29/97

FROM: Pat Williamson

RESPOND BY: 10/6/97

Please:

- Draft a reply for Governor's signature and return to me
- Reply, noting the letter was referred to the division by the Governor. Prepare response for William L. Meyer's signature (copy to Governor and Secretary)
- Draft a reply for Secretary's (or Deputy or Asst. Secretary) signature and return to me
- Reply, noting the letter was referred to the division by the Secretary (or Deputy or Asst. Secretary). Prepare response for William L. Meyer's signature (copy to Secretary or as appropriate)

Format Instructions for Governor

Date - center 3 spaces below Office of the Governor

Indent paragraphs 5 spaces

Ragged right margin - no justified right margin

Last paragraph, last sentence - My warmest personal regards

Sincerely, (5 spaces to right of center)

James B. Hunt Jr. (on 4th line, no comma between Hunt and Jr.)

Reference initials JBH:wlm

If enclosure - on this line

cc: William L. Meyer, Director
Division of Solid Waste Management

Format Instructions for Secretary (Deputy and Asst. Secretary)

Date - center at top

Indent paragraphs 5 spaces

Ragged right margin - no justified right margin

Sincerely, (5 spaces to right of center)

Jonathan B. Howes (on 4th line)
Secretary

Reference initials JBH:wlm

If enclosure - on this line

cc: William L. Meyer, Director
Division of Solid Waste Management

General Instructions

Use abbreviations in address based on postal directions (i.e., PO Box, NC, ST, AVE, etc.)

Type draft response on plain white paper, put in folder with original letter and return to Pat Williamson. Also put draft response on the "i" drive of computer in "for pat" folder. Pat will do any necessary editing, get division approval, and prepare final letter on letterhead.

SEP 20 1997



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North Carolina General Assembly
House of Representatives
State Legislative Building
Raleigh 27601-1096

Resp. By 10-7

REPRESENTATIVE PHIL BADDOUR, JR.
11TH DISTRICT
OFFICE ADDRESS: 501 LEGISLATIVE OFFICE BUILDING
RALEIGH, N.C. 27601-1096
TELEPHONE: (919) 733-5903
(919) 856-0383 FAX
HOME ADDRESS: POST OFFICE BOX 916
GOLDSBORO, N.C. 27533-0916

September 17, 1997

COMMITTEES:
ELECTION LAWS AND CAMPAIGN
REFORM
ENVIRONMENT
FINANCE
JUDICIARY II

Honorable Wayne McDevitt
Secretary
Department of Environment
and Natural Resources
P. O. Box 27687
Raleigh, NC 27611-7687

RE: Wayne County Landfill

Dear Wayne:

Wayne County is currently trying to construct a lined landfill to comply with the January 1, 1998 deadline. The County recently received a letter from Dexter R. Matthews, Chief of the Solid Waste Section, stating that it should have a contingency plan to transfer solid waste to a lined landfill because its landfill was not yet complete.

The County believes that it had begun its process for construction of the lined landfill in sufficient time to comply with the January 1, 1998 deadline. It has, however, run into a delay in receiving the permit. The County believes that its engineers furnished the State with all the necessary information in a timely manner but that the draft permit has been delayed by reasons not completely understood by the County.

In an effort to move the project along, the County had the land clearing aspect of the project as a separate bid. Since this was done before the permit was issued, a warning letter was issued to the County by Mr. Terry F. Dover, Eastern Area Supervisor of the Solid Waste Section. Apparently the General Statutes (130A-22(a)) and the North Carolina Administrative Code prohibit clearing or grading prior to the issuance of the construction permit.

Now that a draft permit has finally been issued, the County must wait a 45 day public comment period before a final permit decision can be made. When a public hearing was held by the Wayne County Commissioners concerning the site for the lined landfill, nobody appeared. The lined landfill is being sited on property adjacent to the current landfill. The County's current permit, were it not for the lined landfill requirement, would allow the



Mr. McDevitt
Page 2
September 17, 1997

current landfill to be used for five more years. The current landfill is elevated. If it had been closed as originally permitted, the County believes that it would be much better ecologically because the mound could have been capped to insure that there no water would get into the compacted solid waste thereby protecting the ground water.

When the State refused to allow this, the County proceeded with its plans for its lined landfill. Now the County believes it is caught in a bureaucratic and administrative nightmare. It is told that it must have a lined landfill by January 1, 1998 but is not allowed to begin construction now because of the public comment even though no member of the public bothered to speak at a public hearing previously held.

Although the County still believes it can meet the deadline for at least one cell of the landfill, it is being told that it may have to transport solid waste from Wayne County to a neighboring landfill. There appears to be no question that the landfill could be completed if work could begin immediately.

I request that you look into this matter and see if there is anything that can be done to assist Wayne County.

With kindest regards, I am

Sincerely,



Phil Baddour, Jr.

PABjr:jm

State of North Carolina
Department of Environment,
Health and Natural Resources
Washington Regional Office

James B. Hunt, Jr., Governor
Jonathan B. Howes, Secretary



DIVISION OF LAND RESOURCES
LAND QUALITY SECTION
June 13, 1997

LETTER OF APPROVAL OF REVISED PLAN

County of Wayne
ATTN: Mr. Will R. Sullivan, Manager
Post Office Box 227
Goldsboro, North Carolina 27533

RE: Erosion and Sedimentation Control Plan
Lined Landfill Facility and Borrow Site
SR 1129 - Wayne County
Drainage Basin: Neuse
Date Received: June 6, 1997
Responsible Party: County of Wayne

Dear Sir:

This office has completed its review of the revised erosion and sedimentation control plan for the referenced 80 acre disturbance. We have determined the submitted plan for the construction of an elevated landfill and borrow area, if properly implemented, will meet the minimum requirements of the Act and hereby issue this LETTER OF APPROVAL.

In 1973, the Sedimentation Pollution Control Act (copy available upon request) was enacted. It established a performance oriented program requiring a project owner or developer to protect adjoining natural resources and properties, both during and after construction, from the effects of accelerated erosion. It is YOUR RESPONSIBILITY to understand and comply with the requirements of the Act.

In addition to any above listed modifications or conditions, the following also apply to the approved plan:

- an erosion and sedimentation control plan is only valid for 3 years following the date of initial approval, if no land-disturbing activity has been undertaken;

County of Wayne
ATTN: Mr. Will R. Sullivan, Manager
June 13, 1997
Page 2

- a copy of the latest approved soil erosion and control plan must be on file at the job site;
- a buffer zone, sufficient to restrain visible sedimentation, must be provided and maintained between the land-disturbing activity and any adjacent property or watercourse;
- new or affected slopes must be at an angle that can be retained by vegetative cover;
- barren slopes must be provided with a ground cover sufficient to restrain erosion within 30 working days of completion of any phase (rough or final) of grading (RYE GRASS IS NOT in the approved seeding specifications nor is it an ACCEPTABLE substitute for the providing of a ground cover);
- a permanent ground cover, sufficient to restrain erosion, must be provided within the shorter of 30 working or 120 calendar days after completion of construction or development; and,
- this approval is not automatically transferred with a change in project ownership.

Be advised that to ensure compliance with the approved plan and the program requirements, unannounced periodic inspections will be made. If the implemented plan is determined to be inadequate, this office may require that it be revised to comply with state law. Failure to comply with any part of the approved plan or with any requirements of this program, could result in the taking of appropriate legal action against the financially responsible party (County of Wayne). One option is the assessing of a civil penalty of up to \$500 per day for each day the site is out of compliance.

In recognizing the desirability of early coordination of sedimentation control, we believe it would be beneficial for you and your contractor to arrange a preconstruction conference to discuss the requirements of the approved erosion and sedimentation control plan. It would be appreciated if you would contact this office to advise me (919-946-6481, ext. 371) of the

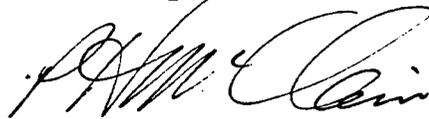
County of Wayne
ATTN: Mr. Will R. Sullivan, Manager
June 13, 1997
Page 3

construction start-up date, contractor and an on-site contact person or, please, complete and return the attached Project Information sheet to the above named.

The land-disturbing activity described in this plan may require approval or permitting from other Federal, State or local agencies. These could include the U.S. Army Corps of Engineers under Article 404 jurisdiction, the Division of Water Quality - Surface Water Section under stormwater regulations (contact Bill Moore, 919-946-6481, ext. 264), county, city or town agencies under other local ordinances, or other approvals that may be required. This approval cannot supersede any other approval or permit.

Please be advised that all land-disturbing activities affecting 5 acres or more are required to have a NPDES permit. Enclosed is the Construction Activities General NPDES Permit - NCG010000 for this project. Contact the Division of Water Quality - Surface Water Section at (919) 946-6481 should you have any questions regarding the permit.

Sincerely,



Patrick H. McClain, P.E.
Assistant Regional Engineer

PHM:pm

Enclosures

cc: D. Wayne Sullivan, Municipal Engineering
Terry Dover, Division of Solid Waste
Bill Morris, Division of Solid Waste