



FACILITY COMPLIANCE AUDIT REPORT
Division of Waste Management
Solid Waste Section

UNIT TYPE: Structural Fill/CCB								
Structural Fill	X			Active		Certified Closure Y/N	Unk	COUNTY: ROWAN
Permitted Site Y/N	N			Inactive				PERMIT NO.: CCB0027
Notified Site Y/N	Y			Recorded Y/N	Unk			FILE TYPE: COMPLIANCE

Date of Audit: 12/21/09

Date of Last Audit: N/A

FACILITY NAME AND ADDRESS:

Fieldcrest Cannon Ash Handling
 Located at the Kannapolis Wastewater Treatment Facility,
 off of Pump Station Road and Glenn Ave
 Kannapolis, North Carolina

GPS COORDINATES: N: 35.511483 W: 80.64078

CURRENT PROPERTY OWNER:

Castle & Cooke Kannapolis, LLC
 210 Oak Ave
 Kannapolis, North Carolina 28081

FACILITY CONTACT ADDRESS:

Corporation Service Company, Registered Agent
 Castle & Cooke Kannapolis, LLC
 327 Hillsborough Street
 Raleigh, North Carolina 27603

WASTE GENERATOR/SOURCE:

Fieldcrest Cannon, Inc.

AUDIT PARTICIPANTS:

Teresa Bradford, NCDENR-Solid Waste Section
 Charles Gerstell, NCDENR-Solid Waste Section

STATUS OF NOTIFICATION/SITE:

Inactive

PURPOSE OF AUDIT:

Comprehensive

NOTICE OF VIOLATION(S):

15A North Carolina Administrative Code 13B .1706(d) states: The constructor or operator shall submit a certification to the Division signed and sealed by a registered professional engineer or signed by the Secretary of the Department of Transportation or his designee certifying that all requirements in the Rules of this Section have been met. The report shall be submitted within 30 days of application of the final cover.

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A certification was never submitted to the Division for this structural fill facility. Therefore, Castle & Cooke Kannapolis, LLC is in violation of 15A NCAC 13B .1706(d).

To achieve compliance, Castle & Cooke Kannapolis, LLC must submit a certification to the Division signed and sealed by a registered professional engineer within **60** days of receipt of this audit report with Notice of Violation(s) as required in 15A NCAC 13B.1706(d).

15A North Carolina Administrative Code 13B .1707 (a) states: The owners of land where coal combustion by-products have been utilized in volumes of more than 1,000 cubic yards shall file a statement of the volume and locations of the coal combustion by-products with the Register of Deeds in the county or counties where the property is located. The statement shall identify the parcel of land according to the complete legal description on the recorded deed, either by metes and bounds, or by reference to a recorded plat map. The statement shall be signed and acknowledged by the landowner(s) in the form prescribed by G.S. 47-38 through 47-43.

15A North Carolina Administrative Code 13B .1707(b) states: Recordation shall be required within 90 days after completion of coal combustion by-product fill project

15A North Carolina Administrative Code 13B .1707(c) states: The Register of Deeds in accordance with G.S. 161-14 shall record the notarized statement and index it in the Grantor Index under the name of the owner(s) of the land. The original notarized statement with the Register's seal and the date, book and page number of recording shall be returned to the Division after recording.

Castle & Cooke Kannapolis, LLC is in violation of 15A NCAC 13B .1707(a) through .1707(c) in that the structural fill facility was never recorded on the deed for the property.

To achieve compliance, within **60** days of receipt of this audit report with Notice of Violation(s), Castle & Cooke Kannapolis, LLC must file a statement of the volume and locations of the coal combustion by-products with the Register of Deeds in the county where the property is located. The statement shall identify the parcel of land according to the complete legal description on the recorded deed, either by metes and bounds, or by reference to a recorded plat map. The statement shall be signed and acknowledged by the landowner(s) in the form prescribed by G.S. 47-38 through 47-43.

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.

AREAS OF CONCERN AND COMMENTS:

1. Historical Information
 - a. Estimated Fill Volume = 360,000 cubic yards
 - b. Proposed End Use: Unknown
 - c. Facility Information: An acknowledgement letter was issued from the Division on January 24, 1996 advising Fieldcrest Cannon, Inc. that the notification requirements of 15A NCAC 13B .1700 have been satisfied.
2. Current Use: Site is currently undeveloped.

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6. Construction, Design, and Operation Requirements:

Requirements:	Comments:
Discharge to surface water	No discharge of CCB to surface waters was observed.
Surface water diversion from active fill areas	Site is not active. No longer applicable.
Dust control measures	Site is not active. No longer applicable.
18" soil cover on inactive fill areas	Unable to determine. This information must be provided with the certification required above.
Maximum slope 3:1	Unable to determine limits of CCB during the inspection.

7. Please ensure that certification to be submitted to the Division verifies compliance with all the rules pertaining to Section .1700 of North Carolina Administrative Code 13B.
8. Three areas of exposed CCB material were observed in the area that was previously known as Pond No. 2 (northeast of the CCB Fill Area). The CCB material needs to be removed and disposed of at a facility permitted to accept this type of waste. Please provide proof that the CCB material was properly disposed of by mailing copies of disposal receipts to my attention.



Picture taken 12/21/09.



Picture taken 12/21/09.



Picture taken 12/21/09.

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9. Construction and demolition waste such as cabinet doors, a sink, carpet padding, wood molding, treated lumber and plywood were observed on top of the CCB fill area. This waste needs to be removed and disposed of at a facility permitted to accept this type of waste. Please provide proof that the waste was properly disposed of by mailing copies of disposal receipts to my attention.



Picture taken 12/21/09.

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

Phone: (704) 235-2160.

 Teresa N. Bradford
 Environmental Senior Specialist
Regional Representative

Delivered on : <u>1/8/09</u> by		Electronic Mail		US Mail	X	Certified No. <u>[7008 1140 0002 2716 4870]</u>
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cc: Mark Poindexter, Field Operations Branch Supervisor
 Deb Aja, Western District Supervisor
 Donald Herndon, Compliance Officer