

FACILITY COMPLIANCE AUDIT REPORT
Division of Waste Management
Solid Waste Section

UNIT TYPE: Structural Fill/CCB										
Structural Fill	X			Active				UNK		COUNTY: ROWAN/CABARRUS PERMIT NO.: CGB0028 FILE TYPE: COMPLIANCE
Permitted Site Y/N	Y			Inactive						
Notified Site Y/N	Y			Recorded Y/N	UNK					

Date of Audit: 12/21/09

Date of Last Audit: N/A

FACILITY NAME AND ADDRESS:

Fieldcrest Cannon Plant #1
 1 Lake Drive
 Kannapolis, North Carolina

GPS COORDINATES: N: 35.505147 W: 80.623271

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.

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).

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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: Cell 10 and 11 (CCB) 127,660 cubic yards (per Operations Plan dated 2/4/1994); Cell BF1, BF2, BF3, and BF4 also stated as ash disposal sites.
- b. Proposed End Use: Additional Plant parking, community walking trails, softball fields.
- c. Facility Information: Structural fill Cell 10 completion date proposed 5/1/97 and Cell 11 proposed 11/1/99. The structural fill activity was proposed to include the tank area and the existing parking area located south, southwest of the existing Landclearing and Inert Debris (LCID) Landfill (Permit # 13-C). An amendment to LCID Landfill Permit was issued on November 30, 1993. An acknowledgement letter was issued from the Division on February 15, 1994 advising Fieldcrest Cannon, Inc. that the notification requirements of 15A NCAC 13B .1700 had been satisfied. A LCID Notification was recorded with the Cabarrus County Register of Deeds on October 30, 1998 for this property. Please note: This audit report addresses the structural fill activity only.

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2. Location Description/Directions



Google Earth 12/17/09

3. Current Use: The property is currently being developed as the North Carolina Research Campus.

4. Waste Limit Siting Requirements:

Requirements :	Comments:
50 feet from surface water	Unable to determine exact location of fill activity. This information must be provided with the certification required above.
2-feet above seasonal groundwater	Unable to determine. This information must be provided with the certification required above.
100 feet from drinking water sources	Unable to verify drinking water sources during the inspection. This information must be provided with the certification required above.
Within 100 year flood plain	Property is not located within a 100 year flood plain.
25 feet from property line	Unable to verify property boundaries during the inspection. This information must be provided with the certification required above.

5. Discussion of Closure Requirements:

Requirements :	Comments:
Minimize erosion of cover materials/cap	Unable to determine exact location of fill activity. Significant amount of bare soil was observed. It appears past efforts to stabilize the site have failed.
Minimize infiltration and ponding	Unable to determine exact location of fill activity. No significant ponding of water was observed.
Other erosion control measures	CCB fill area is not active. However, the property is currently under development. Erosion control measures such as detention ponds have been established.
No migration of CCB off-site	No migration of CCB was observed.

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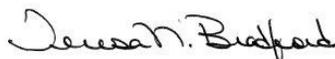
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6. Construction, Design, and Operation Requirements:

Requirements:	Comments:
Discharge to surface water	No discharge of CCB to surface waters was observed.
Surface water diversion from active fill areas	CCB fill area is not active. However, the property is currently under development. Erosion control measures such as detention ponds have been established.
Dust control measures	CCB fill area 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 exact location of fill activity. This information must be provided with the certification required above.

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. A Brownfields Agreement for the property was recorded with the Rowan County Register of Deeds (Book 1124, Page 707) on June 27, 2008.

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>1/8/10</u> by		Electronic Mail		US Mail	X	Certified No. <u>[7008 1140 0002 2716 4887]</u>
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- cc: Mark Poindexter, Field Operations Branch Supervisor
Deb Aja, Western District Supervisor
Donald Herndon, Compliance Officer