FACILITY COMPLIANCE AUDIT REPORT
Division of Waste Management
Solid Waste Section

UNIT TYPE: Structural Fill/CCB												
Structural Fill	X			Active		Certified Closure	N					
Permitted Site Y/N	N			Inactive								
Notified Site Y/N	Y			Recorded Y/N	N							

COUNTY: IREDELL
PERMIT NO.: CCB0050
FILE TYPE: COMPLIANCE

Date of Audit: December 23, 2009 **Date of Last Audit:** N/A

FACILITY NAME AND ADDRESS:
E J Bill Simpson Property
~645 Bluefield Rd, Mooresville, NC, near I-77 intersection

GPS COORDINATES: **N**: 35.597176 **W**: 80.865249

CURRENT PROPERTY OWNER:
Cripple Creek Investments, LLC
1650 Northfield Drive Building A100
Brownsburg, IN 46112

FACILITY CONTACT ADDRESS:
Colson Park Management, Inc., Registered Agent
Cripple Creek Investments, LLC
1225 25th Street Place SE
Hickory, North Carolina 28602

WASTE GENERATOR/SOURCE:
Duke Power Company

STATUS OF NOTIFICATION/SITE:
Inactive

AUDIT PARTICIPANTS:
Charles Gerstell-NCDENR, Solid Waste Section
Bill Wagner-NCDENR, Solid Waste Section

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, Cripple Creek Investments, LLC is in violation of 15A NCAC 13B .1706(d).

To achieve compliance, Cripple Creek Investments, 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).

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.

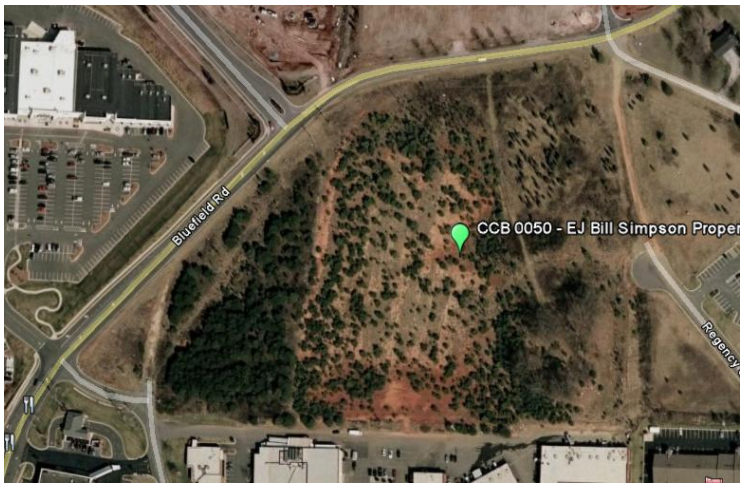
Cripple Creek Investments, LLC is in violation of 15A NCAC 13B .1707(a) through .1707(c) in that the structural fill facility was never recorded on the deed for the property.

To achieve compliance, within **60** days of receipt of this audit report with Notice of Violation(s), Cripple Creek Investments, 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 = 120,000 cubic yards
    b. Proposed End Use: develop property for marketing
    c. Facility Information:
2. Location Description/Directions



Google Earth 12/17/09

3. Current Use: Property is currently undeveloped with the exception of initial grading.

4. Waste Limit Siting Requirements:

Requirements	Comments
50 feet from surface water	No surface water was observed within 50 of fill area observed at northeast corner of property.
2-feet above seasonal groundwater	Unable to determine. This information must be provided with certification.
100 feet from drinking water sources	Unable to determine. This information must be provided with certification.
w/in 100 year flood plain	Property is not located within a 100 year floodplain.
25 feet from property line	Unable to verify property boundaries in field.

5. Discussion of Closure Requirements:

Requirements	Comments
Minimize erosion of cover materials/cap	No severe erosion was observed on the property.
Minimize infiltration and ponding	No ponding was observed on the property.
Other erosion control measures	Site is inactive. No longer applicable.
No migration of CCB off-site	No migration of CCB was observed.

6. Construction, Design, and Operation Requirements:

Requirements	Comments
Discharge to surface water	No discharge was observed.
Surface water diversion from active fill areas	Site is no longer active. No longer applicable.
Dust control measures	Site is no longer active.
18” soil cover on inactive fill areas	Unable to determine. This information must be provided with certification.
Maximum slope 3:1	Slope of fill area appears to be approximately 3:1.

7. Final comments:
    a. As stated above, the site is no longer active and has been stabilized.
    b. During the inspection a fill slope was observed at the northeast portion of the property. However, it does not appear that CCB material was used to fill the entire property as proposed on the original submittal.
    c. 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.

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

_____ Phone: (704) 235-2144 .
Charles T. Gerstell
Environmental Senior Specialist
Regional Representative

Delivered on : 1/8/10 **by**		Hand delivery		US Mail	**X**	Certified No. [7008 1140 0002 2716 4832]

cc: Mark Poindexter, Field Operations Branch Supervisor
Deb Aja, Western District Supervisor