



FACILITY COMPLIANCE AUDIT REPORT
Division of Waste Management
Solid Waste Section

UNIT TYPE: Structural Fill/CCB										
Structural Fill	X		Active		Certified Closure	N				COUNTY: IREDELL PERMIT NO.: CCB0054 FILE TYPE: COMPLIANCE
Permitted Site Y/N	N		Inactive							
Notified Site Y/N	Y		Recorded Y/N	Y						

Date of Audit: December 22, 2009

Date of Last Audit: N/A

FACILITY NAME AND ADDRESS:

Duckworth Site
 558 River Hwy, Mooresville, NC

GPS COORDINATES: N: 35.59571 W: 80.869331

CURRENT PROPERTY OWNER:

Lot #1
 RSD Food Market Real Estate Holding #2100, LLC
 Post Office Box 3756
 Mooresville, NC 28115

Lot #6
 RSD Restaurants Real Estate Holding #3100 and Retail Shops, LLC
 Post Office Box 3756
 Mooresville, North Carolina 28115

FACILITY CONTACT ADDRESS:

Robert S. Duckworth, Jr., Registered Agent/Manager
 RSD Food Market Real Estate Holding #2100, LLC
 RSD Restaurants Real Estate Holding #3100 and Retail Shops, LLC
 Post Office Box 3756
 Mooresville, North Carolina 28117

WASTE GENERATOR/SOURCE:

Duke Power Company

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, RSD Food Market Real Estate Holding #2100, LLC is in violation of 15A NCAC 13B .1706(d).

To achieve compliance, RSD Food Market Real Estate Holding #2100, 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).

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 = 60,000 cubic yards
- b. Proposed End Use: Food Mart/Gas Station, parking lot
- c. Facility Information: Site has been developed with commercial buildings, gas station, and associated asphalt parking.

2. Location Description/Directions



Google Earth 12/17/09

- 3. Current Use: Site is currently occupied by a gas station/convenience store, restaurant, and other commercial buildings with associated asphalt parking.

4. Waste Limit Siting Requirements:

Requirements	Comments
50 feet from surface water	Due to development of area. Verification of surface waters could not be confirmed. This information must be provided with certification.
2-feet above seasonal groundwater	Unable to determine. This information must be provided with certification.
100 feet from drinking water sources	Unable to verify drinking water sources in field. 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. This information must be provided with certification.

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5. Discussion of Closure Requirements:

Requirements	Comments
Minimize erosion of cover materials/cap	Site has been developed with commercial businesses and asphalt.
Minimize infiltration and ponding	No ponding was observed.
Other erosion control measures	Site is no longer active. 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 of CCB 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. No longer applicable.
18" soil cover on inactive fill areas	Unable to determine. This information must be provided with certification.
Maximum slope 3:1	Property has been graded to elevation of surrounding area. A high wall exists on the west side of the property, but this structure appears to be located upon an initial lift of fill material.

7. Final comments:

- a. As previously stated, this site is no longer active and has been developed with commercial buildings, gas station, and associated asphalt parking.
- b. Structural fill activity was recorded under Deed Book 1599; Page 1974.
- c. Structural fill material was originally placed on lot no. one (1) of the Atwell Property per Plat Book 34, Page 136. However, the property was later subdivided to include lot #6 per Plat Book 42, Page 140.
- d. 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.



 Charles T. Gerstell
 Environmental Senior Specialist
Regional Representative

Phone: (704) 235-2144

Delivered on : <u>1/8/10</u> by		Hand delivery		US Mail	<input checked="" type="checkbox"/>	Certified No. [<u>7008 1140 0002</u> <u>2716 4863</u>]
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cc: Mark Poindexter, Field Operations Branch Supervisor
 Deb Aja, Western District Supervisor