



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: March 30, 2010

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:

Follow-up Audit of records received by Department staff in response to the Facility Compliance Audit Report with Notice of Violation(s) issued to RSD Food Market Real Estate Holding #2100, LLC on January 8, 2010.

FACILITY COMPLIANCE AUDIT REPORT
Division of Waste Management
Solid Waste Section

Page 2 of 4

NOTICE OF VIOLATION(S):

None

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.

STATUS OF PAST NOTED VIOLATIONS:

15A North Carolina Administrative Code 13B .1706(d): RSD Food Market Real Estate Holding #2100, LLC was found in violation of the subject Administrative Rule in that a certification certifying that all requirements in the Rules of this Section had been met.

On February 6, 2010 Mr. Robert Duckworth submitted an electronic correspondence which included a document from Law Engineering and Environmental Services, Inc. dated July 19, 2000 and revised on October 16, 2000. This document declared that flyash was placed in general accordance with Sections .1704 through .1706 of the "Beneficial Use of Coal Combustion By-Products." This document was signed and sealed by Michelle B. Richards, P.E. Therefore, this document meets the requirement of closure certification required by 15A NCAC 13B .1706(d). This violation is considered corrected and resolved. Thank-you for your cooperation and attention to this matter.

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

FACILITY COMPLIANCE AUDIT REPORT
Division of Waste Management
Solid Waste Section

Page 3 of 4

4. 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.

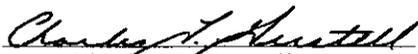
5. Construction, Design, and Operation Requirements:

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.

6. Final comments:

- a. This audit report was generated to verify review of documentation submitted by the responsible party in response to a Facility Compliance Audit Report with Notice of Violation(s) that was issued on January 8, 2010.

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>3/30/10</u> by	X	Electronic Correspondence	US Mail	Certified No.:
----------------------------------	----------	---------------------------	---------	----------------

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