



**FACILITY COMPLIANCE AUDIT REPORT**  
**Division of Waste Management**  
**Solid Waste Section**

<b>UNIT TYPE: Structural Fill/CCB</b>										
Structural Fill	<b>X</b>			Active		Certified Closure	<b>N</b>			<b>COUNTY: ROWAN</b> <b>PERMIT NO.: CCB0068</b> <b>FILE TYPE: COMPLIANCE</b>
Permitted Site Y/N	<b>N</b>			Inactive	<b>N</b>					
Notified Site Y/N	<b>Y</b>			Recorded Y/N	<b>N</b>					

**Date of Audit:** 12/21/09

**Date of Last Audit:** N/A

**FACILITY NAME AND ADDRESS:**

Jake Alexander Boulevard Extension  
 East of I-85 to SR 1004, Stokes Ferry Road  
 Salisbury, NC 28146

**GPS COORDINATES:** N: Unknown W: Unknown

**FACILITY CONTACT ADDRESS:**

North Carolina Department of Transportation  
 Highway Division 9  
 Pat Ivey, Division Engineer  
 375 Silas Creek Parkway  
 Winston Salem, North Carolina 27127

**WASTE GENERATOR/SOURCE:**

Fieldcrest Cannon – Spencer Plant

**STATUS OF NOTIFICATION/SITE:**

Inactive

**PURPOSE OF AUDIT:**

Comprehensive Audit

**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.

During subsequent document research after the inspection, it was determined that a certification was never received by the Division for this structural fill activity. Therefore, the North Carolina Department of Transportation is in violation of 15A NCAC 13B .1706(d).

To achieve compliance, the NC Department of Transportation must submit a certification to the Division within 60 days of receipt of this audit report with Notice of Violation(s) as required in 15A NCAC 13B.1706(d).

**FACILITY COMPLIANCE AUDIT REPORT**  
**Division of Waste Management**  
**Solid Waste Section**

Page 2 of 2

**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.

During subsequent document research and conversations with Mr. Tim Canup, Senior Assistant Resident Engineer, it was determined that a statement of the volume and locations of the coal combustion by-products was not filed with the Rowan County Register of Deeds. Therefore, the North Carolina Department of Transportation is in violation of 15A NCAC 13B .1707(a) through .1707(c).

To achieve compliance, within **60** days of receipt of this audit report with Notice of Violation(s), the North Carolina Department of Transportation 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. Waste Generator: North Carolina Finishing Company, a Division of Fieldcrest Cannon, Inc. – Spencer Plant.
- b. Estimated Volume: 25,000 – 30,000 cubic yards.
- c. Estimated Time Frame: The start date of the project was approximately January 15, 1996±. The estimated completion date was January 31, 1997.
- d. Proposed End Use: NC Department of Transportation highway construction project.
- e. Location Description: Jake Alexander Boulevard Extension from East of I-85 to SR 1004, Stokes Ferry Road in Salisbury.
- f. Facility Information: The notification to use coal combustion by-products in the structural fills for the subject project was received on May 6, 1996. Also received on May 6, 1996 was a letter stating that the NC Department of Transportation, as landowners of the subject project, would file a statement of the volume and locations of the coal combustion by-products with the Rowan County Register of Deeds within 90 days after completion of the coal combustion by-product fill. An acknowledgement letter was issued from the Division on June 4, 1996 advising the NC Department of Transportation that the notification requirements of 15A NCAC 13B .1700 concerning coal combustion by-products had been satisfied.

**FACILITY COMPLIANCE AUDIT REPORT**  
**Division of Waste Management**  
**Solid Waste Section**

Page 3 of 3

2. Waste Limit Siting Requirements:

Status	Requirements	Comments
	50 feet from surface water	Unable to determine location of fill. This information must be provided with the certification required above.
	2-feet above seasonal groundwater	Unable to determine location of fill. This information must be provided with the certification required above.
	100 feet from drinking water sources	Unable to determine location of fill. This information must be provided with the certification required above.
	w/in 100 year flood plain	Unable to determine location of fill. This information must be provided with the certification required above.
	25 feet from property line	Unable to determine location of fill. This information must be provided with the certification required above.

3. Discussion of Closure Requirements:

Status	Requirements	Comments
	Minimize erosion of cover materials/cap	Unable to determine location of fill.
	Minimize infiltration and ponding	Unable to determine location of fill.
	Other erosion control measures	Not applicable. No CCB activity.
	No migration of CCB off-site	Unable to determine location of fill.

4. Construction, Design, and Operation Requirements:

Status	Requirements	Comments
	Discharge to surface water	Unable to determine location of fill.
	Surface water diversion from active fill areas	Not applicable. No CCB activity.
	Dust control measures	Not Applicable. No CCB activity.
	18" soil cover on inactive fill areas	Unable to determine location of fill. This information must be provided with the certification required above.
	Maximum slope 3:1	Unable to determine location of fill. This information must be provided with the certification required above.

5. 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.

**FACILITY COMPLIANCE AUDIT REPORT**  
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**Solid Waste Section**

Page 4 of 4

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



Teresa N. Bradford  
Environmental Senior Specialist  
*Regional Representative*

Phone: (704) 235-2160

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cc: Mark Poindexter, Field Operations Branch Supervisor  
Deb Aja, Western District Supervisor  
Donald Herndon, Compliance Officer