



FACILITY COMPLIANCE AUDIT REPORT
Division of Waste Management
Solid Waste Section

UNIT TYPE:

Lined MSWLF	LCID Notified	X	YW	Transfer	Compost	SLAS				COUNTY: BUNCOMBE PERMIT NO.: N0159 FILE TYPE: COMPLIANCE
Closed MSWLF	HHW		White goods	MRF	T&P	FIRM				
CDLF	Tire T&P / Collection		Tire Monofill	Industrial Landfill	DEMO	X	SDTF			

Date of Audit: 05/16/2011

Date of Last Audit: N/A

FACILITY NAME AND ADDRESS:

Emma Elementary School
 37 Brickyard Road
 Asheville, NC 28806

GPS COORDINATES: **N:** 35.599066 **E:** -82.591554

FACILITY CONTACT NAME AND PHONE NUMBER:

Buncombe County Board of Education
 Carrie Nagel (carrie.nagel@bcsemail.org)
 175 Bingham Road
 Asheville, NC 28806

AUDIT PARTICIPANTS:

Andrea Keller – NCDENR Solid Waste Section
 Matt Fogleman – ECS Carolinas, LLC

STATUS OF PERMIT:

LCID Notification Letter dated: July 5, 1995
 Demolition Landfill (G.S. 130A-302.1)

PURPOSE OF AUDIT: Comprehensive

NOTICE OF VIOLATION(S): None

AREAS OF CONCERN AND COMMENTS:

1. On site on May 11, 2011 to conduct Comprehensive site inspection. Present: Matt Fogleman with ECS Carolinas, LLC as representative for the Buncombe County Board of Education.
2. During the investigation of the history of the Land Clearing and Inert Debris (LCID) Notified site, it was determined that the site appeared to have never operated under the LCID Notified site Rules. Document review of site records indicated that the facility initially operated under the General Statute 130A-301.2 *Disposal of demolition debris in an on-site landfill having a disposal area of one acre or less* (expired June 30, 2001). The demolition activities appeared to have occurred in the 1995 time frame during demolition of an on-site building. Thus, the facility is required to verify compliance with the cited General Statutes (G.S.) rather than the LCID Notified site Rules. It is important to note that the LCID Notified site Rules have more restrictive buffer requirements than a Demolition Landfill, and the facility appeared to meet the G.S. requirements (see below). Following the verification of the Demolition Landfill closure as required by law, the Notified site (N0159) will be closed out in the Section files.

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3. Work was conducted by ECS Carolinas, LLC on behalf of the Buncombe County Board of Education to verify that the disposal activities conformed to the G.S. 130A-301.2 (a)(1-5) siting requirements.



Approximate location of school gardens

HA (hand auger)-##s indicate boring locations for verification of the waste disposal area and cap thickness. Additionally, it was stated (M. Fogleman) that the disposed waste appeared to be construction and demolition debris (rather than land clearing debris).

4. During the on-site inspection the boring results were discussed. It was stated (M. Fogleman) that several HA locations in the region of HA-26 indicated waste. Note that G.S. 130A-301.2 (d) states: *No building shall be located or constructed immediately above any part of a landfill to which this section applies. No construction, except for site preparation and foundation work, shall be commenced on a parcel or tract of land on which a landfill to which the section applies is located until the landfill is closed.*



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It is recommended that further work be conducted to verify that the existing buildings conform to the above-cited Law, and that any further construction on the property be conducted in accordance with these restrictions.

5. Additionally, it was noted during the inspection that adjacent to the above-noted structures, and located atop the disposal area, was a school garden.



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While the assessment work indicated that the majority of the disposal area was covered with the required minimum of 2-feet of compacted earth, it is the responsibility of the Board to maintain compliance with G.S. 130A-302.1 (c) which states: *The owner or operator of the landfill shall close the landfill within 30 days after the demolition is completed or terminated. The owner or operator shall compact the demolition debris and cover it with at least 2 feet of compacted earth. **The cover of the landfill shall be graded so as to minimize water infiltration, promote proper drainage, and control erosion. Erosion of the cover shall be controlled by establishing suitable vegetative cover.***

It is recommended that the facility ensure that the garden activities do not compromise the soil cap or conversely, that the disposed waste does not pose any issues for the gardens (root system uptake).

6. Cap requirements for the disposal area (2-feet of compacted earth) should be maintained. The placement of drainage channels across the top of the disposal area had created some erosion of the cap, visible at the time of the inspection. It is recommended that the cap be repaired and maintained.



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7. As stated above (#2), in order to terminate the Land Clearing and Inert Debris (LCID) Notified Site designation (N0159), and avoid the LCID closure requirements, it must be certified that the disposal activity conforms to all site closure requirements of G.S. 130A-302.1 (e) and (f) as follows:

*(e) Within 30 days of the closure of the landfill, or at least 30 days before the land, or any interest in the land, on which the landfill is located is transferred, whichever is earlier, the owner or owners of record of the land on which the landfill is located shall **file with the register of deeds** of the county in which the landfill is located a **survey plat** of the property that meets the requirements of G.S. 47-30. **The plat shall accurately show the location of the landfill and shall reference this section.** A certified copy of the plat showing the book and page number where recorded shall be filed with the Department at the same time that the certified copy of the notice required by subsection (f) of this section is filed with the Department.*

*(f) Within 30 days of the closure of the landfill or at least 30 days before the land, or any interest in the land, on which the landfill is located is transferred, whichever is earlier, the owners of record of the land on which the landfill is located shall **file with the register of deeds** of the county in which the landfill is located a **notice that a landfill for the disposal of demolition debris has been located on the land.** The notice shall include a description of the land that would be sufficient as a description in an instrument of conveyance. The notice shall list the owners of record of the land at the time the notice is filed and shall reference the **book and page number where the deed or other instrument by which the owners of record acquired title is located.** **The notice shall reference the book and page number where the survey plat required by subsection (e) of this section is recorded.** The notice shall reference this section, shall describe with particularity the type and size of the building or other structure that was demolished, and shall state the dates on which the landfill opened and closed. The notice shall be executed by the owner or owners of record as provided in Chapter 47 of the General Statutes. The register of deeds shall record the notice and index it in the grantor index under the name of the owner, or names of the owners, of the land. The owner shall file a survey plat as required by subsection (e) of this section, with the Department, and shall pay a filing fee...to the Department, within 15*

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days after the notice is recorded.

8. Please provide the following to the Section: a certification that the landfill met all General Statute requirements governing the 130A-302.1 disposal sites, a copy of the recorded (and proof of recordation) landfill plat, and a copy of the record (and proof of recordation) indicating that the landfill was noted on the deed as required.

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



Phone: (828) 296-4700

Andrea Keller
Environmental Senior Specialist
Regional Representative

Mailed on: <u>06/22/2011</u>		Hand delivery		US Mail		Certified No.
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ec: Deb Aja, Western District Supervisor
Donald Herndon, Compliance Officer
Matt Fogleman, ECS Carolinas, LLC