



FACILITY COMPLIANCE AUDIT REPORT
Division of Waste Management
Solid Waste Section

UNIT TYPE:											
Lined MSWLF		LCID Notified Site	X	YW		Transfer		Compost		SLAS	COUNTY: BUNCOMBE PERMIT NO.: N0233 FILE TYPE: COMPLIANCE
Closed MSWLF		HHW		White goods		Incin		T&P		FIRM	
CDLF		Tire T&P / Collection		Tire Monofill		Industrial Landfill		DEMO		SDTF	

Date of Audit: 03/15/2010

Date of Last Audit: 02/17/2010

FACILITY NAME AND ADDRESS:

Asheville-Buncombe Technical Community College
 340 Victoria Road
 Asheville, 28801

GPS COORDINATES: **N:** 35.570385 **E:** -82559512

CONTACT INFO:

C. Max Queen, AB Tech
 Vice President, Risk Management/Operations
 (828) 254-1921 ext. 120 mqueen@abtech.edu

AUDIT PARTICIPANTS:

Andrea Keller – NCDENR Solid Waste Section

STATUS OF PERMIT:

LCID Notification Letter – Section Approval on 8/9/1995

PURPOSE OF AUDIT:

Partial

NOTICE OF VIOLATION(S):

None

STATUS OF PAST NOTED VIOLATION(S):

RESOLVED: 15A NCAC 13B .0563 (1)(d)
 RESOLVED: 15A NCAC 13B .0566 (8)
 RESOLVED: 15A NCAC 13B .0566 (16)

ONGOING: **15A NCAC 13B .0563 (1)(a)** for receiving materials the facility was not permitted to receive.
 ONGOING: **15A NCAC 13B .0563 (1)(b)** for not maintaining a disposal area less than 2 acres in size.
 ONGOING: **15A NCAC 13B .0563 (1)(c)** for not maintaining compliance with 15A NCAC 13B .0566.
 ONGOING: **NCAC 13B .0566 (2)** for receiving materials the facility was not permitted to receive.
 ONGOING: **15A NCAC 13B .0566 (5)** for failing to cover the disposal area with a minimum of one foot of suitable soil cover

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.

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AREAS OF CONCERN AND COMMENTS:

March 2, 2010 Meeting:

1. Meeting with McGill & Associates and Mr. Max Queen (AB Tech) to discuss the planned response to the facility audit report dated 02/19/2010 and associated Notice of Violations (NOVs).
2. In response to the facility audit report cited above, AB Tech outlined NOV resolution options in a letter dated March 2, 2010. At the time of the meeting, AB Tech had installed fencing to secure the site access, submitted updated erosion control plans to Land Quality, and posted emergency contact information at the site entrances. These actions resolved the NOV for: 15A NCAC 13B .0563 (1)(d) , 15A NCAC 13B .0566 (8), and 15A NCAC 13B .0566 (16).
3. In the response letter, AB Tech stated that a survey was being conducted to determine the extent of the 2-acre LCID permitted waste disposal area, that all vegetative material will be brought to this area for proper disposal, and that all material not allowed in either the LCID or the adjacent beneficial fill area will be removed in a staged process. Additionally, a *Plan of Action* was submitted to outline the steps AB Tech will be taking to resolve the outstanding NOVs.
4. AB Tech was given verbal approval to begin filling activities at the base of the beneficial fill slope in order to begin removal of unapproved wastes in a staged/stepped process. This approval was conditional on meeting all Land Quality requirements for sedimentation and erosion control at the site.

March 11, 2010:

1. LCID Landfill Site Plan dated March 9, 2010 was received at the regional office. This site plan outlined the newly surveyed edge-of-waste limits for the notified LCID site. The limits of the LCID region constrain approximately 1.8 acres on the northwest site of the fill area (lower shelf region).



Google Map 02/19/2010

2. Five test pit locations are shown on the submitted site plan. Test pit #4 and #5 appear to be more closely spaced than the other locations – rather than spread out to fully reach around the upper shelf. Additionally, no test pit locations were shown for the lower shelf region. While no new plan is required for submittal, **the locations of the test pits #1 through #5 will be spaced to adequately cover the upper shelf, and additional test pits (minimum of 2) should be conducted on the lower shelf.** During the test pit operations a Section representative will be present to document the findings. **Please contact A. Keller in advance of these activities in order to schedule the Section oversight.**

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March 15, 2010:

1. A. Keller was on site to confirm ongoing activities. The site was gated, locked, and signs were in place. At the time of the audit, it did not appear as though any clearing of vegetative material from the fill area to return it to the LCID landfill had occurred, nor was there evidence of material sorting/removal. Sedimentation and erosion control structures were visible at the base of the fill area. Survey stakes for the LCID notified site edge of waste were visible.
2. Along the upper shelf, nearest to the active fill/roadway to the base of the fill area, it appeared as though some beneficial fill materials may have been covered with newly received soil from the Mission Hospital construction project. As discussed during the February 17, 2010 site meeting, all areas that are considered part of the upper and lower shelf will require test-pit activities to confirm the lack of unapproved materials at the site. **Please be aware that any new fill that encroaches on this disposal area may have to be removed during the test pit activities.**
3. Land Clearing activities had been conducted along the lower edge of the existing (and future) fill slope. This material requires proper disposal at a permitted facility, or landfilling at the existing LCID notified site in accordance with all operational rules.

Based on the previous facility audit: *In order to achieve compliance, within ten days of receipt of this audit report Asheville-Buncombe Technical Community College must develop a plan to address the following:*

1. *Mark the 2-acre (maximum) boundary of the LCID region, both on a site plan and physically at the site;*
2. *Remove all vegetative material to within the marked waste limits of the LCID site;*
3. *Remove all unacceptable materials from the entire fill area and dispose of the material at a facility permitted to receive these materials;*
4. *Submit waste disposal records to the Section;*
5. *Dig test-pits along the upper and lower bench sections to ensure that no unacceptable wastes are present on-site;*
6. *Develop a plan to remove the unacceptable material spread along the upper shelf to the bottom, undisturbed portion of the site (as discussed in phone conversation with Max Queen on 12/19/2010); and*
7. *Submit an erosion and sedimentation control plan to Land Quality (Star Silvis, 828-296-4611).*

This plan must be submitted to the Section Regional Representative: Andrea Keller
Asheville Regional Office
2090 US Highway 70
Swannanoa, NC 28778.

At this time, items #1, #6, and #7 are considered complete. It is understood that the cleanup activity will be spread out over the length of the ongoing beneficial fill project due to limitations in the ability to reach the waste on the surface of the fill slope (safety issues regarding the stability of the slope). Please inform me when you have achieved item #2 and are preparing for item #5, as these items are independent of the aforementioned fill activities. Please contact me if you have any questions or concerns regarding this audit report.



Andrea Keller

Environmental Senior Specialist
Regional Representative

Phone: (828) 296-4700.



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mailed on : <u>03/22/2010</u> by		Hand delivery		US Mail		Certified No. <input type="checkbox"/>
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ec: Mark Poindexter, Field Operations Branch Supervisor
Deb Aja, Western District Supervisor
Donald Herndon, Compliance Officer
Starr Silvis, NCDENR Land Quality
R. Mauney, AB Tech President
C. Campbell, Campbell Shatley PLLC