



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

**UNIT TYPE:**

Lined MSWLF		LCID		YW		Transfer		Compost	<input checked="" type="checkbox"/>	SLAS		<b>COUNTY: Sampson</b> <b>PERMIT NO.: 82-04</b> <b>FILE TYPE: COMPLIANCE</b>
Closed MSWLF		HHW		White goods		Incin		T&P		FIRM		
CDFL		Tire T&P / Collection		Tire Monofill		Industrial Landfill		DEMO		SDTF		

**Date of Audit:** May 29, 2009**Date of Last Audit:** November 6, 2008**FACILITY NAME AND ADDRESS:**

Orbit Waste-to-Energy Systems  
 531 Hickory Grove Road  
 Clinton, North Carolina 28328

**GPS COORDINATES:** N: 35.12881 E: -78.43864**FACILITY CONTACT NAME AND PHONE NUMBER:**

Reese Howell  
 919-954-0033

**FACILITY CONTACT ADDRESS:**

Orbit Waste-to-Energy Systems  
 3301 Benson Dr., Suite 535  
 Raleigh, North Carolina 27609

**AUDIT PARTICIPANTS:**

Mike Scott, NCDENR, Composting and Land Application Branch Supervisor  
 Zi Qiang Chen, Composting and Land Application Branch Engineer

**STATUS OF PERMIT:**

Solid Waste Composting Permit Approved September 18, 2001  
 Extension of approval November 21, 2002 (expires October 1, 2003)  
 Modification Approval February 10, 2003  
 Demonstration Permit Approved November 29, 2005 (expires August 31, 2006)  
 Permit issued October 31, 2006 (expired December 31, 2007)  
 Permit is currently under review

**PURPOSE OF AUDIT:**

Partial

**NOTICE OF VIOLATIONS:**

**15A NCAC 13B .1406 (1) (A):** states in part that "Construction plans and conditions of permit shall be followed."

**Permit condition number one of the current permit (SWC-82-04) states that:** Operation and maintenance of this facility shall be in accordance with the Solid Waste Compost Rules (15A NCAC 13B, Section .1400), the permit application and the Operation and Maintenance Manual submitted with the permit application. Failure to comply may result in compliance actions or permit revocation.

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**15A NCAC 13B .1406 (4): states in part that “Leachate shall be contained on site treated to meet the standards of the off-site disposal method.**

**Permit condition number two states that: This facility shall be operated in such a manner that erosion and runoff from the site shall be controlled. Any leachate generated at the facility shall be contained on site and disposed of at a properly permitted facility.**

You are in violation of the rules and permit conditions listed above in that during the site visit a flex hose was found connected to a submersible pump within the sump at the rear of the two digesters. The flex hose was routed across the concrete pad to the rear of the facility adjacent to the flare outside of the containment area. Waste that was discharged from the sump was evident in the grass around the flare and was black in color and resembled digestate that is contained at the facility. **Within 7 days receipt of this Notice of Violations, the impacted area should be properly cleaned and impacted soils and vegetation disposed of at facility permitted to receive the waste.**

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:**

None

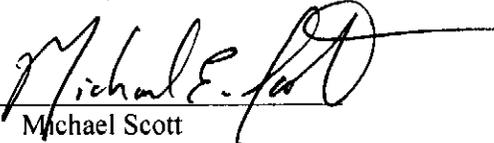
**AREAS OF CONCERN AND COMMENTS:**

1. The discharge of material from the sump located at the rear of the building is a direct violation of the current application and operational manual for the facility. Within the facility application under siting / design requirements, the spill prevention plan is described. The plan specifically states that spills or leaks at the facility automatically gravitate towards the sump system. Based on the application, the sump then discharges the captured liquid to a 1,000 gallon vessel. The 1,000 gallon vessel is then emptied into drums, carried to a landfill or recycled through the digester. The application also states that spills or materials that leave the plant pad will immediately be retrieved and placed in sealed drums or other viable containers. This same procedure is described in the operation plan under vessel storage capacity onsite. These procedures were not followed when the contents of the sump were discharged via the submersible pump to the rear of the property.
2. The contents of the sump that were discharged at the rear of the property need to be removed immediately to include any residue that is left on the soil surface.
3. The vegetation needs to be mowed in this area so the Division can confirm that all discharged wastes have been removed from the rear of the property and properly disposed of.
4. Soil excavation may be required to eliminate additional environmental impact from this discharge.
5. Orbit Waste to Energy Systems shall notify Drew Hammonds within seven days of receipt of this audit to verify the corrective actions taken to cleanup the discharged waster and impacted vegetation and soil at the rear of the property.
6. The facility shall provide receipts regarding the disposal of the cleaned up waste.
7. A sign should be installed at the entrance to the facility in accordance with .1406 (8) (A-C). It is recommended that an emergency POC and phone number be included on the sign as well. The signage requirement was also listed in the November 6, 2008 audit.
8. The vegetation should be mowed and maintained around the facility and the digestate storage connex to facilitate more thorough inspections of the facility.
9. **Corrective actions are required as a result of this audit.**

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

  
Michael Scott  
Environmental Supervisor

Phone: 910-508-8400.

<u>Delivered on June 12, 2009 by</u>		Hand delivery		US Mail	x	Certified No.
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cc: Mark Poindexter, Field Operations Branch Supervisor  
Dennis Shackelford, Eastern District Supervisor  
Donald Herndon, Compliance Officer  
Drew Hammonds, Environmental Senior Specialist  
Zi-Qiang Chen, Composting and Land Application Engineer