



North Carolina Department of Environment and Natural Resources

Dexter Matthews, Director

Division of Waste Management

Beverly Eaves Perdue, Governor
Dee Freeman, Secretary

March 9, 2012

CERTIFIED MAIL # 7009 2250 0004 3265 7794
RETURN RECEIPT REQUESTED

Mr. Bartow Keller, General Manager
Republic Services, Inc.
5105 Morehead Road
Concord, North Carolina 28027

SUBJECT: Notice of Deficiency
Compliance Inspection Report
BFI-Charlotte Motor Speedway Landfill V
Permit # 13-04
Cabarrus County

Dear Mr. Keller:

On February 22, 2012, Jason Watkins, Western District Supervisor and I, representing the State of North Carolina, Division of Waste Management Solid Waste Section ("Section"), inspected the above referenced facility for compliance with North Carolina Solid Waste Statues and Rules. Mike Gurley, Environmental Manager, and Cotton Spry were present representing BFI-Charlotte Motor Speedway Landfill V. During this inspection, the following item was noted and/or observed:

- A. 15A North Carolina Administrative Code 13B .1626(2)(a) states:** *Except as provided in Sub-Item (b) of this Item, the owners or operators of all MSWLF units must cover disposed solid waste with six inches of earthen material at the end of each operating day, or at more frequent intervals if necessary, to control disease vectors, fires, odors, blowing litter, and scavenging.*

Inadequate cover was observed on the eastern slope of Phase 3-Cell 2I where waste placement had not occurred in the previous two weeks.

The above deficiencies may have or can compromise the facility's ability to ensure protection of the public health and the environment and thus require remedial action on behalf of the facility in order to achieve compliance with 15A NCAC 13B .1626(2)(a). Within **10 days** of receipt of this letter, the facility must complete the following:

1. A minimum of six inches of earthen material must be provided to all inactive areas of the eastern slope of Phase 3-Cell 2I.

Failure to comply with this schedule may subject the facility and/or all responsible parties to enforcement actions including a Notice of Violation, civil penalty, 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. Pursuant to N.C.G.S. 130A-22(a) and 15A NCAC 13B .0701-.0707, an administrative penalty of up to \$15,000.00 per day may be assessed for each violation of the Solid Waste Laws, Regulations, Conditions of a Permit, or an Order issued under Article 9 of Chapter 130A of the N.C. General Statutes.

If you have any questions, please contact me at (704) 235-2160 or e-mail teresa.bradford@ncdenr.gov.

Sincerely,



Teresa N. Bradford
Environmental Senior Specialist
Solid Waste Section

ec: Mark Poindexter, Field Operations Branch Head
Jason Watkins, Western District Supervisor
Shawn Mckee, NCDENR-Solid Waste Section

Enclosure: Facility Compliance Inspection Report