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North Carolina Department of Environment and Natural Resources
Division of Waste Management

Beverly Eaves Perdue
Governor

Dexter R. Matthews
Director

Dee Freeman
Secretary

December 6, 2011

Mrs. Linda Fogleman
Fogleman & Fogleman Soils, Inc.
4005 Intermere Road
Durham, NC 27704

Re: Application for Permit Amendment
Fogleman & Fogleman Landfill and Recycling Facility
Durham County, Permit No. 32-F, Document ID No. 15717

Dear Mrs. Fogleman:

The Division of Waste Management (DWM), Solid Waste Section (Section) has reviewed the application for a permit amendment to continue operation of the referenced facility. The operation plan was updated from the previous plan and modified to add the grinding and screening of wood material, crushing of concrete and rock, and mining the land clearing and inert debris (LCID) landfill for wood material to grind.

Based on my review, I am providing the following comments and questions. Please address each item. Responses should be incorporated into the application where appropriate.

1. Please include "mining of the existing LCID landfill" in the list of solid waste management activities in Section 1.1.
2. Add 15A NCAC 13B .0300 to the rule referenced in the second paragraph. This rule applies to processing.
3. Please change the title of Section 1.2.1 to "Owner and Operator".
4. The Division of Waste Management recently moved. Below is information to update Section 1.2.3.

a. The mailing address is

1646 Mail Service Center
Raleigh, NC 27669-1646

(Please note that both letters and packages should be sent to the mailing address and not to the street address. We have been told that deliveries will not be accepted at the street address.)

- b. The street address is
217 W. Jones Street
 - c. The phone/fax number for DWM is (919) 707-8200.
5. In Section 1.6, it is stated that approval to operate additional hours will be obtained from the "commission's regional office". Can you provide the name of the commission? Or should this be DWM?
 6. Section 1.7.2 states that a "hot" load could be a source of fire for the facility. If a "hot" is suspected, what is done?
 7. Section 1.7.2 also states that a source of fire could be the buildup of fine particulates inside the facility. I'm not sure if by facility you mean a particular building or the landfill facility. Explosions and fires can occur when fine particles are suspended in air in an enclosed space. Since you are grinding for mulch (larger particles) and are outside, I wouldn't expect that type of situation. Please be more specific about the area where this is a concern.
 8. Section 1.7.2 also states that fire can result from the mixing of incompatible materials during transfer procedures. This is usually an issue when dealing with hazardous materials or waste. Since you are dealing with land clearing and inert debris, I wouldn't expect this for your facility operations. Do you have a specific situation where this has or could be expected to occur?
 9. Fires at your type of facility may also result from the decomposition of organic material that is stored above ground prior to or after processing. The plan should specify the maximum pile sizes and minimum distance around piles to reduce the risk and aid in putting out a fire.
 10. Please "Waste Management Specialist staff member" to "Field Operations Branch staff" in item 1.7.4. This would make it consistent with item 1.2.3 and the current structure of the Section.
 11. Item 1.11 states that a member of the operating staff will be designated the site's safety officer prior to commencement of operations. Has that person been named or is it a responsibility of a specific staff position?
 12. Item 1.11.6 states that an MSDS "shall be collected on every waste (if available) that enters the facility". MSDS are developed for products by the manufacturer to indicate hazards of a chemical. It is specific to the material and formulation. I would not expect any loads of land clearing or inert debris to have an MSDS. The sentence is also confusing because "shall" in regulations means "must", yet the sentence also says "if available". Is it correct to assume that you are asking for MSDS for each load that enters the facility? The last two sentences of the paragraph are appropriate based on my understanding of OSHA requirements. I would suggest eliminating or revising the first sentence of the paragraph.
 13. In Section 2.2, the first definition is for a "land clearing and inert debris landfill", a facility, rather than a type of material.

14. You are correct in stating that the facility can accept the materials listed in item 2.2; however, all are not acceptable for disposal. Wooden pallets can only be disposed in a C&D Landfill as stated in NCGS 130A-309.10(f) (12). I understand that it is your intent to grind all wooden pallets, but it needs to be clear that it cannot be disposed in the LCID. I would suggest removing the last sentence of the first paragraph and revising the last paragraph to clarify disposal.
15. Figure 2 should indicate that rock/concrete goes to a crusher rather than to the same system used for grinding and screening mulch and top soil. The location of this operation should be indicated on the site drawing.
16. For clarification, periodic and intermediate covers are not defined in the rules for LCID landfills. What you have described for periodic and intermediate cover meets the requirement of 15A NCAC 13B .0566 (4) for adequate soil cover applied monthly, or when the active area reaches one acre in size, whichever occurs first.
17. 15A NCAC 13B .0566 (5) and (7) should be addressed as well as final closure.
18. Section 3.0 Recovery and Processing Operations should specifically list the types of materials acceptable for processing into mulch, the maximum pile sizes, and minimum distance for buffers between piles and operating equipment. The plan should also address monitoring of piles for combustion and odors and the action that will be taken.
19. I had discussed a question about the floodplain location indicated on the site drawings with Stacey Smith. I am asking that he respond to me on this.

If you have any questions regarding this matter, please contact me at (919) 707-8257 or by email at pat.backus@ncdenr.gov.

Sincerely,



Patricia Backus, P.E.
Environmental Engineer
Solid Waste Section

cc: Stacey Smith, P.E., Richardson Smith Gardner & Associates
Ed Mussler, P.E., Permitting Branch Head
Dennis Shackelford, Eastern District Supervisor
John Patrone, Environmental Senior Specialist