



North Carolina Department of Environment and Natural Resources

Dexter Matthews, Director

Division of Waste Management

Beverly Eaves Perdue, Governor  
Dee Freeman, Secretary

March 12, 2012

CERTIFIED MAIL 7008 0150 0000 7473 5070

RETURN RECEIPT REQUESTED

Ray Maxwell - Gaston County Public Works Director  
P.O. Box 1578,  
Gastonia, NC 28053

SUBJECT:     **Notice of Deficiency**  
                  Compliance Inspection Report  
                  Auten Road Closed MSW Landfill  
                  36-03  
                  Gaston County

Dear Mr. Maxwell,

On January 10, 2011 Bill Wagner, 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 Statutes and Rules. No personnel representing Gaston County were present at the time of the inspection. During this inspection, the following items were noted and/or observed:

- A.     15A NCAC 13B .1626(4)(b)** which states in part "Owners or operators of all MSWLF units must implement a routine methane monitoring program."; and the rule goes on to state "The minimum frequency of monitoring shall be quarterly."

The above deficiency 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 maintain compliance with **15A NCAC 13B . 1626(4)(b)**. In order to resolve these issues, Gaston County must take the following "Corrective Actions":

**Within 60-days of your receipt of this report, please develop a landfill gas monitoring plan and submit it for review and approval to:**

Brian Wooten – Hydrogeologist  
Division of Waste Management – SWS  
Mail Service Center 1646  
Raleigh, NC 27699-1646

The suggested outline for a “Landfill Gas Monitoring Plan”, is detailed in Section 8 of the “NCDENR Division of Waste Management, Solid Waste Section, Landfill Gas Monitoring Guidance, November 2010”. This guidance can be downloaded from the Solid Waste Section’s web page:

[http://portal.ncdenr.org/c/document\\_library/get\\_file?uuid=da699f7e-8c13-4249-9012-16af8aefdc7b&groupId=38361](http://portal.ncdenr.org/c/document_library/get_file?uuid=da699f7e-8c13-4249-9012-16af8aefdc7b&groupId=38361)

**Within 30-days of Mr. Wooten’s approval of the “Landfill Gas Monitoring Plan”,** Gaston County must begin monitoring for landfill gas in accordance with approved plan.

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 828-296-4705 or e-mail at: [bill.wagner@ncdenr.gov](mailto:bill.wagner@ncdenr.gov)

Sincerely,



Bill Wagner  
Environmental Senior Specialist  
Solid Waste Section

ec: Mark Poindexter, Field Operations Branch Supervisor – Solid Waste Section  
Jason Watkins, Western District Supervisor – Solid Waste Section  
Shawn McKee, Environmental Senior Specialist – Solid Waste Section  
Brian Wooten, Hydrogeologist – Solid Waste Section  
Marcie Smith, Gaston Co. Solid Waste & Recycling Administrator ([marcie.smith@co.gaston.nc.us](mailto:marcie.smith@co.gaston.nc.us))

c: Jan Winters – Gaston Co. Manager, P.O. Box 1578, Gastonia, NC 28053