



North Carolina Department of Environment and Natural Resources

Beverly Eaves Perdue
Governor

Dee Freeman
Secretary

March 8, 2012

CERTIFIED MAIL 7006 2150 0005 2458 9747
RETURN RECEIPT REQUESTED

Kim Crisp – Graham Co. Assistant Manager
12 North Main St.
Robbinsville, NC 28771

SUBJECT: **Notice of Deficiency**
Compliance Inspection Report
Closed Graham County MSW Landfill
Permit No.: 38-01
Graham County

Dear Ms. Crisp,

On February 21, 2012, Troy Harrison 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. Donnie Orr was present representing the Graham County Sanitation Department. During this inspection, the following items were noted and/or observed:

- A. **15A NCAC 13B .1604(b)(2)(C)** states: *“when a solid waste disposal site has been closed in accordance with the requirements of the Division, future necessary maintenance and water quality monitoring shall be the responsibility of the owner and the operator and shall be specified in the closure letter.”*

The January 30, 1996 closure letter, in the POST CLOSURE CONDITIONS section item #1 (Management of Landfill Gas), states: “the owner and/or operator shall take the measures necessary to ensure that the closed site shall continue to meet the design standards for landfill gas found in Rule .0503(2) (a).”

15A NCAC 13B .0503(2)(a) states: “A site shall meet the following design requirements:

- (a) The concentration of explosive gases generated by the site shall not exceed:
- (i) twenty five percent of the limit for the gases in site structures (excluding gas control or recovery system components); and

(ii) the lower explosive limit for the gases at the property boundary.”

There are no records that show that explosive gas monitoring has been conducted at the closed landfill as required in the closure letter.

Within 90 days from receipt of this Notice, the facility must complete the following:

“Corrective Actions”

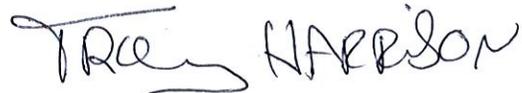
Graham County must provide evidence that explosive gas monitoring has been performed as required in the closure letter, or submit a new permanent monitoring explosive monitoring plan to the Solid Waste Section for approval. The plan should satisfy all conditions of Rule 15A NCAC 13B .0503(2)(a)(i) and (ii). Please submit copies of the methane monitoring plan to

Elizabeth Werner; Solid Waste Section Hydrogeologist
Division of Waste Management, Solid Waste Section
1646 Mail Service Center
Raleigh, North Carolina, 27699-1646

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) 296-4701 or e-mail at troy.harrison@ncdenr.gov.

Sincerely,



Troy Harrison
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 – Solid Waste Section
Elizabeth Werner – Compliance Hydrogeologist – Solid Waste Section
Donnie Orr, Graham County Sanitation Director