



North Carolina Department of Environment and Natural Resources

Division of Waste Management

Dexter R. Matthews
Director

Beverly Eaves Perdue
Governor

Dee Freeman
Secretary

November 1, 2010

Mr. Stephen King
Haywood County Solid Waste Director
278 Recycle Road
Clyde, North Carolina 28721

Subject: Landfill Closure Requirements
White Oak MSW Landfill
Haywood County, Permit #44-07, Document ID No. 11955

Mr. King:

The Division of Waste Management, Solid Waste Section (Section) has received your email, dated 10/25/2010, requesting information regarding options for “mothballing” the landfill without formal closure.

The requirements governing closure of a MSW landfill are stated in 15A NCAC 13B.1627(c)(5):

The owner or operator shall begin closure activities of each MSWLF unit no later than 30 days after the date on which the MSWLF unit receives the known final receipt of wastes or, if the MSWLF unit has remaining capacity and there is a reasonable likelihood that the MSWLF unit will receive additional wastes, no later than one year after the most recent receipt of wastes. Extensions beyond the one-year deadline for beginning closure may be granted by the Division if the owner or operator demonstrates that the MSWLF unit has the capacity to receive additional wastes and the owner or operator has taken and will continue to take all steps necessary to prevent threats to human health and the environment from the unclosed MSWLF unit.

Of particular importance to the situation outlined in your email is the “or” statement in the first sentence which requires closure activities to begin with one year of the most recent receipt of wastes. Technically speaking, as long as the facility receives additional wastes within the twelve-month period it can continue to “operate” without initiating closure activities. As you can see, no minimum weight or volume is specified, but the facility should be able to demonstrate to the Section you have received additional wastes within the preceding twelve month period. I would recommend stating, in the Operation Plan, a minimum weight to be received and be prepared to provide scale receipts demonstrating the facility has met the condition.

The “mothballing” of the landfill constitutes a change in the approved plan for the facility and will, therefore, require a Permit modification along with the associated permitting activity fee prior to implementation. At a minimum, a revised Operation Plan would need to be submitted to the Section for approval. It should be noted, the facility will continue to be inspected by the Field

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Operations Branch during the twelve month period so all systems at the facility must remain operational and in full compliance with all regulatory requirements. In addition, since the facility is still considered “active” by the Section, the annual operating fee and applicable annual reports must still be submitted.

If you should have any questions regarding this matter please contact me at (828) 296-4703, or by email at allen.gaither@ncmail.net .

Sincerely,

A handwritten signature in black ink, appearing to read 'Allen Gaither', with a stylized flourish at the end.

Allen Gaither
Environmental Engineer

Cc: Jeff Bishop –McGill Associates
Andrea Keller – SWS/ARO