



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

Beverly Eaves Perdue  
Governor

Dexter R. Matthews  
Director

Dee Freeman  
Secretary

Solid Waste Section

November 19, 2009

Mr. Tom Miller  
Solid Waste Director  
P.O. Box 3289  
130 S. Queen Street  
Kinston, North Carolina 28501

Re: Determination of Completeness Review of Permit Amendment Application – Phase 1  
Lenoir County Municipal Solid Waste Landfill (MSWLF)  
Lenoir County, North Carolina  
Permit No. 54-09, Document ID No. (Doc ID) 8914

Dear Mr. Miller:

On November 4, 2009, the Division of Waste Management (DWM) received an application for a 5-year permit review amendment for the Lenoir County MSWLF submitted on your behalf by Municipal Engineering Services Co., Inc. (MESCO). The Permit Amendment Application (Doc ID 8868) for Phase 1 is dated November 4, 2009. It includes a cover letter and a figure, Drawing No. PR/Sheet No. 1 of 1.

Pursuant to NCGS 130A-295.8(e), the DWM conducted a determination of completeness review related to the permit application for the above-referenced landfill facility. Based on this review, the DWM has determined that the Permit Amendment Application – Phase 1 *does not* contain the required components of a complete submission. A determination of completeness means that the application includes required components, but does not mean that the components provide all the technical information that is required for the division to make a decision on the application. The DWM is notifying Lenoir County that following rule-required documents must be submitted for a Permit Amendment Application before a “complete” determination can be made. According to the Solid Waste Management Rule (Rule) 15A NCAC 13B .1617(b), a complete application for a permit amendment contains:

1. An updated engineering plan prepared in accordance with Rule .1620;
2. An updated construction quality assurance plan prepared in accordance with Rule .1621;
3. An updated operation plan prepared in accordance with Rule .1625;
4. An updated closure and post-closure plan prepared in accordance with Rule .1629; and
5. An updated construction quality assurance plan prepared in accordance with Rule .1623.

According to the 4 November 2009 cover letter (Doc ID 8868), Lenoir County informed the DWM that they are preparing the application of Permit to Construct for Phase 2 at the Lenoir County MSWLF. The current Permit to Operate Phase 1 expired July 1, 2009. Lenoir County will be issued a permit to operate for continued operation of Phase 1 under the terms and conditions of the existing permit documents and rules. Lenoir County MSWLF will be permitted to continue operations until the approved Phase 1 disposal capacity of 635,200 cubic yards are completely consumed or a modified operations permit is issued following construction of the next cell or phase. To obtain a valid permit and be in compliance Lenoir County must request the following in writing within thirty (30) days upon receiving this letter:

1. Submit the application of a Permit to Construct for Phase 2 no later than April 30, 2010, or propose a date acceptable to the DWM. The application must be prepared in accordance with Rules 15A NCAC 13B .1617(b), .1619, & .1624.
2. Pay the statutorily required permit amendment fee of \$15,000.00. The requested fee was received and processed by the DWM on November 11, 2009. The county will receive one permit to operate and one permit to construct the next phase under the fee. The Permit to Operate for Phase 1 will be issued first to ensure continuity of operations at the landfill after the completed application for a permit amendment is approved by the DWM. A permit modification fee for reviewing the CQA of the Phase 2 construction will be required when it is submitted for the next Permit to Operate.
3. Provide financial assurance sufficient to cover a minimum required amount of three million dollars (\$3,000,000.00) for potential assessment and corrective action at the facility in accordance with the NCGS 130A-295.2(h), effective August 1, 2009. This financial assurance requirement is in addition to the financial responsibility requirements for site closure, post-closure cares, and corrective actions. Lenoir County must submit the requested financial assurance document immediately as it is required before the new permit to operate can be issued. Within the next 12 months, Lenoir County will be required to evaluate the solid waste management facility to determine the estimated costs of potential assessment and corrective action based on the criteria established in the above-reference statute. Depending on this determination, the required financial assurance amount in the future may be higher than the minimum amount of three million dollars.

The Solid Waste Section appreciates your efforts and cooperation in this matter. If you have any permitting questions, please contact myself at (919) 508- 8507; and any questions associated with financial responsibility please contact Donald Herndon at (919) 508-8502.

Sincerely,



Ming-Tai Chao, P.E.  
Environmental Engineer II  
Permitting Branch, Solid Waste Section

cc:

Wayne Sullivan, MESCO  
Donna Wilson, DWM  
Dennis Shackelford, DWM  
Donald Herndon, DWM

Ed Mussler, Permitting Branch Supervisor  
Ervin Lane, DWM  
Wes Hare, DWM  
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