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Backus	01/08/2013	18115	32F-LCID

January 8, 2013

Ms. Patricia Backus, P.E.
Environmental Engineer II
Solid Waste Section
1646 Mail Service Center
Raleigh, NC 27699-1646



**RE: Fogleman & Fogleman Soils, Inc.
LCID Landfill and Recycling
Solid Waste No. Permit 32-F**

Dear Ms. Backus:

On behalf of Fogleman & Fogleman Soils, Inc., Smith Gardner, Inc. (S+G) is pleased to provide this response to your December 20, 2012 letter (attached) regarding off-site soils. The goal is to utilize this cost effective screening method to ward-off potential hazards for the benefit of Fogleman & Fogleman Soils, Inc.; not to diagnose particular contaminants or replace voluntary analytical sampling. Below are your comments with their corresponding response.

Comment 1: The procedure states that loads will be randomly selected for the screening. There is no mention of the number of samples or of how the gate attendant would know to which load to select to screen. Since you are not sampling every load, it is suggested that you consider how you may need to use this information in the future. You may want to consider a statistical approach for determining the number of loads to sample and the method of collecting samples.

Response: As you are aware, no specific guidance is provided on the classification of a clean soil. Therefore, common sense and judgment shall prevail wherein a specific frequency has not been specified. In general, random assessments shall include the following considerations:

- History of the company with Fogleman & Fogleman;
- Quantity of soil material delivered; and
- Origination.

Considering the sensitivity of the past events, Fogleman & Fogleman, a family owned business, intend to closely watch any new receipt of materials. However, the soil screening is also considered as a voluntary procedure to minimize the potential of future receipt and/or re-sale of potentially contaminated materials.

The proposed addition to the facility operation manual has been amended as provided below.

Comment 2: The procedure states to break the seal and "manually determine" if foreign odors are present. By manually, we are assuming you mean sniff or smell. If your staff is not familiar with smelling chemicals we suggest training in the appropriate procedures.

Response: A simplistic soil classification schedule has been prepared and included under the 2.6.2 section of the operations manual.

Comment 3: The procedure does not indicate if the results will be recorded. It also does not indicate what action the facility will take based on the results. You may want to add these to your procedure.

Response: If a soil load is selected for the screening protocol documentation will reflect that the load was tested, results and actions based on the screening. Documentation is further defined as a ticket, receipt, or note.

The proposed addition to the facility operation manual has been amended as provided below.

We offer the following amended section (2.6.2 Off-Site Soil) detailing procedures for documentation and on-site soil testing to be added to the facility operations manual. Please note updates are underlined to be easily identified.

"2.6.2. Off-Site Soil

The facility may receive off-site soil for use in operations, placement of cover, and for sale, re-sale, and processing with the woody waste materials. Off-site soils shall be clean un-impacted materials. Documentation (in the form of receipts, tickets and notes) for soil loads shall be obtained for each project receipt. The documentation shall indicate the following (at a minimum):

- Date received,
- quantity,
- origination,
- if soil testing was performed,
- soil testing results and actions (if applicable) and
- the corresponding ticket number.

Loads will be randomly subjected to screening (testing) prior to acceptance. In general, random assessments shall include the following considerations:

- History of the company with Fogleman & Fogleman;
- Quantity of soil material delivered; and
- Origination.

Parameters or lack thereof will be determined at the discretion of Fogleman & Fogleman Soils, Inc. when determining which loads to assess for random screening. Soil load screening will utilize the following procedure:

1. Collect a random grab sample and place it in a plastic "Ziploc" type bag and seal.
2. Position the bag in the sun to warm for a minimum of ten (10) minutes.
3. Break the seal to manually determine if foreign odors are present.

Loads subject to random screening will be noted on the ticket, as well as screening results and actions resulting from those results.

The screened load will be identified in the corresponding documentation with a letter number abbreviation (Strength Code, Type Code). The letter initial will indicate the strength of the odor. The number will indicate the type of odor. Additionally, categories are color coded to illustrate concern level.

STRENGTH		TYPE	
CODE	DESCRIPTION	CODE	DESCRIPTION
L	None – Very low to no detectable odors by olfactory means, but not to the preclusion of odors detectable by instrumental field analysis.	1	Earth: none or natural
		2	Peat: organics, musty, associated with muck or peat. Natural composting, sulfur, metallic or mildew odors may also be present
M	Slight to Moderate – Less distinct to faint odor whether from naturally occurring soil organic material or from various odor-producing chemical contaminants	3	Waste: decomposing, rotten, putrid
		4	Petroleum: hydrocarbon related, including but not limited to gasoline, oil or methane
H	High – A distinct odor, whether of naturally occurring soil organic material with a distinctive, pungent, musty odor, or sharp distinct odor from chemical contaminants.	5	Chemical: Solvent, vinegar, sweet (example-turpentine)

If moderate to strong odors (red or yellow) of types other than peat or earth are discovered Fogleman & Fogleman Soils, Inc. may reject the load and consult with additional parties not limited to NCDENR or the Engineer.

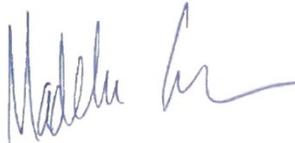
Alternative procedures may be used as warranted. Materials will also be visually checked for signs of deleterious materials, staining, mixed debris and/or rubbish."

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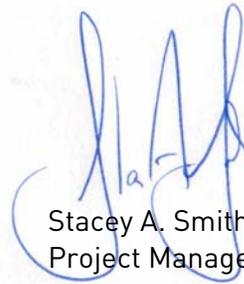
We appreciate your attention in this matter. Please feel free to contact us with any questions or concerns at (919) 828- 0577 or by email below.

Sincerely,

SMITH GARDNER, INC.



Madeline German, P.G.
Project Geologist, ext. 222
madeline@smithgardnerinc.com



Stacey A. Smith, P.E.
Project Manager, ext. 127
stacey@smithgardnerinc.com

mg/sas

att.

Cc: Mr. Ervin Lane, NCDENR
Mr. John Patrone, NCDENR
Ms. Linda Fogleman, Fogleman & Fogleman
Mr. Jay Fogleman, Fogleman & Fogleman
File



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

Beverly Eaves Perdue
Governor

Dexter R. Matthews
Director

Dee Freeman
Secretary

December 20, 2012

Ms. Linda Fogleman and
Mr. Jay Fogleman
Fogleman & Fogleman Soils, Inc.
4005 Intermere Road
Durham, NC 27704

Re: Off-Site Soil Screening Procedure
Fogleman & Fogleman Landfill and Recycling Facility
Permit 32F, Durham County, DIN 17940

Dear Mr. and Ms. Fogleman:

Smith Gardner, Inc. has submitted a procedure for the screening of off-site soils delivered to your facility. The procedure was submitted in response to Mr. Ervin Lane's letter of December 6, 2012. The objective of the procedure is to prevent the acceptance and sale of contaminated soil.

It is the sections' understanding that this is not a standard procedure. It was proposed based on your experience. It appears as a quick, uncomplicated screening test. It should be noted that it is not a substitute for representative sampling and approved analytical methods nor does it assure that the soil is free from contamination.

The section offers the following comments for your consideration.

1. The procedure states that loads will be randomly selected for the screening. There is no mention of the number of samples or of how the gate attendant would know to which load to select to screen. Since you are not sampling every load, it is suggested that you consider how you may need to use this information in the future. You may want to consider a statistical approach for determining the number of loads to sample and the method of collecting samples.
2. The procedure states to break the seal and "manually determine" if foreign odors are present. By manually, we are assuming you mean sniff or smell. If your staff is not familiar with smelling chemicals we suggest training in the appropriate procedures.

3. The procedure does not indicate if the results will be recorded. It also does not indicate what action the facility will take based on the results. You may want to add these to your procedure.

The procedure has also been review by Mr. Lane. He concurs with the third comment.

Please consider the comments and notify us if you wish to make any changes.

Sincerely,

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

cc: Madeline German, P.G., Smith Gardner, Inc.
Stacey A. Smith, P.E., Smith Gardner, Inc.
Ed Mussler, P.E., Permitting Branch Supervisor
Ervin Lane, Compliance Hydrogeologist
Jason Watkins, Western Branch Supervisor
John Patrone, Senior Environmental Specialist