

Scanned By	Date	DOC ID	Permit
Backus	08/24/2012	17112	32F-LCID-



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

Beverly Eaves Perdue
Governor

Dexter R. Matthews
Director

Dee Freeman
Secretary

August 24, 2012

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

Re: Site Visit – August 8, 2012
Fogleman & Fogleman Soils, Inc. Landfill
Permit No. 32-F, Durham County, Document ID No. 17112

Dear Mr. Fogleman:

Thank you for the opportunity to visit your facility and discuss your operation.

There were two issues that I was asked to clarify based on a permitting viewpoint. They are as follows:

1. Operating Capacity

Condition 6 of the Permit to Operate states that the total operating capacity of the facility is approximately 100,000 cubic yards per year. Is this the maximum amount the facility may receive?

100,000 cubic yards per year is the volume that was stated in the operation plan as the operating capacity. “Capacity” is typically used to refer to a maximum amount. For solid waste facilities, capacity may be limited by franchise or zoning restrictions. Capacity may also be limited or by the capability of the facility (area available, equipment, manpower, etc.).

In this case, there isn’t a franchise, zoning, or other restriction limiting the operation to 100,000. The capability of the facility also does not appear to be a limiting factor. The operation plan indicated that the facility has accepted more in the past and recent inspections have not indicated problems with material being properly managed and disposed.

In a permit amendment application, the applicant has to have a basis in order to prepare phasing and cross-section drawings. The quantity was described in the application as being based on the past few years of operation which have seen reduced quantities of LCID. I do not consider 100,000 cubic yards per year as the maximum amount they may receive. In hindsight, “capacity” may not have been the best term to use.

2. Screening Landfill Material at Face

The operation plan describes recovery and processing of LCID to recover wood to make mulch, concrete and rock that can be crushed, and soil that can be used for construction. The operation plan did not describe removal and screening and stockpiling of soil in areas where LCID is “mined” from the landfill. Therefore, it needs to be approved by the Permitting Branch.

Section 3.0 (Recovery and Processing Operations) of the Operation Plan focused on the processing after the acceptable types of materials for processing were excavated or received and separated. From an operations standpoint, it is reasonable to perform an initial screening near where it is removed (mined) from the landfill. This step was not covered in the operation plan. If the applicant will submit a description of this screening and management of materials, it could be approved and added to the facility operating record. Please remember to incorporate it in the operation plan of your next permit application.

If you have any questions regarding this matter, please contact me at (919) 707-8527 or by email at pat.backus@ncdenr.gov.

Sincerely,



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

cc: Stacey Smith, P.E., Smith+Gardner
Ed Mussler, P.E., Permitting Branch Head
Jason Watkins, Western District Supervisor
John Patrone, Environmental Senior Specialist