

Scanned By	Date	DOC ID	Permit
Backus	10/08/2012	17377	32-LCID-

September 5, 2012

Ms. Patricia Backus, P.E.
Environmental Engineer
NCDENR Division of Waste Management
217 West Jones Street
Raleigh, North Carolina 27603

RE: Materials Management
Fogleman & Fogleman Soils, Inc.
NC Solid Waste Permit No. 32F

Dear Pat:

Smith Gardner, Inc. (S+G) is pleased to submit this clarification concerning materials management at the subject site per correspondence dated August 24, 2012 (**attached**) and in Mr. John Patrone's facility audit report dated August 13, 2012 (**attached**). Both of these documents were result of the pre-operative meeting at the site on August 8, 2012. At the meeting, there was some concern that the Operations Manual did not fully address the proposed operations at the site. Therefore, we offer this supplement to clarify the proposed mining and processing at the facility.

Location Restriction

The proposed processing at the facility will consist of both incoming (new) materials as well as reclaimed (mined) materials from the landfill. All materials shall be processed within the landfill footprint to satisfy both setback and buffering criteria as well as agreements with the City-County of Durham zoning. However, there are no restrictions within the landfill other than processed woody wastes have limitations on both height and separation to prevent fires and to facilitate emergency management operations in the actual case of a fire.

Mining Operation

The mining operation is anticipated to be a very slow process of excavation and physical sorting of woody materials from concrete or soil. In this case, a screener may be supplemented at or near the area of excavation to assist in removal of soil from the woody waste materials. The woody materials obtained from the screening operation would then be relocated to the grinding operation shown on the plans. The soils reclaimed will be stockpiled for use within operations or sold. The "overs" or materials that cannot be further processed will be re-disposed within the landfill. The process and stockpiled soil materials are considered inert and no restrictions are assumed.

Process Equipment

Please note that a landfill operation is equipment intensive and that the equipment may be relocated as necessary to facilitate operations. This equipment includes both screening and grinding equipment. The major concern with the processing operation is the management of fire potential of the woody waste piles as described above. Furthermore, the manual describes processing to occur within the future landfill footprint. This was intended to be restricted to the landfill footprint wherein, processing

Ms. Patricia Backus, P.E.
September 5, 2012
Page 2 of 2

operations can be performed over areas of previously placed waste whereby sufficient (12 inches) soil cover has been placed.

General Safety

The safety of site staff and the safety of the incoming disposal traffic continues to remain a concern for the site. Therefore, flexibility and judgment should also be maintained with any of these operations.

Operating Capacity

With regard to your letter dated August 24th, we agree with your explanation on the operating capacity as a basis for design and not a "maximum". As we all know, the LCID market is highly volatile.

We appreciate the opportunity to provide this information and assume that this response addresses the information requested such that the processing operations may proceed. Please feel free to contact us with any questions or concerns at (919) 828-0577 or by email below.

Sincerely,
SMITH GARDNER INC.


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



sas/sas

Att.

Cc: Mr. Ed Mussler III, P.E., NCDENR
Mr. Jay Fogleman, Fogleman & Fogleman Soils, Inc.
Mr. Jason Watkins, NCDENR
Mr. John Patrone, NCDENR
File



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



FACILITY COMPLIANCE INSPECTION REPORT
Division of Waste Management
Solid Waste Section

UNIT TYPE:											
Lined MSWLF		LCID	X	YW		Transfer		Compost		SLAS	COUNTY: Durham PERMIT NO.: 32-F FILE TYPE: COMPLIANCE
Closed MSWLF		HHW		White goods		Incin		T&P	X	FIRM	
CDFL		Tire T&P / Collection		Tire Monofill		Industrial Landfill		DEMO		SDTF	

Date of Site Meeting: August 8, 2012 **Date of Last Inspection:** July 12, 2012

FACILITY NAME AND ADDRESS:

Fogleman and Fogleman Landfill and Recycling Facility – LCID Landfill and Processing Facility
 4005 Intermere Road
 Durham, NC 27704

GPS COORDINATES: N: 36.05502 E: -78.81176

FACILITY CONTACT NAME AND PHONE NUMBER:

Jay Fogleman, Manager Linda Fogleman, Secretary/Treasurer
 w. 919-682-0068 lfogle@frontier.com
 c. 919-795-4386
 f. 919-682-0662
jay.fogleman@frontier.com

FACILITY CONTACT ADDRESS:

Linda Fogleman, Secretary/Treasurer
 Fogleman and Fogleman Soils, Inc.
 4005 Intermere Road
 Durham, NC 27704

PARTICIPANTS

John Patrone, Environmental Senior Specialist - Solid Waste Section (SWS)
 Pat Backus, Environmental Engineer - SWS
 Jay Fogleman, Manager - Fogleman and Fogleman Soils, Inc.
 Stacey Smith, Smith Gardner, Inc.

STATUS OF PERMIT:

Permit To Operate (PTO) issued March 27, 2012
 Permit To Construct (PTC) issued in conjunction with PTO
 PTO expiration date December 19, 2016

PURPOSE OF SITE VISIT:

Pre-operational Meeting

STATUS OF PAST NOTED VIOLATIONS:

None

OBSERVED VIOLATIONS

None

FACILITY COMPLIANCE INSPECTION REPORT
Division of Waste Management
Solid Waste Section

Page 2 of 2

The item(s) listed above were observed by Section staff and require action on behalf of the facility in order to come into or maintain compliance with the Statutes, Rules, and/or other regulatory requirements applicable to this facility. Be advised that pursuant to N.C.G.S. 130A-22, an administrative penalty of up to \$15,000 per day may be assessed for each violation of the Solid Waste Laws, Regulations, Conditions of a Permit, or Order under Article 9 of Chapter 130A of the N.C. General Statutes. Further, the facility and/or all responsible parties may be subject to enforcement actions including penalties, 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.

ADDITIONAL COMMENTS

On August 8, 2012, John Patrone and Pat Backus met with Jay Fogleman and Stacey Smith to conduct a pre-operational meeting of the Fogleman and Fogleman Landfill and Recycling Facility – LCID Landfill and Processing Facility on Intermere Road in Durham, Durham County.

1. This inspection report is in reference to the pre-operational meeting for the processing operation, conducted August 8, 2012.
2. The facility plans to mine select areas of the land clearing and inert debris (LCID) landfill in ~ 2 months and will intermittently conduct the operation dependent upon product availability and current market.
3. The mining operation will include product screening at the mine area.
4. Overburden/pieces of land clearing debris (LCD) will be placed back into the excavated area.
5. Screened soil will be stockpiled at the mine area.
6. Mr. Fogleman stated that the facility will stockpile only enough screened soil at the mine area that is expected to be sold within a short period of time.
7. The facility shall mitigate excessive on-site erosion and prevent silt from leaving the area of the landfill unit.
8. The facility plans to grind LCD and wooden pallets ~ spring 2013.
9. Wood grinding and concrete crushing and associated storage (unprocessed and processed) shall be situated within the landfill footprint in an area that does not contain fill material and meet required stockpile height and setbacks.
10. The LCID landfill and processing operation capacities may require revision.
11. The facility shall submit information as to the abovementioned, as discussed during the pre-operational meeting, to Pat Backus, Environmental Engineer – Permitting Branch.
12. The facility is not granted permission to conduct the processing operation until the SWS – Field Operations Branch (FOB) has provided written approval.

Please contact me if you have any questions or concerns regarding this report.



John Patrone
 Environmental Senior Specialist
Regional Representative

Phone: 336-771-5095 Fax: 336-771-4631

Sent on: <u>August 13, 2012</u>	X	Email		Hand delivery		US Mail		Certified No. []
---------------------------------	---	-------	--	---------------	--	---------	--	-------------------

Copies: Jason Watkins, Western District Supervisor
 Jessica Montie, Compliance Officer
 Pat Backus, Environmental Engineer
 Jay Fogleman, Manager - Fogleman and Fogleman Soils, Inc.