



North Carolina Department of Environment and Natural Resources

Pat McCrory
Governor

Division of Waste Management
Dexter Mathews, Director

John E. Skvarla, III
Secretary

June 10, 2013

CERTIFIED MAIL

RETURN RECEIPT REQUESTED: 7010 1870 0003 0875 1035

Marcus Jones
100 N. King Street
Hendersonville, NC 28792

SUBJECT: **Notice of Violation**
Compliance Inspection Report
Henderson County Transfer Station
45-04T
Henderson County

Dear Mr. Jones:

On May 6, 2013, and May 10, 2013, Andrea Keller, representing the State of North Carolina, Division of Waste Management Solid Waste Section, inspected the above referenced facility for compliance with North Carolina solid waste statues and rules. Mr. Greg Wiggins and Ms. Natalie Berry (5/10/13 only) were present and represented Henderson County during this inspection. The following violations were noted:

- A. **15A NCAC 13B .0203 (d) in that the permittee shall comply with the conditions of the permit;**
- B. **15A NCAC 13B .0402 in that Operational Requirements must be met; and**
- C. **15A NCAC 13B .0402 (3) in that water that comes in contact with solid waste will be contained on-site or properly treated prior to discharge from the site.**

On May 6, 2013, the leachate collection system (trench drains) were not operational in the lower loading bays, contained standing water, and were not operating as designed. Leachate from the trench drains was observed reaching two surface water drains which discharge to an on-site surface water body. On May 6, 2013, two transfer trucks were observed releasing leachate to the environment (leaking).

COMPLIANCE SCHEDULE

Based upon the foregoing, Henderson County shall come into compliance by **July 1, 2013** with all requirements of the application regulations in 15A NCAC 13B .0203(d), .0402, and .0402(3) by completing the following:

- a) **Immediately restrict all leachate from reaching on-site surface water drains** (which may additionally include repair of the leachate collection system in order to meet original design intent);
- b) Submit a Plan to the Section for review and approval that details maintenance and cleanout schedules, tracking, or documentation of maintenance of the leachate collection system, and/or re-structuring of on-site flow in order to restrict all leachate from reaching surface water drains and impervious surfaces;
- c) Submit a Plan to the Section for review and approval that details contingency plans for leaking trailers;
- d) Submit a Plan for review approval to the Section that details a proposed soil and surface water assessment for the regions potentially impacted by the clogged trench drains associated with the lower transfer bays and associated storm drains located outside the two lower loading bays; and
- e) Upon completion of the corrective action(s) please notify me at (828) 296-4700.

Plans for items (b) and (c) should be submitted for approval to:

Larry Frost
NCDENR Solid Waste Section
2090 US Highway 70
Swannanoa, NC 28778

Plan for item (d) should be submitted for approval to:

Jackie Drummond
NCDENR Solid Waste Section
1646 Mail Service Center
Raleigh, NC 27699-1646

Please note that Plans associated with the operations and maintenance of the facility (b and c above) should be incorporated into the next Operations Plan modification/update along with other proposed changes. Permit modification requests, if required, should be sent to Larry Frost, permit engineer (larry.frost@ncdenr.gov or 828-296-4704).

Henderson County shall provide a written certification with supporting documentation on company letterhead confirming the noted compliance schedule has been completed. Include in this certification any actions taken to prevent these deficiencies from occurring in the future. Mail this certification to Andrea Keller, Asheville Regional Office, 2090 US Hwy 70, Swannanoa, NC 28778 by the noted compliance date.

Failure to comply with this schedule may subject the facility and/or all responsible parties 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

2090 US Highway 70, Swannanoa, North Carolina 28778
Phone: 828-296-4500 \ FAX: 828-299-7043 \ Internet: <http://portal.ncdenr.org/web/wm/sw>

Carolina Solid Waste Management Act and Rules. Pursuant to N.C.G.S. 130A-22(a) and 15A NCAC 13B .0701-.0707, an administrative penalty of up to \$15,000.00 per day may be assessed for each violation of the Solid Waste Laws, Regulations, Conditions of a Permit, or an Order issued under Article 9 of Chapter 130A of the N.C. General Statutes.

If you have any questions please contact me at (828) 296-4700 or e-mail andrea.keller@ncdenr.gov .

Sincerely,



Andrea Keller
Environmental Senior Specialist
Solid Waste Section

ec: Jason Watkins, Western District Supervisor – Solid Waste Section
Sarah Rice, Compliance Officer – Solid Waste Section
Steve Wyatt, County Manager – Henderson County
Susan Wilson, Permit Engineer – Division of Water Quality, Surface Water Protection