

FACILITY COMPLIANCE INSPECTION REPORT

**Division of Waste Management
Solid Waste Section**

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of the facility. (f) The coal combustion by-product structural fill facility shall be effectively maintained and operated to ensure no violations of ground water standards, 15A NCAC 2L.”

15A NCAC 13B .1705 (j) states “All structural fills shall be covered with a minimum of 12 inches compacted earth, and an additional surface six inches of soil capable of supporting native plant growth.”

15A NCAC 13B .1706 CLOSURE OF STRUCTURAL FILL FACILITIES (b) states “The final surface of the structural fill shall be graded and provided with drainage systems that: (1) Minimize erosion of cover materials; and (2) Promote drainage of area precipitation, minimize infiltration and prevent ponding of surface water on the structural fill. (c) Other erosion control measures, such as temporary mulching, seeding, or silt barriers shall be installed to ensure no visible coal combustion by-product migration to adjacent properties until the beneficial end use of the project is realized.”

Both sites have not been maintained so as to minimize the potential for harmful release of constituents of coal combustion by-products to the environment or create a nuisance to the public. The northern site has deep gullying in several places and the coal ash is exposed and washing down the slope, out of the footprint of the site. There is a large area, approximately 100 feet along the base of the slope, extending out on the flat area, out of the footprint of the site, by 50 feet, where it looks like the coal ash is being dug out of the base of the slope.

Coal combustion by-product is to be kept within the footprint of the fill site. The sites have minimal, 0-6 inches of soil, acting as cover. The northern and southern portion of the fill needs to be provided with 12 inches of compacted soil and six inches of soil capable of supporting plant growth. A ground cover sufficient to restrain erosion needs to be provided on all disturbed or eroding areas. The final cap must be established with native grasses. The violations are unresolved at this time.

OBSERVED VIOLATIONS:

See above Unresolved Violations

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:

1. Westmoreland Partners will be working with Lenore Gaier of URS Corporation in bringing the site into compliance.

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



Phone: 919-693-5023

Environmental Senior Specialist
Regional Representative

Sent on: <u>February 1, 2013</u>	<input checked="" type="checkbox"/>	Email	<input type="checkbox"/>	Hand delivery	<input checked="" type="checkbox"/>	US Mail	<input type="checkbox"/>	Certified No. []
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