

FACILITY COMPLIANCE AUDIT REPORT
Division of Waste Management
Solid Waste Section

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To achieve compliance, Cripple Creek Investments, LLC c/o Simpson Properties must submit a certification to the Division signed and sealed by a registered professional engineer within **60** days of receipt of this audit report with Notice of Violation(s).

15A North Carolina Administrative Code 13B .1707 (a) states: The owners of land where coal combustion by-products have been utilized in volumes of more than 1,000 cubic yards shall file a statement of the volume and locations of the coal combustion by-products with the Register of Deeds in the county or counties where the property is located. The statement shall identify the parcel of land according to the complete legal description on the recorded deed, either by metes and bounds, or by reference to a recorded plat map. The statement shall be signed and acknowledged by the landowner(s) in the form prescribed by G.S. 47-38 through 47-43.

15A North Carolina Administrative Code 13B .1707(b) states: Recordation shall be required within 90 days after completion of coal combustion by-product fill project

15A North Carolina Administrative Code 13B .1707(c) states: The Register of Deeds in accordance with G.S. 161-14 shall record the notarized statement and index it in the Grantor Index under the name of the owner(s) of the land. The original notarized statement with the Register's seal and the date, book and page number of recording shall be returned to the Division after recording.

Cripple Creek Investments, LLC c/o Simpson Properties is in violation of 15A NCAC 13B .1707(a) through .1707(c) in that the structural fill facility was never recorded on the deed for the property.

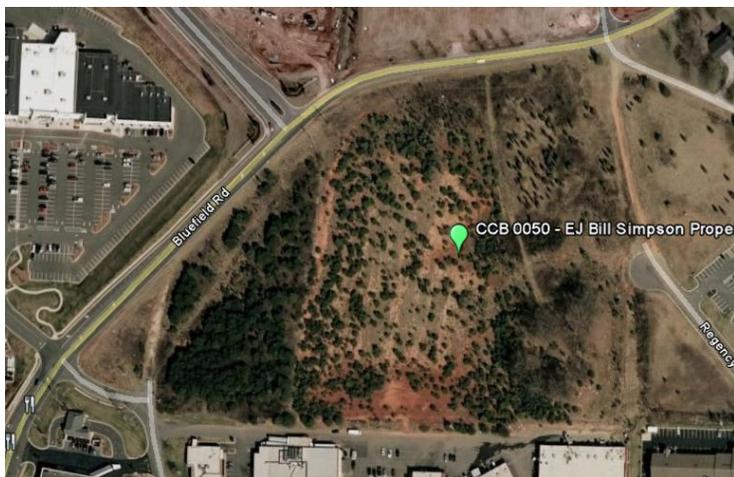
To achieve compliance, within **60** days of receipt of this audit report with Notice of Violation(s), Cripple Creek Investments, LLC c/o Simpson Properties must file a statement of the volume and locations of the coal combustion by-products with the Register of Deeds in the county where the property is located. The statement shall identify the parcel of land according to the complete legal description on the recorded deed, either by metes and bounds, or by reference to a recorded plat map. The statement shall be signed and acknowledged by the landowner(s) in the form prescribed by G.S. 47-38 through 47-43.

You are hereby 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 Statute or Regulations. For the violation(s) noted here, you 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.

AREAS OF CONCERN AND COMMENTS:

1. Historical Information
 - a. Estimated Fill Volume = 120,000 cubic yards
 - b. Proposed End Use: develop property for marketing
 - c. Facility Information:
2. Location Description/Directions

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Google Earth 12/17/09

3. Current Use: Property is currently undeveloped with the exception of initial grading.

4. Waste Limit Siting Requirements:

Requirements	Comments
50 feet from surface water	No surface water was observed within 50 of fill area observed at northeast corner of property.
2-feet above seasonal groundwater	Unable to determine. This information must be provided with certification.
100 feet from drinking water sources	Unable to determine. This information must be provided with certification.
w/in 100 year flood plain	Property is not located within a 100 year floodplain.
25 feet from property line	Unable to verify property boundaries in field.

5. Discussion of Closure Requirements:

Requirements	Comments
Minimize erosion of cover materials/cap	No severe erosion was observed on the property.
Minimize infiltration and ponding	No ponding was observed on the property.
Other erosion control measures	Site is inactive. No longer applicable.
No migration of CCB off-site	No migration of CCB was observed.

6. Construction, Design, and Operation Requirements:

Requirements	Comments
Discharge to surface water	No discharge was observed.
Surface water diversion from active fill areas	Site is no longer active. No longer applicable.
Dust control measures	Site is no longer active.
18" soil cover on inactive fill areas	Unable to determine. This information must be provided with certification.
Maximum slope 3:1	Slope of fill area appears to be approximately 3:1.

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7. Final comments:

- a. As stated above, the site is no longer active and has been stabilized.
- b. During the inspection a fill slope was observed at the northeast portion of the property. However, it does not appear that CCB material was used to fill the entire property as proposed on the original submittal.
- c. Please ensure that certification to be submitted to the Division verifies compliance with all the rules pertaining to Section .1700 of North Carolina Administrative Code 13B.
- d. This Facility Compliance Audit Report with Notice of Violation(s) was original sent by certified mail on January 8, 2010 to Cripple Creek Investments, LLC. However, documentation received on January 19, 2010 indicated that this entity has been dissolved and never owned property in Iredell County.

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



Charles T. Gerstell
Environmental Senior Specialist
Regional Representative

Phone: (704) 235-2144 .

Delivered on : <u>4/1/10</u> by		Hand delivery		US Mail	X	Certified No. [<u>7008 1140 0002</u> <u>2716 2937</u>]
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cc: Mark Poindexter, Field Operations Branch Supervisor
Deb Aja, Western District Supervisor