



FACILITY COMPLIANCE AUDIT REPORT
Division of Waste Management
Solid Waste Section

UNIT TYPE: Structural Fill/CCB										
Structural Fill	X			Active		Certified Closure	Y			COUNTY: IREDELL PERMIT NO.: CCB0053 FILE TYPE: COMPLIANCE
Permitted Site Y/N	N			Inactive						
Notified Site Y/N	Y			Recorded Y/N	N					

Date of Audit: June 14, 2010

Date of Last Audit: December 22, 2009

FACILITY NAME AND ADDRESS:

Race Park USA
 Located off Hwy 150 near the I-77 Intersection

GPS COORDINATES: N: 35.600443 W: 80.89964

CURRENT PROPERTY OWNER:

Top Properties LLC
 110 Charleston Drive, Suite 106
 Mooresville, NC 28117

FACILITY CONTACT ADDRESS:

Mr. Carl Anderson Peggs, Registered Agent
 Top Properties, LLC
 110 Charleston Drive, Suite 106
 Mooresville, North Carolina 28117

WASTE GENERATOR/SOURCE:

Duke Power Company

STATUS OF NOTIFICATION/SITE:

Inactive

PURPOSE OF AUDIT:

Follow-up Audit of records received by Department staff in response to the Facility Compliance Audit Report with Notice of Violation(s) issued to Top Properties, LLC on January 8, 2010.

NOTICE OF VIOLATION(S):

None

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.

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STATUS OF PAST NOTED VIOLATIONS:

15A North Carolina Administrative Code 13B .1707 (a) through 15A NCAC 13B .1707(c): Top Properties, LLC was found in violation of the subject Solid Waste Administrative Rules in that the structural fill facility was never recorded on the deed for the property.

On March 31, 2010, attorney Ben S. Thomas with Thomas & Godley, P.L.L.C, submitted an electronic correspondence which included a "Recordation of Structural Fill Facilities" for the subject property owned by Top Properties, LLC. This document was recorded with the Iredell County Register of Deeds Office on February 26, 2010 in Deed Book 2051, Deed Pages 1816-1817. Therefore, this violation is considered resolved. Thank-you for your attention to this matter.

AREAS OF CONCERN AND COMMENTS:

1. Historical Information
 - a. Estimated Fill Volume = 45,000 cubic yards
 - b. Proposed End Use: intended for Race Park USA Inc., entertainment facility
 - c. Facility Information: Entertainment facility has not been constructed.

2. Current Use: Property is currently vacant. No additional construction has taken place beyond CCB placement and other grading.

3. Waste Limit Siting Requirements:

Requirements	Comments
50 feet from surface water	Yes-According to closure document dated 9/18/01, waste was placed 50' from jurisdictional Waters of the US.
2-feet above seasonal groundwater	Yes, per closure document dated 9/18/01.
100 feet from drinking water sources	Yes, per closure document dated 9/18/01.
w/in 100 year flood plain	Site is not located within a 100-year floodplain.
25 feet from property line	Yes, per closure document dated 9/18/01.

4. Discussion of Closure Requirements:

Requirements	Comments
Minimize erosion of cover materials/cap	No severe erosion was observed on fill area.
Minimize infiltration and ponding	No ponding was observed.
Other erosion control measures	Site is no longer active. No longer applicable.
No migration of CCB off-site	No migration of CCB material was observed.

5. Construction, Design, and Operation Requirements:

Requirements	Comments
Discharge to surface water	No discharge of CCB 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. No longer applicable.
18" soil cover on inactive fill areas	Yes, per closure document dated 9/18/01.
Maximum slope 3:1	Yes, per closure document dated 9/18/01.

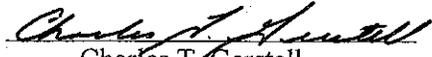
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6. Final comments/photos:

- a. This audit report was generated to verify review of documentation submitted on behalf of the responsible party in response to a Facility Compliance Audit Report with Notice of Violation(s) that was issued on January 8, 2010.

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>6/14/10</u> by	X	Electronic Correspondence		US Mail		Certified No.
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cc: Mark Poindexter, Field Operations Branch Supervisor
Deb Aja, Western District Supervisor



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Notified Site Y/N	Y		Recorded Y/N	N							

Date of Audit: December 22, 2009

Date of Last Audit: N/A

FACILITY NAME AND ADDRESS:

Race Park USA
 Located off Hwy 150 near the I-77 Intersection

GPS COORDINATES: N: 35.600443 W: 80.89964

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WASTE GENERATOR/SOURCE:

Duke Power Company

STATUS OF NOTIFICATION/SITE:

Inactive

PURPOSE OF AUDIT:

Comprehensive

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

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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.

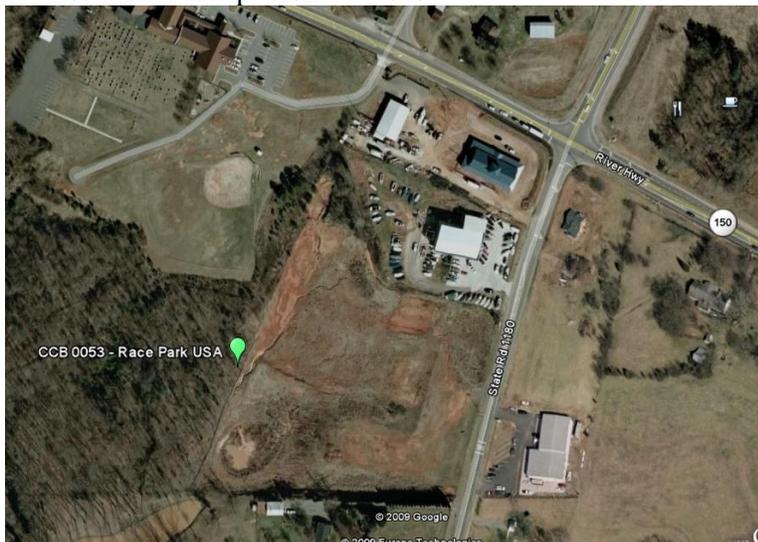
Top Properties, LLC is in violation of 15A NCAC 13B .1707(a) through .1707(c) in that the structural fill facility was never recorded on the deed for the property.

To achieve compliance, within **60** days of receipt of this audit report with Notice of Violation(s), Top Properties, LLC 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 = 45,000 cubic yards
 - b. Proposed End Use: intended for Race Park USA Inc., entertainment facility
 - c. Facility Information: Entertainment facility has not been constructed.
2. Location Description/Directions



Google Earth 12/17/09

3. Current Use: Property is currently vacant. No additional construction has taken place beyond CCB placement and other grading.

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Maximum slope 3:1	Yes, per closure document dated 9/18/01.

7. Final comments/photos:

- a. As stated above, site is no longer active and has been stabilized.

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>1/08/10</u> by		Hand delivery		US Mail		Certified No. <u>7008 1140 0002 2716</u> <u>4856</u>]
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cc: Mark Poindexter, Field Operations Branch Supervisor
 Deb Aja, Western District Supervisor