



**TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION
MEMPHIS ENVIRONMENTAL FIELD OFFICE**

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February 15, 2013

CERTIFIED MAIL NO. 91 7108 2133 3932 2021 4467
RETURN RECEIPT REQUESTED

Mr. Norman Brown
E-Plex
10636 Shelton Road
Collierville, Tennessee 38017

Dear Mr. Brown:

This letter is written to document the conditions found during the inspections of the E-Plex Class III Landfill (DML 79-0050) conducted on January 23, 2013. Follow-up inspections were conducted on January 29 and February 6, 2013. Specifically, the standards for the operation of Class III landfills and the facility permit were addressed.

The following violations of Tennessee Solid Waste Disposal Act (TCA 68-211-101 et seq.) and the Regulations Governing Solid Waste Processing and Disposal in Tennessee, Rule Chapter 0400-11-07, approved by the Board and currently in effect, were observed at the time of the inspection.

TCA 68-211-104(1). Unlawful methods of disposal. - It is unlawful to place or deposit any solid waste into the waters of the state except in a manner approved by the department or the Tennessee Water Quality control board;

TCA 68-211-104(3). Unlawful methods of disposal. - It is unlawful to construct, alter, or operate a solid waste processing or disposal facility or site in violation of the rules, regulations, or orders of the commissioner or in such a manner as to create a public nuisance.

1. **Rule 0400-11-07-.04 (2)(a)3. General Facility Standards** - Overall Performance Standard - The facility must be located, designed, constructed, operated, maintained, closed, and cared for after closure in such a manner as to minimize to the extent practicable the potential for releases of solid wastes, solid waste constituents, or other potentially harmful materials to the environment except in a manner authorized by state and local air pollution control, water pollution control, and/or waste management control agencies.

COMMENT: At the time of the inspection leachate from the landfill was observed flowing from the storm water drain in the southwest corner of the landfill. The leachate was flowing toward Sanders creek. Pictures were taken to document these conditions.

2. **Rule 0400-11-07-.04(2)(i)5. Run-on, Run-off, and Erosion Control** - Run-on and run-off must be managed separately from leachate unless otherwise approved by the Commissioner.

COMMENT: Mixed leachate and run-on water were observed entering the storm water drain inside the landfill. Pictures were taken to document this condition.

Leachate discharge from the site had been stopped by the time of the February 06, 2013, follow-up inspection. A berm had also been built to separate leachate from storm water and infiltration water. However, leachate was still observed on the site in the current active disposal area.

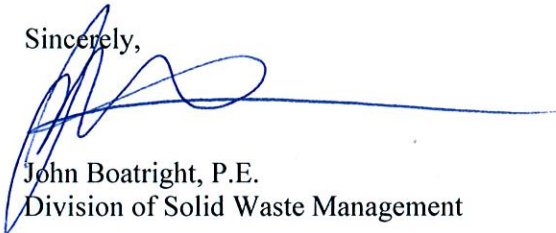
Leachate is not normally generated at Class III landfills. Infiltration of water through the cover is usually prevented by both the depth of the cover and the movement of the water off the landfill cover as rapidly as is consistent with erosion control. Inadequate cover application, usually failure to cover the waste every 14 days, can also lead to leachate generation. Another source of water to generate leachate is through infiltration. As you stated during one of the follow-up inspections, there is an area on the south face of the landfill cut which appears to be allowing the seasonal infiltration of ground water and that liner material had not yet been applied to that area. The placement of the berm to separate the infiltration/storm water from the waste in the landfill should address this problem until the liner can be placed.

Leachate generated at the E-Plex Landfill (DML 79-0050) will be collected and properly disposed of in accordance with applicable State and Federal law. This will continue until no more leachate is being generated. As the facility is not a Class I Landfill, leachate recirculation is not authorized. The only other option is the installation of a leachate collection system, which would require a major modification of the facility permit. If the leachate generation cannot be stopped by normal landfill operational practices, a leachate collection system may be required.

Failure to comply may result in further enforcement action by the Division. Enforcement action can consist of a civil order of correction and fines of up to \$5000 per violation, each day being a separate violation.

If you have any questions concerning this letter, please do not hesitate to contact me at (901) 371-3011.

Sincerely,



John Boatright, P.E.
Division of Solid Waste Management

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cc: DSWM Nashville File
DSWM MEAC File
Eddy Bouzeid, TDEC, DWR