



STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
Division of Solid Waste Management
Columbia Environmental Field Office
1421 Hampshire Pike, Columbia, Tennessee 38401

June 17, 2022

Sidney Brian
Remedial Holdings LLC
5800 One Perkins Road, Suite 6A
Baton Rouge, LA 70808

CERTIFIED MAIL
#9489 0090 0027 6350 4476 21
RETURN RECEIPT REQUESTED

**RE: COMPLIANCE EVALUATION INSPECTION
NOTICE OF VIOLATION
GREEN DUCK RLF CLASS II LANDFILL
IDL600000017**

Dear Mr. Brian:

On June 16, 2022, the Tennessee Department of Environment and Conservation, Division of Solid Waste Management (DSWM) conducted a compliance inspection at the FORMON 1 Class II Landfill. The inspection was conducted to evaluate the facility's compliance with the Tennessee Solid Waste Disposal Act, Tennessee Code Annotated § 68-211-101 et seq., the facility's permit and Tennessee's Solid Waste Regulations (Division Rule Chapter 0400-11-01) promulgated pursuant to that Act. During the inspection, violations of Tennessee's solid waste management regulations and the facility's permit terms and conditions were identified. The attached Inspection Report/Notice of Violation (NOV) details the observations made by DSWM personnel during the inspection of the facility. Corrective measures for each violation must be implemented immediately and completed by July 15, 2022. A follow-up inspection will be conducted to confirm that the violations have been corrected.

If you have any questions or comments concerning this correspondence, please contact me by email steven.wintheiser@tn.gov or by phone (931) 449-9028.

Sincerely,

Steven D. Wintheiser
Environmental Field Office Manager
Division of Solid Waste Management

Attachments: Solid Waste Inspection Report
Inspection Checklist with Pictures

cc: Rob Ashe, Deputy Director, Field Office Operations

SOLID WASTE INSPECTION REPORT

SITE/PHYSICAL LOCATION

FORMON 1 Class II Landfill
2262 Monsanto Road
Columbia, TN 38401

PRIMARY CONTACT

Sidney Brian
Responsible Official

DATE/TIME OF INSPECTION

June 16, 2022, 8:40 p.m.

INSPECTION PARTICIPANTS

Steve Wintheiser, DSWM

REPORT PREPARED BY

Steve Wintheiser
Division of Solid Waste Management
1421 Hampshire Pike
Columbia, Tennessee 38401
931-449-9028

PURPOSE OF INSPECTION

This inspection was conducted by DSWM as a routine monthly compliance inspection, to evaluate the solid waste disposal facility's compliance with the applicable requirements of the rules, regulations, permit terms and conditions promulgated pursuant to the *Tennessee Solid Waste Disposal Act*.

Facility Description:

The FORMON 1 Class II Landfill (IDL600000017) is a Class II Landfill located near Columbia, Tennessee that is permitted to accept phosphorus containing demolition waste materials.

INSPECTION FINDINGS

Failure to meet the required permit terms and conditions is a violation of the following:

Tennessee Code Annotated §§ 68-211-104(3) and (4) provide:

It is unlawful to:

- (3) 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.
- (4) Transport, process, or dispose of solid waste in violation of this chapter, the rules and regulations established under the provisions of this chapter or in violation of the orders of the commissioner or board.

Item 16 of the Permit Terms and Conditions states:

Applicable Standards: All applicable facility standards of Rule Chapter 1200-1-7 Solid Waste Processing and Disposal Amendments shall be considered conditions of this registration.

Item 2 of the Permit Terms and Conditions states:

Duty to Comply: The permittee must comply with all conditions of this permit, unless otherwise authorized by the Department. Any permit noncompliance, except as otherwise authorized by the Department, constitutes a violation of the Act and is grounds for enforcement action, or for permit termination, revocation and reissuance, or modification.

During the course of the inspection, it was found that the following permit terms and conditions were not met:

Division Rule 0400-11-01-.04(4)(b) states:

- (b) Class II Disposal Facilities must be located, designed, constructed, operated, and maintained in accordance with the standards for Class I disposal facilities in subparagraph (a) of this paragraph unless a waiver from one or more of those standards is obtained as set forth in paragraph (5) of Rule 0400-11-01-.01.

Division Rule 0400-11-01-.04(4)(a)7(i) states:

- (7) The leachate collection and removal system must, at a minimum, meet the following requirements:

(i)The leachate collection and removal system must be designed, constructed, operated, and maintained such that the leachate depth over the liner does not exceed one foot as calculated referencing the infiltration volume of the 25-year 24-hour storm through the intermediate cover.

Observation

Sump #1 (150") and Sump #5 (141") were observed over the compliance limit of 60".

Steven D. Wintheiser
Environmental Field Office Manager

Attachments

- (1) Facility Evaluation Form
- (2) Photographs of violations

**TENNESSEE DIVISION OF SOLID WASTE MANAGEMENT
CLASS II FACILITY INSPECTION CHECKLIST***

**CLASS II
FACILITY**

SITE		DATE	TIME	WEATHER	
SITE ID	LOCATION	INSPECTOR		EFO	
*SEE DISCLAIMER ON LAST PAGE					
VIOLATION		REGULATION		OBSERVATION NVO AOC V1 V2	
16 BUFFER ZONE STANDARDS FOR SITING LANDFILLS					
8310	BUFFER ZONE STANDARD VIOLATED	0400-11-01-.04(3)(a)		<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
COMMENTS					
13 COLLECTED LEACHATE					
8330	LEACHATE IMPROPERLY MANAGED	0400-11-01-.04(4)(a)8(i-iii)		<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
COMMENTS					
8340	INADEQUATE LEACHATE COLLECTION SYSTEM	0400-11-01-.04(4)(a)7		<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
COMMENTS					
5 COMMUNICATIONS					
8130	NO COMMUNICATION DEVICES	0400-11-01-.04(2)(f)		<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
COMMENTS					
7 COVER MATERIAL					
8160	UNAVAILABILITY OF COVER MATERIAL.	0400-11-01-.04(2)(h)		<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
COMMENTS					
1 DEAD ANIMALS					
8250	DEAD ANIMALS IMPROPERLY HANDLED	0400-11-01-.04(2)(k)5.(ii) (I-III)		<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
COMMENTS					
9 DUST CONTROL					
8190	INADEQUATE DUST CONTROL	0400-11-01-.04(2)(j)		<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
COMMENTS					

*SEE DISCLAIMER ON LAST PAGE				
VIOLATION		REGULATION	OBSERVATION	
			NVO	AOC V1 V2
19 DUTY TO PROVIDE INFORMATION				
8530	UNSATISFACTORY RECORDS OR REPORTS	0400-11-01-.02(5)(a)7 TCA 68-211-862(a)	<input type="checkbox"/>	<input type="checkbox"/>
COMMENTS				
8590	PERMITS, PLANS, OPERATING MANUAL NOT AVAILABLE	0400-11-01-.02(5)(a)(7)	<input type="checkbox"/>	<input type="checkbox"/>
COMMENTS				
2 FIRE SAFETY				
8080	EVIDENCE OF OPEN BURNING	0400-11-01-.04(2)(c)1	<input type="checkbox"/>	<input type="checkbox"/>
COMMENTS				
8090	INADEQUATE FIRE PROTECTION	0400-11-01-.04(2)(c)2	<input type="checkbox"/>	<input type="checkbox"/>
COMMENTS				
1 GENERAL FACILITY STANDARDS				
8010	INADEQUATE VECTOR CONTROL	0400-11-01-.04(2)(a)1	<input type="checkbox"/>	<input type="checkbox"/>
COMMENTS				
8020	ACCESS NOT LIMITED TO OPERATING HOURS	0400-11-01-.04(2)(a)4	<input type="checkbox"/>	<input type="checkbox"/>
COMMENTS				
8030	INADEQUATE ARTIFICIAL OR NATURAL BARRIER	0400-11-01-.04(2)(b)1	<input type="checkbox"/>	<input type="checkbox"/>
COMMENTS				
8040	INADEQUATE INFORMATION SIGNS	0400-11-01-.04(2)(b)2 TCA 68-211-703(h)	<input type="checkbox"/>	<input type="checkbox"/>
COMMENTS				
8050	UNSATISFACTORY ACCESS ROAD(S)/PARKING AREA(S)	0400-11-01-.04(2)(b)3	<input type="checkbox"/>	<input type="checkbox"/>
COMMENTS				

*SEE DISCLAIMER ON LAST PAGE				
VIOLATION		REGULATION	OBSERVATION	
			NVO	AOC V1 V2
1 GENERAL FACILITY STANDARDS				
8070	UNAPPROVED SALVAGING OF WASTE	0400-11-01-.04(2)(b)6	<input type="checkbox"/>	<input type="checkbox"/>
COMMENTS				
3 LITTER CONTROL				
8110	UNSATISFACTORY LITTER CONTROL	0400-11-01-.04(2)(d)	<input type="checkbox"/>	<input type="checkbox"/>
COMMENTS				
6 OPERATING EQUIPMENT				
8140	INADEQUATE OPERATING EQUIPMENT	0400-11-01-.04(2)(g)	<input type="checkbox"/>	<input type="checkbox"/>
COMMENTS				
8150	UNAVAILABILITY OF BACKUP EQUIPMENT	0400-11-01-.04(2)(g)	<input type="checkbox"/>	<input type="checkbox"/>
COMMENTS				
12 OVERALL PERFORMANCE STANDARD				
8270	WASHOUT OF SOLID WASTE	0400-11-01-.04(2)(a)(3)	<input type="checkbox"/>	<input type="checkbox"/>
COMMENTS				
8320	INADEQUATE MAINTENANCE OF LEACHATE MANAGEMENT SYSTEM (INSPECTOR TO CHECK AND RECORD LEACHATE LEVELS AT EVERY LANDFILL SUMP)	0400-11-01-.04(2)(a)(3) 0400-11-01-.04(4)(a)7	<input type="checkbox"/>	<input type="checkbox"/>
COMMENTS				
8350	LEACHATE OBSERVED AT THE SITE	0400-11-01-.04(2)(a)(3) 0400-11-01-.04(4)(a)6,	<input type="checkbox"/>	<input type="checkbox"/>
COMMENTS				
8360	LEACHATE ENTERING RUN-OFF	0400-11-01-.04(2)(a)(3) 0400-11-01-.04(4)(a)6	<input type="checkbox"/>	<input type="checkbox"/>
COMMENTS				
8370	LEACHATE ENTERING A WATER COURSE	0400-11-01-.04(2)(a)(3) 0400-11-01-.04(4)(a)6	<input type="checkbox"/>	<input type="checkbox"/>
COMMENTS				

*SEE DISCLAIMER ON LAST PAGE				
VIOLATION		REGULATION	OBSERVATION	
			NVO	AOC V1 V2
12 OVERALL PERFORMANCE STANDARD				
8490	EXCESSIVE POOLING OF WATER	0400-11-01-.04 (2)(a)3 0400-11-01-.04(8)(c)4(iii)	<input type="checkbox"/>	<input type="checkbox"/>
COMMENTS				
8520	DUMPING OF WASTE INTO WATER	0400-11-01-.04 (2)(a)3	<input type="checkbox"/>	<input type="checkbox"/>
COMMENTS				
13 PERMANENT BENCHMARK				
8280	NO PERMANENT BENCHMARK	0400-11-01-.04(2)(o)	<input type="checkbox"/>	<input type="checkbox"/>
COMMENTS				
4 PERSONNEL SERVICES				
8120	INADEQUATE EMPLOYEE FACILITIES	0400-11-01-.04(2)(e)	<input type="checkbox"/>	<input type="checkbox"/>
COMMENTS				
20 PROPER OPERATION AND MAINTENANCE				
8540	GROUNDWATER MONITORING SYSTEM IMPROPERLY MAINTAINED	0400-11-01-.02(5)(a)4	<input type="checkbox"/>	<input type="checkbox"/>
COMMENTS				
14 RANDOM INSPECTION PROGRAM				
8290	INADEQUATE RANDOM INSPECTION PROGRAM	0400-11-01-.04(2)(s)	<input type="checkbox"/>	<input type="checkbox"/>
COMMENTS				
8 RUN-ON, RUN-OFF, AND EROSION CONTROL				
8170	INADEQUATE MAINTENANCE OF RUN-ON/RUN-OFF SYSTEM(S)	0400-11-01-.04(2)(i)1-5 0400-11-01-.04(8)(c)4(i)	<input type="checkbox"/>	<input type="checkbox"/>
COMMENTS				
8180	INADEQUATE EROSION CONTROL	0400-11-01-.04(2)(i)6 0400-11-01-.04(8)(c)4(ii)	<input type="checkbox"/>	<input type="checkbox"/>
COMMENTS				
15 SPECIAL WASTE APPROVAL PROCESS				

*SEE DISCLAIMER ON LAST PAGE				
VIOLATION		REGULATION	OBSERVATION	
			NVO	AOC V1 V2
15 SPECIAL WASTE APPROVAL PROCESS				
8300	MISHANDLING OF SPECIAL WASTE	0400-11-01-.01(4)(d)1	<input type="checkbox"/>	<input type="checkbox"/>
COMMENTS				
12 UNLAWFUL METHODS OF DISPOSAL				
8570	OPERATION DOES NOT CORRESPOND WITH ENGINEERING PLANS (EVALUATE AND RECORD THE APPROXIMATE INTERIOR AND EXTERIOR SLOPE OF THE LANDFILL)	TCA 68-211-104(3) TCA 68-211-105(b)	<input type="checkbox"/>	<input type="checkbox"/>
COMMENTS				
8580	OPERATION DOES NOT CORRESPOND WITH PERMIT CONDITIONS	TCA 68-211-104(3) 0400-11-01-.02(5)(a)(1)	<input type="checkbox"/>	<input type="checkbox"/>
COMMENTS				
18 WASTE HANDLING AND COVER STANDARDS				
8430	WASTE NOT CONFINED TO A MANAGEABLE AREA	0400-11-01-.04(6)(b)1	<input type="checkbox"/>	<input type="checkbox"/>
COMMENTS				
8460	UNSATISFACTORY INITIAL COVER	0400-11-01-.04(6)(a)3 0400-11-01-.04(6)(a)5	<input type="checkbox"/>	<input type="checkbox"/>
COMMENTS				
8470	UNSATISFACTORY INTERMEDIATE COVER	0400-11-01-.04(6)(a)4 0400-11-01-.04(6)(a)5	<input type="checkbox"/>	<input type="checkbox"/>
COMMENTS				
8480	UNSATISFACTORY FINAL COVER	0400-11-01-.04(6)(a)6 0400-11-01-.04(8)(c)4	<input type="checkbox"/>	<input type="checkbox"/>
COMMENTS				
8510	UNSATISFACTORY STABILIZATION OF COVER	0400-11-01-.04(6)(a)5,6	<input type="checkbox"/>	<input type="checkbox"/>
COMMENTS				
10 WASTE RESTRICTIONS				
8210	UNAUTHORIZED WASTE ACCEPTED	0400-11-01-.04(2)(k)1 0400-11-01-.04(2)(k)6	<input type="checkbox"/>	<input type="checkbox"/>
COMMENTS				

*SEE DISCLAIMER ON LAST PAGE				
VIOLATION		REGULATION	OBSERVATION	
			NVO	AOC V1 V2
10 WASTE RESTRICTIONS				
8220	UNAPPROVED SPECIAL WASTE ACCEPTED	0400-11-01-.01(4)(b) 0400-11-01-.01(4)(c)5	<input type="checkbox"/>	<input type="checkbox"/>
COMMENTS				
8230	TIRES IMPROPERLY HANDLED	0400-11-01-.04(2)(k)3.(i)	<input type="checkbox"/>	<input type="checkbox"/>
COMMENTS				
8240	MEDICAL WASTE IMPROPERLY HANDLED	0400-11-01-.04(2)(k)4.(i-iv)	<input type="checkbox"/>	<input type="checkbox"/>
COMMENTS				

ADDITIONAL COMMENTS

**Disclaimer: The information contained in these documents (checklists/notes, etc.) is not intended to be all inclusive and is subject to change. These documents are intended solely for use by DSWM staff. These documents are not a substitute for evaluation of compliance in accordance with applicable laws and regulations. These documents are not intended for, nor can they be relied upon, to create any rights, substantive or procedural, enforceable or useable by any party in litigation with the State of Tennessee or its employees.*

Follow-Up Inspection Date

Inspector Name

ARNING

-0.2 amp

STOPPED

Level 150 in

Pump 2 AUTO

-0.0 amp

STOPPED

Level 49 in

Pump 3 OFF

-0.2 amp

STOPPED

Level 50 in

Pump 4 AUTO

-0.2 amp

STOPPED

Level 49 in

Pump 5 AUTO

-0.2 amp

STOPPED

Level 141 in

Pressure

Flow Meter 1

0 gpm

7153764 gal

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+35.660358,-87.113027
38401
Maury County