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STATE OF TENNESSEE  
**DEPARTMENT OF ENVIRONMENT AND CONSERVATION**  
Division of Solid Waste Management  
William R. Snodgrass Tennessee Tower  
312 Rosa L. Parks Ave, 14<sup>th</sup> Floor  
Nashville, Tennessee 37243

September 30, 2013

Willie E. Spencer  
County Mayor  
Hardeman County  
P. O. Box 250  
Bolivar, TN 38008

**CERTIFIED MAIL #7008 0500 0001 1525 4790**  
**RETURN RECEIPT REQUESTED**

RE: Phase IV Construction  
Hardeman County, SNL35-0223

Dear Mayor Spencer:

The purpose of this letter is to inform you that Hardeman County may not accept solid waste for disposal into Phase IV of the Hardeman County Class I Disposal Facility, SNL 35-0223 due to the fact that Phase IV was not constructed in accordance with the permit. This is a violation of *Tennessee Code Annotated §68-211-105(b)* and the terms and conditions of your operating permit.

T.C.A. §68-211-105(b) provides:

No new construction shall be initiated nor shall any change be made in any solid waste processing facility or disposal facility or site until the plans for such new construction or change have been submitted to and approved by the department.

On April 10, 2013, the Division of Solid Waste Management received the Construction Quality Control Report certified by Construction Material Laboratory, Inc. prepared for Barge Waggoner Sumner & Cannon, Inc. detailing design changes that were made during the construction of Phase IV of the facility. These design changes constitute modifications of the operating permit that were not approved in accordance with the procedures outlined in Division Rule 0400-11-01-.02(6)(b).

Division Rule 0400-11-01-.04(4)(a)7.(i) states, in pertinent part, that "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..." The design changes created a difference in elevation between the cell floor of Phase III and Phase IV

of the disposal facility. This difference in elevation has created head of greater than one foot over an undetermined surficial area of the floor of Phase III of the facility.

Further the design changes have caused the facility to be in violation of Division Rule 0400-11-010.04(5) which states, in pertinent part, "A leachate collection and removal system is required immediately above the liner that is designed, constructed, maintained and operated to collect and remove leachate from the facility. Observation made by Mr. James Warren and Mr. Ron Potts, during their August 7, 2013 inspection indicate the temporary leachate line located underneath the constructed Phase IV is transporting significant amounts of leachate.

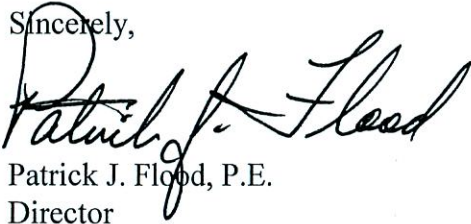
Leachate flow through the temporary leachate pipe located below the Phase IV liner must be eliminated. Also, any penetrations through the Phase II or Phase III primary liner must be properly repaired in accordance with the Construction Quality Assurance Plan.

The alignment of the main leachate line located in Phase IV of the disposal facility is approximately 30 feet south of the Phase III leachate main line. Also, the connection of the Phase II leachate main line to the Phase IV leachate collection main is not located on the as-built drawings.

Within thirty (30) days of the receipt of this letter, please submit a permit modification request which details how the leachate migration control standards specified in Division Rule 0400-11-01-.04(4) will be met. Placement of waste into Phase IV may begin upon approval of the permit modification.

If you have any questions concerning this correspondence, please call James Warren at (731) 512-1337.

Sincerely,



Patrick J. Flood, P.E.  
Director

cc: James Warren, DSWM-Jackson EFO  
Jeff Norman, DSWM-CO  
Bryant Bondurant, Barge Waggoner Sumner and Cannon, Inc.  
David Evans, Construction Materials Laboratory  
Rudy Collins, Jackson EFO