



North Carolina Department of Environment and Natural Resources

Division of Waste Management

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September 20, 2011

Mr. Stephen King
Haywood County Solid Waste Director
278 Recycle Road
Clyde, North Carolina 28721

Subject: Proposed Permitting Activities Meeting Summary
White Oak MSW Landfill
Haywood County, Permit #44-07, Document ID No. 15165

Mr. King:

This letter is written to summarize the September 13, 2011 meeting, held at your request, regarding proposed permitting activities at the White Oak MSW Landfill. The meeting attendees were as follows:

Mr. David Francis – Tax Administrator
Mr. Stephen King – Solid Waste Director
Ms. Andrea Keller – Field Operations Branch
Mr. Allen Gaither – Permitting Branch

The meeting was requested to discuss permitting requirements for activities outlined in the unsigned *Sanitary Landfill Operation Agreement (SLOA)*, DIN 15090, between Haywood County and Santek Environmental of North Carolina, LLC. The SLOA was submitted to the Section by you, via email, on September 6, 2011. At this time, the Section has been unable to review the SLOA completely so this summary letter will only focus on the understanding derived from discussions at the meeting. Please note, nothing in this letter is to be construed as prior Section approval of any or all of the provisions in the draft SLOA.

In general, Haywood County would like for the White Oak MSW Landfill to be operated by a private solid waste company and the agreement details the manner in which the County and Santek would accomplish this goal. The agreement outlines two distinct phases of operation. The first, which was referred to as Phase 1, begins at the signing date and runs through what is termed the "Expanded Management Commencement Date". The second, which was referred to as Phase 2, begins at the "Expanded Management Commencement Date" and continues for a period of no less than 30 years.

Per our discussion, Phase 1 includes a transfer of operational responsibilities to Santek and the addition of several, non-disposal capital improvement projects such as a citizen drop-off/convenience center. As discussed, these activities constitute a change in the approved plan for the facility and, in accordance with N.C. General Statute §130A-295.8(b)(3)(a) and 15A N.C.

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Administrative Code 13B.1603(a)(3), requires a Permit modification. In addition, N.C. General Statute §130A-295.3, "Environmental compliance review requirements for applicants and permit holders" applies to the proposed addition of a new operator, Santek, to the landfill facility permit. These activities must be approved by the Section prior to implementation and would require, at minimum, submission of the following items:

1. Payment of the Modification permitting activity fee in accordance with N.C. General Statute §130A-258.8(c)(3);
2. An Operations Plan and Site Plan revised in accordance with 15A N.C. Administrative Code 13B.1617(c);
3. All documentation required for an environmental compliance review, completed by Santek, as provided in N.C. General Statute §130A-295.3.

Also, though not required, please provide copies of the following for file purposes:

4. Documentation demonstrating local government approval of the changes (meeting minutes or other);
5. A signed and dated copy of the SLOA.

It should be noted, Santek cannot begin operating the landfill facility until the modified Permit to Operate has been issued. The Section will work as quickly as possible, once a complete application is received, to ensure a timely review.

Per our discussion, Phase 2 includes an expanded service area and increased landfill management and entrepreneurial activities for Santek to include marketing of services, signing of contracts and submission of applications and fees to the Section for subsequent changes of operations at the facility. As discussed, these activities constitute a substantial change in the approved plan for the facility and, in accordance with NCGS 130A-295.8(b)(1)(d), requires a New Permit. These activities must be approved by the Section prior to implementation and would require, at minimum, submission of the following items:

6. A Franchise Agreement completed in accordance with N.C. General Statute §130A-294(b1)(2);
7. Documentation demonstrating a public hearing has been conducted in accordance with N.C. General Statute §130A-294(b1)(3);
8. Payment of the New permitting activity fee in accordance with N.C. General Statute §130A-258.8(c)(1);
9. Substantial Amendment Application prepared in accordance with 15A N.C. Administrative Code 13B.1617(b);

Both Haywood County and the Division of Waste Management are bound by the final decision in the contested case which challenged the issuance of Permit #44-07. Changes to the permit must follow applicable procedures, including procedures for a new permit.

The summary above provides permitting guidance based solely on the information discussed at the referenced meeting. No solid waste management activities can be approved by the Section without submission of a complete application. In addition, permitting timelines, submission requirements and activity fees are strictly based on the specific application received by the Section. Therefore, the permitting guidance for the proposed activities could change based on the information submitted.

Mr. Stephen King
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If you should have any questions regarding this matter please contact me at (828) 296-4703, or by email at allen.gaither@ncmail.net .

Sincerely,



Allen Gaither
Environmental Engineer

Cc: Mr. Marty Stamey – Haywood County
Mr. David Francis – Haywood County
Ms. Nancy Scott – NCDOJ
Mr. Ed Mussler – SWS/RCO
Ms. Andrea Keller – SWS/ARO

