

North Carolina Department of Environmental Quality

Pat McCrory
Governor

Donald R. van der Vaart
Secretary

September 29, 2015

Mr. Chris Stahl
Solid Waste Director
109 Sierra Drive
Franklin, NC 28734

Subject: SEPA Process Exemption
Macon County MSW Landfill
Macon County, Permit No. 5703-MSWLF-1992, Document ID No. 25011

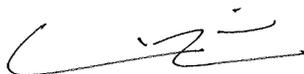
Mr. Stahl:

As you are aware, the facility plan in the Permit to Construct application for Phase 3, Cell 1 indicates an increase in the amount of waste to be disposed of that is greater than 10% of what was originally planned. This increase is a result of the addition of land at the current MSW landfill facility. In accordance with G.S. 130A-295.8(b)(1a)(d), this permitting activity is considered to be a "New" permit. Additionally, Session Law 2013-413 changed the requirements of G.S. 130A-295.6(a) such that an application for a "New" permit requires the applicant to submit a study of the environmental impacts prepared by a qualified third party. This study of the environmental impacts document is to be prepared and processed in accordance with the requirements outlined in G.S. 113A, otherwise known as the State Environmental Policy Act (SEPA). However, Session Law 2015-90 placed limiting criteria on the projects required to follow the SEPA process.

Session Law 2015-90 now limits the SEPA process to projects with expenditures of public money greater than \$10,000,000 or land disturbing activities greater than 10 acres. Based on the information provided by your consultant, McGill Associates, both the costs and disturbed area associated with the addition of land at the facility are below the \$10,000,000 and 10 acres limits. Therefore, it has been determined this project is exempt from the SEPA process and, as a result, the study of environmental impacts is not necessary.

If you should have any questions regarding this matter please contact me at (828) 296-4703, or by email at allen.gaither@ncdenr.gov.

Sincerely,



Allen Gaither
Environmental Engineer

Cc: Mr. Mark Cathey – McGill Associates
Mr. Ed Mussler – SWS/RCO