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North Carolina Department of Environment and Natural Resources
Division of Waste Management

Beverly Eaves Perdue
Governor

Dexter R. Matthews
Director

Dee Freeman
Secretary

December 30, 2011

Mr. Ronnie Petty
A-1 Sandrock Inc. (dba ARC C&D Recycling)
P. O. Box 7707
Greensboro, NC 27417

Re: Status of Application Request
Proposed Transfer Station and Recycling Facility - ARC C&D Recycling
Durham County, DIN 15845

Dear Mr. Petty:

Below are the remaining issues for permitting the ARC C&D Recycling facility.

1. Compliance Review

A compliance review is required for all new permits. A letter was sent to you on November 7, 2011, concerning this. I have attached the letter as reference. It is my understanding that a response has not been received.

There are typically two parts to the compliance review, the business organization chart and then a request for the applicant(s) to complete a compliance history questionnaire. I will forward a copy of the letters to John Turner that were included in the last application submittal concerning the facility operator and property owner to the compliance staff; however, you still need to respond to the letter. As stated in the letter, the review is a statutory requirement.

2. Traffic Study

The revised application dated November 28, 2011, did include a traffic study containing the elements listed under NCGS 130A-295.5. However, the Solid Waste staff does not have the expertise to evaluate the conclusions of the traffic study and must rely on concurrence from the NC Department of Transportation that no mitigation is necessary. You must contact the appropriate Division Engineer of the NCDOT and get a letter concurring with your conclusion. We will not hold up issuance of the permit based on this. Instead, we will include a permit condition that the letter be supplied with a specified time frame.

3. Financial Assurance

You will need to submit financial assurance before the permit can be issued. Your estimate, in the amount of \$129,400, is consistent with estimates made for similar transfer stations. Your application stated that you will establish the financial assurance after the draft is prepared. I can start on the draft without the other issues being resolved.

4. Operation Plan

There are some minor changes that need to be made. Many relate to phone numbers which have changed since the Department's recent move to downtown Raleigh. I'll get that to John Turner next week. These should be quick fixes.

If I can be of further assistance, you may contact me by phone at (919) 707-8257 or by email at pat.backus@ncdenr.gov.

Sincerely,



Patricia Backus, P.E.
Environmental Engineer
Solid Waste Section

Encl

cc: John Tucker, P. E., Consulting Engineer
Ed Mussler, P.E., Permitting Branch Head
Mark Poindexter, Field Operations Branch Head
Shawn McKee, Compliance Officer



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November 7, 2011

Ronnie Petty - President
Absolute Recycling Contractors, LLC
P.O. Box 7707
Greensboro, NC 27417

Re: Compliance Review for Absolute Recycling Contractors, LLC, New Permit,
Durham County, North Carolina

Dear Mr. Petty:

The agency received your application the new permit to construct a transfer facility. Under N.C.G.S. § 130A-294 (b2)(2) and 295.3 the agency must conduct a review to determine Absolute Recycling Contractors, LLC's past compliance with federal and state laws, regulations, and rules, including permit conditions, for the protection of the environment or conservation of natural resources.

The statute (NCGS §130A-295.3) states as follows:

(a) For purposes of this section, "**applicant**" means an applicant for a permit and a permit holder and includes the owner or operator of the facility, and, **if the owner or operator is a business entity, applicant also includes: (i) the parent, subsidiary, or other affiliate of the applicant; (ii) a partner, officer, director, member, or manager of the business entity, parent, subsidiary, or other affiliate of the applicant; and (iii) any person with a direct or indirect interest in the applicant**, other than a minority shareholder of a publicly traded corporation who has no involvement in management or control of the corporation or any of its parents, subsidiaries, or affiliates.

(b) The Department shall conduct an environmental compliance review of each applicant for a new permit, permit renewal, and permit amendment under this Article. The environmental compliance review shall evaluate the environmental compliance history of the applicant for a period of five years prior to the date of the application and may cover a longer period at the discretion of the Department. The environmental compliance review of an applicant may include consideration of the environmental compliance history of the parents, subsidiaries, or other affiliates of an applicant or parent that is a business entity, including any business entity or joint venturer with a direct or indirect interest in the applicant, and other facilities owned or operated by any of them. The Department shall determine the scope of the review of the environmental compliance history of the applicant, parents, subsidiaries, or other affiliates of the applicant or parent, including any business entity or joint venturer with a direct or indirect interest in the applicant, and of other facilities owned or operated by any of them. **An applicant for a permit shall provide environmental compliance history information for each facility, business**

entity, joint venture, or other undertaking in which any of the persons listed in this subsection is or has been an owner, operator, officer, director, manager, member, or partner, or in which any of the persons listed in this subsection has had a direct or indirect interest as requested by the Department.

To begin the review, please provide organizational charts for determine Absolute Recycling Contractors, LLC (applicant) as well as explanatory text that shows all business entities that are direct or indirect parents, subsidiaries or other affiliates of determine Absolute Recycling Contractors, LLC and depicts the relationships among all entities shown on each chart as required under the above referenced statute. The charts shall also include any partnerships and joint ventures in which any of the entities are engaged or which have a financial interest in any of the entities. For all business entities identified in the organizational charts, please identify those business entities which operated under a previous business name and identify the prior business name.

After review of the organizational charts, the agency may request additional follow-up information. Please be advised that under subsection N.C.G.S. § 130A-294(b3), the agency is not required begin review of the application until you have satisfied the agency that you have provided all of the information required.

Please email organizational charts to shawn.mckee@ncdenr.gov or send by mail to the address below.

Sincerely,



Shawn McKee
Compliance Officer

cc: Michael Scott, Solid Waste Section Chief
Ed Mussler, Permitting Branch Head
Mark Poindexter, Field Operations Branch Head
Pat Backus, Permitting Engineer
Jason Watkins, District Supervisor
John Patrone, Environmental Senior Specialist
Central File