



North Carolina Department of Environment and Natural Resources

Dexter R. Matthews, Director

Division of Waste Management

Michael F. Easley, Governor
William G. Ross Jr., Secretary
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SOLID WASTE SECTION

May 12, 2008

Mr. Jerry Mears
Buncombe County – Solid Waste Manager
85 Panther Branch Road
Alexander, North Carolina 28701

Subject: Proposed C&D Phase Addition Application Clarification
Buncombe County Solid Waste Management Facility
Permit No. 11-07
Buncombe County

Dear Mr. Mears:

This letter is intended to further clarify several permitting requirements pertaining to the addition of a new Construction and Demolition (C&D) Debris Landfill phase at the existing Municipal Solid Waste (MSW) Landfill Facility.

I would first like to clarify the matter of the permit being an amendment or substantial amendment. Based on a review of the original facility plan with Mr. Kenton Yang, the proposed area for the new C&D landfill is outside of the original planned C&D area. This being the case, the proposed area has not been presented to public scrutiny and has not received local government approval. For this reason the facility change will be considered a substantial amendment. Therefore, you must submit a complete application containing a comprehensive facility plan per North Carolina Administrative Code Title 15A Subchapter 13B.0537 and local government approval per North Carolina Administrative Code Title 15A Subchapter 13B.053(c)(11).

In addition, I would like to clarify the submissions to satisfy North Carolina Administrative Code Title 15A Subchapter 13B.0547. Buncombe County plans to continue operating the existing C&D landfill past July 1, 2008. Therefore, you are required to submit a closure and post-closure plan and financial responsibility documentation prior to July 1, 2008. These documents must be prepared in accordance with North Carolina Administrative Code Title 15A Subchapter 13B.0543 and Subchapter 13B.0546, respectively. The application for the new phase, referenced above, must be submitted 120 days prior to the expiration date of the existing permit or 180 days prior to start of construction for the new phase.

Finally, I would like to clarify the permitting fee requirements. The closure and post-closure plan and the financial responsibility documentation require the submission of a permit modification fee. The application for the new C&D phase, since it is a substantial amendment, will require the submission of a new permit fee.

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The new permit fee for this application is consistent with what the Division has charged other facilities given the same circumstances. In both cases, the permit fee amount will be based on the C&D rate structure in North Carolina General Statute Article 9 Chapter 130A-295.8. If you should have any questions regarding the permit fees please contact Ms. Ellen Lorscheider, Planning & Program Management Branch Head, at (919) 508-8499.

Should you have any other questions regarding this matter please contact me at (828) 296-4703.

Sincerely,

A handwritten signature in black ink, appearing to read 'A. Gaither', with a stylized flourish at the end.

Allen Gaither
Environmental Engineer

Cc: Mr. Kenton Yang, P.E. Camp, Dresser & McKee 5400 Glenwood Avenue, Suite 300 Raleigh, North Carolina 27612
Kristy Smith, Buncombe County Solid Waste, 81 Panther Branch, Alexander, NC 28701
Ed Mussler – SWS/Raleigh
Brain Wootton – SWS/Raleigh
Deb Aja – SWS/ARO
Bill Wagner – SWS/ARO