Little, Geof

From: mtucker@metroenergync.com
Sent: Wednesday, February 03, 2010 9:32 AM
To: Little, Geof
Cc: Chao, Ming-tai
Subject: Permit Application question

Mr. Little,

I got your name from Michael Scott who recommended I contact you or Ming Chao regarding my application for a permit to process small numbers of tires on a small lot in Chatham County near Silk Hope at 3313 Bowers Store Road. I am not the smartest guy and I have never submitted an application like this before. It is quite intimidating.

My question is, did I submit everything required in my application or is my application missing something obvious? I would rather not wait several weeks to discover my application was missing something I could provide today.

Would you please reply with whatever I could provide you to help the process along or what you see as my next step?

Thank you in advance,

Michael Tucker
Metro Energy Corp.
919-818-6807

11312 US 15 501, North
Suite 107-103
Chapel Hill, NC 27517

Little, Geof

Subject: Metro Energy Tire Processing
Location: DENR_DWM Conf Room3

Start: Wed 2/10/2010 9:00 AM
End: Wed 2/10/2010 10:00 AM
Show Time As: Tentative

Recurrence: (none)

Meeting Status: Not yet responded

Organizer: Little, Geof
Required Attendees: Moore, Pamela
Resources: DENR_DWM Conf Room3

When: Wednesday, February 10, 2010 9:00 AM-10:00 AM (GMT-05:00) Eastern Time (US & Canada).
Where: DENR_DWM Conf Room3

Note: The GMT offset above does not reflect daylight saving time adjustments.

~~*~*~*~*~*~*~*~*~*

Michael Tucker 919-818-6807

Little, Geof

From: Herndon, Donald
Sent: Wednesday, February 10, 2010 12:21 PM
To: Mussler, Ed
Cc: Crissman, Paul; Poindexter, Mark; Watkins, Jason; Hearn, Robert; Little, Geof
Subject: CHR Quest Request for Metro Energy Corporation
Attachments: Metro Energy Organizational Chart Request.pdf

Please see attached.

Donald Herndon
Compliance Officer
NC Department of Environment and Natural Resources Division of Waste Management - Solid Waste Section
1646 Mail Service Center
Raleigh, NC 27699-1646
919-508-8502
919-733-4810 (Fax)
http://wastenotnc.org/swhome

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties.

Little, Geof

From: mtucker@metroenergync.com
Sent: Saturday, February 13, 2010 5:20 PM
To: Little, Geof
Subject: Surety Bond response

Geof,

I am eagerly looking forward to your message with a list of companies who provide the kind of insurance required for the processing site I hope to establish.

I am forwarding the latest reply to my inquiries for a surety bond. I have talked with eight other companies who had the same response. Two that turned me down were recommended by the NC Dept. of Insurance as surety bond producers.

You also mentioned you would send a link to the latest laws or rules so I could calculate what my actual financial assurance will be.

I still have to find the exact address for where I will take my commercial waste. I expect I will get that on Monday, 2/15/2010. I will send that to you via Email. I will also send you a more precise list of the kinds of companies who have indicated an eagerness for the quality of rubber we produce that is so much higher than other processors using industry-standard shredders. I must refrain from publishing the actual names of buyers or making their names, addresses, etc. public record.

I am excited to establish this site in North Carolina.

Michael Tucker
Metro Energy Corp.
919-818-6807

> -------Original Message-------
> From: Matt Gerdes <matt@jwsuretybonds.com>
> To: MTucker@MetroEnergyNC.com
> Subject: Metro Energy Corp. -
> Sent: Feb 11 '10 20:04
>
> Michael,
>
> I regret to inform you that due to the type of bond that you are
> applying for we will be unable to get it approved for you.
> Performance bonds that assures solid waste site closures are
> extremely difficult to place. Only one Surety mentioned that they
> even consider writing them but only for well established companies
> that have CPA audited financials. I apologize that we were unable to
> place your bond and want to assure you that this is a reflection of the type
of bond being requested and not you or your company.
> If there is anything I can help you with in the future, please
> contact me and I will be happy to assist you.
>
>
> Matt

>
>
> -
> - - -
> -
>
>
> MATTHEW J. GERDES
> Bond Agent
>
> Commercial Bond Department
>
>
> JW BOND CONSULTANTS, INC.
>
> 6023A Kellers Church Road
>
> Pipersville, PA 18947
>
>
> Toll-free: +1-888-592-6631 x111
>
> Local: +1-215-766-1990
>
> Fax: +1-215-766-1225
>
>
> [LINK: mailto:matt@jwsuretybonds.com] matt@jwsuretybonds.com
> [LINK: http://www.jwsuretybonds.com/] www.jwsuretybonds.com

FIRST Commonwealth.

First Commonwealth Bank
Central Offices
Philadelphia and 6th Streets
P.O. Box 400
Indiana, PA 15701-0400
fcbanking.com

February 6, 2009

IRREVOCABLE STANDBY LETTER OF CREDIT # 006R0542

BENEFICIARY:
North Carolina Department of Environment
Health, and Natural Resources
Solid Waste Management Division
Solid Waste Section
P.O. Box 27687
Raleigh, NC 27611-7687

ACCOUNT PARTY:
Laurel Mountain Partners, LLC
625 Liberty Avenue
Dominion Tower, Suite 3100
Pittsburgh, PA 15222

Dear Beneficiary:

We hereby establish our Irrevocable Standby Letter of Credit No. 006R0542 in your favor, at the request and for the account of Laurel Mountain Partners, LLC on behalf of Central Carolina Holdings, LLC, 1616 McKoy Town Road, Cameron, NC 28326 up to the aggregate amount of Three Hundred Fifty Two Thousand Five Hundred and 00/100 U.S. Dollars ($352,500.00), available upon presentation of:

(1) your sight draft, bearing reference to this letter of credit No. 006R0542, and
(2) your signed statement reading as follows: "I certify that the amount of the draft is payable pursuant to requirements of 15A NCAC 13B .1628 as amended."

This letter of credit is effective as of February 6, 2009 and shall expire on February 6, 2010, but such expiration date shall be automatically extended for a period of one year on February 6, 2010 and on each successive expiration date, unless, at least 120 days before the current expiration date, we notify both you and Laurel Mountain Partners, LLC on behalf of Central Carolina Holdings, LLC by certified mail that we have decided not to extend this letter of credit beyond the current expiration date. In the event you are so notified, any unused portion of the credit shall be available upon presentation of your sight draft for 120 days after the date of receipt by both you and Laurel Mountain Partners, LLC on behalf of Central Carolina Holdings, LLC as shown on the signed return receipts.

Whenever this letter of credit is drawn on, under and in compliance with the terms of this credit, we shall duly honor such draft upon presentation to us, and we shall deposit the amount of the draft directly into the standby trust fund of Laurel Mountain Partners, LLC on behalf of Central Carolina Holdings, LLC in accordance with your instructions.

We certify that the wording of this letter of credit is identical to the wording specified in Paragraph (e)(2)(D) of 15A NCAC 13B .1628 as were constituted on the date shown immediately below.

This Letter of Credit is subject to and shall be governed by the provisions of the Uniform Customs and Practice for Documentary Credits (2007 Revision), International Chamber of Commerce Publication No. 600 (the "UCP 600").

Sincerely,
First Commonwealth Bank

Kurt D. Lamar
Credit Administation Manager/Senior Credit Officer

Little, Geof

From: mtucker@metroenergync.com
Sent: Tuesday, February 16, 2010 8:29 AM
To: Little, Geof
Subject: Answers to questions you raised

Geof,

You said you wanted three items:
1. Response to Administrative Questionnaire. I have not received this yet. May I come to your office tomorrow to pick it up in person?
2. Correct address for the transfer station that will accept commercial garbage from the proposed processing site near Silk Hope. This is a transfer station operated by Waste Management at Waste Treatment Road in Siler City behind the Super WalMart.
3. Description of end markets for shredded materials. My application states:

1.6 Plans for Disposition of All Tires Collected – 15A NCAC 13B .1106(d)(7)

1. Crumb Rubber for manufacturing.
2. Tire Derived Fuel (TDF)
3. Rubber for use as ground cover.
4. Rubber for use as artificial mulch.
5. Rubber for civil engineering.
6. Recycled steel for manufacturing.
7. And other uses authorized by statute.

You may see some products we will produce in North Carolina at our web page www.MetroEnergyNC.com .

1. 100 mesh crumb rubber is wanted for rubberized asphalt. 14 mesh mix is wanted for specialized asphalt applications. Our crumb rubber is steel-free.
2. We have buyers willing to pay up to $400 per ton for high quality, steel-free TDF.
3. We produce molded rubber stepping stones, paving stones, and blocks for landscaping and retaining walls.
4. Rubber mulch is sold in bags at Lowes Home Improvement and Home Depot. Landscape supply dealers sell rubber mulch in bulk at prices that can compete with organic mulch from trees. National manufacturers sell several thousand tons per year. Rubber mulch smaller than 1" is approved for playgrounds and walkways.
5. Ballast for agricultural silage, building material components, loading dock bumpers.
6. There are well established markets for the steel from tires. We will bundle the steel into one ton cubes for transport and sale at several locations around the Triangle and Triad.

I believe this answers the questions you had at our meeting last week. I am a little concerned I have not received a copy of the questionnaire since I submitted my application on January 19. May I come to your office tomorrow, Wednesday, Feb. 17 to obtain a copy?

Thank you,

Michael Tucker

Metro Energy Corp.
919-818-6807

Little, Geof

From: Herndon, Donald
Sent: Wednesday, February 17, 2010 11:08 AM
To: Mussler, Ed
Cc: Crissman, Paul; Poindexter, Mark; Little, Geof; Watkins, Jason; Hearn, Robert
Subject: CHR Quest. for Metro Energy
Attachments: Questionnaire Request-Metro Energy.pdf

Please see attached.

Donald Herndon
Compliance Officer
NC Department of Environment and Natural Resources Division of Waste Management - Solid Waste Section
1646 Mail Service Center
Raleigh, NC 27699-1646
919-508-8502
919-733-4810 (Fax)
http://wastenotnc.org/swhome

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties.

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

Beverly Eaves Perdue
Governor

Dexter R. Matthews
Director

Dee Freeman
Secretary

February 17, 2010

Michael Tucker
Metro Energy Corporation
11312 15-501 North
Suite 107-103
Chapel Hill NC 27515

Re: Compliance Review for Metro Energy Corporation, New Permit, Chatham County, North Carolina

Dear Mr. Tucker:

The agency has received your organizational chart submitted on February 17, 2010, for the new permit to operate. Under N.C.G.S. § 130A-294 (b2)(2) and 295.3 the agency is conducting a review to determine past compliance with federal and state laws, regulations, and rules, including permit conditions, for the protection of the environment or conservation of natural resources. Enclosed is a preliminary questionnaire for you to complete for Metro Energy Corporation. Additional follow-up information may be requested.

Please be advised that under subsection N.C.G.S. § 130A-294(b3), the agency is not required to review your application until you have satisfied the agency that you have met the requirements of subsection (b2).

Sincerely,

Donald Herndon
Compliance Officer

cc: Paul Crissman, Solid Waste Section Chief
Ed Mussler, Permitting Branch Head
Mark Poindexter, Field Operations Branch Head
Geof Little, Permitting Engineer
Jason Watkins, District Supervisor
Robert Hearn, Environmental Senior Specialist
Central File

1646 Mail Service Center, Raleigh, North Carolina 27699-1646
Phone: 919-508-8400 \ FAX: 919-715-4061 \ Internet: www.wastenotnc.org

An Equal Opportunity \ Affirmative Action Employer

One NorthCarolina Naturally

Compliance Review

The applicant, Metro Energy Corporation, is requested to provide the following information. For purposes of the questions below, the phrase "within the past five years," means five years prior to the date of this request.

A. The following question applies to all of the applicant's solid waste management (including hazardous waste management) activities.

1. With respect to the applicant's solid waste management activities, check whether the applicant has been a party to or received any of the following within the past five years:

__a. Compliance Order with a penalty
__b. Compliance order without a penalty
__c. Order to cease operating
__d. Order to abate public health nuisance [130A-19];
__e. Order to abate imminent hazard [130A-20];
__f. Order to abate nuisance scrap tire site [130A-309.60]).
__g. Administrative Consent Agreement or Settlement Agreement (e.g., may involve revised permit conditions)
__h. Revocation or suspension of a permit
__i. Denial of a permit application for a solid waste management facility
__j. Penalty Collection lawsuit (lawsuit to collect an unpaid penalty)
__k. Confession of Judgment (for the payment and collection of an unpaid penalty or other monies owed to a special account, such as the scrap tire account or white goods account)
__l. Injunctive relief or law suit for injunctive relief
__m. Lawsuit for forfeiture of gain (N.C.G.S. §130A-28)
__n. Lawsuit for recovery of money (N.C.G.S. §130A-27)
__o. State Criminal action- misdemeanor or felony (N.C.G.S. 130A-25; 130A-26.1 and 26.2; 14-399
__p. Federal criminal action-misdemeanor or felony

B. **[Note: Questions 2 and 3 cover any type of environmental violation.]**
Check all applicable boxes.

Within the past five years:

2. The applicant has been convicted of, or pled guilty or no contest to, a criminal violation of a statute, regulation, or rule for the protection of the environment or conservation of natural resources.

__a. in state court
__b. in federal court
__c. not applicable

3. A monetary penalty (whether denominated as a civil penalty, an administrative penalty, a judicial penalty, or by some other designation), has been assessed against the applicant for the violation of a state or federal statute, regulation, rule, including a permit condition, or for the protection of the environment or conservation of natural resources.

   __a. in a state forum
   __b. in a federal forum
   __c. not applicable

[Note: Questions 4 and 5 will encompass those situations where a solid waste management facility operated in violation of solid waste management statutes/regulations, as well as water quality, including groundwater and surface water, sedimentation and erosion control, and air quality statutes/regulations, among others.]

4. With respect to any solid waste management facility (including hazardous waste management) owned or operated by the applicant, a lawsuit for injunctive relief has been filed against the applicant for the violation of a statute, regulation or rule for the protection of the environment or conservation of natural resources.

   __a. in state court
   __b. in federal court
   __c. not applicable

5. With respect to any solid waste management facility (including hazardous waste management) owned or operated by the applicant, a judgment, or consent judgment, for injunctive relief has been entered against the applicant for the violation of any statute, regulation or rule for the protection of the environment or conservation of natural resources.

   __a. in state court
   __b. in federal court
   __c. not applicable

6. A permit for a solid waste management facility owned or operated by the applicant has been revoked or suspended.

   __a. in a state forum
   __b. in a federal forum
   __c. not applicable

7. An environmental permit for any undertaking other than a solid waste management facility has been revoked or suspended.

   __a. in a state forum
   __b. in a federal forum
   __c. not applicable

8. The applicant submitted a permit application for the proposed ownership or operation of a solid waste management facility that has been denied.

   __a. in a state forum
   __b. in a federal forum
   __c. not applicable

9. A governmental agency or unit has notified the applicant in writing that the applicant has operated or is operating a solid waste management facility without the requisite permit.

   __a. yes
   __b. not applicable

10. A governmental agency or unit has notified the applicant in writing that the applicant has operated or is operating a solid waste management facility outside the scope of the permitted activity.

   __a. yes
   __b. not applicable

11. A governmental agency or unit has notified the applicant in writing that the applicant has operated or is operating a facility or undertaking other than a solid waste management facility without the requisite environmental permit(s).

   __a. yes
   __b. not applicable

For each question that has been marked with an answer other than "not applicable," please provide a written, detailed explanation, including how or if the matter has been resolved.

The applicant may be requested to provide a written, sworn statement certifying the status of the matter.

If the applicant certifies that the applicant is now in compliance, the applicant may be asked to submit proof from the agency having jurisdiction over the violation that the applicant is in the process of correcting or has corrected the violation to the satisfaction of the agency.

The applicant will be asked to certify the truth and accuracy of the answers provided to these compliance review questions.

I,_____, hereby certify on behalf of Metro Energy Corporation as applicant's _____(title of position with applicant), that I have read the foregoing answers provided to the Compliance Review, that the information and answers contained in the responses to the Compliance Review are true and accurate based on my own knowledge and my review of documents and that I have not omitted any material information or falsified any information contained in the foregoing answers. I further certify that I have the requisite authority vested in me by the Metro Energy Corporation to bind the corporation to the accuracy and completeness of the information provided herein. I am aware that there are significant penalties for making any false statement, representation, or certification including the possibility of a fine and imprisonment.

Signature/printed name and title:

Attest: _____

_____

State of _____
County of _____

Sworn and subscribed to before me this the ____ day of ____, 200_.

_____
notary public

My Commission expires:

SEAL

Little, Geof

From: mtucker@metroenergync.com
Sent: Wednesday, February 17, 2010 3:38 PM
To: Little, Geof
Subject: Compliance Review and Questionnaire

Mr. Little,

I completed the Compliance Review by delivering the organizational chart and accompanying text to Mr. Donald Herndon today. I completed the Questionnaire and faxed a copy to Mr. Herndon this afternoon. Neither were applicable to Metro Energy Corp (MEC). MEC is a new North Carolina corporation established specifically to manufacture new things out of scrap tires as an expression of my commitment to a clean environment and service to my community.

Let's please complete the application process and let me show you what is possible making new things out of other people's garbage.

Sincerely,

Michael Tucker
919-818-6807

Little, Geof

From: Little, Geof
Sent: Wednesday, February 17, 2010 4:16 PM
To: 'mtucker@metroenergync.com'
Cc: Moore, Pamela; Hearn, Robert; Mussler, Ed
Subject: RE: Compliance Review and Questionnaire

Thank you for your quick response. It may be Monday before I can get a letter to you with our comments regarding your application for a tire processing permit.

In the interim, you might review the application and revisions submitted for the Central Tire processing application at our website:
http://www.wastenotnc.org/sw/swfacilitylist.asp

Under Harnett County, click on the 4308-TIRETP link to view the files. The application is available for viewing by clicking on 3766 under the Number column, and the revision can be viewed by clicking on Number 3862.

You might note that the Financial Assurance amount takes into account the fact that the landfill is located adjacent to the processing operation.

The link to the permit will be corrected over the next day.

Thank you for your patience.

Geof

Geoffrey H. Little
Solid Waste Section
NC-DENR DWM
919.508.8498

Email correspondence to and from this sender may be subject to the N.C. Public Records Law and may be disclosed to third parties.

-----Original Message-----
From: mtucker@metroenergync.com [mailto:mtucker@metroenergync.com]
Sent: Wednesday, February 17, 2010 3:38 PM
To: Little, Geof
Subject: Compliance Review and Questionnaire

Mr. Little,

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Let's please complete the application process and let me show you what is possible making new things out of other people's garbage.

Sincerely,

Michael Tucker
919-818-6807

Little, Geof

From: Herndon, Donald
Sent: Wednesday, February 17, 2010 5:35 PM
To: Mussler, Ed
Cc: Crissman, Paul; Poindexter, Mark; Little, Geof; Watkins, Jason; Hearn, Robert
Subject: CHR for Metro Energy

Ed,
We have performed a compliance history review for Metro Energy. The results from this review do not indicate that the permit should be declined at this time.

Donald Herndon
Compliance Officer
NC Department of Environment and Natural Resources Division of Waste Management - Solid Waste Section
1646 Mail Service Center
Raleigh, NC 27699-1646
919-508-8502
919-733-4810 (Fax)
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Little, Geof

From: mtucker@metroenergync.com
Sent: Wednesday, February 17, 2010 9:27 PM
To: Little, Geof
Cc: Moore, Pamela; Hearn, Robert; Mussler, Ed
Subject: List of Surety Bond companies?

Thank you, Mr. Little, for your time and attention.

Will you please reply with a list of surety bond companies other applicants use?

I would like to begin conversations with them to understand their requirements, terms, conditions, and costs. I would hate to tie up thousands of dollars in a letter of credit when surety bonds and insurance policies are designed to distribute the costs over a period of time.

The most difficult time is the very beginning when I have so many other startup costs. I'm sure you understand.

Sincerely,

Michael Tucker

> -------Original Message-------
> From: Little, Geof <geof.little@ncdenr.gov>
> To: mtucker@metroenergync.com <mtucker@metroenergync.com>
> Cc: Moore, Pamela <pamela.moore@ncdenr.gov>, Hearn, Robert <robert.hearn@ncdenr.gov>, Mussler, Ed <ed.mussler@ncdenr.gov>
> Subject: RE: Compliance Review and Questionnaire
> Sent: Feb 17 '10 21:15
>
> Thank you for your quick response. It may be Monday before I can get a letter to you with our comments regarding your application for a tire processing permit.
>
> In the interim, you might review the application and revisions submitted for the Central Tire processing application at our website: http://www.wastenotnc.org/sw/swfacilitylist.asp
>
> Under Harnett County, click on the 4308-TIRETP link to view the files. The application is available for viewing by clicking on 3766 under the Number column, and the revision can be viewed by clicking on Number 3862.
>
> You might note that the Financial Assurance amount takes into account the fact that the landfill is located adjacent to the processing operation.
>
> The link to the permit will be corrected over the next day.
>
> Thank you for your patience.
>
> Geof
>
>
> Geoffrey H. Little
> Solid Waste Section

> NC-DENR DWM
> 919.508.8498
>
>

> Email correspondence to and from this sender may be subject to the N.C. Public Records Law and may be disclosed to third parties.
>
> -----Original Message-----
> From: mtucker@metroenergync.com [mailto:mtucker@metroenergync.com]
> Sent: Wednesday, February 17, 2010 3:38 PM
> To: Little, Geof
> Subject: Compliance Review and Questionnaire
>
> Mr. Little,
>
> I completed the Compliance Review by delivering the organizational chart and accompanying text to Mr. Donald Herndon today. I completed the Questionnaire and faxed a copy to Mr. Herndon this afternoon. Neither were applicable to Metro Energy Corp (MEC). MEC is a new North Carolina corporation established specifically to manufacture new things out of scrap tires as an expression of my commitment to a clean environment and service to my community.
>
> Let's please complete the application process and let me show you what is possible making new things out of other people's garbage.
>
> Sincerely,
>
> Michael Tucker
> 919-818-6807
>

Little, Geof

From: Little, Geof
Sent: Thursday, February 18, 2010 8:42 AM
To: 'mtucker@metroenergync.com'
Cc: Moore, Pamela; Hearn, Robert; Mussler, Ed; Herndon, Donald
Subject: RE: List of Surety Bond companies?
Attachments: Financial.Assurance.pdf

Hi Mike,

We do not maintain a list of financial assurance providers, but attached is a cover letter to the financial assurance provider for the Central Carolina Tire processing facility.

Also, below is text from the State statute addressing financial assurance.

§ 130A-295.2. Financial responsibility requirements for applicants and permit holders for solid waste management facilities.

(a) As used in this section:

(1) "Financial assurance" refers to the ability of an applicant or permit holder to pay the costs of assessment and remediation in the event of a release of pollutants from a facility, closure of the facility in accordance with all applicable requirements, and post-closure monitoring and maintenance of the facility.

(2) "Financial qualification" refers to the ability of an applicant or permit holder to pay the costs of proper design, construction, operation, and maintenance of the facility.

(3) "Financial responsibility" encompasses both financial assurance and financial qualification.

(b) The Commission may adopt rules governing financial responsibility requirements for applicants for permits and for permit holders to ensure the availability of sufficient funds for the proper design, construction, operation, maintenance, closure, and post-closure monitoring and maintenance of solid waste management facilities and for any corrective action the Department may require during the active life of a facility or during the closure and post-closure periods.

(c) The Department may provide a copy of any filing that an applicant for a permit or a permit holder submits to the Department to meet the financial responsibility requirements under this section to the State Treasurer. The State Treasurer shall review the filing and provide the Department with a written opinion as to the adequacy of the filing to meet the purposes of this section, including any recommended changes.

(d) The Department may, in its sole discretion, require an applicant for a permit to construct a facility to demonstrate its financial qualification for the design, construction, operation, and maintenance of a facility. The Department may require an applicant for a permit for a solid waste management facility to provide cost estimates for site investigation; land acquisition, including

financing terms and land ownership; design; construction of each five-year phase, if applicable; operation; maintenance; closure; and post-closure monitoring and maintenance of the facility to the Department. The Department may allow an applicant to demonstrate its financial qualifications for only the first five-year phase of the facility. If the Department allows an applicant for a permit to demonstrate its financial qualification for only the first five-year phase of the facility, the Department shall require the applicant or permit holder to demonstrate its financial qualification for each successive five-year phase of the facility when applying for a permit to construct each successive phase of the facility.

(e) If the Department requires an applicant for a permit or a permit holder for a solid waste management facility to demonstrate its financial qualification, the applicant or permit holder shall provide an audited, certified financial statement. An applicant who is required to demonstrate its financial qualification may do so through a combination of cash deposits, insurance, and binding loan commitments from a financial institution licensed to do business in the State and rated AAA by Standard & Poor's, Moody's Investor Service, or Fitch, Inc. If assets of a parent, subsidiary, or other affiliate of the applicant or a permit holder, or a joint venturer with a direct or indirect interest in the applicant or permit holder, are proposed to be used to demonstrate financial qualification, then the party whose assets are to be used must be designated as a joint permittee with the applicant on the permit for the facility.

(f) The applicant and permit holder for a solid waste management facility shall establish financial assurance by a method or combination of methods that will ensure that sufficient funds for closure, post-closure maintenance and monitoring, and any corrective action that the Department may require will be available during the active life of the facility, at closure, and for any post-closure period of time that the Department may require even if the applicant or permit holder becomes insolvent or ceases to reside, be incorporated, do business, or maintain assets in the State. Rules adopted by the Commission may allow a business entity that is an applicant for a permit or a permit holder to establish financial assurance through insurance, irrevocable letters of credit, trusts, surety bonds, or any other financial device, or any combination of the foregoing shown to provide protection equivalent to the financial protection that would be provided by insurance if insurance were the only mechanism used. Assets used to meet the financial assurance requirements of this section shall be in a form that will allow the Department to readily access funds for the purposes set out in this section. Assets used to meet financial assurance requirements of this section shall not be accessible to the permit holder except as approved by the Department.

(g) In order to continue to hold a permit under this Article, a permit holder must maintain financial responsibility and must provide any information requested by the Department to establish that the permit holder continues to maintain financial responsibility. A permit holder shall notify the Department of any significant change in the: (i) identity of any person or structure of the business entity that holds the permit for the facility; (ii) identity of any person or structure of the business entity that owns or operates the facility; or (iii) assets of the permit holder, owner, or operator of the facility. The permit holder shall notify the Department within 30 days of a significant change. A change shall be considered significant if it has the potential to affect the financial responsibility of the permit holder, owner, or operator, or if it would result in a change in the identity of the permit holder, owner, or operator for

purposes of either financial responsibility or environmental compliance review. Based on its review of the changes, the Department may require the permit holder to reestablish financial responsibility and may modify or revoke a permit, or require issuance of a new permit.

(h) To meet the financial assurance requirements of this section, the owner or operator of a sanitary landfill shall establish financial assurance sufficient to cover a minimum of three million dollars ($3,000,000) in costs for potential assessment and corrective action at the facility. The Department may require financial assurance in a higher amount and may increase the amount of financial assurance required of a permit holder at any time based upon the types of waste disposed in the landfill, the projected amount of waste to be disposed in the landfill, the location of the landfill, potential receptors of releases from the landfill, and inflation. The financial assurance requirements of this subsection are in addition to the other financial responsibility requirements set out in this section.

(i) The Commission may adopt rules under which a unit of local government and a solid waste management authority created pursuant to Article 22 of Chapter 153A of the General Statutes may meet the financial responsibility requirements of this section by either a local government financial test or a capital reserve fund requirement. (2007-550, s. 5(a).)

Please let me know of any additional questions or comments.

Thanks,

Geof

Geoffrey H. Little
Solid Waste Section
NC-DENR DWM
919.508.8498

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-----Original Message-----
From: mtucker@metroenergync.com [mailto:mtucker@metroenergync.com]
Sent: Wednesday, February 17, 2010 9:27 PM
To: Little, Geof
Cc: Moore, Pamela; Hearn, Robert; Mussler, Ed
Subject: List of Surety Bond companies?

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Will you please reply with a list of surety bond companies other applicants use?

I would like to begin conversations with them to understand their requirements, terms, conditions, and costs. I would hate to tie up thousands of dollars in a letter of credit when surety bonds and insurance policies are designed to distribute the costs over a period of time.

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From: mtucker@metroenergync.com
Sent: Thursday, February 18, 2010 10:01 PM
To: Little, Geof
Cc: Moore, Pamela; Hearn, Robert; Mussler, Ed; Herndon, Donald
Subject: RE: List of Surety Bond companies?

Thank you, Geof, for the information below. I apologize for my ineffective communication. When we met last week, you mentioned there are some permitees who used surety bonds to establish financial assurance and you would let me know about a few of them so I could investigate using them as well. I see U.S. Tire and C. C. H. used Irrevocable Letters of Credit from the beginning through the present day. The amounts started at $150,000 and stands at $705,000 now.

Who at DENR knows what companies provided surety bonds or other acceptable types of insurance to existing permitees?

I am eager to obtain as much coverage in a surety bond as might be possible to allow me as much leeway as possible to orchestrate incoming raw materials and outgoing goods for sale. A surety bond for financial assurance would let me use cash instead of tying it up in an irrevocable letter of credit.

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> Also, below is text from the State statute addressing financial assurance.
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> § 130A-295.2. Financial responsibility requirements for applicants and permit holders for solid waste management facilities.
>
> (a) As used in this section:
>
> (1) "Financial assurance" refers to the ability of an applicant or permit holder to pay the costs of assessment and remediation in the event of a release of pollutants from a facility, closure of the facility in accordance with all applicable requirements, and post-closure monitoring and maintenance of the facility.

>
> (2) "Financial qualification" refers to the ability of an applicant or permit holder to pay the costs of proper design, construction, operation, and maintenance of the facility.
>
> (3) "Financial responsibility" encompasses both financial assurance and financial qualification.
>
> (b) The Commission may adopt rules governing financial responsibility requirements for applicants for permits and for permit holders to ensure the availability of sufficient funds for the proper design, construction, operation, maintenance, closure, and post-closure monitoring and maintenance of solid waste management facilities and for any corrective action the Department may require during the active life of a facility or during the closure and post-closure periods.
>
> (c) The Department may provide a copy of any filing that an applicant for a permit or a permit holder submits to the Department to meet the financial responsibility requirements under this section to the State Treasurer. The State Treasurer shall review the filing and provide the Department with a written opinion as to the adequacy of the filing to meet the purposes of this section, including any recommended changes.
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> (d) The Department may, in its sole discretion, require an applicant for a permit to construct a facility to demonstrate its financial qualification for the design, construction, operation, and maintenance of a facility. The Department may require an applicant for a permit for a solid waste management facility to provide cost estimates for site investigation; land acquisition, including financing terms and land ownership; design; construction of each five-year phase, if applicable; operation; maintenance; closure; and post-closure monitoring and maintenance of the facility to the Department. The Department may allow an applicant to demonstrate its financial qualifications for only the first five-year phase of the facility. If the Department allows an applicant for a permit to demonstrate its financial qualification for only the first five-year phase of the facility, the Department shall require the applicant or permit holder to demonstrate its finan!
cial qualification for each successive five-year phase of the facility when applying for a permit to construct each successive phase of the facility.
>
> (e) If the Department requires an applicant for a permit or a permit holder for a solid waste management facility to demonstrate its financial qualification, the applicant or permit holder shall provide an audited, certified financial statement. An applicant who is required to demonstrate its financial qualification may do so through a combination of cash deposits, insurance, and binding loan commitments from a financial institution licensed to do business in the State and rated AAA by Standard & Poor's, Moody's Investor Service, or Fitch, Inc. If assets of a parent, subsidiary, or other affiliate of the applicant or a permit holder, or a joint venturer with a direct or indirect interest in the applicant or permit holder, are proposed to be used to demonstrate financial qualification, then the party whose assets are to be used must be designated as a joint permittee with the applicant on the permit for the facility.
>
> (f) The applicant and permit holder for a solid waste management facility shall establish financial assurance by a method or combination of methods that will ensure that sufficient funds for closure, post-closure

maintenance and monitoring, and any corrective action that the Department may require will be available during the active life of the facility, at closure, and for any post-closure period of time that the Department may require even if the applicant or permit holder becomes insolvent or ceases to reside, be incorporated, do business, or maintain assets in the State. Rules adopted by the Commission may allow a business entity that is an applicant for a permit or a permit holder to establish financial assurance through insurance, irrevocable letters of credit, trusts, surety bonds, or any other financial device, or any combination of the foregoing shown to provide protection equivalent to the financial protection that would be provided by insura!
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> (g) In order to continue to hold a permit under this Article, a permit holder must maintain financial responsibility and must provide any information requested by the Department to establish that the permit holder continues to maintain financial responsibility. A permit holder shall notify the Department of any significant change in the: (i) identity of any person or structure of the business entity that holds the permit for the facility; (ii) identity of any person or structure of the business entity that owns or operates the facility; or (iii) assets of the permit holder, owner, or operator of the facility. The permit holder shall notify the Department within 30 days of a significant change. A change shall be considered significant if it has the potential to affect the financial responsibility of the permit holder, owner, or operator, or if it would result in a change in the identity of the permit holder, owner, or operator for purposes of either financia!
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> Please let me know of any additional questions or comments.
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> Solid Waste Section
> NC-DENR DWM
> 919.508.8498
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Little, Geof

From: Little, Geof
Sent: Friday, February 19, 2010 11:20 AM
To: 'mtucker@metroenergync.com'
Cc: Moore, Pamela; Hearn, Robert; Mussler, Ed; Herndon, Donald
Subject: RE: List of Surety Bond companies?

Hi Mike,

We have concerns that providing any citizen with a limited number of bond providers may be perceived as discriminating against other bond providers and against other sources of Financial Assurance instruments.

Since we do not maintain a database listing of the many, many bond providers, perhaps the better alternative is for you to contact the Department of Insurance Consumer Services Division (800-546-5664 or http://www.ncdoi.com/Consumer/consumer_home.asp). Their consumer guide can be found here: http://www.ncdoi.com/Consumer/consumer_business.asp.

While you may prefer a certain type of financial assurance instrument, the only counsel I can offer is that financial assurance is required by law before a permit to operate can be issued. We will review and issue comments relating to your application submittals, but because the Scrap Tire permit will be a combined Permit to Construct and Operate, we will need evidence that you can arrange for financial assurance as a final step before we can consider issuing a permit for your proposed facility.

Please let me know of any further questions or comments.

Thanks,

Geof

Geoffrey H. Little
Solid Waste Section
NC-DENR DWM
919.508.8498

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Little, Geof

From: mtucker@metroenergync.com
Sent: Monday, February 22, 2010 11:18 AM
To: Little, Geof
Cc: Moore, Pamela; Hearn, Robert; Mussler, Ed; Herndon, Donald
Subject: Contracts using Surety Bonds?

Thank you again, Geof, for your reply. I apologize again for my ineffective communications.

Let me assure you I will arrange Financial Assurance. I will use a Letter of Credit if I have to but that is my last resort.

I have already contacted the Dept. of Insurance. DOI's recommendations yielded the same resuts as my individual efforts. No surety bond underwriter will write a policy as required in DENR's Financial Assurance rules.

May I come in to your office and go through other contracts so I may obtain my own list of surety bond providers or insurance providers who already provide financial assurance as required in DENR's rules?

My fear is that other companies have ONLY used Letters of Credit to provide the required financial assurance. That would indicate the requirements are "broken" allowing only Letters of Credit as the ONLY de facto financial assurance mechanism and NOT performance bonds (or similar instruments). I think the rules were written to give more than one option to applicants. If only one option is possible in reality, that intention in the rules is not being met.

If there is only one option; a Letter of Credit, I will make the necessary arrangements for a Letter of Credit. I hesitate to use this instrument if there are other instruments available. A Letter of Credit ties up cash and/or capital I would rather use to improve North Carolina's environment and build goods consumers need and want.

May I come in tomorrow morning or afternoon?

Sincerely,

Michael Tucker
Metro Energy Corp.

> -------Original Message-------
> From: Little, Geof <geof.little@ncdenr.gov>
> To: mtucker@metroenergync.com <mtucker@metroenergync.com>
> Cc: Moore, Pamela <pamela.moore@ncdenr.gov>, Hearn, Robert
> <robert.hearn@ncdenr.gov>, Mussler, Ed <ed.mussler@ncdenr.gov>,
> Herndon, Donald <donald.herndon@ncdenr.gov>
> Subject: RE: List of Surety Bond companies?
> Sent: Feb 19 '10 16:20
>
> Hi Mike,
>

> We have concerns that providing any citizen with a limited number of bond providers may be perceived as discriminating against other bond providers and against other sources of Financial Assurance instruments.
>
> Since we do not maintain a database listing of the many, many bond providers, perhaps the better alternative is for you to contact the Department of Insurance Consumer Services Division (800-546-5664 or http://www.ncdoi.com/Consumer/consumer_home.asp). Their consumer guide can be found here: http://www.ncdoi.com/Consumer/consumer_business.asp.
>
> While you may prefer a certain type of financial assurance instrument, the only counsel I can offer is that financial assurance is required by law before a permit to operate can be issued. We will review and issue comments relating to your application submittals, but because the Scrap Tire permit will be a combined Permit to Construct and Operate, we will need evidence that you can arrange for financial assurance as a final step before we can consider issuing a permit for your proposed facility.
>
> Please let me know of any further questions or comments.
>
> Thanks,
>
> Geof
>
>
> Geoffrey H. Little
> Solid Waste Section
> NC-DENR DWM
> 919.508.8498
>
>
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> -----Original Message-----
> From: mtucker@metroenergync.com [mailto:mtucker@metroenergync.com]
> Sent: Thursday, February 18, 2010 10:01 PM
> To: Little, Geof
> Cc: Moore, Pamela; Hearn, Robert; Mussler, Ed; Herndon, Donald
> Subject: RE: List of Surety Bond companies?
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> Thank you, Geof, for the information below. I apologize for my ineffective communication. When we met last week, you mentioned there are some permitees who used surety bonds to establish financial assurance and you would let me know about a few of them so I could investigate using them as well. I see U.S. Tire and C. C. H. used Irrevocable Letters of Credit from the beginning through the present day. The amounts started at $150,000 and stands at $705,000 now.
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> Who at DENR knows what companies provided surety bonds or other acceptable types of insurance to existing permitees?
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> > We do not maintain a list of financial assurance providers, but attached is
a cover letter to the financial assurance provider for the Central Carolina Tire
processing facility.
> >
> > Also, below is text from the State statute addressing financial assurance.
> >
> > § 130A-295.2. Financial responsibility requirements for applicants and
permit holders for solid waste management facilities.
> >
> > (a) As used in this section:
> >
> > (1) "Financial assurance" refers to the ability of an applicant or
permit holder to pay the costs of assessment and remediation in the event of a
release of pollutants from a facility, closure of the facility in accordance with
all applicable requirements, and post-closure monitoring and maintenance of the
facility.
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> > (2) "Financial qualification" refers to the ability of an applicant
or permit holder to pay the costs of proper design, construction, operation, and
maintenance of the facility.
> >
> > (3) "Financial responsibility" encompasses both financial assurance
and financial qualification.
> >
> > (b) The Commission may adopt rules governing financial
responsibility requirements for applicants for permits and for permit holders to
ensure the availability of sufficient funds for the proper design, construction,
operation, maintenance, closure, and post-closure monitoring and maintenance of
solid waste management facilities and for any corrective action the Department
may require during the active life of a facility or during the closure and
post-closure periods.
> >
> > (c) The Department may provide a copy of any filing that an
applicant for a permit or a permit holder submits to the Department to meet the
financial responsibility requirements under this section to the State Treasurer.
The State Treasurer shall review the filing and provide the Department with a
written opinion as to the adequacy of the filing to meet the purposes of this
section, including any recommended changes.

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> > (d) The Department may, in its sole discretion, require an applicant for a permit to construct a facility to demonstrate its financial qualification for the design, construction, operation, and maintenance of a facility. The Department may require an applicant for a permit for a solid waste management facility to provide cost estimates for site investigation; land acquisition, including financing terms and land ownership; design; construction of each five-year phase, if applicable; operation; maintenance; closure; and post-closure monitoring and maintenance of the facility to the Department. The Department may allow an applicant to demonstrate its financial qualifications for only the first five-year phase of the facility. If the Department allows an applicant for a permit to demonstrate its financial qualification for only the first five-year phase of the facility, the Department shall require the applicant or permit holder to demonstrate its !
finan!
> cial qualification for each successive five-year phase of the facility when applying for a permit to construct each successive phase of the facility.
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> > (e) If the Department requires an applicant for a permit or a permit holder for a solid waste management facility to demonstrate its financial qualification, the applicant or permit holder shall provide an audited, certified financial statement. An applicant who is required to demonstrate its financial qualification may do so through a combination of cash deposits, insurance, and binding loan commitments from a financial institution licensed to do business in the State and rated AAA by Standard & Poor's, Moody's Investor Service, or Fitch, Inc. If assets of a parent, subsidiary, or other affiliate of the applicant or a permit holder, or a joint venturer with a direct or indirect interest in the applicant or permit holder, are proposed to be used to demonstrate financial qualification, then the party whose assets are to be used must be designated as a joint permittee with the applicant on the permit for the facility.
> >
> > (f) The applicant and permit holder for a solid waste management facility shall establish financial assurance by a method or combination of methods that will ensure that sufficient funds for closure, post-closure maintenance and monitoring, and any corrective action that the Department may require will be available during the active life of the facility, at closure, and for any post-closure period of time that the Department may require even if the applicant or permit holder becomes insolvent or ceases to reside, be incorporated, do business, or maintain assets in the State. Rules adopted by the Commission may allow a business entity that is an applicant for a permit or a permit holder to establish financial assurance through insurance, irrevocable letters of credit, trusts, surety bonds, or any other financial device, or any combination of the foregoing shown to provide protection equivalent to the financial protection that would be provided by i!
nsura!
> nce if insurance were the only mechanism used. Assets used to meet the financial assurance requirements of this section shall be in a form that will allow the Department to readily access funds for the purposes set out in this section. Assets used to meet financial assurance requirements of this section shall not be accessible to the permit holder except as approved by the Department.
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> > (g) In order to continue to hold a permit under this Article, a permit holder must maintain financial responsibility and must provide any information requested by the Department to establish that the permit holder

continues to maintain financial responsibility. A permit holder shall notify the Department of any significant change in the: (i) identity of any person or structure of the business entity that holds the permit for the facility; (ii) identity of any person or structure of the business entity that owns or operates the facility; or (iii) assets of the permit holder, owner, or operator of the facility. The permit holder shall notify the Department within 30 days of a significant change. A change shall be considered significant if it has the potential to affect the financial responsibility of the permit holder, owner, or operator, or if it would result in a change in the identity of the permit holder, owner, or operator for purposes of either fin!
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> l responsibility or environmental compliance review. Based on its review of the changes, the Department may require the permit holder to reestablish financial responsibility and may modify or revoke a permit, or require issuance of a new permit.
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> > (h) To meet the financial assurance requirements of this section, the owner or operator of a sanitary landfill shall establish financial assurance sufficient to cover a minimum of three million dollars ($3,000,000) in costs for potential assessment and corrective action at the facility. The Department may require financial assurance in a higher amount and may increase the amount of financial assurance required of a permit holder at any time based upon the types of waste disposed in the landfill, the projected amount of waste to be disposed in the landfill, the location of the landfill, potential receptors of releases from the landfill, and inflation. The financial assurance requirements of this subsection are in addition to the other financial responsibility requirements set out in this section.
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> > (i) The Commission may adopt rules under which a unit of
> local government and a solid waste management authority created
> pursuant to Article 22 of Chapter 153A of the General Statutes may meet the financial responsibility requirements of this section by either a local government financial test or a capital reserve fund requirement. (2007-550, s. 5(a).) > > Please let me know of any additional questions or comments.
> >
> > Thanks,
> >
> > Geof
> >
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> >
> > Geoffrey H. Little
> > Solid Waste Section
> > NC-DENR DWM
> > 919.508.8498
> >
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> > From: mtucker@metroenergync.com [mailto:mtucker@metroenergync.com]
> > Sent: Wednesday, February 17, 2010 9:27 PM > To: Little, Geof >
> Cc: Moore, Pamela; Hearn, Robert; Mussler, Ed > Subject: List of

> Surety Bond companies?
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> > Thank you, Mr. Little, for your time and attention.
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> > Will you please reply with a list of surety bond companies other applicants use?
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> > I would like to begin conversations with them to understand their requirements, terms, conditions, and costs. I would hate to tie up thousands of dollars in a letter of credit when surety bonds and insurance policies are designed to distribute the costs over a period of time.
> >
> > The most difficult time is the very beginning when I have so many other startup costs. I'm sure you understand.
> >
> > Sincerely,
> >
> > Michael Tucker
> >
> > > -------Original Message-------
> > > From: Little, Geof <geof.little@ncdenr.gov> > > To:
> mtucker@metroenergync.com <mtucker@metroenergync.com> > > Cc:
> Moore, Pamela <pamela.moore@ncdenr.gov>, Hearn, Robert
> <robert.hearn@ncdenr.gov>, Mussler, Ed <ed.mussler@ncdenr.gov> > >
> Subject: RE: Compliance Review and Questionnaire > > Sent: Feb 17
> '10 21:15 > > > > Thank you for your quick response. It may be
> Monday before I can get a letter to you with our comments regarding your application for a tire processing permit.
> > >
> > > In the interim, you might review the application and revisions
> submitted for the Central Tire processing application at our website:
> http://www.wastenotnc.org/sw/swfacilitylist.asp
> > >
> > > Under Harnett County, click on the 4308-TIRETP link to view the files. The application is available for viewing by clicking on 3766 under the Number column, and the revision can be viewed by clicking on Number 3862.
> > >
> > > You might note that the Financial Assurance amount takes into account the fact that the landfill is located adjacent to the processing operation.
> > >
> > > The link to the permit will be corrected over the next day.
> > >
> > > Thank you for your patience.
> > >
> > > Geof
> > >
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> > > Geoffrey H. Little
> > > Solid Waste Section
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> > > -----Original Message-----
> > > From: mtucker@metroenergync.com
> [mailto:mtucker@metroenergync.com]
> > > Sent: Wednesday, February 17, 2010 3:38 PM > > To: Little,
> Geof > > Subject: Compliance Review and Questionnaire > > > >
> Mr. Little, > > > > I completed the Compliance Review by
> delivering the organizational chart and accompanying text to Mr. Donald Herndon today. I completed the Questionnaire and faxed a copy to Mr. Herndon this afternoon. Neither were applicable to Metro Energy Corp (MEC). MEC is a new North Carolina corporation established specifically to manufacture new things out of scrap tires as an expression of my commitment to a clean environment and service to my community.
> > >
> > > Let's please complete the application process and let me show you what is possible making new things out of other people's garbage.
> > >
> > > Sincerely,
> > >
> > > Michael Tucker
> > > 919-818-6807
> > >
> >
>

Little, Geof

From: Little, Geof
Sent: Monday, February 22, 2010 11:44 AM
To: 'mtucker@metroenergync.com'
Cc: Moore, Pamela; Hearn, Robert; Mussler, Ed; Herndon, Donald
Subject: RE: Contracts using Surety Bonds?

Hi Mike,

Donald Herndon takes care of financial assurance information for us, but he is out until this afternoon. You and he will need to talk about your request.

Thanks,

Geof

Geoffrey H. Little
Solid Waste Section
NC-DENR DWM
919.508.8498

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-----Original Message-----
From: mtucker@metroenergync.com [mailto:mtucker@metroenergync.com]
Sent: Monday, February 22, 2010 11:18 AM
To: Little, Geof
Cc: Moore, Pamela; Hearn, Robert; Mussler, Ed; Herndon, Donald
Subject: Contracts using Surety Bonds?

Thank you again, Geof, for your reply. I apologize again for my ineffective communications.

Let me assure you I will arrange Financial Assurance. I will use a Letter of Credit if I have to but that is my last resort.

I have already contacted the Dept. of Insurance. DOI's recommendations yielded the same resuts as my individual efforts. No surety bond underwriter will write a policy as required in DENR's Financial Assurance rules.

May I come in to your office and go through other contracts so I may obtain my own list of surety bond providers or insurance providers who already provide financial assurance as required in DENR's rules?

My fear is that other companies have ONLY used Letters of Credit to provide the required financial assurance. That would indicate the requirements are "broken" allowing only Letters of Credit as the ONLY de facto financial assurance mechanism and NOT performance bonds (or similar instruments). I think the rules were written to give more than one option to applicants. If only one option is possible in reality, that intention in the rules is not being met.

If there is only one option; a Letter of Credit, I will make the necessary arrangements for a Letter of Credit. I hesitate to use this instrument if there are other instruments available. A Letter of Credit ties up cash and/or capital I would rather use to improve North Carolina's environment and build goods consumers need and want.

May I come in tomorrow morning or afternoon?

Sincerely,

Michael Tucker
Metro Energy Corp.

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> > (b) The Commission may adopt rules governing financial responsibility requirements for applicants for permits and for permit holders to ensure the availability of sufficient funds for the proper design, construction, operation, maintenance, closure, and post-closure monitoring and maintenance of solid waste management facilities and for any corrective action the Department may require during the active life of a facility or during the closure and post-closure periods.
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> > (c) The Department may provide a copy of any filing that an applicant for a permit or a permit holder submits to the Department to meet the financial responsibility requirements under this section to the State Treasurer. The State Treasurer shall review the filing and provide the Department with a written opinion as to the adequacy of the filing to meet the purposes of this section, including any recommended changes.
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> > >
> > > Let's please complete the application process and let me show you what
is possible making new things out of other people's garbage.
> > >
> > > Sincerely,
> > >
> > > Michael Tucker
> > > 919-818-6807
> > >
> >
>

Little, Geof

From: mtucker@metroenergync.com
Sent: Tuesday, February 23, 2010 1:29 PM
To: Herndon, Donald
Cc: Little, Geof
Subject: Re: Information Request

Thank you very much, Donald. I will contact these companies to prepare financial assurance today.

Michael Tucker

> -------Original Message-------
> From: Herndon, Donald <donald.herndon@ncdenr.gov>
> To: mtucker@metroenergync.com <mtucker@metroenergync.com>
> Cc: Little, Geof <geof.little@ncdenr.gov>
> Subject: Information Request
> Sent: Feb 23 '10 13:30
>
> Michael,
>
> Please note that a Standby Trust (essentially an empty account that
> must be in place so that funds from the Bond or Letter of Credit can
> be placed there for the Division to use, if needed) must be
> established when using either a Letter of Credit or Bond. This is
> outlined in the Rules that I sent you previously via our website.
>
>
> Per your request:
>
>
> Lexon Insurance Company
>
> Suite 201
>
> Hermitage, TN 37076
>
>
> Ohio Indemnity Company
>
> 250 East Broad Street, 10th Floor
>
> Columbus, Ohio 43215
>
>
> Safeco Insurance Company of America
>
> Safeco Plaza
>
> Seattle, WA 98185
>
>
> Travelers Casualty and Surety Company of America

>
> 11440 Carmel Commons Boulevard
>
> Charlotte, NC 28226
>
>
> Let me know if you need anything else.
>
>
> Donald
>
>
> Donald Herndon
>
> Compliance Officer
>
> NC Department of Environment and Natural Resources Division of Waste
> Management - Solid Waste Section
>
> 1646 Mail Service Center
>
> Raleigh, NC 27699-1646
>
> 919-508-8502
>
> 919-733-4810 (Fax)
>
> [LINK: http://wastenotnc.org/swhome] http://wastenotnc.org/swhome
>
>
> E-mail correspondence to and from this address may be subject to the
> North Carolina Public Records Law and may be disclosed to third parties.

Little, Geof

From: mtucker@metroenergync.com
Sent: Wednesday, February 24, 2010 9:00 AM
To: Little, Geof
Cc: Moore, Pamela; Hearn, Robert; Mussler, Ed; Herndon, Donald
Subject: What is my next step?

Good morning, Geof,

I did the calculations needed to establish financial assurance using the information you sent me in a previous Email message. I contacted all the bond companies Donald Herndon sent me in another message. I understand what some bond companies may require to establish a surety bond instead of simply an irrevocable Letter of Credit from my bank.

I can and will arrange both a Letter of Credit and/or a Surety Bond when we come to agreement on the exact amount is required and financial assurance will be in effect as required.

What is my next step with you?

When I know the start date of my permit I can execute the other things that must happen to make the site more useable and suitable to our purposes.

Thank you,

Michael Tucker
Metro Energy Corp.
919-818-6807

Little, Geof

From: mtucker@metroenergync.com
Sent: Tuesday, March 02, 2010 1:26 PM
To: Little, Geof
Cc: Moore, Pamela; Hearn, Robert; Mussler, Ed; Herndon, Donald
Subject: Next step? And I have a commitment from the bank for a letter of credit. . .

Geof,

Time to touch base to discuss my next step. I know you are real busy. What can I do to further this process to obtain a permit?

My application was time-stamped January 19, 2010 and people who are waiting on me for money are becoming a little anxious.

I do want to assure you my bank has promised a Letter of Credit. I am still working with several insurance companies to determine whether a Surety Bond is a better deal. I am working to get the most coverage I can afford.

Thank you,

Michael Tucker
Metro Energy Corp.
919-818-6807