



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

December 28, 2007

Mr. Racy Newbern
Soundside Recycling & Materials, Inc.
7565 Caratoke Hwy
Jarvisburg, NC 27947

Re: Application of Soundside Recycling & Materials, Inc. for permit renewal and relocation of the operation to the east side of the current property
Permit No. 27-05
Currituck County, Doc ID No. RCO3504

Dear Mr. Newbern:

The Solid Waste Section has reviewed the application submitted for renewal of the above referenced application. Please address the following comments to complete the application process:

1. The permit fee for the expansion of this facility has yet to be determined. If the facility will recycle less than 50% of the incoming waste, it will be considered a transfer station. If it will recycle 50% or more of the incoming waste, it will be considered a treatment and processing facility. The permitting fees for a transfer station and treatment and processing facility are \$5,000 and \$1,750, respectively (reference G.S. 130A-295.8 (b)(1), (c)(22), and (c)(25)). Please provide documentation that addresses the percentage amount of incoming waste that is and will be recycled.
2. The drawing submitted indicates that a compost operation will be at the back (east side) of the property. Please contact Michael Scott of the Composting and Land Application Branch (phone 919-508-8508) to coordinate an application for the compost operation. Also, please provide an update regarding the composting demonstration of engineered wood on the nearby property. Has the demonstration been successful?
3. Please provide an update regarding the application for the County's Special Use Permit.
4. What is the total property acreage? What is the acreage of the waste/recycled management areas?
5. Please provide a copy of the FEMA Flood Insurance floodplains map for the area, with the site property marked on the map.
6. Please provide an original or color copy of the USGS topographical quadrangle map of the area, with the property boundary marked on the map.
7. Please provide a letter from the Army Corps of Engineers that addresses the wetlands determination for the property, and compliance with requirements, if applicable. Also provide a letter from NC DENR Division of Coastal Management concerning any coastal area management requirements that may apply to this facility.

8. The site drawing should also include the following. The drawing(s) should be prepared and sealed by an N.C. registered professional engineer.
 - a. An indication of which areas will be concrete covered. The tipping area must be on a concrete pad.
 - b. Waste management/storage areas covered under roof, if any.
 - c. Waste management/storage areas in containers.
 - d. Leachate and runoff collection details on site drawings.
 - e. All sides of storage areas for flammable materials/waste should be clear and drivable, to provide vehicular access in the event of a fire.
 - f. Existing surface water features (ditches, ponds, swamps, rivers, sound, etc.)
 - g. Locations of any drinking water wells within 200 feet of the property boundary.
 - h. Locations of residential dwellings within 500 feet of the property boundary.
9. Please update the status of the stormwater permit for the new area. Please provide a copy of the stormwater permit, when obtained (CD copy is acceptable).
10. Please provide depth to groundwater information, as measured at several locations on the property. This documentation should be prepared by a qualified professional, such as a licensed soil scientist, professional engineer, or professional geologist. The number of locations should be at least one per acre of the management areas.
11. Please provide a new land owner certification (form enclosed). This is needed because the administrative penalties have increased from \$5,000 a day to \$15,000 a day.
12. Please provide copies of the quarterly reports that were sent to the Washington Regional Office for the last 8 quarters, as required by the last permit.
13. Please submit financial responsibility documentation, in accordance with G.S. 130A-294(b2) and 130A-295.2. The financial assurance amount should be equal to the cost to hire a third party to remove and clean up waste and product from the facility, haul, and dispose of the waste, in the event of sudden site closure, or if the site is found to be in substantial non-compliance with state requirements. The amount of waste and product for this calculation is the maximum amount of waste and product that could be stored at the facility at any time, including a full tipping pad (see comment 16.y below).
14. The Operations Plan submitted in October indicates that crushed concrete will be used onsite or sold. Please indicate how the crushed concrete will be used onsite. Also, the plan indicated that 1% of loads would be screened for unacceptable materials. For this type of facility, all loads should be screened as they are dumped and sorted.
15. In an email dated February 2006, you requested the addition of the Southeastern Public Service Authority landfill in Suffolk, Virginia to your approved disposal facilities, but this facility was not listed as a disposal site in the current Operations Plan submitted in October. Please clarify.
16. The revised Operations Plan should also include a description of the following. The plan should be prepared and sealed by an N.C. registered professional engineer.
 - a. Access control and site security. Days and hours of operation. Traffic flow into and out of the facility.
 - b. Personnel (number of employees and position type) and training. At least one employee, who has taken a Division approved operators training course, shall be present at the facility during operating hours.
 - c. Method for obtaining weight measurements.
 - d. Property line buffer (minimum 100 feet) and method for maintaining the buffers to the property line, to surface waters, and to wells and residences/buildings.

- e. Moving of the operation east of the power transmission lines (how and when). Describe construction of the new area, including any grading or filling in of topography.
- f. The County's Special Use Permit in 2005 required visual screening berms. Assuming that this or a similar requirement will continue, describe construction of the visual screening. Screening berms should not be comprised of waste or compost material. Other methods of screening (e.g., vegetation) may be more practical, if approved by the County.
- g. Buildings or structures to be used in the operation.
- h. Plan for maintaining all weather roads to the waste management areas. Procedures for unloading and loading of waste and recycled materials to transport vehicles.
- i. Types of waste accepted at the site. Are paints accepted at the site?
- j. Plan for handling of lead-based painted materials that may be accepted at the site.
- k. Plan for preventing mercury containing materials (in demolition waste) from acceptance.
- l. Compliance with requirements of the Health Hazards Control Unit of the Division of Public Health, Department of Health & Human Services, regarding acceptance, storage, processing, and removal of asbestos or suspected asbestos containing material/waste. Please contact Mr. Jeff Dellinger, at phone 919-707-5950, or jeff.dellinger@ncmail.net and provide copy of correspondence/approval.
- m. Process for accepting, storing, processing, and removing green waste. It should be stored on a pad, or covered, or in a container.
- n. Process for accepting, storing, processing, and removing shingles. Shingles should be stored on a pad, or covered, or in a container.
- o. Process for accepting, storing, processing, and removing or using gypsum. Gypsum should be stored covered or in a container.
- p. Process for accepting, storing, processing, and removing wood waste/materials. It should be stored covered or in a container.
- q. Process for accepting, storing, processing, and removing engineered wood waste/materials. Engineered wood should be treated as bypass waste, unless a market can be demonstrated.
- r. Process for accepting, storing, processing, and removing cardboard. Cardboard should be stored covered or in a container.
- s. Process for accepting, storing, processing, and removing metal. Metal should be stored at least on a concrete pad (leachate collection not necessary).
- t. Process for accepting, storing, processing, and removing white goods. Describe method for Freon extraction and Freon storage. White goods should be stored at least on a concrete pad (leachate collection not necessary).
- u. Process for accepting, storing, processing, and removing concrete.
- v. Process for storing, processing, and removing bypass materials. Bypass waste should be stored on a pad, or covered, or in a container, and should be removed at least weekly.
- w. Process for handling and removing unacceptable waste. Waste should be stored in a covered container, and should be removed at least weekly.
- x. Clarify which wastes will be stored in the 5 onsite roll-off containers.

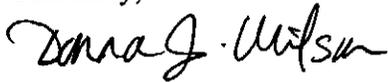
- y. Maximum size of each waste/product pile, for each waste/product type (height, width, length), in accordance with the County's requirements. What is the maximum amount of each waste or product that will be stored onsite at any time? What is the combined volume of the maximum amount of the wastes or products that will be stored on the property at any time?
- z. Method for ensuring that 100% of the recyclable material will be processed and removed from the facility within one year of receipt.
- aa. Method for leachate collection and treatment. Runoff from the tipping floor area, and all areas of waste/product storage should be collected and properly treated prior to disposal.
- bb. Plan for cleaning the tipping floor at the end of each operating day, and for maintaining the site in a sanitary condition. All waste should be sorted and stored at the end of each operating day.
- cc. Plan for operation of the facility in wet weather. If the facility is to operate during precipitation events, the tipping pad area must be sheltered from precipitation. It is preferred, but not required, that the tipping floor area be covered for all operations.
- dd. Plan for vector control and dust control. Procedures to prevent blowing litter from leaving the onsite management areas and from leaving the property.
- ee. Actions/methods used to prevent fires. Contingency plan for fires, equipment breakdown, unacceptable waste unloaded at the site, spills, long term power outages, and extreme weather events (such as hurricanes).
- ff. Plan for removal (how and when) of recycled products offsite in the event an end user can't be found. Provide a list, with contact information, of your current and proposed end users/buyers for recycled materials.
- gg. Record keeping. Monthly reports shall be submitted to the Division documenting the following: (1) Tonnages broken down by type of waste received, (2) Tonnages broken down by type of recycled material sent to markets, and (3) Tonnages broken down by type of waste sent to a disposal facility.
- hh. Operation of the landscape supply and storage area (mulch coloring and sales area).

Only one paper copy of the application report is necessary, but an electronic copy is also needed, either sent by email, or on a CD. The Section reserves the right to request additional information.

For your reference, the Solid Waste Section rules can be found on the Section's website at <http://www.wastenotnc.org/swhome/rule.htm>; the North Carolina General Statutes concerning solid waste are located at http://www.ncleg.net/EnactedLegislation/Statutes/HTML/ByArticle/Chapter_130A/Article_9.html; and the 2007 legislation can be found at <http://www.ncleg.net/Sessions/2007/Bills/Senate/PDF/S1492v6.pdf> and <http://www.ncleg.net/Sessions/2007/Bills/Senate/HTML/S6v4.html>.

If you have any questions or comments, please contact me at (919) 508-8510, or by email at donna.wilson@ncmail.net.

Sincerely,



Donna J. Wilson
Environmental Engineer
Solid Waste Section

Attachment

cc: Dennis Shackelford, Eastern Regional Supervisor, DWM
Chuck Boyette, Waste Management Specialist, DWM
Mark Poindexter, Field Operations Branch
Jeff Dellinger, Health Hazards Control Unit
Ben E. Woody, Currituck County Planning Director

Certification by Land Owner:

I hereby certify that I have read and understand the application submitted by Mr. Racy Newbern and Soundside Recycling & Materials, Inc. for a permit to operate a solid waste management facility, a Construction and Demolition Debris Material Recovery (Treatment and Processing) Facility and/or Transfer Station, on land owned by the undersigned, Marlene H. Newbern and H. D. Newbern, III, located at Powells Point, on the east side of Caratoke Highway in Currituck County. I specifically grant permission for the construction and operation of the proposed solid waste management facility within the confines of the land described by and in Deed Book: 172 and Page: 325, as indicated in the permit application. I understand that any permit will be issued in the names of both the operator(s) and the owner(s) of the facility/property. I acknowledge that ownership of land on which a solid waste management facility is located may subject me to cleanup of said property in the event that the operator defaults, as well as to liability under the federal Comprehensive Environmental Responsibility, Compensation and Liability Act ("CERCLA"). Without accepting any fault or liability, I recognize that ownership of land on which a solid waste management facility is located may subject me to claims from persons who may be harmed in their persons or property caused by the solid waste management facility.

I am informed that North Carolina General Statute 130A-22 provides for administrative penalties of up to fifteen thousand dollars (\$15,000) per day per each violation of the Solid Waste Management Rules. I understand that the Solid Waste Management Rules may be revised or amended in the future, and that the siting and operation of the facility will be required to comply with any such revisions or amendments.

Mrs. Marlene H. Newbern (signed) _____
Date

Mr. H. D. Newbern, III (signed) _____
Date

NORTH CAROLINA

County

I, _____, Notary Public for said County and State, do hereby certify that _____ personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the _____ day of _____, 20____.

(Official Seal) _____
Notary Public

My commission expires _____, 20____.