



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 5, 2008

Mr. John Wagner
Manager Environmental Management Systems
IAC Group North America
47785 West Anchor Court
Plymouth, Michigan 48170

Subject: Permit Transfer
Collins and Aikman Industrial Landfill
McDowell County, Permit No. 56-03

Dear Mr. Wagner:

This letter is intended to provide guidance on information necessary to initiate a permit transfer for the Collins and Aikman Industrial Landfill in McDowell County, Permit number 56-03. This guidance is an estimate based on the North Carolina General Statutes (NCGS) and Administrative Code (NCAC). However, the information actually required may change depending on decisions by the Office of the Attorney General for the State of North Carolina.

According to NCGS 130A-294(a1) a permit for a solid waste management facility may be transferred only with the approval of the Department. Approval will not be granted without the submission of a permit fee to the Division. As stated in NCGS 130A-295.8(b)(2)(c), any application that proposes a change in ownership or corporate structure of a permitted solid waste management facility is considered a "permit amendment". As such, a permit fee of either \$18,500 or \$9,000 is due depending on whether the facility accepts more or less than 100,000 tons of waste per year, respectively.

The Division would like for the permit transfer to have local government approval per NCAC Title 15A Subchapter 13B.0504(1)(e). This rule requires the approval of the governing board of the city or town and a letter from the unit of government having zoning authority over the site. Governing board approval may be in the form of a resolution or a vote on a motion. A copy of the resolution or the meeting minutes of the vote will suffice as proof. In addition, a letter from the zoning authority stating the site meets all of the requirements of the local zoning ordinance, or that the site is not zoned, is required.

The Division, per NCGS 130A-295.2(g), would also like for International Automotive Components to re-establish financial responsibility. As defined in NCGS 130A-295.2(a), "financial responsibility" encompasses both financial assurance and qualification.

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Financial assurance refers to the ability the 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. 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. Accepted mechanisms for demonstrating financial responsibility can be found in NCAC Title 15A Subchapter 13B.1628(e). In addition, pursuant to NCGS 130A-295.3, an environmental compliance review needs to be conducted by the department. You can contact Mr. Mark Poindexter at (919) 508-8400 for information regarding the compliance review.

The Division would also require IAC to submit updated contact information and an updated operations plan covering the requirements outlined in NCAC Title 15A Subchapter 13B.0505. Finally, copies of the transferred deeds and proof of the company's ability to do business in the State of North Carolina should be submitted.

In review, the following bullets outline the items that should be submitted to the Division for approval of the permit transfer:

- 1) Permit amendment fee
- 2) Local government approval
- 3) Proof of financial responsibility
- 4) Updated contact information
- 5) Updated landfill operations plan
- 6) Copies of transferred deeds
- 7) Proof of registration with Secretary of State

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

Sincerely,



Allen Gaither
Environmental Engineer

Cc: Ed Mussler – SWS/Raleigh
Mark Poindexter – SWS/Raleigh
Deb Aja – SWS/ARO
Bill Wagner – SWS/ARO