



## North Carolina Department of Environment and Natural Resources

Dexter R. Matthews, Director

Division of Waste Management

Beverly Eaves Perdue, Governor  
Dee Freeman, Secretary

### SOLID WASTE SECTION

February 20, 2009

Mr. Buddy Norris  
Avery County – Solid Waste Director  
PO Box 640  
Newland, North Carolina 28657

Subject: Continued Operations Approval  
C&D Landfill Permit Modification  
Avery County, Permit #06-03, Document ID No. 6742

Mr. Norris:

The Division of Waste Management, Solid Waste Section (Section) has completed a review of the document titled *Response to Comments – Transition Application, Avery County Landfill (Solid Waste Permit No. 06-03)* submitted on your behalf by Richardson, Smith, Gardner and Associates on January 9, 2008.

The Transition Application has been modified appropriately as required by the Technical Review Letter and the CQA plan has been prepared in accordance with Rule .0541. Therefore, Avery County has met all of the requirements of Rule .0547(2).

Pursuant to the *Transition Application* revision submitted on your behalf by Richardson, Smith, Gardner and Associates on October 23, 2008, the vertical expansion to allow for an additional 22,000 cubic yards of capacity is also approved. However, this capacity may only be used for disposal of waste necessary for fulfillment of the requirements of the existing Compliance Order. In other words, this additional capacity may only be used to dispose of waste currently outside the permitted boundaries of Phase I and Phase II. Prior to continuing operations at the landfill you must submit a Permit to Construct application for a new phase, prepared in accordance with 15A NCAC 13B.0547(3), for approval by the Section.

Also, if you have not previously submitted the Financial Assurance documentation to Mr. Donald Herndon in the Field Operations Branch you must do so immediately. Documentation of Financial Assurance must be updated annually as required by Rule .0546 as was due no later than November 2008.

Finally, this letter is the permit modification to the Permit to Operate. As such, this letter and the latest approved documents must be placed in the operating record of the landfill. The latest pertinent approved documents are as follows:

1. *Transition Application, Avery County Landfill*. Prepared by: Richardson, Smith, Gardner & Associates (RSG). Prepared for: Avery County. June 26, 2008. DIN 5009.

2. *Transition Application, Avery County Landfill*. Prepared by: Richardson, Smith, Gardner & Associates (RSG). Prepared for: Avery County. October 23, 2008. DIN 6095.
3. *Response to Comments – Transition Application*. Prepared by: Richardson, Smith, Gardner & Associates (RSG). Prepared for: Avery County. January 9, 2009. DIN 6607.

If you should have any questions regarding this matter please contact Allen Gaither at (828) 296-4703, or by email at [allen.gaither@ncmail.net](mailto:allen.gaither@ncmail.net) .

Sincerely,

Edward Mussler  
Permitting Branch Supervisor  
Solid Waste Section

Cc: Stacey Smith – RSG  
Bill Wagner – SWS/ARO  
Donald Herndon – SWS/RCO