



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

March 16, 2006

Jim Perry
Waste Industries USA, Inc.
3301 Benson Drive, Suite 601
Raleigh, NC 27609

**Re: Compliance Review for the Proposed Black Bear Disposal, LLC / Waste Industries USA, Inc. Landfill,
Camden County, North Carolina**

Dear Mr. Perry,

The agency has received your request, dated February 3, 2006, to add Waste Industries USA, Inc. to the site study application for the above referenced landfill. Under N.C.G.S. § 130A-294 (b2)(2), the agency will be conducting a review to determine your past compliance with federal and state laws, regulations, and rules for the protection of the environment. Enclosed are two preliminary questionnaires; one for Waste Industries USA, Inc. and one for Black Bear Disposal, LLC to complete and return to me.

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 the application until you have satisfied the agency that you have met the requirements of subsection (b2). The agency will also conduct a compliance review under N.C.G.S. § 130A-309.06(b), which pertains to Waste Industries USA, Inc. and Black Bear Disposal, LLC violations of statutes, rules, orders, or permit terms or conditions relating to any solid waste management facility in this State. If you are a business entity, the compliance review may extend to any other parent, subsidiary, or other affiliate, as well as a partner, a corporate officer or director, or a stockholder holding over 50% of the stock.

Additionally, please provide organizational charts for Waste Industries USA, Inc. and Black Bear Disposal, LLC with explanatory text that shows all business entities that are parents, subsidiaries and other affiliates of Waste Industries USA, Inc. and Black Bear Disposal, LLC., and depicts the relationships among all entities shown on each chart. Include on Waste Industries USA, Inc. and Black Bear Disposal, LLC organizational charts any partnerships and joint ventures or any of its affiliated entities. For all business entities identified in the organizational charts, please identify those business entities which operated under a previous business name and identify the prior business name.

Sincerely,

Mark Poindexter
Field Operations Branch Head

cc: Paul Crissman, Solid Waste Section Chief
Ed Mussler, Permitting Branch Head
John Crowder, Eastern District Supervisor
Central File



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Compliance Review

Waste Industries USA, Inc. 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 only to Waste Industries USA, Inc. solid waste management activities in the State of North Carolina.

1. With respect to Waste Industries USA, Inc. solid waste management activities in the State of North Carolina, check whether Waste Industries USA, Inc. 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
- 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-26.2; 14-399]
- p. Federal criminal action-misdemeanor or felony

B. Questions 2-3 apply to Waste Industries USA, Inc. activities in all States, **including** the State of North Carolina. Check all applicable boxes.

Within the past five years:

2. Waste Industries USA, Inc. 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.

- 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 Waste Industries USA, Inc. for the violation of a state or federal statute, rule, or regulation for the protection of the environment.

- a. in a state forum
- b. in a federal forum
- c. not applicable

[Note: Questions 2 and 3 cover any type of environmental violation.]

C. Questions 4-9 apply to Waste Industries USA, Inc. activities in all States, **except** the State of North Carolina. Check all applicable boxes.

4. With respect to any solid waste management facility owned or operated by Waste Industries USA, Inc., a lawsuit for injunctive relief has been filed against Waste Industries USA, Inc. for the violation of a statute, regulation or rule for the protection of the environment.

- a. in state court
- b. in federal court
- c. not applicable

5. With respect to any solid waste management facility owned or operated by Waste Industries USA, Inc., a judgment, or consent judgment, for injunctive relief has been entered against Waste Industries USA, Inc. for the violation of any statute, regulation or rule for the protection of the environment.

- a. in state court
- b. in federal court
- 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 groundwater, surface water, water quality, and air quality statutes/regulations, among others.]

6. A permit for a solid waste management facility owned or operated by Waste Industries USA, Inc. has been revoked or suspended.

- a. in a state forum
- b. in a federal forum
- c. not applicable

7. Waste Industries USA, Inc. 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

8. A governmental agency or unit has notified Waste Industries USA, Inc. in writing that the applicant has operated or is operating a solid waste management facility without the requisite permit.

- a. yes
- b. not applicable

9. A governmental agency or unit has notified Waste Industries USA, Inc. in writing that Waste Industries USA, Inc. has operated or is operating a solid waste management facility outside the scope of the permitted activity.

- 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.

Waste Industries USA, Inc. may be requested to provide a written, sworn statement certifying the status of the matter. Possible certification statements are as follows:

Waste Industries USA, Inc. is now in compliance with all civil and criminal penalty provisions of any administrative order, consent agreement, settlement agreement, or court order.

Waste Industries USA, Inc. is in compliance with the payment schedule for any assessed administrative penalties.

Waste Industries USA, Inc. has filed and is presently pursuing, in good faith, a direct administrative or judicial appeal to contest the validity of the violation.

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

D. The following questions pertain to the compliance history of persons related to or affiliated with Waste Industries USA, Inc.

10. Identify the form of the business entity in which you, the applicant, conduct business.

11. Based on the business form which you have identified in question 10, please attach a current list of the full name and last known mailing address of each of the principal officers, managers, members, or partners, whichever title or position is applicable to your business form (For example, a corporate applicant would provide a list of its principal officers; a limited liability company would list its managers/members; and a partnership would list its partners). You may attach an annual report filed with the North Carolina Secretary of State's Office, provided that the report contains the most current listing.
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12. For a corporate applicant, please attach a current list of the full name and last known mailing address for any stockholder holding more than a 50% interest in the corporation.
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13. With respect to all persons/entities on the list(s) provided in response to questions 11 and 12, please identify each person/entity that within the past five years:
- a. has been assessed a monetary penalty for the violation of a state or federal statute, regulation, or rule for the protection of the environment.
 - b. has been a defendant in any civil or criminal lawsuit in state or federal court for the violation of a state or federal statute, regulation, or rule for the protection of the environment.
 - c. has been notified in writing that he/she has operated a solid waste management facility without the requisite permit.

Please attach separate sheet(s) with a detailed explanation for each of items 13a., 13b., and 13c., that are applicable to a particular person or entity. If the categories in questions 13a., 13b., or 13c., do not apply to one or more of the persons/entities on the lists, please attach an explanation.

Waste Industries USA, Inc. will be asked to certify the truth and accuracy of the answers provided to these compliance review questions.



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

I, _____, hereby certify on behalf of _____ as
(name of applicant)
applicant's _____, that I have read the foregoing answers provided to
(title of position with applicant, such as president etc.)
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 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

State of _____

County of _____

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

Notary Public

My Commission expires:

SEAL



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Compliance Review

Black Bear Disposal, LLC 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 only to Black Bear Disposal, LLC solid waste management activities in the State of North Carolina.

1. With respect to Black Bear Disposal, LLC solid waste management activities in the State of North Carolina, check whether Black Bear Disposal, LLC 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
- 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-26.2; 14-399]
- p. Federal criminal action-misdemeanor or felony

B. Questions 2-3 apply to Black Bear Disposal, LLC activities in all States, **including** the State of North Carolina. Check all applicable boxes.

Within the past five years:

14. Black Bear Disposal, LLC 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.

- a. in state court
- b. in federal court
- c. not applicable

15. A monetary penalty (whether denominated as a civil penalty, an administrative penalty, a judicial penalty, or by some other designation), has been assessed against Black Bear Disposal, LLC for the violation of a state or federal statute, rule, or regulation for the protection of the environment.

- a. in a state forum
- b. in a federal forum
- c. not applicable

[Note: Questions 2 and 3 cover any type of environmental violation.]

C. Questions 4-9 apply to Black Bear Disposal, LLC activities in all States, **except** the State of North Carolina. Check all applicable boxes.

16. With respect to any solid waste management facility owned or operated by Black Bear Disposal, LLC, a lawsuit for injunctive relief has been filed against Black Bear Disposal, LLC for the violation of a statute, regulation or rule for the protection of the environment.

- a. in state court
- b. in federal court
- c. not applicable

17. With respect to any solid waste management facility owned or operated by Black Bear Disposal, LLC, a judgment, or consent judgment, for injunctive relief has been entered against Black Bear Disposal, LLC for the violation of any statute, regulation or rule for the protection of the environment.

- a. in state court
- b. in federal court
- 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 groundwater, surface water, water quality, and air quality statutes/regulations, among others.]

18. A permit for a solid waste management facility owned or operated by Black Bear Disposal, LLC has been revoked or suspended.

- a. in a state forum
- b. in a federal forum
- c. not applicable

19. Black Bear Disposal, LLC 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

20. A governmental agency or unit has notified the applicant in writing that Black Bear Disposal, LLC has operated or is operating a solid waste management facility without the requisite permit.

- a. yes
- b. not applicable

21. A governmental agency or unit has notified Black Bear Disposal, LLC in writing that Black Bear Disposal, LLC has operated or is operating a solid waste management facility outside the scope of the permitted activity.

- 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.

Black Bear Disposal, LLC may be requested to provide a written, sworn statement certifying the status of the matter. Possible certification statements are as follows:

Black Bear Disposal, LLC is now in compliance with all civil and criminal penalty provisions of any administrative order, consent agreement, settlement agreement, or court order.

Black Bear Disposal, LLC is in compliance with the payment schedule for any assessed administrative penalties.

Black Bear Disposal, LLC has filed and is presently pursuing, in good faith, a direct administrative or judicial appeal to contest the validity of the violation.

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

D. The following questions pertain to the compliance history of persons related to or affiliated with Black Bear Disposal, LLC.

22. Identify the form of the business entity in which you, the applicant, conduct business.

23. Based on the business form which you have identified in question 10, please attach a current list of the full name and last known mailing address of each of the principal officers, managers, members, or partners, whichever title or position is applicable to your business form (For example, a corporate applicant would provide a list of its principal officers; a limited liability company would list its managers/members; and a partnership would list its partners). You may attach an annual report filed with the North Carolina Secretary of State's Office, provided that the report contains the most current listing.

24. For a corporate applicant, please attach a current list of the full name and last known mailing address for any stockholder holding more than a 50% interest in the corporation.

25. With respect to all persons/entities on the list(s) provided in response to questions 11 and 12, please identify each person/entity that within the past five years:
- a. has been assessed a monetary penalty for the violation of a state or federal statute, regulation, or rule for the protection of the environment.
 - b. has been a defendant in any civil or criminal lawsuit in state or federal court for the violation of a state or federal statute, regulation, or rule for the protection of the environment.
 - c. has been notified in writing that he/she has operated a solid waste management facility without the requisite permit.

Please attach separate sheet(s) with a detailed explanation for each of items 13a., 13b., and 13c., that are applicable to a particular person or entity. If the categories in questions 13a., 13b., or 13c., do not apply to one or more of the persons/entities on the lists, please attach an explanation.

Black Bear Disposal, LLC will be asked to certify the truth and accuracy of the answers provided to these compliance review questions.

I, _____, hereby certify on behalf of _____ as
(name of applicant)
applicant's _____, that I have read the foregoing answers provided to
(title of position with applicant, such as president etc.)
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 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

State of _____

County of _____

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

Notary Public

My Commission expires:
SEAL

