



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

Beverly Eaves Perdue  
Governor

Dexter R. Matthews  
Director

Dee Freeman  
Secretary

SOLID WASTE SECTION

August 31, 2010

Mr. Mike Gurley, Environmental Manager  
Republic Services  
5105 Morehead Road  
Concord, North Carolina 28027

**Subject:** Determination of Completion and Technical Review  
Application for Permit Amendment, Five (5) Year Renewal  
Lake Norman Construction and Demolition Debris Landfill Facility (C&DLF)  
Permit No. 55-04, Lincoln County, DIN 11497

Dear Mr. Gurley:

On July 14, 2010 the Division of Waste Management (Division), Solid Waste Section (Section) received your application for a Permit to Operate, Amendment – Five (5) year renewal, for the Lake Norman C&DLF, Permit No. 55-04, entitled;

*Response to Letter for Permit to Operate – Amendment, 5-Year Renewal Requirements and Revisions to the updated Operations Plan for the Lake Norman Construction and Demolition Landfill Facility, (Facility Permit No. 55-04). Prepared by Republic Services. July 2010. DIN 11133.*

The Division has performed a review of your application for a determination of completeness and determined the application is complete in accordance North Carolina General Statute NCGS 130A-295.8(e). A determination of completeness means the application contains the required components in accordance with North Carolina Administrative Code 15A NCAC 13B .0500. In addition to the determination of completeness the Division has completed the technical review of the application and requests that you respond to the following items in order to expedite the application;

1. Provide a complete copy of the updated Operations Plan with the proposed modified sections, A through D, of the letter referenced above.
2. In association with the permitting process North Carolina General Statute NCGS 130A-295.2 requires a permit holder to establish and maintain a financial assurance mechanism with sufficient funds to provide for the closure costs of all permitted portions of the landfill and thirty (30) years of post-closure maintenance. The Lake Norman C&DLF has previously provided these estimates, the estimates have been approved by the Division and the financial mechanism established. Additionally, NCGS 130A-295.2 requires the permit holder to establish financial assurance sufficient to cover a minimum of three



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million dollars (\$3,000,000) for potential assessment and corrective action at the Facility. In order to establish the additional financial assurance the Division requests;

- a. The Facility submit an estimate related to potential assessment and corrective action costs. The Division requires a cost estimate for any ongoing corrective action plan, as well as cost estimates for landfill gas monitoring, groundwater monitoring, and maintenance. If the cost estimates is below \$3,000,000 the Division requires the Facility to post the minimum additional amount of \$3,000,000.

Note: On the one year anniversary of establishment of the potential assessment and corrective action cost financial assurance mechanism, the cost estimate will be reviewed by the Division to determine if this facility needs to provide more potential assessment and corrective action cost financial assurance than the additional minimum \$3,000,000.

Upon receipt, the Facility's submission will be reviewed by the permitting engineer for accuracy and presentation of a reasonable dollar amount. Once the amount is established and approved by the Division, the Facility will be expected to provide the appropriate financial assurance mechanism in the approved amount. The Division's compliance staff will ensure that the mechanism is received, is appropriate, and is regularly updated. Note: 15A NCAC 13B .1628(e) describes the allowable mechanisms which may be used to establish financial assurance, unlike other States, North Carolina does not accept the corporate financial test for utility companies as an appropriate financial assurance mechanism.

Finally, the Division requests you provide the requested information prior to issuance of the Facility's PTO. All information should be sent to me at the address on the bottom of the previous page. Should you have any questions regarding this matter you may contact me at (828) 296-4704 or [larry.frost@ncdenr.gov](mailto:larry.frost@ncdenr.gov) or should you have additions questions regarding financial assurance you may contact Mr. Donald Herndon at (919) 508-8502 or [donald.herndon@ncdenr.gov](mailto:donald.herndon@ncdenr.gov).

Sincerely,



Larry Frost  
Environmental Engineer

cc: Albert Glenn – Brown and Caldwell  
Charles Gerstell – SWS/MRO  
Donald Herndon – SWS/CO