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

Beverly Eaves Perdue
Governor

Dexter R. Matthews
Director

Dee Freeman
Secretary

January 19, 2012

Mark Pace
Pace Construction and Excavation, Inc.
625 Old Spartanburg Highway
Hendersonville, NC 28792

Re: Compliance Review for Pace Construction and Excavation, Inc. C&D Transfer Station, Henderson County, North Carolina

Dear Mr. Pace:

The agency received your application for the **new permit to operate a C&D Transfer Station**. Under N.C.G.S. § 130A-294 (b2)(2) and 295.3 the agency must conduct a review to determine Pace Construction and Excavation, Inc's past compliance with federal and state laws, regulations, and rules, including permit conditions, for the protection of the environment or conservation of natural resources.

The statute (NCGS §130A-295.3) states as follows:

(a) For purposes of this section, "**applicant**" means an applicant for a permit and a permit holder and includes the owner or operator of the facility, and, **if the owner or operator is a business entity, applicant also includes: (i) the parent, subsidiary, or other affiliate of the applicant; (ii) a partner, officer, director, member, or manager of the business entity, parent, subsidiary, or other affiliate of the applicant; and (iii) any person with a direct or indirect interest in the applicant**, other than a minority shareholder of a publicly traded corporation who has no involvement in management or control of the corporation or any of its parents, subsidiaries, or affiliates.

(b) The Department shall conduct an environmental compliance review of each applicant for a new permit, permit renewal, and permit amendment under this Article. The environmental compliance review shall evaluate the environmental compliance history of the applicant for a period of five years prior to the date of the application and may cover a longer period at the discretion of the Department. The environmental compliance review of an applicant may include consideration of the environmental compliance history of the parents, subsidiaries, or other affiliates of an applicant or parent that is a business entity, including any business entity or joint venturer with a direct or indirect interest in the applicant, and other facilities owned or operated by any of them. The Department shall determine the scope of the review of the environmental compliance history of the applicant, parents, subsidiaries, or other affiliates of the applicant or parent, including any business entity or joint venturer with a direct or indirect interest in the applicant, and of other facilities owned or operated by any of them. **An applicant for a permit shall provide environmental compliance history information for each facility, business entity, joint venture, or other undertaking in which any of the persons listed in this subsection is or**

has been an owner, operator, officer, director, manager, member, or partner, or in which any of the persons listed in this subsection has had a direct or indirect interest as requested by the Department.

To begin the review, please provide organizational charts for Pace Construction and Excavation, Inc. (applicant) as well as explanatory text that shows all business entities that are direct or indirect parents, subsidiaries or other affiliates of Pace Construction and Excavation, Inc. and depicts the relationships among all entities shown on each chart as required under the above referenced statute. The charts shall also include any partnerships and joint ventures in which any of the entities are engaged or which have a financial interest in any of the 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.

After review of the organizational charts, the agency may request additional follow-up information. Please be advised that under subsection N.C.G.S. § 130A-294(b3), the agency is not required begin review of the application until you have satisfied the agency that you have provided all of the information required.

Please email organizational charts to mark.poindexter@ncdenr.gov or send by mail to the address below.

Sincerely,

Julie Ventaloro

Julie Ventaloro
Compliance Officer

cc: Michael Scott, Solid Waste Section Chief
Ed Mussler, Permitting Branch Head
Mark Poindexter, Field Operations Branch Head
Larry Frost, Permitting Engineer
Jason Watkins, District Supervisor
Andrea Keller, Environmental Senior Specialist
Central File