



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
March 19, 2012

Mr. Andrew Huske, Owner
Waste Stream Innovations
290 Cashdon Drive
Mills River, North Carolina 28759

Subject: Composting Facility – Permit Requirements
Waste Stream Innovations, SWCD-45-01
Henderson County

Dear Mr. Huske:

On March 16, 2012 I met with you, Ms. Andrea Keller Solid Waste Section's Environmental Senior Specialist, Mr. Manning Huske and Mr. Brian Morris. The purpose of the meeting was to discuss the Section's requirements for permitting of your Facility. The following is information that I covered with the group;

The Facility must be permitted or closed, as the Facility's demonstration period is nearing an end, April 23, 2012. Furthermore, the facility will not be permitted to operate as it is currently operating, specifically your Facility will not be allow to accept the mixed waste you are currently receiving and stockpiling on site.

In order to continue to operate the Large Type 3 Composting Facility you must;

1. Immediately contact Mr. Ken Pickle, Division of Water Stormwater Engineer, at (919) 807-6376 or ken.pickle@ncdenr.gov. Your contact with Mr. Pickle should be followed immediately with an application for the required stormwater permit. You should send me a copy of the application to ensure I am aware the application has been made. Failure to submit the Stormwater application by April 23, 2012 will be considered notification that you intend on closing your Facility.
2. Immediately submit to the Section a permit application for the Large Type 3 Composting Facility. The application must be prepared by your engineering consultant who must be a licensed North Carolina Professional Engineer. The Application must be prepared in accordance with North Carolina Administrative Code 15A NCAC 13B .1400. Failure to submit the Large Type 3 Composting application or at a minimum having your engineering consultant contact the Section by April 23, 2012 will be considered notification that you intend on closing your Facility. Note: There will be a \$1,750.00 permitting fee associated with the compost permit.

With regards to the mixed waste from VanWingerden International, Inc., the Section has considered two (2) acceptable strategies for the Facility. However, before the Section will consider these strategies your Facility must, as of April 23, 2012, cease receiving the mixed waste you described in your original demonstration application as "greenhouse waste" and a plan must be submitted to the Section regarding the cleanup and removal of the materials currently on the site.



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Waste Stream Innovations,
March 19, 2012

Strategies;

1. VanWingerden should separate the materials at their facility (source separation) and VanWingerden only send the potting soil and plant material to the compost Facility. VanWingerden would remain responsible for the disposal of the remaining material.
2. Waste Stream Innovations could, once properly permitted, to accept mixed waste from VanWingerden, but would be required to submit an application for a Transfer Station operation. Attached is information regarding a transfer station permit application.
 - a. The Transfer Station must be accomplished under roof to control leachate from the mixed waste.
 - b. The establishment of a Financial Assurance mechanism will be required.
 - c. A comprehensive Operations plan must include both; the transfer station and the composting operations.
 - d. Permit fee of \$5000.
 - e. The Permit will require strict limits on the amounts of recyclables that may be stored, such as plastic, pallets, etc. These limits will be established in the operations plan. You will be expected to properly dispose of the excess materials immediately.

If you should have any questions regarding this matter you may contact me at (828) 296-4704 or Larry.Frost@ncdenr.gov.

Sincerely,



Larry Frost
Environmental Engineer

Enclosure

cc: Manning Huske – Waste Stream Innovations
Brian Morris – Intown Gardners
Ken Pickle – SWPS/CO
Michael Scott – SWS/CO
Donna Wilson – SWS/CO
Andrea Keller – SWS/ARO



Transfer Station Permit Application Guidance

The completion of an application is required for the permitting of all municipal solid waste transfer stations. There are three types of permit actions for a transfer station:

A “new permit” means an application for a permit for a facility that has not been previously permitted by the Department.

A “permit amendment” means (1) an application for the five-year renewal of a permit for a permitted transfer station, or (2) an application that proposes a change in ownership or corporate structure of a permitted transfer station.

A “permit modification” means an application for a change to the plans approved in a permit for a transfer station that does not constitute a permit amendment.

A complete application for a transfer station permit shall consist of engineering drawings and other required information submitted in report format in a three ring binder. If the proposed facility consists of more than a transfer station (e.g., yard waste storage and processing), also include a complete application/notification for such facility either as an appendix or information/documentation incorporated into the sections describing the transfer station. Tabbed pages should separate the Sections in the report.

Only one paper copy of the application report is necessary, but an electronic copy is also needed, either sent by email, or on a CD.

The permit fee for a new permit is \$5,000, the permit fee for a permit amendment is \$3,000, and the permit fee for a permit modification is \$500. An invoice will be mailed to the applicant when an application is received.

A Compliance Review will be required of the owner and operator of the facility, in accordance with State statutes. After the application is submitted, the owner and operator will be sent a letter requesting compliance history information and parent, subsidiary, or other affiliate information, which is required in order to complete the application.

The compliance review and financial responsibility review of the applicant will include financial qualification, to ensure that the applicant has the ability to pay for the costs of proper design, construction, operation, and maintenance of the facility.

The Solid Waste Section reserves the right to ask for additional information as determined necessary.

Applications should be sent to the following address:

NC DENR, Division of Waste Management
Solid Waste Section Permitting
1646 Mail Service Center
Raleigh, NC 27699-1646

Questions regarding an application should be directed to the Solid Waste Section, Phone 919-508-8400.

An application for a new permit must address all Sections as listed below, and must be prepared and sealed by a N.C. registered professional engineer.



An application for a permit amendment must address Sections 1, 3, 5, 7, and other Sections as applicable, in which any information contained in the original permit application is incomplete or has changed.

An application for a permit modification must address Sections 1, 3, 5, 7, and other Sections as applicable, in which any information contained in the original permit application has or will change due to the proposed modification.

Transfer Station Application Report Format and Contents

Letter of transmittal, which states desired Department action (including whether the request is for a new permit, permit amendment, or permit modification)

Title page

Table of Contents

Section 1 – General Information

Provide a narrative of general information for the facility, including the following:

1. Name of proposed or existing transfer station.
2. Name, address, telephone number, and email address of the applicant and contact person.
3. Name, address, telephone number, and email address of the contract operator and contact person, if applicable.
4. Name, address, telephone number, and email address of the landowner. A landowner authorization form must be signed and notarized if the property is to be leased (see attached form).
5. Name, address, telephone number, and email address of the engineer.
6. Name, address, telephone number, and email address of person to receive permit fee invoices and annual fee invoices.

Section 2 - Property information and maps

7. Describe the location of the facility. If the property was previously used for solid waste management activities, provide a description of the operation including permit information and a map with boundaries.
8. Provide the total acreage of the property and the size of the actual area to be used for the transfer and storage operation.
9. Provide a legal description of the property and a complete copy of the land deed.
10. Provide a copy of the USGS topographic quadrangle map of the area. The property boundaries of the site and the approximate transfer area should be drawn onto the map. The map may be a high quality photocopy.
11. Provide a letter from the appropriate City or County official confirming that the siting of the facility will be in conformance with all zoning and local laws, regulations, and ordinances, or that no such zoning, laws, regulations, or ordinances are applicable.



12. Provide a copy of the FEMA Flood Insurance floodplains map for the area, with the site property marked on the map.
13. Provide a letter from the Army Corps of Engineers that addresses the wetlands determination for the property, and compliance with requirements, if applicable.

Section 3 - Operation Plan

14. Description of the wastes to be accepted (e.g., municipal solid waste, commercial waste, industrial, construction debris, demolition debris).
15. Estimate in tons per day expected to be managed at the transfer station.
16. List the service area for the facility.
17. List the specific disposal facilities where the waste will be transferred.
18. Description of the equipment, scales, structures, tipping floor, water source for cleaning, and compactor and hopper. If wastes will be unloaded on a tipping floor, the operation must be covered in a building. Rain water that has come in contact with wastes must be collected and disposed as leachate.
19. Describe site security and access control. Access roads must be of all weather construction. Also describe hours of operation.
20. Description of signs to be posted at the entrance and within the site to direct traffic. Signs must provide a description of the types of waste received, the types of waste prohibited, operating hours, permit number, and emergency contact phone numbers.
21. Personnel requirements, qualifications, responsibilities. The plan must indicate that a trained employee must be onsite at all times the site is open, overseeing the loading and unloading of waste.
22. A narrative description of the operation from the truck arriving at the site, through all steps of the transfer station operation, to the point of waste removal. Describe traffic flow and procedures for loading and unloading of waste.
23. If the facility will take both MSW waste and C&D waste to be loaded for transport separately, describe recordkeeping of the type of the load at the scalehouse. Describe how the truck driver and the onsite operator will ensure that the waste load is unloaded at the correct unloading area (e.g., commercial waste must be unloaded at the MSW).
24. Describe method for screening loads for unacceptable waste.
25. Describe surface water control features, including run-on and run-off.
26. Describe the collection, storage, and disposal of leachate, washwater, and contaminated rainfall runoff. Runoff from the tipping floor area and waste/recyclable storage areas should be collected and properly treated prior to disposal.
27. Plan for cleaning and washing down the tipping floor on a daily basis. Plan for maintaining facility property in a sanitary condition and actions to be taken to minimize noise, vectors, and odors. The tipping floor should be clear of waste at the end of each operating day.



28. Plan for litter and dust control. Procedures to prevent blowing litter from leaving the onsite management areas and from leaving the property.
29. Description of any special waste handling (waste tires, white goods, yard waste, recyclables). Description of any treatment and processing of waste.
30. Plan for fire prevention and actions to be taken in the event of an accidental fire.
31. Describe recordkeeping (daily records of amounts by weight received by County, waste screening, inspection records, training, permit, operation plan, and site drawings).
32. Contingency plans for equipment breakdown, non-conforming waste delivered to facility, spills, vectors, noise, odors, unusual traffic patterns, long-term power outages affecting the compactor and leachate pump station, etc.

Section 4 – Sedimentation and Erosion Control Plan

33. For new transfer stations or existing transfer stations with proposed construction modifications, provide a copy of the sedimentation and erosion control plan as required by local governments and the NC Division of Land Resources.

Section 5 - Financial Assurance

34. Financial assurance documentation in accordance with N.C. G.S. 130A-294 (b2) is required for all permits. An applicant must submit a cost estimate in the application equal to the cost to hire a third party to remove, cleanup, haul and dispose of a minimum of five days volume of incoming waste plus the maximum amount of materials (waste and recyclables) that the facility plans to store onsite. This is required in the event of site abandonment or if the site is found to be in substantial non-compliance with state requirements. The facility may be considered in substantial non-compliance if it is found storing more waste/recyclables on site than the facility's operations plan and/or the facility's financial assurance mechanism covers. The Section may require the estimate to be based on more than five days volume, depending on the type of operation, the past environmental compliance history of the applicant, and if the applicant does not currently operate any solid waste management facilities in North Carolina. After the Solid Waste Section has approved the cost estimate, the financial assurance instrument for the amount must be submitted before the site becomes operational (new facilities) or soon after the permit is issued (existing facilities).

Section 6 – Traffic Study

35. Submit documentation as required by N.C. G.S. 130A-295.5.

Section 7 – Signature Pages

36. Applicant signature page (see attached).
37. Contract operator signature page (see attached).
38. If the landowner of the property is not the applicant, the attached certification form by the land owner is required.

Section 8 - Engineering Drawings



For a new transfer station operation or an existing transfer station operation with proposed construction modifications, provide drawings showing the transfer station operation building or modifications. Engineering drawings should be prepared and sealed by a NC professional engineer, drawn to scale, and should include:

1. existing and proposed contours,
2. property boundaries,
3. gates/fences or other access control features
4. utilities (*wastewater system and stormwater drains*),
5. existing and proposed roads,
6. sedimentation basin details,
7. existing surface water features (ditches, ponds, streams, wetlands, etc.),
8. tipping floor and loading area,
9. any recyclable storage areas indicating types and sizes of containers,
10. leachate and runoff collection details,
11. buildings (existing and proposed) and scales/scale house,
12. concrete foundations/pads and all other ground cover for the site operation,
13. distances to wells, residences, wetlands, and water bodies,
14. and other physical characteristics of the site

A minimum of 100 feet buffer is required from the waste unloading, loading, and storage areas to the site property lines, all surface waters, residential dwellings, commercial or public buildings, and wells.



Signature page of applicant –

Name of facility _____

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision and that the information provided in this application is true, accurate, and complete to the best of my knowledge.

I understand that North Carolina General Statute 130A-22 provides for administrative penalties of up to fifteen thousand dollars (\$15,000.00) per day per each violation of the Solid Waste Management Rules. I further understand that the Solid Waste Management Rules may be revised or amended in the future and that the facility siting and operations of this solid waste management facility will be required to comply with all such revisions or amendments.

Signature

Print Name

Date

Title

Business or organization name



Certification by Operator (if different from Applicant):

Name of facility _____ has an agreement with the transfer station owner to operate a municipal solid waste transfer station on the land and the land owner has specifically granted permission for the operation of the facility. I understand that both the operator and owner are jointly and severally liable for improper operations and proper closure of the municipal solid waste transfer station.

I understand that North Carolina General Statute 130A-22 provides for administrative penalties of up to fifteen thousand dollars (\$15,000.00) per day per each violation of the Solid Waste Management Rules. I further understand that the Solid Waste Management Rules may be revised or amended in the future and that the facility siting and operations of this solid waste management facility will be required to comply with all such revisions or amendments.

Signature

Print Name

Date

Title

Business or organization name

NORTH CAROLINA

_____ County

I, _____, a Notary Public for said County and State, do hereby certify

that _____ personally appeared before me this day and

acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the ___ day of _____, 20__.

(Official Seal)

Notary Public _____

My commission expires _____, 20__



Certification by Land Owner (if different from Applicant):

I hereby certify that I have read and understand the application submitted by _____
for a permit to operate a municipal solid waste transfer station on land owned by the undersigned located at
(address) _____; (city) _____, NC, in
_____ County, and described in Deed Book and Page(s) _____.

I specifically grant permission for the proposed municipal solid waste transfer station planned for operation within the confines of the land, as indicated in the permit application. I understand that any permit will be issued in the names of both the operator and the owner of the facility/property. I acknowledge that ownership of land on which a solid waste management facility is located may subject me to cleanup of said property in the event that the operator defaults as well as to liability under the federal Comprehensive Environmental Responsibility, Compensation and Liability Act ("CERCLA"). Without accepting any fault or liability, I recognize that ownership of land on which a solid waste management facility is located may subject me to claims from persons who may be harmed in their persons or property caused by the solid waste management facility.

I am informed that North Carolina General Statute 130A-22 provides for administrative penalties of up to fifteen thousand dollars (\$15,000) per day per each violation of the Solid Waste Management Rules. I understand that the Solid Waste Management Rules may be revised or amended in the future, and that the siting and operation of the facility will be required to comply with any such revisions or amendments.

Signature

Date

Print name

NORTH CAROLINA

_____ County

I, _____, Notary Public for said County and State, do hereby certify that
_____ personally appeared before me this day and acknowledged the due execution of the
foregoing instrument.

Witness my hand and official seal, this the _____ day of _____, 20__.

(Official Seal)

Notary Public

My commission expires _____.