



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

Pat McCrory
Governor

Dexter R. Matthews
Director

John E. Skvarla, III
Secretary

March 6, 2013

Ms. Nancy Wood
209 Goldfinch Lane
Clyde, North Carolina 28721

Subject: Notice of Issuance of Sanitary Landfill Permit
White Oak MSW Landfill Facility
Haywood County, Permit # 4407-MSWLF-1993, Document ID 18639

Ms. Wood:

The Division of Waste Management, Solid Waste Section (Section) has completed the review of the application to amend the Permit to Operate at the Haywood County White Oak Municipal Solid Waste Landfill Facility. The amended Permit, number 4407-MSWLF-1993, was issued by the Section on March 5, 2013.

The Section appreciates the concerns expressed by yourself and others and took these into account during the permitting process. However, the comments received during the public comment period did not provide justification for denial of the Permit in accordance with North Carolina General Statute (NCGS) §130A-294(a)(4)(c).

A copy of the Final Fact Sheet and Permit Decision are attached for your review. Responses to comments received during the public comment period are provided in this document. In addition, copies of all documents relating to this permitting activity are available from the Section Portal on the internet using the following address: <http://portal.ncdenr.org/web/wm/sw>.

You should know, North Carolina law allows persons aggrieved by the issuance of a solid waste permit to contest the decision by filing a petition for a contested case in the Office of Administrative Hearings pursuant to NCGS §150B-23 of the Administrative Procedure Act.

If you believe that you are an aggrieved party within the meaning of the Administrative Procedure Act, a petition for a contested case must be filed with the Office of Administrative Hearings within thirty (30) days of the mailing of this notice to you (NCGS §130A-24).

If you file a contested case petition, it must be in writing and in the form prescribed by NCGS §150B-23(a). See below for further information. File the original petition and one copy with the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, North Carolina, 27699-6714.

Any questions about filing a petition should be directed to the Clerk of the Office of Administrative Hearings, telephone number: (919) 733-2691.

You must also serve the Department of Environment and Natural Resources by mailing a copy of the petition to Mary Penny Thompson, General Counsel, Department of Environment and Natural Resources, 1601 Mail Service Center, Raleigh, North Carolina 27699-1601.

If you should have any questions regarding this matter please contact me at (828) 296-4703, or by email at allen.gaither@ncdenr.gov.

Sincerely,



Allen Gaither
Environmental Engineer

Additional information referenced above:

NCGS §150B-23. Commencement; assignment of administrative law judge; hearing required; notice; intervention.

(a) A contested case shall be commenced by filing a petition with the Office of Administrative Hearings and, except as provided in Article 3A of this Chapter, shall be conducted by that Office. The party who files the petition shall serve a copy of the petition on all other parties and, if the dispute concerns a license, the person who holds the license. A party who files a petition shall file a certificate of service together with the petition. A petition shall be signed by a party or a representative of the party and, if filed by a party other than an agency, shall state facts tending to establish that the agency named as the respondent has deprived the petitioner of property, has ordered the petitioner to pay a fine or civil penalty, or has otherwise substantially prejudiced the petitioner's rights and that the agency:

- (1) Exceeded its authority or jurisdiction;
- (2) Acted erroneously;
- (3) Failed to use proper procedure;
- (4) Acted arbitrarily or capriciously; or
- (5) Failed to act as required by law or rule.

The parties in a contested case shall be given an opportunity for a hearing without undue delay. Any person aggrieved may commence a contested case hereunder.