

Permit No.	Date	Document ID No.
26-09T	January 24, 2014	20449

From: Chao, Ming-tai
To: "John Pflieger"
Cc: [Hammonds, Andrew](#); [Shackelford, Dennis](#)
Subject: Fayetteville Transfer Station Lease Agreement & comment on the permit application
Date: Friday, January 24, 2014 11:29:00 AM
Attachments: [certification_Land Owner.pdf](#)

Sent by an e-mail
Date: **January 24, 2014**
Solid Waste Section
Raleigh Central Office

Dear Mr. Pflieger:

I have completed a review of the permit application – Operations Manual (Doc ID 20422) for the above-referenced facility and have a few minor comments stated below:

1. (Section 1.2.3) The telephone number for the Raleigh central office of the Solid Waste Section is 919-707-8200. The listed phone number 877-623-6748 is not recognizable? Please clarify.
2. (Sections 1.7 or 2.5) Please describe the approaches to handle “hot loads” at the following conditions – at the site entrance & approaching the facility scale house, passing the scale house prior to being unloaded to the tipping floor, and on the tipping floor.
3. (Section 2.6.3) The Solid Waste Permit Number for Sampson County Disposal, LLC Landfill is 82-02, not 82-92. Please correct this typographic error.
4. (Section 2.7.2, on Page 2-6) The temporary waste storage at the Transfer Facility described in Item 14 is an acceptable approach; however, the facility personnel must inspect and ensure that the waste-loaded trailer is leak resistance and confirm of no liquid/leachate leaking out of the trailer. Please add this requirement to the Item 14. Please send me a hard copy and electronic copy of the final permit application.

Regarding the lease agreement, I am a Permitting Engineer with Civil Engineering background, not a legal counsel, with minimum knowledge of the legal languages; therefore, I can't determine if the “Certificate of Compliance and Occupancy (CO)” issued by the City of Fayetteville on 09/14/2010 is legally equivalent to the Exhibit A - “Completion Certificate” attached to the lease agreement. I would suggest that Waste Industries, LLC issues a “clarification” letter attaching the CO and requests the City to confirm the leases expiration day by completion the “Exhibit A.”

If it is too much effort to proceed this request, please have the City Official – City Manager or Solid Waste Director (the Owner of the facility) send me a written document – letter or e-mail that City considers the CO Date - 09/14/2010 is the “completion date” defined in the Section 4 – Term of the lease agreement, which can be sent in with the completed “certification for land owner” (see attachment). To do so, it will demonstrate that the Owner is aware of the potential issue caused by the non-execute legal document at the first place and acts on it later on.

To avoid any potential dispute and litigation in the future due to this lease agreement, your effort to straight this issue is highly appreciate. Again, thank you for your assistance and cooperation on this matter. Please feel free to contact me if you have any question.

Ming Chao

Ming-Tai Chao, P.E.
Environmental Engineer
Permitting Branch, Solid Waste Section
Division of Waste Management

(Mailing Address)

1646 Mail Service Center

Raleigh, NC 27699-1646

(Street Address)

Green Square, 217 West Jones Street

Raleigh, NC 27603

Tel. 919-707-8251

ming.chao@ncdenr.gov

<http://portal.ncdenr.org/web/wm/sw>

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From: John Pflieger [mailto:john.pflieger@wasteindustries.com]

Sent: Tuesday, January 21, 2014 5:03 PM

To: Chao, Ming-tai

Subject: FW: Fayetteville Transfer Station Agreement

Mr. Chao,

I have been trying to get a copy of a completed exhibit A as you requested but we do not have one. Will this certificate of completion and occupancy suffice?

John Pflieger

Waste Industries

From: Ted Habets

Sent: Tuesday, January 21, 2014 4:13 PM

To: John Pflieger; Lisa Inman

Subject: RE: Fayetteville Transfer Station Agreement

John,

I don't believe that Exhibit A was ever executed, but here's a copy of the Certificate of Completion and Occupancy that the City of Fayetteville provided. Will this work for you?

Ted

From: John Pflieger

Sent: Tuesday, January 21, 2014 3:51 PM

To: Lisa Inman

Cc: Ted Habets

Subject: Re: Fayetteville Transfer Station Agreement

Do you think the city would have it? DENR wants it to confirm the date lease was renewed. Any

other suggestions for proof of start date may be helpful as well.

Sent from my iPhone

On Jan 21, 2014, at 9:04 AM, "Lisa Inman" <Lisa.Inman@wasteindustries.com> wrote:

I don't think we have a completed Exhibit A.

From: Ted Habets
Sent: Friday, January 17, 2014 5:05 PM
To: Lisa Inman
Subject: RE: Fayetteville Transfer Station Agreement

I do not have a completed Exhibit A. The lease agreement copy that's attached is the only one I have on file here.

From: Lisa Inman
Sent: Friday, January 17, 2014 4:24 PM
To: Ted Habets
Subject: FW: Fayetteville Transfer Station Agreement

Ted – Can you check your file and see if you have a fully completed Exhibit A, which is the completion certificate. I'm not confident we have a completed one, but it is worth checking for. John needs it for a DENR filing.

Thanks –
Lisa

From: John Pflieger
Sent: Friday, January 17, 2014 4:16 PM
To: Lisa Inman
Subject: RE: Fayetteville Transfer Station Agreement

They want a completed "Exhibit A" pg 14 of lease agreement. Do you have this or could you get it?

From: Lisa Inman
Sent: Friday, January 17, 2014 1:45 PM
To: John Pflieger
Subject: FW: Fayetteville Transfer Station Agreement

That wasn't too hard to find!

From: Ted Habets
Sent: Wednesday, October 09, 2013 3:39 PM
To: Lisa Inman
Subject: Fayetteville Transfer Station Agreement