



North Carolina Department of Environment and Natural Resources

Division of Waste Management

Pat McCrory
Governor

Dexter R. Matthews
Director

John E. Skvarla, III
Secretary

Solid Waste Section

February 7, 2013

December 11, 2013 (additional comments)

Mr. James Adams
Organic Recycling
818 South White Street
Wake Forest, NC 27587
RE: DIN 20256

Dear Mr. Adams:

The NC Solid Waste Section (SWS) has completed a technical review of Organic Recycling's 2012 permit renewal application submitted for the Treatment and Processing (T&P) operation at the Organic Recycling Center facility located on 2905 U.S. Highway 1 South in Franklinton, NC. **An invoice for the permit renewal application fee of \$1250 was sent to Organic Recycling in March 2013 AND WAS NEVER PAID. In addition, Organic Recycling HAS NOT PAID ANNUAL OPERATING FEES for the years 2010, 2011, 2012, 2012 and 2013.** The March 13, 2006 T&P permit previously issued to Organic Recycling expired March 13, 2011. The Organic Recycling Center facility was inspected by Mary Whaley of the NC SWS on August 17, 2012 and was cited for a number of observed violations in addition to operating without a current permit. On August 31, 2012, the NC Solid Waste Section issued Organic Recycling a Notice of Violation for continuing to operate the T&P facility without a valid permit and requesting a plan for compliance be submitted within 30 days. On September 17, 2012, the SWS sent a letter to Organic Recycling Center stating that the T&P permit was expired and to contact the SWS within the next 14 days regarding steps necessary to renew the T&P permit.

On September 19, 2012, the SWS sent an electronic copy of the NC SWS Treatment and Processing Permit Guidance document to you at your office. On September 20, 2012, a copy of the same T&P permit application guidance document was sent electronically to Heidi Connelly of Organic Recycling. The August 31, 2012 NOV required the facility to cease accepting waste and implement a plan to process or remove all waste on the property. The SWS has been providing continuous technical support and assistance to Organic Recycling Center to expedite both the permit renewal process and cleanup of the site. During the months August 2012 through November 2012, Mary Whaley of the SWS made 5 site visits and inspections to the Organic Recycling Center T&P facility location in Franklinton to monitor cleanup progress, ensure creation of windrows in the approximate 3 to 5 acre mound of wood waste located at the T&P facility, and to determine compliance with the NOV. Currently, there are no working grinders at the site to conduct wood processing or concrete crushing activities. According to Ms.

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Whaley, there is no space available to accept additional wood waste until a working grinder is brought on site to reduce the size of the existing pile.

Organic Recycling Center submitted various sections of a T&P permit renewal application during the months of October 2012 through January 2013. The following items (also specified in the aforementioned T&P permit application guidance document) need to be addressed before the permit application will be considered complete:

1. **An aerial photograph** with a scale 1 inch is equal to 400 feet or less, showing the area for at least 1000 feet around the proposed facility;
2. **A vicinity map** showing the location of the proposed facility and surrounding vicinity;
3. **The Site Plan** is complete as submitted, however, the setback for the concrete processing and treatment area needs to be 100 feet from the property line as opposed to the 50 feet currently shown.
4. **The Sedimentation and Erosion Control Plan** is expired. Please contact the Division of Land Quality. Please provide a letter from the appropriate government agency to confirm that the Sedimentation and Erosion Control Plan has been reviewed and approved.
5. **An Operations Plan** including the following:
 - a. A detailed narrative describing all the proposed operations that will take place at the facility including: receiving, processing, handling and storage of materials; anticipated process time; length of time materials will remain on-site before and after processing; how the site will be maintained to prevent surface water from ponding and ruts from occurring around storage piles, etc.
 - b. A list of materials proposed to be received.
 - c. An estimate of how much of each type of material to be received will be processed per day or week.
 - d. An explanation of how non-recyclable material will be managed at the site, an estimate of how much of that material will be managed, and the name and location of the facility where such material will ultimately be disposed.
 - g. A list of all proposed uses of the recycled materials. Specific markets may be required with some materials.
 - h. A letter from the local fire marshal/chief of the appropriate fire department that has jurisdiction over this facility that an incident at this facility will be responded to with the appropriate equipment.
 - i. A list of all equipment to be utilized at the site for processing handling and loading of materials.
 - j. If any of the information in this item is considered confidential, then documents shall be stamped as such and the Solid Waste Section will handle in accordance with applicable General Statutes.
 - k. Contingency plans for equipment failure, fire or medical emergencies, and for poor product market conditions.



I. Records indicating the inflow and out flow of material, in tons.

Please refer to the 2006 Operations Plan that was approved when the original T&P Permit was issued March 11, 2006. The Operations Plan recently submitted with the 2012 permit renewal application is incomplete and inadequate. Of critical importance is the inclusion of a detailed contingency plan with a discussion of what Organic Recycling Center will do in the event the grinder breaks down, i.e., where will a backup grinder be located and in what time frame will the backup grinder be brought on site.

6. **Financial Assurance.** N.C.G.S. 130A-295.2(f) states: The applicant and permit holder for a solid waste management facility shall establish financial assurance by a method or combination of methods that will ensure that sufficient funds for closure, post-closure maintenance and monitoring, and any corrective action that the Department may require will be available during the active life of the facility, at closure, and for any post-closure period of time that the Department may require even if the applicant or permit holder becomes insolvent or ceases to reside, be incorporated, do business, or maintain assets in the State. Rules adopted by the Commission shall allow a business entity that is an applicant for a permit or a permit holder to establish financial assurance through insurance, irrevocable letters of credit, trusts, surety bonds, corporate financial tests, or any other financial device as allowed pursuant to 40 Code of Federal Regulations § 258.74 (July 1, 2010 Edition).

In addition, NCGS 130A-295.2(g) requires all facilities to continually maintain FA in order to continue to hold the Permit.

After a permit application fee of \$1250 and all of the above items are submitted in their entirety and the permit application is considered complete, we will begin review of the permit application materials immediately. In the interim, Organic Recycling needs to bring a working grinder on site as soon as possible and plan to have a significant portion of the existing pile ground up, approximately two-thirds or more to make room for proposed additional waste. The NC SWS will continue to provide Organic Recycling with ongoing support and technical assistance to expedite compliance with the NOV and complete the T&P permit renewal application.

If you have any questions, please contact me at Christine.ritter@ncdenr.gov or (919) 707-8254.

Sincerely,

Christine Ritter
Hydrogeologist
NC Solid Waste Section

Attachment: 2006 Organic Recycling Center Operation Plan

Cc: Ed Mussler, NC SWS
Mary Whaley, NC SWS