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[1] It is undisputed that WASCO: ***never*** owned the Facility; ***never*** operated any active business at the Facility; ***never*** treated, stored, or disposed of any hazardous waste at the Facility; ***never*** had any employees at the Facility (nor any physic al presence in North Carolina); ***never*** caused or contributed to any contamination at the Facility, nor directed any such activities. WASCO has **no authority** to control access to the Facility. WASCO is **not seeking** to treat, store, or dispose of any waste at the Facility, or to have a physical presence in the State.

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[2] For simplicity, this document uses "NCDEQ" to refer to NCDEQ and all of its predecessor organizations.

[3] *See supra* note 1.

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[4] Added record: RO No. 11826 (land disposal does not occur after capped) (pp.17–19).
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[6] Added record: 2012 Dyna-Diggr "Part A Permit Application" (pp. 50–54) (L. Lanter is Dyna-Diggr).

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Ex. 17-A.....WASCO Request to Dyna-Diggr re Information Required for Order (004035–56)

Ex. 17-B.....Dyna-Diggr Response to WASCO Request (2.21.19) (004057–61)

Dyna-Digger grants access to its Facility. (*See* Ex. 6-S-(i) at 50 (operators control access))

Ex. 18.....Winston Mills' RCRA Notices to Deed (004062–68)
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Ex. 19.....**RCRA Financial Assurance on Behalf of Winston Mills (dba AD&F)** (004069–126)

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[11] Added records: (i) Certification, Winston Mills is "Asheville Dyeing & Finishing" (pp. 90–91); (ii) Lynch Aff. (2014) (**WASCO is *not* AD&F**) (pp. 92, 93 ¶¶ 9–11). **Not transferred to another entity**. *See* Ex. 6-I.

[12] Added records: (i) Certification, Winston Mills is "Asheville Dyeing & Finishing" (pp. 6–7); (ii) Lynch Aff. (2014) (**WASCO is *not* AD&F**) (pp. 8, 9 ¶¶ 9–11).

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Ex. 20.....Letter re Financial Assurance ("*FA*") on Behalf of Winston Mills (004127–58)

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[13] Mineral Springs terminated on June 16, 2018.

[14] Added records: (i) Certification, Winston Mills is "Asheville Dyeing & Finishing" (pp. 38–39); (ii) Huerter Aff. (2014) (pp. 40, 52 ¶ 39); (iii) Lynch Aff. (2014) (**WASCO is *not* AD&F**) (pp. 54, 55 ¶¶ 9–11).

Ex. 25.....Groundwater Sampling Plan, Approved for Winston Mills (004768–815)

Never transferred from WM and assumed by any other entity.

Ex. 26.....RCRA Facility Assessment ("***RFA***") Report (1.11.05) (004816–929)

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  - **Permit Program Criteria** (004962–64)
    - Is [NCDEQ] processing permits in accordance with established procedures? (16)

      Forcing permit applications and changes of operational control counter to RCRA regulations is *not* established procedure.
    - Are permit determinations ***consistent with permit regulations***? (17)

      Forcing permit applications and changes of operational control counter to RCRA regulations is *not* consistent with permit regulations. *See also* Ex. 5-G (alleged unlawful behavior)
  - **Management Criteria** (004970–75)
    - Database accurately identifies regulated community? (25)

      RCRAInfo database identifies Dyna-Diggr (Loren Lanter) as the sole current owner and operator of the Facility since 2007. But NCDEQ ignores the database and forms (see Ex. 5-A and 5-B) and asserts WASCO is the operator of the Facility. *But see* Ex. 8 (NCDEQ admissions).
    - Is [NCDEQ] continuing to operate an equivalent Federal program? (25)
- NCDEQ RCRA End of Year Report (FY 2010–2011) (004984–5012) 38–66
  - **[NCDEQ] agrees to implement its permit, closure, compliance and enforcement programs in accordance with the performance expectations set forth in EPA's National Criteria for a Quality [HWM] Program under RCRA** (EPA/530/SW 86-021, July 1986).

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[15] NCDEQ alleges WASCO was operator of a landfill at the Facility from 2004, and included an excerpted copy of this report with its evidence. But: (i) **WASCO is *not* mentioned** in the RFA report; (ii) the former UST area (SWMU 10) is ***not* classified as a landfill**; and (iii) the report notes Anvil Knitwear — ***not*** WASCO — was operating the Facility.

[16] **NCDEQ's comments to EPA acknowledge that Anvil Knitwear was operating the Facility in 2004**. *See* p. 112. NCDEQ did not request any edits (i) to identify WASCO (or Culligan International Co.) as "operator" of the Facility; or (ii) to refer to the area of the former waste UST as a landfill.