NOW THE
OFFICE OF LAND AND
EMERGENCY MANAGEMENT

Ms. Bernadette M. Rappold
Greenberg Traurig, LLP
2101 L Street, NW, Suite 1000
Washington, DC 20037

Dear Ms. Rappold:

The U.S. Environmental Protection Agency (EPA) is in receipt of your January 11, 2019, letter and January 29, 2019, email on behalf of WASCO, LLC (WASCO) regarding the Asheville Dyeing & Finishing Facility (the Facility) in North Carolina. I am responding on behalf of Acting Administrator Andrew Wheeler and Acting Assistant Administrator Barry Breen.

The EPA understands that the State of North Carolina and WASCO have been in litigation since approximately 2013 regarding this Facility, and that the issues you raise in your letter have been fully adjudicated. The state courts have repeatedly ruled in favor of the North Carolina Department of Environmental Quality's (NCDEQ) position that WASCO is an operator of the Facility under the Resource Conservation and Recovery Act (RCRA) and is therefore subject to RCRA permitting requirements. North Carolina has been authorized by the EPA to implement its state hazardous waste program in lieu of the federal RCRA program pursuant to Section 3006 of RCRA, 42 U.S.C. 6926, and, as such, is the lead implementing agency for hazardous waste permitting in the State of North Carolina.

Furthermore, WASCO's use of EPA's letter to Rodney Huerter on December 17, 2018, to support WASCO's position is misplaced. EPA's December 2018 letter was based on hypotheticals, which were provided by Mr. Huerter, and was not based on the site-specific facts of the WASCO case.

The EPA continues to have confidence in the State of North Carolina's implementation of its authorized hazardous waste program and finds no involvement is necessary in this matter. If you have any questions, feel free to contact me or Jeff Gaines of my staff at (703) 308-8655 or [HYPERLINK "mailto:gaines.jeff@epa.gov"].

Sincerely,

Barnes Johnson, Director

Office of Resource Conservation and Recovery