Index, WASCO Submittal in Response to N.C. Superior Court Order (18-CVS-1731) (2.28.19)

Figure 1 – RCRA Permit Applicability (**WASCO does not meet applicability criteria**)

Figure 2 – Scope of RCRA Definition Applicability, 40 C.F.R. §§ 260.10 vs. 270.2 (*see also* Exhibit 8)

Figure 3 – State HW Program, Enabling Statute Overview (*see also* Exhibit 8)

PDF Pages

Ex. 1-A.....2018 Superior Court Orders (000001– 10)

- Cover letter (000001) (**dated two weeks after Orders were signed**) 1
- Order Granting SJ (000002–06) (**does not apply summary judgment standard**)..... 2–6
- Order Denying MTD (000007–09) (**ignores necessary parties**) 7–10

Ex. 1-B.....2018 NCDEQ Complaint (4.18.18) (000011–421)

- Cover (000011–14) (service in Wilmington, DE, ***not*** North Carolina; *see* p. 3) 1–4
- Complaint (000015–31) (erroneously alleges RCRA violations; *see infra* note 1) 5–21
- Verification (000032) (omits Dyna-Diggr "Part A" forms; *see* Exs. 5-A and 5-B)..... 22
- Ex. A – 2017 Appellate Op. (erroneously affirms summary judgment) (000033–55)..... 23–45
- Ex. B – Aug. 2013 Directive (000056–59) 46–49
- Added records:
  - *Lunsford v. Mills* (000060–75) (**duty to not delete or insert words in defns**)..... 50–65
  - *Cf. State v. Ricks* (000076–81) (**entire definition is significant**) 66–71
  - Quotes from *WASCO v. NCDENR* (000082–107) (*See* Ex. 2; **no permit reqmt**) 72–97
  - *Weyerhaeuser Co. v. U.S. F&W Serv.* (000108–17) (analysis of statute) 98–107
  - *In re Appeal of Clayton-Marcus Co.* (000118–125) (**definition controls**) 108–15
  - NCDEQ 2017 IANOV (000126–34) (**issued to Loren Lanter**; *see* Ex. 5-B)..... 116–24
  - Winston Mills ("***WM***") Original RCRA Part A (1990) (000135–65) 141–53
  - **Operating Permit Tnsfs, WM to Anvil Knitwear** (000166–227) (*see* Ex. 5-J)..... 156, 161
  - HW Generator Improvements, Proposed Rule (000228–323) (**WM was SQG**)..... 218–313
  - HW Generator Improvements, Final Rule (000324–421) (**WM was SQG**) 314–411

Ex. 1-C.....2018 WASCO MTD (000422–714)

- Motion (000422–25) (failure to include necessary parties) 1–4
- Ex. A (Huerter Aff. (July 2018)) (000426–30) 5–9
  - Attach. 1-A (Dyna-Diggr ("***DD***") Deed, 2007) (000432–35) 10–14
  - Attach. 1-B (**DD 2010 & 2012 "Part A Permit Applications**") (000436–44) 15–23
  - Attach. 1-C (**RCRAInfo Web Report (2018)**) (000445–48) (**DD is operator**) 24–27
  - Attach. 2 (DD 2013 Letter to NCDEQ) (000449–53) 28–32
  - Attach. 3-A (2017 IANOV) (000454–63) (**issued to Loren Lanter**; *see* Ex. 5-B).. 33–42

ED_005269_00000376-00001

- Attach. 3-B (2017 CSE) (000464–70) (**issued to Loren Lanter**; *see* Ex. 5-B) 43–49
- Attach. 3-C (2017 CEI Report) (000471–75) (**counter to Ex. 5-A & 5-B**) 50–54
- Attach. 4-A (2005 RFA Report) (000476–587) (**Anvil Knitwear is operator**) 55–166
- Attach. 4-B (1986 Report re **Northrop Dump**) (000588–646) 167–225
- Attach. 5-A (Lowenstein Deed, 1971) (000647–49) 226–28
- Attach. 5-B (Winston Mills Deed, 1976) (000650–56) 229–35
- Attach. 5-C (WM 1990 Part A Permit Application) (000657–70) 236–49
- Attach. 6-A (Anvil Knitwear ("***AK***") Deed, 1995) (000671–77) 250–56
- Attach. 6-B (Dyna-Diggr Deed, 2007) (000678–82) (**still sole owner**) 257–61
- Attach. 7 (**Nov 2006 NCDEQ Email**) (000683–84) (**AK is operator**) 262–63
- Attach. 8 (1999 Amendment) (000685–98) (**void, 40 C.F.R. § 270.72(a)(4)**) 264–77
- Attach. 9 (1995 Part A form) (000699–713) (**WM is operator**) 278–92

- Ex. B (Former Owners & Operators) (000714) 293

Ex. 1-D.....2018 WASCO Opp'n to NCDEQ Summary Judgment ("***SJ***") Motion (000715–907)

- WASCO Brief (000715–49) (**genuine issues of material fact; SJ not proper**) 1–36
- Ex. A (Huerter Aff. (Oct. 2018)) (000750–855) 37–48
  - Ex. 1 (Summary Index) (000763–64) 49–50
  - Ex. 2 (Docs re 2018 Pet. for Declaratory Ruling) (000765–855)
    - Purported N.C. Envtl. Mgmt. Comm'n "Decision" (000767–76) (**Disputed**) 52–62
    - EMC Petition Hearing Transcript (5.7.18) (000777–855) 63–141
- Ex. B (Coyne Aff. (Oct. 2018)) (000856–59) 142–45
- Cases (000860–907)
  - *WASCO v. NCDENR* (000861–68) (**does not apply summary judgment std**) 147–54
  - *DeWitt v. Eveready Battery* (000869–80) (summary judgment standard) 155–66
  - *Kidd v. Early* (00081–95) (affidavit and summary judgment standard) 167–81
  - *Hargett v. Reed* (000896–900) (affidavit and summary judgment standard) 182–86
  - *Settle v. Beasley* (000901–04) (intervening change of law) 187–90
  - *Simonel v. N.C. Sch. of Arts* (000905–07) ("express language" of regulations) 191–93

Ex. 1-E.....2019 Superior Court Orders Denying WASCO's Motion to Stay (000908–58)

- Order Denying Motion to Stay (000909–10) 2–3
- Order Denying Motion for Reconsideration (000911–13) 4–6
- Tr., Super. Ct. Hearing re Motion for Reconsid. & Stay (1.14.19) (000914–58) 7–51

Index, WASCO Submittal in Response to N.C. Superior Court Order (18-CVS-1731) (2.28.19)

Ex. 1-F.....Tr., Super. Ct. Hearing (Oct. 2018) (000959–99)

Ex. 2.....Quotations from *WASCO v. NCDEQ* (001000–25) (Sections are bookmarked)

- Sec. 1 (**WASCO "Nevers"**) (001001–03) [1] (**Does not meet RCRA applicability**) ..... *See* PDF
- Sec. 2 (**Dyna-Diggr Sole Owner & Operator**) (001003–04) (**no relationship to WASCO**)
- Sec. 3 (**DD "Part A Permit Applications"**) (001004–05) (*see* Ex. 5-A & 5-B).....
- Sec. 4 (Brisco Inc.) (001005) (**no relationship to WASCO**) .....
- Sec. 5 (Winston Mills) (001006) (**no relationship to WASCO**).....
- Sec. 6 (Anvil Knitwear) (001007) (**no relationship to WASCO**).....
- Sec. 7 (Northrop) (001007) (**no relationship to WASCO**) .....
- Sec. 8 (Culligan) (**never owned or operated Facility**) (001007–08).....
- Sec. 9 (**No Stepping into Shoes by WASCO or Culligan**) (001008–09).....
- Sec. 10 (**WASCO did not assume RCRA liability for the Facility**) (001009) .....
- Sec. 11 (Culligan Co-Guaranty Terminated in Dec. 2007) (001009) .....
- Sec. 12 (Financial Assurance on behalf of Winston Mills) (001010).....
- Sec. 13 (**NCDEQ Mischaracterized EPA Guidance**) (001010–11) .....
- Sec. 14 (**Fact Sensitive, Not Proper for Summary Judgment**) (001011–14).....
  - Sub. A (NCDEQ Argued SJ proper b/c Solely Question of Law) .....
  - Sub. B (**NCDEQ Later Argued Fact-Intensive to SCONC, so NOT proper**)..
- Sec. 15 (**WASCO has no control over Facility; never did**) (001014–15).....
- Sec. 16 (**100 sq. ft. pit NOT overall 65-acre facility**) (001015–16).....
- Sec. 17 (**Definitional elements, applicability criteria, stat. auth.**) (001016–21).....
- Sec. 18 (**1990 AOC Never Transferred**) (001021).....
- Sec. 19 (**Summary Judgment Standard not Applied**) (001022–25).....
- Sec. 20 (Misc.) (001025)..... *See* PDF

Ex. 3.....RCRA Memo. of Agreement ("***MOA***"), EPA & North Carolina (001026–58)

- **NCDEQ Obligations re RCRA Permitting Program** (001030) 3
- EPA Oversight of RCRA Permitting Program (001031)..... 4
- **NCDEQ Obligations re EPA Key RCRA Guidance** (001032) (*see* Ex. 28) 5
- FOIA No. EPA-R4-2019-003206 (Current MOA) (001054–58)..... 29–33

[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.

ED_005269_00000376-00003

Index, WASCO Submittal in Response to N.C. Superior Court Order (18-CVS-1731) (2.28.19)

Ex. 4.....Letter to EPA re Order (Jan. 2019) (001059–68)

- Encl. A (**Owner/Operator Graphic**) (001066) (**Dyna-Diggr current operator**)..... 8
- Encl. B (**RO No. 14899**) (001067–68) (*See* Ex. 6-R) 9–10

Ex. 5-A.....2010 Dyna-Diggr "Part A Permit Application" (001069–205) (**DD is sole operator**)

- – *Added Record*: Loren Lanter Authorization Email (4.27.10) (001074) 6
- – *Added Record*: EPA Subtitle C Forms Instructions (001075–205)..... 7–137

Subsequent notification recommended when operator changes (see p. 31)

Ex. 5-B.....2012 Dyna-Diggr "Part A Permit Application" (001206–341) (**DD is sole operator**)

- – *Added Record*: EPA Instructions (001211–341) (**subsequent notification**, p. 30)... 6–136

Ex. 5-C.....Winston Mills ("***WM***")-Related Records (1984–1988) (001342–57)

- WM 1988 Letter to NCDEQ (001342–43) (**WM never disposed waste at Facility**) 1–2
- **NCDEQ Deletes WM's EPA ID** (1985) (001344–48) [2]..... 3–7
- NCDEQ 1985 UST Removal Memo (001349) (no holes, no noticeable leaks) 8
- NCDEQ 1985 Facility Inspection Report (001350–54) (**WM "Generator" only**) 9–13
- NCDEQ Issues WM its Original EPA ID, 1984 (001355–57) (**no interim status**)..... 14–16

Ex. 5-D.....**Winston Mills 1990 Admin. Order on Consent (No. 89-249) (not tnsf'd)** (001358–65)

Ex. 5-E.....WASCO Email to NCDEQ (Sept. 2017) (001366–446)

- **NCDEQ Reports Counter to EPA Data**, (WASCO "Nevers") (001366–69) [3] 1–4
- NCDEQ 2017 CSE Report (001370–75) (**issued to L. Lanter, *see* Ex. 5-A & 5-B**) 5–10
- NCDEQ 2017 Insp. Report (001376–79) (**counter to Ex. 5-A & 5-B**)..... 11–14
- 2017 Immediate Action NOV (001380–86) (**issued to L. Lanter; *see* Ex. 5-B**)..... 15–21
- Email, NCDEQ 2017 Reports Wrong (001387–89) (**includes EPA records**)..... 22–24
- NCDEQ Exhibit, **Certification, Winston Mills is "AD&F"** (001390–91)..... 25–26
- 2017 Email to NCDEQ GC (001392–400) (**NCDEQ Reports Counter to EPA data**). 27–35
- Graphic, **State HWM Program Summary** (001401)..... 36
- Graphic, **NCDEQ Regular Practice of Using § 130A-290(a)(21)** (001402)..... 37
- AD&F Facility Whitepaper (2017) (001403–34) (**WASCO is *not* operator**)..... 38–69
- 2017 Email to NCDEQ GC (001435–39) (**Erroneous Daikin Order Withdrawn**)..... 70–74
- Graphic, **NCDEQ Errors regarding WASCO** (001440) 75
- EPA RCRAInfo Web & Envirofacts (Aug. & Sept. 2017) (001441–46) (**DD operator**) 76–78

---

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

[3] *See supra* note 1.

ED_005269_00000376-00004

Ex. 5-F .....NCDEQ Acknowledges Anvil Knitwear ("*AK*") Operated Facility 1995–2007 (001447–50)

- 2006 Email, NCDEQ Affiant Siedlecki (001447) (**AK "currently operating"**) 1
- 2010 Email, NCDEQ Affiant Siedlecki (001448) (**"[AK] operated…facility**")..... 2
- NCDEQ Notes (produced with 2010 email) (001449) ("[AK] 1994–2007")..... 3
- 2013 Notes, NCDEQ Affiant McCarty (001450) (**Why letting AK off the hook** [?]).. 4

Ex. 5-G .....So. Envtl. Law Center Public Comments re Alcoa-Badin Works (Nov. 2018) (001451–97)
(**Alleges "unlawful" RCRA Permit Program actions by NCDEQ**) (copied to EPA)

Ex. 5-H .....NCDEQ Stays Proposed Permit for Alcoa-Badin Works (Dec. 2018) (001498 –99)
(After public comments alleged "unlawful" RCRA Permit Program actions by NCDEQ)

Ex. 5-I .....Winston Mills' ("*WM*") 1992 Closure Cert. & Related Docs. (001500–18) [4]

- WM 1992 UST Closure Cert. (001500–11) (**not closure of a disposal facility**)..... 2–12
- NCDEQ 1992 Receipt of UST Closure Cert. (001512) (no disposal facility)..... 13
- NCDEQ "Accepts" UST Closure Cert., 1993) (001513–15) (no disposal facility)..... 14–16

Ex. 5-J .....Winston Mills Part A Application & Permits (001519–611)

- 1995 Part A Amendment (001520–33) (**WM remains operator**) 2–15
- 1990 Initial Part A Application (001535–47) (**WM sole owner & operator**)..... 17–29
- 1990 WM Re-Application for EPA ID (001548–49)..... 30–31
- **Tnsf of WM's Wastewater Permit to Anvil Knitwear ("*AK*"), 1995** (001550–51).... 32–33
  - Buncombe Co. MSD Letter to AK (1995) (001552)..... 34
  - AK Response to MSD (1995) (001553)..... 35
  - MSD Transfers Permit to AK (1995) (001554)..... 36
- **Transfer of WM's Air Emissions Permits to AK, 1995** (001555–56)..... 37–38
  - W.N.C. APC Agency Transfers Permits to AK (1995) (001008–09) [5] 39–40
- AK Air Emissions Permits Renewal (1997) (001559)..... 41
- **AK Air Emissions Permits Renewal (June 1999)** (001560) 42
  - APC Agency Letter to AK (1999) (001561–62) 43–44
  - AK Air Emissions Permits (1999–2001) (001563–64) 45–46
  - AK Air Emissions Permits (2001–2003) (001565–66) 47–48
- **AK Air Emissions Permit Application (2002)** (001567)..... 49
- APC Agency, AK Permit Application Review Summary (2002) (001568) 50

---

[4] Added record: RO No. 11826 (land disposal does not occur after capped) (pp.17–19).
[5] Western North Carolina Air Pollution Control Agency.

ED_005269_00000376-00005

- AK Air Permit Compliance Cert. (2002) (001569–75) 51–57
- AK Air Permit Comm. (2003) (001576) 58
- AK Air Permit Comm. (2003) (001577) 59
- APC Agency Permit to AK (2003) (001578–83) (*See* 001583) 60–65
- AK Air Permit Application (2002) (001584–86) 66–68
- APC Agency Permit to AK (2003) (001587–90) 69–72
- **APC Agency Permit to AK (2004)** (001591–602) 73–84
- **AK 2007 Report to APC Agency** (001603–06) 85–88
- **AK 2007 Air Permit Compliance Cert.** (001607–09) 89–91
- AK 2007 Letter to APC Agency (001610) (**AK operating Facility through 2007**) 92
- APC Agency 2008 Closure Memo (001611) 93

Ex.6.....Index, Exs. 6-A to 6-S-(ii) (001612)

Ex. 6-A.....FOIA No. EPA-R4-2019-002556 (001613–66) [6] (**Dyna-Diggr current operator**)

- RCRAInfo Site Detail Report (Oct. 2017) (001618–32) (*see* p. 8) 6–20
- **RCRAInfo Site Detail Report (Mar. 2018)** (001633–46) (*see* p. 23) [7] (**see note**) 21–34
- RCRAInfo View Source Record (Nov. 2017) (001647–53) 35–41
- 2012 Dyna-Diggr Form (from Laserfiche) (001654–58) (**subsequent notification**) 47–49
- RCRAInfo Handler Activity Report (Jan. 2019) (001659–61) 35–41

Ex. 6-B.....FOIA No. EPA-R4-2019-002461 (001667–95) [8] (**Dyna-Diggr current operator**)

- EPA RCRAInfo Web Report (Dec. 2018) (001671–73) 5–7
- EPA Envirofacts Report (Dec. 2018) (001674–75) 8–9
- **RCRAInfo Site Detail Report (Jan. 2019)** (001676–90) (*see* p. 13) [9] (**see note**) 13–24

Ex. 6-C.....FOIA No. EPA-R4-2018-011123 (001696–746) (**Dyna-Diggr current operator**)

- EPA Envirofacts Report (Aug. 2018) (001702–03) 7–8
- EPA RCRAInfo Web Report (Aug. 2018) (001704–06) 9–11
- RCRAInfo Site Detail Report (Sept. 2018) (001710–23) 15–27
- RCRAInfo Site Detail Report (Mar. 2018) (001728–41) 34–46
- EPA RCRAInfo Web Report (Aug. 2018) (legible) (001742–44) 47–49
- EPA Envirofacts Report (Aug. 2018) (legible) (001745–46) 50–51

---

[6] Added record: 2012 Dyna-Diggr "Part A Permit Application" (pp. 50–54) (L. Lanter is Dyna-Diggr).

[7] Internal note re 2012 record: "**THERE IS NO HAZARDOUS WASTE ACTIVITY AT THIS SITE** …"

[8] Added record: 2012 Dyna-Diggr "Part A Permit Application" (pp. 25–29) (L. Lanter is Dyna-Diggr).

[9] Internal note re 2012 record: "**THERE IS NO HAZARDOUS WASTE ACTIVITY AT THIS SITE** …"

Ex. 6-D.....FOIA No. EPA-R4-2018-005894 (001747–60) (**Dyna-Diggr current operator**)

- EPA Envirofacts & RCRA Info Web Reports (Mar. 2018) (001752–55) 6–8
  - *Added record*: 2012 Dyna-Diggr "Part A Permit Application" (001756–60) 10–14

Subsequent notification (see EPA Instructions, Ex. 5-A at p. 31)

Ex. 6-E.....FOIA No. EPA-R4-2018-000435 (001761–74) (**Dyna-Diggr current operator**)

- EPA Envirofacts & RCRAInfo Web Reports (Oct. 2017) (001766–69) 6–8
  - *Added record*: 2012 Dyna-Diggr "Part A Permit Application" (001770–74) 10–14

Subsequent notification (see EPA Instructions, Ex. 5-A at p. 31)

Ex. 6-F.....FOIA No. EPA-R4-2016-009334, -009525, -009582 (001775–810)

- NCDEQ Letter re Northrop Dump (Mar. 1985) (001778) 4
- NCDEQ Issues Winston Mills' Initial EPA ID (Dec. 1984) (001779–81) 5–7

(**WM failed to qualify for RCRA interim status**)

- RCRAInfo Site Detail Report (Sept. 2016) (001782–801) (*see* p. 10) 8–27

(**Dyna-Diggr (Loren Lanter) sole operator of record since Dec. 2007**)

Ex. 6-G .....FOIA No. EPA-HQ-2017-003409 (001811–93)

(Requesting EPA policy / guidance records re whether **failure to comply with the 90-day prior notice requirements of 40 C.F.R. § 270.72(a)(4)** for change of owner or operational control is different from failure to comply with similar notice requirements of section 270.40(b) (i.e., no transfer)).

- 45 FR 33290 (May 1980) (001816–18) (*see* pp. 7, 8) 6–8
- EPA Part A Permit Application Instructions (001819–91) (*see also* p. 61) 9–81
- EPA Response (**No policy that failure has different result, i.e., void**) (001892–93) ... 82–83

Ex. 6-H .....FOIA No. EPA-R4-2017-000079 (001894–950)

(Requesting copies of any modifications ***after*** February 1994 to the RCRA post-closure plan that NCDEQ approved for Winston Mills, if any)

- EPA Response (**No modifications after February 1994**) (001894–96) 4–5

Ex. 6-I.....FOIA No. EPA-HQ-2018-001514 (001951–67)

(Requesting EPA policy / guidance records re **whether approved post-closure plans may be transferred** during the post-closure care period, and if so, what requirements exist).

- EPA Response (**No such policy / guidance exists**) (001951–52) 1–2
- RO 11826 (land disposal does not occur after waste capped in place) (001958–60)..... 8–10
- RO 13077 (develop own *closure* plan) (001961) 11
- RO 13035 (interim status requirement criteria) (001962–67) 12–17

Ex. 6-J .....FOIA No. EPA-R4-2017-002236 (001968–77)

(Requesting copies of (i) any directives for Winston Mills ("***WM***") to submit a RCRA Part B permit application, (ii) any Part B applications that WM submitted, and (iii) any compliance certification that WM submitted, if any exist).

- EPA Response (**No responsive records**) (001968–69) 1–2
- 50 FR 38946 (9.25.85) (001974–77) 7–10

Ex. 6-K-(i) ..FOIA No. EPA-R4-2017-007708, -007711, -007722 (001978–2078)

(Requesting copies of records: (i) of any receipt of hazardous waste at the Facility, or intentional disposal of such waste there; (ii) indicating NCDEQ approval of Culligan replacing McGregor as guarantor on behalf of Winston Mills ("***WM***"); and (iii) showing NCDEQ released WM **in accordance with 40 C.F.R. § 270.72(a)(4)**, if any exist).

- EPA Response (**No responsive records**) (001978–79) 1–2
- Winston Mills records, various (1990–1991) (001985–90) 8–13
- Anvil Knitwear records, various (1995–1996) (001991–96) 15–19
- Winston Mills records, various (1984–1985) (001997–2011) 20–34
- NCDEQ 2013 Financial Assurance Summary (002016–29) (**on behalf of WM**) 39–52
- NCDEQ Laserfiche records, various:
  - 1995 Part A form (002031–44) (**Winston Mills remains operator**) 54–67
  - Winston Mills' initial Part A application, 1990 (002046–58) 69–81
  - **Void Part A** (1999) (002064–78) (**backdates change 4.5 years**)(*See* Ex. 6-G)..... 88–101

Ex. 6-K-(ii) .FOIA No. EPA-R4-2017-007708, -007711, -007722 (002079–100)

(Requesting EPA policy / guidance records that address **whether RCRA financial assurance (interim status) can be released by any manner other than agency's compliance with 40 C.F.R. § 270.72(a)(4)**)

- Federal RCRA regulations, 40 C.F.R. §§ 270.70 to 270.73 (002085–88) 7–10
- U.S. EPA, Publ'n No. SW-955, Financial Assurance (May 1982) (002089–98) 11–20

  (**FA release "only in accordance with the specific conditions of such transfers" and EPA required to approve requests to release**)
- EPA Response (**No responsive records**) (002099–2100) 21–22

Ex. 6-L.....EPA Background Document, 40 CFR Part 260 (002101–93)

- Definition of "Disposal" (002124–25) 24–25
- Definition of "**Disposal Facility**" (002126–27) (**requires <u>intentional</u> placement**)..... 26–27

See also **Ex. 15-B** at 62 ("landfill," "disposal facility," and "in operation"), 43, 58.

Ex. 6-M.....OSWER Dir. No. 9935.1 (002194–215) (*see* pp. 4–5)

Fail to achieve Interim Status ("cease that operation") (*see* pp. 4–10)

Ex. 6-N.....OSWER Dir. No. 9936.1 (002216–26) (*see* pp. 3–7)

Failure to submit Part B application is grounds for termination of interim status.

Ex. 6-O .....OSWER Dir. No. 9930-1 (002227–42) (*see* pp. 4–6, 12–16)

Failure to submit Part B application requires "ceas[ing] operation and…closure"

Ex. 6-P.....RO 11826 (002243–45)

"'Land disposal' does not occur…when hazardous wastes are…capped in place"

See Ex. 15-A (WM 1992 closure certification, after capping and final cover)

Ex. 6-Q .....RO 12814 (002246–48)

Right to pursue permit; **Loss of interim status terminates authority to "receive waste"**

Ex. 6-R.....RO 14899 (002249–63)

Factors where RCRA permit not required; RCRA corrective action not required; EPA does not consider entity to be "operator" under 40 C.F.R. §§ 260.10 or 270.2

- Veolia Request (002251–54)..... 3–6
- Ex. 1 (002255–63) (Excerpted EPA guidance re permit "activity" under Part 270)
  - Consolidated Permits, Final Rule, 45 FR 33290 (5.19.80) (002256–60) 8–12
  - Consolidated Permits, Proposed Rule, 44 FR 34244 (6.14.79) (002261–63)..... 13–15

Ex. 6-S-(i) ...80 FR 57918 (002264–359)

Hazardous Waste Generator Improvements, Proposed Rule (**WM was SQG**)

Ex. 6-S-(ii)..81 FR 85732 (002360–457)

Hazardous Waste Generator Improvements, Final Rule (**WM was SQG**)

Ex. 7.....WASCO Motion for Leave to File Reply (002458–86)

- Gross Mischaracterization by NCDEQ (002463) 6
- First Misstatement (002464) 7–8
- Second Misstatement (002466)..... 8–11
- Attachments (002472–86)..... 15–29

Ex. 8.....NCDEQ Admissions (002487–551) (*see* cover page)

NCDEQ admits it has no evidence WASCO meets required elements of "operator" under 40 C.F.R. § 260.10 or N.C.G.S. § 130A-290(a)(21)

- WASCO Requests (002488–522) (*see* pp. 13–14, 25–26)..... 1–36
- NCDEQ Admissions (002523–36) (*see* pp. 42–43, 46) (*see also* Ex. 8 cover page)..... 37–50
- Added Records
  - RO 14899 (002537–51) (not operator under 40 CFR §§ 260.10 or 270.2) 51–65

Ex. 9.....ALJ's "First Decision" (Nov. 2014) (002552–74)

- ALJ's Email (**Decision based on modified § 130A-290(a)(21) definition**) (002552).. 1
- Added Records
  - *Lunsford v. Mills* (002553–68) (**duty to not delete or insert words in defns**)..... 2–17
  - *Cf. State v. Ricks* (002569–74) (**entire definition is significant**)..... 18–23

Ex. 10.....Former Wisconsin Atty. Gen. Van Hollen to N.C. Atty. Gen. Office (002575–720)

- Van Hollen Memo (002575–83) (**"extreme overreach" by NCDEQ**)..... 1–9
  - WASCO Response to NCDEQ MSJ (2014) (002584–676) 10–102
  - WASCO Brief, Petition for Judicial Review (2015) (002677–700)..... 103–29
  - WASCO Reply Brief, Petition for Judicial Review (2015) (002701–20)..... 130–46

Ex. 11.....WASCO 2017 Letter to NCDEQ General Counsel (002721–848)

- Letter and Index (002721–26) (**WASCO is *not* current operator of Facility**)..... 1–6
- Tab I, Graphic (**NCDEQ with Dyna-Diggr / Brisco, 2016**) (002729)..... 9
  - Tabs A to G-3 (email) (002731–2816)..... 10–96
- Tab II, **DD Agreement of Purchase & Sale (2007)** (002818–45) (**DD is owner**)..... 97–125
- FedEx Delivery Confirm (002846)..... 126
- Letter with Office of GC stamp & note fwd'g to HWS Chief (002847–48)..... 127–28

Ex. 12.....NCDEQ Regular Practice, § 130A-290(a)(21) (2009–2018) (002849–3017)

Regular practice applied to other entities before and after all rulings in *WASCO v. NCDENR* was **different from what NCDEQ argued against WASCO**.

- Records from NCDEQ's Laserfiche Public Record Portal (002849–999)..... 1–151
- 15A N.C. Admin. Code 13A (003000–16) [10] (statutory auth. § 130A-294(c))..... 152–68
- Graphic (**NCDEQ Regular Practice re §130A-290, 2009–2017**) (003017)..... 169

Ex. 13.....WASCO 2017 Letter to N.C. Attorney General (003018–317)

- Letter and Index (003018–27) (**NCDEQ regular practice re § 130A-290(a)(21)**)..... 1–10
- WASCO Rulemaking Pet. (12.4.17) (003024–51) 12–35
- Attachments (003053–317); Some of the notable attachments include:
  - Table 1 (**NCDEQ changing allegations, 2010–2017**) (003053–54)..... 36–37
  - Graphic (**NCDEQ questionable actions re WASCO, 2010–2014**) (003060)..... 39
  - **EPA Records, WASCO *not* operator of Facility (2017)** (003095–3144) 78–127

[10] *See* pp. 142–43 (identifying "Certified Copy" of the Rules).

ED_005269_00000376-00010

Ex. 14.....WASCO Letter to N.C. Attorney General (1.24.18) (003318–851)

- Letter and Index (003318–29) (Errors in NCDOJ briefs in *WASCO v. NCDENR*) 1–12
- Attachments (003330–850); Some of the notable attachments include:
  - NCDEQ classifying Facility as RCRA Interim Status (003520–52)..... *See* 203
  - Winston Mills' Post-Closure Plan (003651–68) (**no air-sparge system**) 334–51
  - Hearing Transcripts from *WASCO v. NCDENR* (003695–745)..... *See* 378
  - NCDEQ records re No Corrective Action Remedy at Facility (003746–76) 429–41, 457
  - Huerter Aff. (2014) (003759–73) 442–57
  - **NCDEQ Affiants Aware Dyna-Diggr Sole Operator (2012)** (003847–50) 530–34

Ex. 15-A.....RCRA Post-Closure Plan (NCDEQ Approved for Winston Mills, dba AD&F) (003852–944) [11]

- **Winston Mills' Post-Closure Plan and Approvals** (003853–940) (**per § 265.118**)..... 2–89

Ex. 15-B.....WASCO Email to NCDEQ re Winston Mills' Post-Closure Plan (2017) (003945–4024)

- Email to NCDEQ General Counsel (7.27.17) (003945–46) 1–2
- AD&F Facility Whitepaper (2017) (003952–84) (**WASCO is *not* operator**)..... 8–40
- EPA Part A Instructions (1990) (003985–4007) (*See* pp. 43, 58, 62) 41–63
- NCDEQ-NCDOJ Emails re WM's Post-Closure Plan (004008–24) (*see* Ex. 14)..... 64–80

Ex. 16-A.....NCDEQ Acknowledges Air-Sparge Systems were Voluntary (004025–32)
(i.e., **not regulated** under RCRA or the State HWM Program).

Ex. 16-B.....WASCO Termination of Voluntary System (5.31.18) (004033–34)

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)
(with plat, and **recorded certification that Winston Mills is "AD&F"**).

Ex. 19.....**RCRA Financial Assurance on Behalf of Winston Mills (dba AD&F)** (004069–126)

- Letter of Credit (6.2.03) with Amend No. 11 (004070–73) [12] (*see* Ex. 19 cover page)... 3–5
- Wells Fargo Email to NCDEQ re Standby Trust (7.31.13) (004078–93)..... 10–25
  - *Additional*: RCRA MOA between EPA and North Carolina (004094–126) 26–54

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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).

ED_005269_00000376-00011

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

- 2016 Letter to Wells Fargo (004127–29) (**NCDEQ errors re FA for WM**)..... 1–3
- Attachments (004130–48)
  - Attach. 1, NCDEQ FA Summary (5.1.13) (004130–40) (**"for AD&F"**)..... 4–14
  - Attach. 2, Most Current LOC Amend (004141–42) (*see* Ex. 19 cover page) 15–16
  - Attach. 3, NCDEQ Confirms **FA on Behalf of AD&F** (004143–46)..... 17–20
  - Attach. 4, NCDOJ Questions re **FA on Behalf of AD&F** (004147–48)..... 21–22
- Added Records
  - PRR 2016-12-04 (004150–51) (regarding 40 C.F.R. § 270.72 compliance)..... 24–25
  - PRR 2017-09-01 (004152–55) (**"AD&F's letter of credit"**) 26–29
  - Email to NCDEQ (004156–58) (**"AD&F's letter of credit"**)..... 30–32

Ex. 21.....Topographic Map, Plots & Pictures (004159–92)

- Topographic Map (004159) 1
- Plots (various) (004160–64)..... 2–6
- Water Supply Wells (004165)..... 7
- Flood Zone-Related Information (004166–68) 8–10
- Aerial Pictures of Facility (from Google Earth) (004169–71) 11–13
- Ground Level Pictures (from Dyna-Diggr's Tenant) (004150–51) 14–34

Ex. 22.....Sample Analyses Summary (00419–223)

Ex. 23.....Sample Analyses (2013–2018) (004224–712)

- Feb. & Aug. 2013 (004225–83) 2–60
- Jan. & Aug. 2014 (004284–373) 61–150
- Jan. & July 2015 (004374–469) 151–246
- Feb. & Aug. 2016 (004470–562)..... 247–339
- Feb. & Sept. 2017 (004563–670) 340–447
- Feb. 2018 (004671–712) [13] 448–89

Ex. 24.....**NCDEQ Envtl. Indicators Report for AD&F Facility to EPA (Apr. 2011)** (004713–67) [14]

- **Human Exposure Under Control** (CA725) (004717–33)..... 5–21
- **Migration of Groundwater Under Control** (CA750) (004734–41)..... 22–29
- Plots (various) (004742–49)..... 30–37

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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).

ED_005269_00000376-00012

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)

- 2005 RFA Report (004816–926) [15] (**see note**) 1–111
- NCDEQ Comments to Draft RFA Report (004927–29) [16] (**see note**) 112–14

Ex. 27.....Dyna-Diggr's ("DD") Investigation Plan for Facility (2018) (004816–929)

- NCDEQ Comments to DD (11.30.18) (from Laserfiche) (004931–34) 2–5
- DD Plan (10.8.18) (004935–46)..... 6–17

Ex. 28.....EPA, National Criteria for a Quality HWM Program (July 1986) (004947–5015)

- EPA Key RCRA Performance Criteria (004947–83) (**evaluation of state programs**) .. 1–37
  - **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.