Figure 3

Graphic Summary, Attachment to Letter to
N.C. DEQ General Counsel Section Actions re Facility (2010–2014).

Asheville Dyeing & Finishing / Anvil Knitwear Facility (NCD 070 619 663)
Records Related to PRR No. 2017-01-02 & DENR MSJ (2010 – 2014)

3/30/10
US EPA
RCRAInfo

Sole RCRA owner and operator of the facility is Dyna-Diggr (Loren Lanter), and facility contact is **Donald Lee, dating back to 12/1/2007**

Based upon information in **Part A forms submitted by Dyna-Diggr (Loren Lanter), Dated 4/27/10 and 1/18/12** (WASCO did **not** sign and is **not** listed on the forms as operator)

See 4/18/17 letter to DEQ General Counsel (providing copies of the Part A forms);

See also PRR No. 2016-01-02: 1) DEQ's regular practice of using **130A-290(a)(21)** and **most recent Part A forms**, and 2) B. McCarty's and M. Siedlecki's participation in that practice

Agency's Operator "Documentation" (Aug. 2010)

- No WASCO documents, and **no reference to Dyna-Diggr Part A dated 4/27/10**

8/16/10
Siedlecki Email
"Documentation supporting Operator Status"

- "ADF EMAIL (Source)" (11/15/06) **("Anvil Knitwear is the company Currently operating at the Asheville Dyeing and Finishing site")**
- Winston Mills AOC (8/29/90)
- Two duplicate letters from Culligan
- One letter from Dyna-Diggr (not copied to WASCO)
- **Two documents that pre-date June 1999 Part A**
- Form 8700-23 signed by Culligan (Tab "C")

8/17/10
M. Siedlecki Email
"ADF additional information Regarding operator status"

- "CULLIGAN AOC DRAFT!!!" (11/15/06) (unexecuted draft document submitted by law firm that represented Winston Mills and Anvil Knitwear for this same site)
- June 1999 Part A that impermissibly purports to back-date change of operation control by 4 1/2 years
- Two documents that pre-date June 1999 Part A
- Two other Culligan-related documents (Tab "D")

M. Siedlecki Fails to Identify Dyna-Diggr Part A to HWS Chief

2/24/11
Asheville Dyeing and Finishing Part As

- HWS Chief: Directs M. Siedlecki to provide "chronology of the Part As For ADF . . . "over time" Copied to NCDOJ atty Hirschman

M. Siedlecki Response will start "immediately"

See also HWS Chief's 2/23 suggestion to M. Siedlecki to use Wikipedia (Tab "G")

2/28/11
Asheville Dyeing and Finishing Part As

- M. Siedlecki to Atty Hirschman: The first spreadsheet presents owner/operator status for the Asheville Dyeing and Finishing Facility based on Part A applications.

- No reference to Dyna-Diggr Part A dated 4/27/10 (Tab "G")

8/9/13
NCDOJ Atty Fisher
1st Draft of 8/16 Letter

- **Only asserts U.S. v. Bestfoods** (CERCLA case) for WASCO
- Asserts Compliance Order unless agree to administrative order by 9/30 (*See also* **Tab "P"**)

M. Siedlecki Response: "I especially like how you addressed WASCO's liability as an operator. Much stronger than anything I've seen in the past" (Tab "M") (*See also* **Tab "Q"**)

NCDOJ Knowledge of Anvil Knitwear Operating the ADF Facility

11/12/13
Email Chain
Atty Fisher, M. Siedlecki & B. McCarty
- Siedlecki informs Fisher: "Anvil [Knitwear] was operating the facility in January 2007" (Tab "O")

8/17/2010
Siedlecki Email
- I think I have proved that Culligan was a very active operator of the ADF facility . . . . So at the least, WASCO is an operator. (Tab "E") (erroneous info)

6/5/12
M. Siedlecki
Proj. Status Report to B. McCarty
- **Misrepresents** "facility manager"
- **Ignores Dyna-Diggr Part A information** (Tab "H")

B. McCarty Knowledge of Dyna-Diggr Part A

10/10/12
McCarty to Siedlecki
"4 Biennial Report Site ID Forms"
- RCRAInfo Reports
- Includes 4/27/10 and 1/18/12 forms submitted by Dyna-Diggr (Tab "J")

6/3/13
M. Siedlecki Email to Atty. Fisher and B. McCarty

-"I do understand that the [Section] does not have the authority to require an evaluation of remediation effectiveness, but that we were going to request it and see what happens. What happens is supposed to drive our future decision making" (Tab "L") (incl. separate copy of same comm that was redacted)

NCDOJ Knowledge of Dyna-Diggr Part A

1/17/14
Email Chain
Atty Fisher and B. McCarty
- Atty Fisher expressly requests Copy of the Part A from "signed by Dyna-Diggr On 4/27/2010"

McCarty Response: "I've sent the request to EPA" (Tab "R")

1/1/10

Dyna-Diggr Part A Form
(WASCO did **not** sign and Is **not** listed on the form as operator)

See 4/18/17 letter to DEQ General Counsel (Tab No. "1")
4/27/10

DENR Notes re Conf. Call with WASCO
- Part A not correct
- Enforcement document First Part A
- **"we don't know who RP is"**
- **"AOC w/ Winston Mills"**
- **"Original Order does not Include provisions for CA"**
- "third party agreements?" (Tab "B")

8/16/10

McCarty Email to EPA

"Former Asheville Dying & Finishing / WASCO / Rodney Huerter **(really all one party I think)"** (Tab "F")
1/3/11

2011 HW Mgmt Activity Invoice
- to Donald Lee (Brisco / Dyna-Diggr)
7/1/11

See 4/21/17 letter to DEQ General Counsel (Tab "E")

Dyna-Diggr Part A Form
(WASCO did **not** sign and Is **not** listed on the form as operator)

See 4/18/17 letter to DEQ General Counsel (Tab No. "2")
1/18/12

Agency Response To 6/6/12 Legal Memo From WASCO Counsel

- "Unconvinced" that WASCO Is not operator of the AD&F facility
- **No reference to Dyna-Diggr Part A (4/27/10 or 1/18/12)**

See 4/18/17 letter to DEQ General Counsel (Tab No. "4")
8/10/12

M. Siedlecki Meeting Notes
- **"Go after them"** (Tab "I")

See also Tab "A"
10/9/12

2013 HW Mgmt Activity Invoice
- to Donald Lee (Brisco / Dyna-Diggr)
7/1/13

B. McCarty Notes
-"Why are we letting Anvil Knitwear off the hook"

- M. Siedlecki notes: "Why is WASCO getting off the hook" (Tab "K")
3/27/13

Contested Case Petition Filed

- Aug. 16, 2013 Letter **improperly uses** *Bestfoods* and 40 CFR 260.10, not 130A-290(a)(21)
- DENR failure to demonstrate elements **(requires fact-intensive determination)**

9/27/2013

2014 HW Mgmt Activity Invoice
- to Donald Lee (Brisco / Dyna-Diggr)
7/1/14

M. Siedlecki Comm to Atty. Fisher and B. McCarty
- **"under duress"** (Tab "N")
11/7/13

DEQ Files MSJ Brief 12/31/14

- Asserts WASCO is RCRA operator *Bestfoods* (CERCLA case), 40 CFR 270.2 and 40 CFR 270.1(c)

9/25/14

5/4/17
US EPA
RCRAInfo & Envirofacts

Sole RCRA owner and operator of the facility is Dyna-Diggr (Loren Lanter), and facility contact is **Donald Lee**

* Unless otherwise noted, all emphasis in quotations is added.