

Exhibit 3

NC DEQ Response to Public Records Request No. 2016-10-05 (Nov. 8, 2016).

Air-Sparge Systems at the Facility are Voluntary (Not Regulated Under the State Hazardous Waste Management Program) and are Not Obligations Under the Post-Closure Plan (which DEQ Approved for Winston Mills).

North Carolina Open Records Request (No. NCORR-2016-10-05)

1 message

Huerter, Rodney <rodney.huerter@veolia.com>
To: scott.ross@ncdenr.gov

Tue, Oct 11, 2016 at 1:02 PM

Mr. Ross:

Good afternoon. This is an open records request related to the provisions of Chapter 132 of the North Carolina General Statutes.

Winston Mills, Inc. (under the trade name Asheville Dyeing & Finishing, EPA ID No. NCD 070 619 663) entered an Administrative Order on Consent with N.C. DEHNR on August 29, 1990 (No. 89-249, the "Order"), regarding a former underground storage tank that the company removed in 1985. Among other items, the Order obligated Winston Mills to submit a closure and post-closure plan for agency approval, pursuant to 40 CFR 265. A letter from the State dated July 8, 1992, approved Winston Mills' closure and post-closure plans for the facility following an inspection and public notice of the plan, to which there were no comments. Letters dated December 17, 1992, and March 10, 1993, acknowledge the State's receipt and acceptance of Winston Mills' certification of closure and direct Winston Mills to implement the agency-approved post-closure plan.

Attached to this request are copies of the Order and relevant communications between 1991-1994, most of which are copied to EPA Region 4, which indicate the original, agency-approved post-closure plan for this facility is dated March 31, 1992, with two approved modifications through February 25, 1994 (see agency letters dated July 8, 1992; December 15, 1992; and February 25, 1994). I obtained the Order and the communications that comprise the second PDF from the agency's public file.

Excluding the records that are attached to this email, I request copies of any records that demonstrate any and all State-approved modifications to the subject post-closure plan from February 25, 1994 to present (including, without limitation, any communications between the N.C. DEQ (or its predecessor agencies) and (i) EPA Region 4, (ii) the facility, or (iii) any combination thereof related to such modifications).

Additionally, I specifically request copies of any and all records that demonstrate whether the agency-approved post-closure plan was modified at any time **between 1994 and 2013** to expressly add requirements associated with any air-sparge and soil vapor extraction system(s), including without limitation copies of any and all records that demonstrate that such modifications (if any such modifications ever occurred) properly complied with all requirements set forth in 40 C.F.R. 265.118(f) (incorporated by reference at 15A NCAC 13A.0110(g)). In the event the agency cannot locate any official documents that confirm that any such modification(s) in conformance with section 265.118(f) occurred, I request specific confirmation of that fact.

I respectfully request that you omit any duplicate records from the response.

To ensure clarity, I have verified that the records that I am requesting are not available from the public file. In the event that the response costs associated with this request is (or any one of the four other requests that I emailed to you last Friday (10/7) are) anticipated to exceed \$25.00, I request that you contact me directly with the applicable estimate(s) in advance of incurring any such cost.

Thank you,

Rodney G. Huerter
Vice President & Senior Counsel
WASCO LLC
4760 World Houston Pkwy, Ste 100
Houston, TX 77032

here's all the stuff you're looking at in the ...

1 message

Kritzer, Jamie <jamie.kritzer@ncdenr.gov>
To: "Huerter, Rodney" <rodney.huerter@veolia.com>

Tue, Nov 8, 2016 at 12:55 PM

...document I just sent.

Jamie Kritzer

Public information officer

N.C. Department of Environmental Quality

N.C. Division of Waste Management

N.C. Division of Environmental Assistance and Customer Service

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*Email correspondence to and from this address is subject to the
North Carolina Public Records Law and may be disclosed to third parties.*

 **In his email dated October 7.docx**
16K

* * * *

[pages omitted]

In his email dated October 11, 2016 (2:02 pm), Mr. Rodney Huerter requested true and complete copies of the following documents:

- All records that demonstrate any and all State-approved modifications to the Post-Closure Plan from 1994 to present.
- Copies of any and all records that demonstrate whether the approved Post-Closure Plan was modified at any time during 1994 through 2013 to expressly add requirements associated with the air-sparge and soil vapor extraction systems.

Response:

Information related to any and all modifications to the Post-Closure Care Plan is available in Laserfiche. Information related to the operation of the air-sparge and soil vapor extraction systems were provided to the State by the Facility. The construction and operation of these interim remedial options were voluntary and were undertaken by the Facility without input or comment by the Section. There are no modifications to the Post-Closure Care Plan that speak to the continued operation of the two interim remediation systems. All communications that have taken place are outside of the Post-Closure Care Plan and relate to the continued operation of these systems for purposes of protecting human health.

Search Terms:

A record search should be conducted for the period from January 1, 1998, through December 30, 2004. Key words include "Voluntary," "Remediation Effectiveness Report," "850 Warren Wilson Road," "070619663." The following individuals should be included in the search: Larry Stanley, Robert Glaser, and Thomas Proctor.