

However, as of today, all appropriate Federal and State permits still have not been issued. Thus, Appalachian Materials' application was not complete on February 26, 2016, and is not complete as of today. The application of Appalachian Materials is denied for this additional, and alternative, reason.

After the submission of Appalachian Materials' application, we learned from a third party that the site in question had been graded and terraced without Appalachian Materials first obtaining at least one necessary permit. In order to legally grade and terrace the property, Appalachian Materials needed a watershed permit before beginning the grading and terracing of the site. Appalachian Materials had not applied for, much less obtained a watershed permit in connection with the grading and terracing that took place at the site. The materials submitted by Appalachian Materials in support of its application did not state that the site has been graded and terraced; in fact, the photographs submitted by Appalachian Materials were taken before the grading and terracing had been done. Thus, the materials submitted by Appalachian Materials contained material misrepresentations and/or material omissions regarding the terracing and grading of the site that took place prior to the application being submitted.

Since Appalachian Materials did not have all necessary permits as of the date that Ashe County adopted the moratorium, and since Appalachian Materials still does not have all necessary permits, the application was incomplete on the day it was purportedly submitted, was incomplete when Ashe County adopted the moratorium, and continues to be incomplete to this day. Consequently, Appalachian Materials' application is denied for the additional and alternative reasons that it has never submitted a legitimate, complete application and because Appalachian Materials still has not obtained all appropriate permits.

### **3. False Statements And/or Misrepresentations in the Application Materials**

As detailed above, the application materials contained a number of false statements, misleading statements, and/or misrepresentations.

Also, when I finally received the air quality permit and related materials, I realized that Appalachian Materials' application contained false statements regarding the amount of asphalt the operation would be producing. Appalachian Materials' application to Ashe County represented that the amount of asphalt produced yearly would be 150,000 tons or less. However, Appalachian Materials' application to the State for an air quality represented that the amount of asphalt to be produced yearly would be 300,000 tons per year or less which is twice the amount that was represented to Ashe County. Therefore, Appalachian Materials' statement was a false statement. It is elementary that applications for permits must not submit false materials or false statements. This cannot be allowed. It is required of applicants that they give accurate, truthful information to Ashe County. Applications containing false statements or information can be denied.

Thus, Appalachian Materials' application is denied for the additional, and alternative, reason that it contains false statements, as detailed above.