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Solid Waste Section

Raleigh Central Office

**ORDINANCE GRANTING
A CONSTRUCTION AND DEMOLITION DEBRIS
LANDFILL FRANCHISE TO COBLE'S SANDROCK, INC.**

WHEREAS, the Board of Commissioners enacted the Alamance County Landfill Franchise Ordinance on December 5, 1994; and

WHEREAS, North Carolina General Statutes § 153A-136(a)(3) authorizes counties to regulate the disposal and other disposition of solid wastes by granting franchises to one or more persons for the exclusive right to commercially dispose of solid wastes within the county; and

WHEREAS, the Board of Commissioners enacted an initial Ordinance Granting a Construction and Demolition Debris Landfill Franchise to Coble's Sandrock, Inc. on September 2, 1997, and then enacted subsequent Ordinances Granting a Construction and Demolition Debris Landfill Franchise to Coble's Sandrock, Inc. on September 4, 2001 with an effective date of September 2, 2002, and on August 1, 2005 with an effective date of September 2, 2007; and

WHEREAS, the August 1, 2005 Franchise Ordinance has a five (5) year term from its effective date of September 2, 2007; and

WHEREAS, Coble's Sandrock, Inc. ("Coble's") is currently operating a construction and demolition debris landfill within the jurisdiction of Alamance County pursuant to said Ordinance;

WHEREAS, Coble's wishes to move forward with the next phase of its construction and demolition debris landfill pursuant to a new Ordinance Granting a Construction and Demolition Debris Landfill Franchise to Coble's Sandrock, Inc., and desires to have the Franchise Ordinance run for a term of seven (7) years concurrent with the permit issued to Coble's by the State of North Carolina; and

WHEREAS, the Board of Commissioners desires to grant to Coble's Sandrock, Inc. a franchise with a seven (7) year term for the disposal of construction and demolition debris in Alamance County.

NOW, THEREFORE, THE BOARD OF COMMISSIONERS FOR THE COUNTY OF ALAMANCE DOTH ORDAIN:

Section 1. Pursuant to the Alamance County Landfill Franchise Ordinance and North Carolina General Statutes §§ 130A-294, 153A-121 and 153A-136, Coble's is hereby granted a franchise to proceed with permitting of the next cells and further expansion of its construction and demolition landfill on Foster Store Road in the County of Alamance, as reflected on Exhibit A, and to operate said landfill in Alamance County. Although the total projected life of the landfill is in excess of 20 years, the active landfill cells will utilize no more than 16 acres of space during the seven (7) year term of this franchise and the average daily volume

(based on weekday operation) accepted at the landfill will not exceed 600 tons of construction and demolition debris (excluding recycled material).

Section 2. The landfill will continue to be operated as Coble's Sandrock, Inc. Kent and Brenda Coble currently own 100% of the stock in the corporation and will seek approval from the County before the transfer of any ownership interest to anyone other than one of the following immediate family members: Deanna C. Martin, Carey C. Rohrer, and Jennifer C. Gum. Transfer of said stock by any family member to anyone outside the family must be approved by the County.

Section 3. Throughout the term of this new franchise and at Coble's election, Coble's will either (1) maintain a \$500,000.00 pollution liability insurance policy, with the County named as an additional insured, or (2) provide \$500,000.00 of financial security using a mechanism satisfactory to both the County and Coble's, throughout the life of the landfill. The requirement for financial security will terminate and be returned to Coble's twenty (20) years after the landfill is closed.

Section 4. The population to be served by the landfill will consist primarily of commercial contractors who specialize in construction, demolition, and land-clearing activities and haulers who haul materials generated from such activities. Except as set forth below, the area to be served by the landfill will be limited to a service area of twenty-five (25) miles from the landfill. The County recognizes that Coble's currently accepts waste from customers located more than twenty-five (25) miles from the landfill and these existing customers are hereby grandfathered under this franchise. Coble's has provided to the County a list of existing customers and the twenty-five (25) mile service area limitation shall not apply to and Coble's may continue to accept waste from said entities and their divisions, subsidiaries, affiliates, assigns and successors in interest. Coble's also may accept waste from new customers outside the twenty-five (25) mile service area to replace existing customers outside the twenty-five (25) mile service area. Although Coble's may accept waste from outside the twenty-five (25) mile radius as noted above, Coble's agrees to give first priority in terms of space in the landfill to Alamance County generated waste.

Section 5. Coble's will construct new landfill cells with a uniform foundation layer free from preferential flow paths. Such a foundation can consist of natural soils or compacted fill located on site. In the event that a soil or rock layer is encountered at the base of the landfill which would serve as a preferential flow path that would alter the ability of the site's groundwater monitoring system to detect contamination in the uppermost significant aquifer, a re-compacted soil layer shall be constructed as follows:

The affected area will be over excavated a minimum of two feet and replaced with a two-foot thick re-compacted soil layer. Compaction will be a minimum of 95% compaction and the layer will be constructed in four equal lifts.

Section 6. The waste stream that may be accepted by the landfill will be composed of waste or debris resulting from roofing, construction, remodeling, repair, or demolition

operations on pavement, buildings, or other structures. There also will be waste accepted from land-clearing activities such as stumps, trees, limbs, brush grass, and other naturally occurring vegetative matter. Inert debris such as concrete, brick, concrete block, uncontaminated soil, gravel and rock, and wood also will be accepted. Yard waste, including grass, will not be accepted at the landfill. Coble's must monitor the waste offered to the landfill and reject any loads of floor tiles or very old siding and very old roofing shingles that are likely to contain significant levels of asbestos. Other unacceptable wastes include friable asbestos, organic/household wastes, wastes that have been in contact with petroleum, solvents, or chemicals waste containing PCBs, and waste that has been in contact with pesticides or herbicides.

Section 7. The application and fee of \$100.00 have been received.

Section 8. The current stated gate rate for the landfill and the stated gate rate that Coble's anticipates will be in effect on or before September 2, 2012 is \$30 a ton with a minimum charge of \$10 per load. Coble's shall give notice of any proposed stated gate rate change to the County at least sixty (60) days prior to the proposed effective date of the rate change.

Section 9. This franchise shall have a term of seven (7) years, running from the effective date set forth in Section 14 below.

Section 10. Coble's agrees to operate the landfill in accordance with all applicable laws and regulations and comply in all material respects with any permit issued by the State of North Carolina.

Section 11. Coble's will instruct all haulers using the landfill to comply with N.C.G.S. § 20.116(g).

Section 12. Coble's will comply with the Alamance County Recycling Ordinance and will separate recyclable cardboard from the waste received at the landfill.

Section 13. Coble's will pay an annual host fee to the County of One Dollar (\$1.00) per ton of waste deposited in the landfill beginning the day the new cell is opened for business. No host fee is required for materials that are recycled and, therefore, not deposited in the landfill. The host fee shall be paid based on the monthly volume of waste deposited in the landfill and shall be paid for each month by the 15th of the following month. The official volume of waste deposited in the landfill shall be based on Coble's annual report filed with the State of North Carolina by August 1 of each year. If the annual report shows a higher volume of waste deposited in the landfill than reflected in earlier payments, then Coble's will pay the host fee for July plus \$1.00 per ton for any excess amount reflected in the annual report no later than August 15. If the annual report shows a lesser volume of waste deposited in the landfill than reflected in earlier payments, then Coble's will pay the host fee for July less \$1.00 per ton for the lesser amount reflected in the annual report no later than August 15.

Section 14. This ordinance requires readings and approval at two regular meetings of the Board of Commissioners of Alamance County, pursuant to and as required by N.C.G.S. § 153A-46, and will become effective on September 2, 2012.

This 6th day of August, 2012

Jack Dyer
Chair

William Bill Leckley
Vice-Chair

Jodi Ball
Commissioner

Linda Massey
Commissioner

T.D. Sutton
Commissioner

1st Reading Approved July 16, 2012

2nd Reading Approved August 6, 2012