

## **PUBLIC NOTICE**

North Carolina Department of  
Environment, Health and Natural Resources  
Division of Solid Waste Management  
Solid Waste Section  
P.O. Box 27687  
Raleigh, North Carolina 27611-7687  
(919) 733-0692

Notice of public comment period and public hearing on the permit renewal (Draft Permit No. 13-04) to construct Phase 2, Cells A-E and continue to operate the CMS Development Corp. Landfill V, a municipal solid waste landfill facility (MSWLF) located in Concord, North Carolina, pursuant to 15A NCAC 13B .1600 of the Solid Waste Management Rules, is hereby given. North Carolina Solid Waste Management Rules require that the public be given a 45-day period to comment on the draft permit as prepared by the NC Division of Solid Waste Management. This 45-day period will begin March 10, 1995, and end at 5:00 PM on April 24, 1995. Persons wishing to comment on this permit or the proposed permit conditions should submit their comments in writing to the division contact listed below. All data submitted by the applicant is available as part of the administrative record and may be viewed during business hours (9:00AM - 4:00PM, Monday-Friday, by appointment) at the Division of Solid Waste Management, 401 Oberlin Road, Suite 150, Raleigh, North Carolina.

CMS Landfill V is owned by CMS Development Corp., and operated by Browning-Ferris Industries of South Atlantic, Inc. The existing 393-acre facility is accessed via Morehead Road and is located within the city limits of Concord, North Carolina. Current operations are conducted in the Phase 1 area, which was approved for construction on April 1, 1991. The 206-acre Phase 2 area has a total capacity of 17.9 million cubic yards and will be developed in five-year increments. The first five-year development area, Phase 2, Cells A-E, encompasses approximately 133 acres and has a disposal capacity of 9,172,500 cubic yards of solid waste. This corresponds to an approximate disposal rate of 917,250 tons of waste per year, or a daily average of approximately 3000 tons per day, based on 305 days per year (6 days per week with 8 holidays) or 76,440 tons per month. This permit approves both the overall facility plan and the specific construction of Phase 2, Cells A-E.

A public hearing will be held Wednesday, March 29, 1995, 7:00 PM, in the Commissioners Meeting Room, Cabarrus County Governmental Center, 65 Church Street, SE, Concord, North Carolina. Interested parties may present oral or written statements and data concerning the referenced permit. Persons wishing to speak may register at the hearing. Five minutes will be allotted per speaker.

A fact sheet, copy of the draft permit, and rules for the public hearing may be obtained from the division contact. Written comments must include the permit number and should be directed to the division contact. Persons wishing to receive notice of a final permit decision should make their request known in writing to the division contact. Address all comments, questions, or requests to Sherri Hoyt, Division Contact, at the above address.

State of North Carolina  
Department of Environment,  
Health and Natural Resources  
Division of Solid Waste Management



James B. Hunt, Jr., Governor  
Jonathan B. Howes, Secretary  
William L. Meyer, Director

**FACT SHEET**  
**PERMIT NUMBER: 13-04**

**FACILITY:** CMS Development Corp. Landfill V  
**COUNTY:** Cabarrus  
**CITY:** Concord, North Carolina  
**OWNER:** CMS Development Corp.  
5105 Morehead Drive  
Harrisburg, North Carolina 28075  
**OPERATOR:** Browning-Ferris Industries of South Atlantic, Inc.  
5105 Morehead Drive  
Harrisburg, North Carolina 28075

Description

A draft Solid Waste Permit has been prepared by the Division of Solid Waste Management for the construction and operation of CMS Development Corp. Landfill V, Phase 2, Cells A-E, a municipal solid waste landfill facility (MSWLF). The division has determined that the proposed facility plan, engineering plan, construction quality assurance plan, operation plan, closure and post-closure plan, and water quality monitoring plan, as identified in the application, satisfy the requirements and intent of the North Carolina Solid Waste Management Rules, codified as 15A NCAC 13B .1600. These plans were submitted as part of a one-time permit renewal process, pursuant to 15A NCAC 13B .1603(a)(5).

CMS Landfill V is owned by CMS Development Corp., and operated by Browning-Ferris Industries of South Atlantic, Inc. The existing 393-acre facility is accessed via Morehead Road and is located within the city limits of Concord, North Carolina. Current operations are conducted in the Phase 1 area, which was approved for construction on April 1, 1991. The 206-acre Phase 2 area has a total capacity of 17.9 million cubic yards and will be developed in five-year increments. The first five-year development area, Cells 2A-2E, encompasses approximately 133 acres and has a disposal capacity of 9,172,500 cubic yards of solid waste. This corresponds to an approximate disposal rate of 917,250 tons of waste per year, or a daily average of approximately 3000 tons per day, based on 305 days per year (6 days per week with 8 holidays) or 76,440 tons per month. This permit approves both the overall facility plan and the specific construction of Phase 2, Cells A-E.

The MSWLF will be permitted to dispose of household, industrial, and commercial solid waste. Hazardous waste or other banned wastes such as yard waste and white goods are not permitted for disposal. The facility may accept waste from within the State of North Carolina.

### PERMIT STRUCTURE

The draft permit is divided into two parts composed of Part 1: Permit to Construct, Attachment 1 - Approved Documents, Attachment 2 - General, Construction and pre-operative Conditions, and Part 2: Permit to Operate, Attachment 3 - Approved Documents, Attachment 4 - General, Operation, and Water Monitoring Conditions. A copy of the draft Permit is attached.

### PUBLIC COMMENT PERIOD

North Carolina Solid Waste Management Rules require that the public be given a 45-day period to comment on the draft permit. This 45-day period will begin on March 10, 1995, and will end on April 24, 1995. The draft permit is available for review by appointment from 9 AM to 4 PM, Monday through Friday, at the Division of Solid Waste Management, 401 Oberlin Road, Raleigh, North Carolina. For an appointment to review the draft permit, permit application, or other related information on file with the Division, Contact the Division at (919) 733-0692. All file review appointments are subject to availability of space and other file review appointments. All data submitted by the applicant is available as part of the administrative record. Persons wishing to comment on this permit or the permit conditions should submit their comments in writing by 5:00 PM on April 24, 1995. Comments should be typed or legibly printed and sent to the address shown below and must include the permit number. All pertinent comments received within the 45-day period will be considered in making the final permit decision. A final permit decision and responses to comments will be prepared soon after the conclusion of the comment period.

### DIVISION CONTACT

Written comments should be directed to:

Sherri C. Hoyt  
North Carolina Department of  
Environment, Health, and Natural Resources  
Division of Solid Waste Management  
Solid Waste Section  
Post Office Box 27687  
Raleigh, North Carolina 27611-7687

**PUBLIC HEARING NOTICE**

North Carolina Solid Waste Management Rules provide for a public hearing. A public hearing on the draft permit will be held Wednesday, 7:00 PM, March 29, 1995, in the Commissioners Meeting Room, Cabarrus County Governmental Center, 65 Church Street, SE, Concord, North Carolina. Any person may submit oral statements by registering with the hearing officer at the meeting. Five(5) minutes will be allotted per speaker. Related parties may not allot their time to one speaker. Comments will only be accepted on the referenced draft permit. Written statements and data concerning the draft permit may also be submitted to the hearing officer. A tape or written transcript of the hearing will be prepared and made available to the public.

**NOTIFICATION OF DECISION**

Persons wishing to receive notice of the final permit decision should make their request known in writing to the division contact listed above.

PERMIT NO. 13-04  
Part I - Permit to Construct  
*date to be determined, 1995*  
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## **SOLID WASTE PERMIT**

**CMS DEVELOPMENT CORP.**

is hereby issued a permit to **CONSTRUCT** a  
**MUNICIPAL SOLID WASTE LANDFILL**

accessed via Morehead Road, Concord, North Carolina, in accordance with Article 9, Chapter 130A, of the General Statutes of North Carolina and all rules promulgated thereunder and subject to the conditions set forth in this permit. The facility is located and described by the legal description of the site or the property map contained within the approved application.

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James C. Coffey, Supervisor  
Permitting Branch  
Solid Waste Section

## ATTACHMENT 1

### Approved Plan Documents

1. Application for Permit to Construct, CMS Development Corp. Landfill Expansion, Landfill V, Cells 2A-2E, dated March 7, 1994.
2. Final Revised Plans (16 Drawings), Application for Permit to Construct, CMS Development Corp. Landfill Expansion, Landfill V, Cells 2A-2E, received March 10, 1995.
3. Design Hydrogeologic Report, CMS Development Corp. Landfill Expansion - Landfill V, Cells 2A-2E, dated February 9, 1994.
4. Response to Division of Solid Waste Management's Comments dated 8/12/94 for the Application for Permit to Construct CMS Landfill V, Cells 2A-2E, dated August 25, 1994.
5. Supplement No. 1 to Response to Division of Solid Waste Management's Comments dated 8/12/94 for the Application for Permit to Construct CMS Landfill V, Cells 2A-2E, dated August 31, 1994.
6. Addendum No. 1 to Application for Permit to Construct CMS Landfill V, Cells 2A-2E, dated August 31, 1994.
7. Supplement No. 2 to Response to Division of Solid Waste Management's Comments dated 8/12/94 for the Application for Permit to Construct CMS Landfill V, Cells 2A-2E, dated October 6, 1994.
8. Response No. 1 to Comments, CMS Landfill V, Cells 2A-2E, Design Hydrogeologic Report, dated August 20, 1994.
9. Response No. 2 to Comments, CMS Landfill V, Cells 2A-2E, Design Hydrogeologic Report, dated September 23, 1994.
10. Supplement to Response No. 2 to Comments, CMS Landfill V, Cells 2A-2E, Design Hydrogeologic Report, dated November 15, 1994.
11. Supplement No. 2 to Response No. 2, CMS Landfill V, Cells 2A-2E, Design Hydrogeologic Report, dated January 5, 1995.
12. Attachment to Facility Plan, (3 drawings), CMS Development Corp. Landfill V, submitted March 1, 1995.

## ATTACHMENT 2

### Construction and Pre-Operative Conditions of Permit

#### GENERAL CONDITIONS

1. This permit shall be effective upon compliance with 15A NCAC 13B .0204 and when the certified copy with the page, book number, date of recordation, and Register's seal is returned to the Solid Waste Section (Section).
2. This landfill and facility is subject to the requirements of all applicable sections of the most recent version of the North Carolina Solid Waste Management Rules, 15A NCAC 13B and the specific conditions contained herein.
3. CMS Development Corp. shall amend this permit pursuant to 15A NCAC 13B .1603(a)(2) for any subsequent phase of development.
4. This facility shall conform to the specific conditions set forth in this permit and the provisions of 15A NCAC 13B .1604(b)(2).
5. The approved plans are described in Attachment 1, "Approved Plan Documents". Where discrepancies may exist, the most recent approved submittal and Conditions of Permit shall govern.

#### CONSTRUCTION CONDITIONS

6. This permit approves the development and construction of CMS Development Corp. Landfill V, Phase 2, Cells A-E. This permit also approves the on-site environmental management and protection facilities as described in the approved plans.
7. CMS Development Corp. shall conduct a pre-construction meeting, on site, prior to initiating construction and shall notify the Solid Waste Section 10 days prior to said meeting.
8. Additional conditions and revisions of the approved documents or changes during construction of the landfill require approval by the North Carolina Solid Waste Section.
9. Buffer zones are as established in the approved plans and 15A NCAC 13B .1624(b)(3) and (4). Solid Waste Section approval is required for use of buffer zones other than as defined in the approved plans.
10. Construction of this facility shall be accordance with 15A NCAC 13B .1624 and the approved plans.

11. Any modifications in sedimentation and erosion control activities require approval by the Land Quality Section. The Section shall be notified of any sedimentation and erosion control modifications.
12. The owner's geologist shall examine the cell excavation and note any pertinent geologic features exposed during the construction process and shall notify the Solid Waste Section Hydrogeologist of these findings prior to the placement of any liner materials.
13. The Solid Waste Section Hydrogeologist shall be notified when ground-water monitoring well installation procedures are to begin. The owner's geologist shall be in the field to supervise all well installations.
14. For each monitoring well constructed, a well construction record, well schematic, boring log and a description of well development activities shall be submitted to the Section within 30 days upon well completion.
15. Any modifications to the approved water quality monitoring plan shall first be approved by the Solid Waste Section Hydrogeologist. Documentation of all changes to the approved plan shall be submitted with the well construction records.

#### **PRE-OPERATIVE CONDITIONS**

16. Prior to receiving waste at this facility, a Permit to Operate, Part 2, must be obtained from the Solid Waste Section in accordance with 15A NCAC 13B .0201(b).
17. The following requirements shall be met in order to obtain a Permit to Operate, Part 2, for this facility:
  - a. Site preparation shall be in accordance with the approved plans, and the conditions specified herein.
  - b. Site inspection shall be made by a representative of the Solid Waste Section.
  - c. A Construction Quality Assurance (CQA) report shall be prepared in accordance with the approved plans and 15A NCAC 13B .1621 and .1624(b)(15).
  - d. All necessary Local, State, and Federal permits or approvals to manage leachate must be obtained and copies submitted to the Section. Location and operation of leachate management facilities at the landfill facility requires Section approval.
  - e. A pre-operative meeting shall be held on-site with key landfill personnel and representatives of the Solid Waste Section.

PERMIT NO. 13-04  
Part 2 - Permit to Operate  
*date to be determined, 1995*  
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## **SOLID WASTE PERMIT**

**CMS DEVELOPMENT CORP.**

is hereby issued a permit to OPERATE a  
**MUNICIPAL SOLID WASTE LANDFILL**

accessed via Morehead Road, Concord, North Carolina, in accordance with Article 9, Chapter 130A, of the General Statutes of North Carolina and all rules promulgated thereunder and subject to the conditions set forth in this permit. The facility is located and described by the legal description of the site or the property map contained within the approved application.

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James C. Coffey, Supervisor  
Permitting Branch  
Solid Waste Section

## **ATTACHMENT 3**

Approved Documents

***THIS ATTACHMENT SHEET RESERVED FOR LISTING OF APPROVED CONSTRUCTION  
QUALITY ASSURANCE AND RELATED DOCUMENTATION***

1.

## ATTACHMENT 4

### Conditions of Permit to Operate

#### GENERAL CONDITIONS

1. This permit is effective for five years from the issuance date of the permit to operate or until the contours as indicated on Phasing Diagram No. 5 located in Section 7 (Closure/Post-Closure Program) of Document 1, Attachment 1 are reached, whichever occurs first.

This facility is approved for a five year permitted disposal capacity of approximately 9, 172,500 cubic yards, consistent with the final contours as shown on Phasing Diagram No. 5, Section 7, Document 1, Attachment 1. This corresponds to an average annual disposal rate of approximately 917,250 tons (approximately 3000 tons per day based on 305 operating days per year or 76,440 tons per month) facility total as set forth in Document 1, Attachment 1.

2. In the event of conflicts between this Permit to Operate and previously issued conditions, the conditions of this Permit to Operate shall supercede previously issued conditions.
3. Closure or partial closure of any Municipal Solid Waste Landfill unit shall be in accordance with the approved documents and 15 NCAC 13B. 1629. The final closure plan shall be submitted at least 90 days prior to commencement of any closure activities. Closure and Post-closure plans, including Financial Instruments shall be updated annually pursuant to 15A NCAC 13B .1628.
4. This landfill facility is permitted to receive solid waste generated within the State of North Carolina, consistent with local government waste management plan(s) and as defined in 15A NCAC 13B .0101(36), except where prohibited by North Carolina General Statutes Article 9 of Chapter 130A, and Rules adopted by the Commission for Health Services. Co-disposal of non-liquid, non-hazardous wastewater treatment sludges shall be in accordance with 15A NCAC 13B .1626(e).

#### OPERATION CONDITIONS

5. The landfill unit shall conform to all operating procedures described in the approved plans, 15A NCAC 13B .1626, and the conditions specified herein.
6. All pertinent landfill operating personnel shall receive training and supervision necessary to properly operate this landfill. Specifically, training must be provided in operational

procedures that will prevent damage to the liner and leachate collection and removal systems.

7. Additional conditions and revisions of the approved documents or changes during operation of the landfill require approval by the North Carolina Solid Waste Section.
8. The use of leachate recirculation as a leachate management tool requires approval, prior to implementation, by the Solid Waste Section. Requests for leachate recirculation approval must include a comprehensive management plan developed according to Section guidelines and which is consistent with the approved operation plan. Plans which are approved by the Section are hereby incorporated and made a part of the approved documents found in Attachment 3.
9. The use of alternative daily cover requires approval, prior to implementation, by the Solid Waste Section. Requests for alternative daily cover approval must include a comprehensive use and demonstration of effectiveness plan developed according to Section guidelines and consistent with the approved operation plan. Plans which are approved by the Section are hereby incorporated and made a part of the approved documents found in Attachment 3.
10. On or before August 1 of each year, the permittee shall report the amount of waste received (in tons) at this facility and disposed of in the landfill to the Solid Waste Section, on forms prescribed by the Section. This report shall include the following information:
  - a. The reporting period shall be for the previous year, beginning July 1 and ending on June 30;
  - b. The amount of waste received and landfilled in tons, compiled on a monthly basis and by county or transfer station of origin, and
  - c. The completed report shall be forwarded to the Regional Waste Management Specialist for the facility. A copy of the completed report shall be forwarded to the County Manager of each county from which waste was received.
11. Untreated leachate shall be sampled and analyzed at least semi-annually concurrently with ground and surface water sampling events. The leachate shall be analyzed for all Appendix I constituents, ph, specific conductance, BOD, and COD. Test results shall be submitted to the Section along with ground and surface water test results.

#### **GROUND AND SURFACE WATER MONITORING CONDITIONS**

12. Ground water quality at this facility is subject to the classification and remedial action provisions of 15 NCAC 2L and 15A NCAC 13B.

13. The four independent samples which comprise the initial semiannual sampling event shall be collected from each monitoring well and the report detailing the statistical analysis of the related analytical data shall be submitted to the Section within six month after issuance of the Permit to Operate.
14. A readily accessible unobstructed path shall be cleared and maintained so that four-wheel drive vehicles may access monitoring wells locations at all times.
15. A field log book which details all development, sampling, repair, and all other pertinent activities associated with each monitoring well and all sampling activities associated with each surface water and leachate sampling location shall be kept as part of the permanent facility record and maintained at the facility.
16. Records of all ground-water, surface water and leachate analytical data shall be kept as part of the permanent facility record and maintained at the facility.
17. Ground-water monitoring wells and surface water monitoring locations shall be sampled and analyzed at least semi-annually according to the specifications outlined in the approved water quality monitoring plan, 15 NCAC 13B .1630 - .1637, and the current policies and guidelines of the Section in effect at the time of sampling.
18. Reports of analytical data for each water quality sampling event shall be submitted to the Section within 60 days of the respective sampling event. Analytical data shall be submitted in a manner prescribed by the Section.