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CUMBERLAND COUNTY NC
J. LEE WARREN, JR.
REGISTER OF DEEDS

Permit No.	Date	Document ID No.
26-K	April 27, 2015	24207

Received by a mail
Date: **April 27, 2015**
Solid Waste Section
Raleigh Central Office



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END PAGE 0022
INSTRUMENT # 11720
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EXCISE TAX (None)

RF

NOTE: THE SPACE ABOVE IS FOR THE REGISTER OF DEEDS USE

Return - Steve waters

This page is provided for recordation purposes. The **entire document**, including this page, should be recorded at the Register of Deeds and indexed as follows:

Grantor/Landowner: BARNHILL CONTRACTING COMPANY

Grantee/Holder of Permit: NC DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

Document Type: PERMIT FOR LAND CLEARING AND INERT DEBRIS LANDFILL

The property is identified by the deeds recorded as listed below:

Cumberland County, N.C. Register of Deeds			
Book No.	Page No.	Grantee	Grantor
7419	456 and 459	Barnhill Contracting Company	APAC-Atlantic, Inc.
			Total Site Acreage: 25 acres

Note: The landfill encompasses the permitted waste footprint of 12.2 acres within the 25-acre landfill boundary.

THE PURPOSE OF THIS RECORDATION IS TO NOTIFY FUTURE BUYERS OF SAID PROPERTY THAT A LANDFILL FACILITY HAS OPERATED ON THE PROPERTY.

I do hereby certify that the attached PERMIT TO CONSTRUCT AND OPERATE is an exact and true original of PERMIT NUMBER 26K-LCID for the DOC BENNET LAND CLEARING AND INERT DEBRIS LANDFILL.


Ming-Tai Chao, P.E.
Environmental Engineer
Permitting Branch
Solid Waste Section
Division of Waste Management

North Carolina

WAKE County

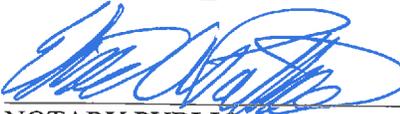
I, ELIZABETH A. PATTERSON, Notary Public for JOHNSTON County,

North Carolina, do hereby certify that Ming-Tai Chao, Environmental Engineer of the Permitting Branch, Solid Waste Section, Division of Waste Management, NCDENR, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal,

This the 20TH day of APRIL, 20 15.

OFFICIAL SEAL


NOTARY PUBLIC



(N.P. SEAL)

My commission expires JANUARY 25, 20 16.

Note to Register of Deeds: This certified original permit shall be recorded by the Register of Deeds and indexed in the grantor index under the name of the land owner. The certified original affixed with the Register's seal and the date, book, and page number of recording shall be returned to the Permitting Branch Supervisor, Division of Waste Management, Solid Waste Section, 1646 Mail Service Center, Raleigh, NC 27699-1646.



Facility Permit No: 26K-LCID-
Doc Bennett LCID Landfill
Permit to Construct and Operate
April 20, 2015
DIN: 24138
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NORTH CAROLINA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
Division of Waste Management

Pat McCrory
Governor

Donald R. van der Vaart
Secretary

STATE OF NORTH CAROLINA
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
DIVISION OF WASTE MANAGEMENT
SOLID WASTE SECTION

LAND CLEARING AND INERT DEBRIS (LCID) LANDFILL
PERMIT NO. 26K-LCID

BARNHILL CONTRACTING COMPANY
is hereby issued a

PERMIT TO CONSTRUCT AND OPERATE
DOC BENNETT LCID LANDFILL - PHASES I THROUGH X

Located near Doc Bennett Road (NCSR 2212) and NC-87 approximately 10 miles southeast of Fayetteville, Cumberland County, 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 identified on the deeds recorded for this property listed in Attachment 1 of this permit.

Digitally signed by Edward F. Mussler III, P.E.
DN: cn=Edward F. Mussler III, P.E.,
o=NCDWM, ou=Solid Waste
Section,
email=ed.mussler@ncdenr.gov,
c=US
Date: 2015.04.20 08:52:18 -04'00'

Edward F. Mussler, III, P.E.
Permitting Branch Supervisor
Solid Waste Section

ATTACHMENT 1

PART I: PERMITTING HISTORY

Permit	Date	DIN
Original Permit Issuance for a Demolition Landfill	October 29, 1992	24097
Original Permit Issuance for a LCID Landfill	August 30, 1999	24097
Permit Amendment (Phase I thru V)	February 20, 2002	24097
Permit Amendment (Phase VI thru X)	September 16, 2009	8555
Permit Correction- Deed listing (Phase VI-X)	April 6, 2010	9941
Permit Amendment, 5-year permit review	April 20, 2015	24138

1. On October 29, 1992 Crowell Constructors Incorporated operated the landfill facility as a demolition landfill under the Solid Waste Management Permit Number 26-K. This landfill is a means of reclaiming a mining area under the Mining Permit No. 26-16 for Doc Bennett Mine.
2. On August 30, 1999 Crowell Constructors Incorporated converted the demolition landfill facility into a land clearing and demolition debris (LCID) landfill, which was operated under the Solid Waste Management Permit Number 26K-LCID.
3. In 2000, Crowell Constructors Incorporated was dissolved and purchased by APAC-Carolinas, Inc. The permit was transferred to APAC-Carolinas Inc. / Crowell Constructors Inc. on February 20, 2002.
4. After purchasing APAC-Carolinas Inc. on October 23, 2006, Barnhill Contracting Company obtained a permit transfer to own and operate this LCID Landfill on September 16, 2009 and named the facility as Doc Bennett LCID Landfill.
5. The facility Mining Permit No. 26-16 expired on February 22, 2003, and the site has no longer operating mining activities according to the permit amendment application dated September 22, 2008 (DIN 62300). The site-specific erosion and sediment control plan (ESCP) for the LCID landfill was submitted to the NC Land Quality Section for a review. The ESCP was approved on December 19, 2008 (DIN 7604).

PART II: LIST OF DOCUMENTS FOR THE APPROVED PLAN

1. January 17, 2007 letter from Steve Waters to Ed Mussler indicating that Barnhill Contracting Company purchased APAC-Carolinas Inc. and requested an approval to operate the Doc Bennett LCID Landfill under the Solid Waste Management Permit

Number 26-K. Historical permit applications and documents from 1992 to 2007 were enclosed (DIN 24097).

2. *LCID Permit Renewal, Barnhill Contracting Company, Landfill Permit No. 26K, Crowell Site.* Prepared by: ESP Associates, P.A., Charlotte, NC. Prepared for: Barnhill Contracting Company, Fayetteville, NC. September 22, 2008. (DIN 6230). Permit update (DIN 9941).
3. *DWM Technical Comments, December 15, 2008 (DIN 6456) and DWM Additional Technical Comments, January 12, 2009 (DIN 6580).*
3. *Facility's Technical Responses and later email amendments, May 4, 2009 (DIN 7604) including the December 19, 2008 Letter of Approval of the Erosion and Sediment Control Plan issued by the NC Land Quality Section, and May 20 & 21, 2009 (DIN7606).*
4. *Drawings - Doc Bennett Landfill, Fayetteville, NC.* Prepared by ESP Associates, P.A. Prepared for: Barnhill Contracting Company, Fayetteville, NC. October 21, 2008 as revised through May 5, 2009. 11 sheets. DIN 7605.
5. Additional information of the deed: deed history (DIN 9015) and the current deed (DIN 9939).
6. May 07, 2014 letter from Steve Waters to Geof Little requested a Permit Amendment for Doc Bennett LCID, Permit No. 26-K including a two-pages narrative, a copy of zoning approval letter dated February 28, 2014, a copy of as-built survey map dated May 27, 2014, and written responses dated April 9, 2015 (DIN 24137) & April 14, 2015 (DIN 24145) to DWM comments (DIN 24140).

PART III: PROPERTIES APPROVED FOR THE SOLID WASTE FACILITY

Cumberland County, N.C. Register of Deeds			
Book No.	Page No.	Grantee	Grantor
7419	456 and 459	Barnhill Contracting Company	APAC-Atlantic, Inc.
			Total Site Acreage: 25 acres

Note: The LCID Landfill encompasses the permitted waste footprint of 12.2 acres within the 25-acre landfill boundary.

PART IV: GENERAL PERMIT CONDITIONS

1. This permit is issued by the North Carolina Department of Environment and Natural Resources, Division of Waste Management, Solid Waste Section (Section). In accordance with North Carolina Solid Waste Management Rule 15A NCAC 13B .0201(e), a land clearing and inert debris solid waste management facility permit may be combined in two parts: a Permit to Construct and a Permit to Operate. The Permit to Construct and Operate shall expire on **April 20, 2020**. The Permit to Construct conditions

are contained in Attachment 2 of this permit. The Permit to Operate conditions are contained in Attachment 3 of this permit.

2. The persons to whom this permit is issued ("permittee") are the owners and operators of the solid waste management facility.
3. This permit shall not be effective unless the certified copy is filed in the Register of Deeds Office and indexed in the grantor index under the name of the owner of the land in the county or counties in which the land is located. The certified copy of the permit, affixed with the Register's seal and the date, book, and page number of recording must be returned to the Division of Waste Management, within 30 (thirty) calendar days. If the Section does not receive the certified copy of the recorded permit within 30 calendar days of issuance of the permit, then and in that event, the permit is suspended and of no effect until the date the Section receives the certified copy of the recorded permit.
4. When this property is sold, leased, conveyed, or transferred in any manner, the deed or other instrument of transfer must contain in the deed description section, in no smaller type than that used in the body of the deed or instrument, a statement that the property has been used as a LCID landfill and a reference by book and page to the recordation of the permit.
5. By beginning construction or receiving waste at this facility the permittee shall be considered to have accepted the terms and conditions of this permit.
6. Construction and operation of this solid waste management facility must be in accordance with the Solid Waste Management Rules (Rules), 15A NCAC 13B, Article 9 of Chapter 130A of the North Carolina General Statutes (NCGS 130A-290, et seq.), the conditions contained in this permit; and the approved plan. Should the approved plan and the rules conflict, the Rules shall take precedence unless specifically addressed by permit condition. Failure to comply may result in compliance action or permit revocation.
7. The permit is issued based on the documents submitted in support of the application for permitting the facility including those identified in Attachment 1, "List of Documents for Approved Plan," and which constitute the approved plan for the facility. Where discrepancies exist, the most recent submittals and the Conditions of Permit shall govern.
8. This permit may be transferred only with the approval of the Section, through the issuance of a new or substantially amended permit in accordance with applicable statutes and rules. In accordance with NCGS 130A-295.2(g), the permittee must notify the Section thirty (30) days prior to any significant change in the identity or business structure

of either the owner or the operator, including but not limited to, a proposed transfer of ownership of the facility or a change in the parent company of the owner or operator of the facility.

9. The permittee is responsible for obtaining all permits and approvals necessary for the development of this project including approval from appropriate agencies for sedimentation and erosion control, and a General or Individual National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit, if applicable. Issuance of this permit does not remove the permittee's responsibilities for compliance with any other local, state or federal rule, regulation or statute.

- End of Section -

ATTACHMENT 2 CONDITIONS OF PERMIT TO CONSTRUCT

PART I: FACILITY SPECIFIC CONDITIONS

1. Pursuant to the North Carolina Solid Waste Management Rules (Rules) 15A NCAC 13B .0201(c) and (e), this Permit to Construct approves the revised facility plan, which will construct and develop the Doc Bennett LCID Landfill by ten (10) phases - Phase I through Phase X over the landfill waste boundary of approximately 12.2 acres as shown on the drawing C-01- Project Status, Map Update, May 2014 (DIN 24140).
2. The landfill is permitted having gross capacity of 121,992 cubic yards (CY) with the final grades up to 162 feet above mean seal level as shown on the drawing C-01, Project Status, Map Update, May 2014 (DIN 24140). Gross capacity is the measured volume between the bottom of waste and the top of final cover. The approved phased construction and development of the landfill is summarized below:

Phased Development	Acreage	Capacity	Status
		(cubic yards)	
Previously Completed Fill Area	2.8	13,200	Constructed & Filled
Phase I	3.8	8,361	Constructed & Active
Phase II	1.8	10,924	Permitted
Phase III	1.8	12,033	Permitted
Phase IV	1.9	7,259	Permitted
Phase V	Vertical Expansion	11,022	Permitted
Phase VI	Vertical Expansion	11,481	Permitted
Phase VII	Vertical Expansion	11,481	Permitted
Phase VIII	Vertical Expansion	12,170	Permitted

Phase IX	Vertical Expansion	12,859	Permitted
Phase X	Vertical Expansion	11,200	Permitted
Totals	12.2	121,992	--

3. Revisions to the approved design or construction of any landfill phases or cells require written approval of the Section in accordance with applicable statutes and rules. Revisions or changes that require modification to the permit will be subject to the appropriate permitting fee in accordance with NCGS 130A-295.8(c).
4. The permittee must complete the following Pre-Operational Permit Conditions prior to receiving permitted solid waste in a new landfill phase - Phase II through Phase X:
 - a. A written certification signed by a NC Registered Professional Engineer or as-built survey drawings prepared by a NC Registered Land Surveyor must be submitted to the Section certifying that the waste disposal unit(s) has been constructed in accordance with the approved plan (DIN 24140) and Rule 15A NCAC 13B .0564(8)(d).
 - b. A sign must be posted at the entrance as required by the Rule 15A NCAC 13B .0566(16).
 - c. The disposal unit boundary must be accurately identified with permanent markers.
 - d. A site inspection and pre-operative meeting must be conducted by a representative of the Section. The permittee must notify the Section's Environmental Senior Specialist and arrange for the site inspection and pre-operative meeting.
 - e. After completion of the requirements in subparagraphs a. through d. above, the Section Environmental Senior Specialist shall notify the Permitting Branch Supervisor by letter or email that the pre-operative requirements have been met and that the phase(s) may commence receiving waste. The permittee will be copied on the notification and may begin receiving waste at that time.

EROSION AND SEDIMENTATION CONTROL REQUIREMENTS

5. All earth disturbing activities must be conducted in accordance with the Sedimentation Pollution Control Act of 1973 (15 NCAC 4) and consistent with any other local, state or federal requirements.
6. Facility construction, operations or practices must not cause or result in a discharge of pollution, dredged material, and/or fill material into waters of the state in violation of the requirements under Sections 401 and 404 of the Clean Water Act, as amended.

7. Modifications to the approved sedimentation and erosion control activities require approval by the North Carolina Land Quality Section. The permittee must notify the Section of any sedimentation and erosion control plan modifications.

- End of Section -

ATTACHMENT 3 CONDITIONS OF PERMIT TO OPERATE

PART I: FACILITY SPECIFIC CONDITIONS

1. This Permit to Operate expires **April 20, 2020**. Pursuant to Rules 15A NCAC 13B .0201(g) and .0563(4), no later than **October 23, 2019**, the permittee must submit a request to the Section for permit review and must submit updated facility plans meeting the requirements of Rules 15A NCAC 13B 0.565 and .0566.
2. This facility must conform to the operational requirements of the Rules 15A NCAC 13B .0566 and to the operational plans (DIN 24097 & 24140) required by Rule 15A NCAC 13B .0565(4).
3. This Permit to Operate authorizes the permittee to:
 - a. Continue operation of the LCID Landfill - Phases I, which encompasses approximately 3.8-acre waste footprint and contains approximately gross capacity of 8,361 cubic yards with the intermediate final grade at 157.5 feet above mean seal level as shown on the drawing C-01, Project Status, Map Update, May 2014 (DIN 24140).
 - b. Operate permitted disposal activities at any Phase II through Phase X sequentially according to the approved phased development drawing C-01, Project Status, Map Update, May 2014 (DIN 24140) only when the Permit Condition No. 4 in Attachment 2 of this permit is completely achieved and documented. The approved waste footprint and gross capacity for each above-referenced landfill phase shall be consistent with Permit Condition No. 2, Part I, Attachment 2 of this permit.
4. This facility is permitted to receive land clearing waste, yard trash, untreated and unpainted wood, uncontaminated soil, inert debris such as unpainted rock, brick, concrete, and concrete block in accordance with Rule 15A NCAC 13B .0563(3)(a) and asphalt as defined in NCGS 130-294(m).

5. The facility has an average disposal rate of 5,000 cubic yards or 300 tons per year for the landfill - average of 25.0 tons per month or 1.186 tons per day based on 253 operating days per year (DIN 7606).
6. The permittee must install and properly maintain the permanent markers that accurately delineate the waste disposal boundary.
7. Excavation, grading and fill material side slopes must not exceed a ratio of three horizontal feet to one vertical foot (3:1).
8. Pursuant to Rule 15A NCAC 13B .0566(12), open burning of land clearing waste is prohibited at the landfill facility. If a fire occurs, the permittee must provide oral notification to the Section within 24 hours of the occurrence followed by a written report of the details of the fire within 10 working days of the occurrence. The report must include the cause, the location(s) on the premises, the dimensions and volume of material involved, a description of emergency response activities with results, and a description of mitigation measures implemented to reduce or eliminate conditions leading to the fire. Other conditions may be required based on the severity or nature of the fire.
9. Revisions to the design or operation of the facility must be submitted to the Section for review and approval prior to the implementation of any changes. Revisions or changes that require modification to the permit will be subject to the appropriate permitting fee in accordance with NCGS 130A-295.8(c).
10. Amendments or revisions to the North Carolina General Statutes or to the North Carolina Solid Waste Management Rules or any violation of ground water standards may necessitate modification of the approved design or operation plans, waste acceptance requirements or may require closure of the landfill facility.

COVER MATERIAL REQUIREMENTS

11. Solid waste must be covered with one (1) foot of suitable soil cover at least once per month or when the active area reaches one (1) acre in size, whichever occurs first, or more often when necessary to prevent the site from becoming a nuisance or to mitigate conditions associated with fire, windblown materials, vectors, or excessive water infiltration in accordance with Rule 15A NCAC 13B .0566(4).
12. The facility must maintain a supply of cover material adequate to cover the working face in accordance with Rule 15A NCAC 13B .0564(7).

13. Vegetative ground cover sufficient to control erosion must be established within 30 (thirty) working days upon completion of any phase of LCID landfill development in accordance Rule 15A NCAC 13B .0566(7) or as addressed in the approved Erosion and Sedimentation Control Plan (ESCP, DIN 7605) and permit (DIN 7604).
14. Pursuant to Rule 15A NCAC 13B .0566(5), within 120 calendar days after completion of the final disposal operations, the permittee must close and cover the disposal area with a minimum of one (1) foot of suitable soil cover graded and sloped to allow surface water runoff in a controlled manner. However, for drainage swales or ditches with depths greater than six (6) inches and widths less than three (3) feet located on the landfill, at least two (2) feet of soil is required between the bottom elevation of the ditches and the waste mass.

DRAINAGE CONTROL AND WATER PROTECTION REQUIREMENTS

15. All required sedimentation and erosion control measures must be installed and maintained to mitigate excessive on-site erosion and to prevent silt from leaving the site of the landfill unit during the service life of the facility in accordance with the approved ESCP (DIN 7604 & 7605) and Rules 15A NCAC 13B .0564(8)(a), (b) & (c) and .0566(6).
16. Ground water quality at this facility is subject to the classification and remedial action provisions of 15 NCAC 2L and Rule 15A NCAC 13B .0566(15).
17. Solid waste must be placed a minimum of four feet above the seasonal high water table in accordance with Rule 15A NCAC 13B .0564(8)(d). This landfill is a means of reclaiming a mining area, so excavation for landfill base at the site isn't planned in accordance with the permit applications (DIN 24097 & 24140). However, the permittee is authorized to:
 - a. Conduct incidental grading landfill base to manage surface water within the LCID landfill - Phases I through V areas as necessary and
 - b. Submit the as-built survey drawing to show the revised landfill base grades with the permit amendment application in the following permit cycle according to the Permit Condition No. 1, Attachment 3 of this permit.
18. Surface water must be diverted away from the operational area and must not be impounded over or in waste, and solid waste must not be disposed in standing water in accordance with Rules 15A NCAC 13B .0566(10) and (11), respectively.

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19. Leachate must be properly managed on site using best management practices in accordance with Rule 15A NCAC 13B .0566(14).

- End of Permit Conditions -