

TN-PN 34-Lowder Recycling-N-
Disposal, LLC

Fac/Perm/Co ID #	Date	Doc ID#
Carney J.	2/27/09	DIN

CHARLES D. LOWDER, INC.
2810 GRIFFITH ROAD
WINSTON-SALEM, NC 27103
OFFICE-(336) 760-0477
FAX-(336) 760-6640

March 31, 2004

Mr. Ted Lyon
Composting & Land Application Branch
North Carolina Department of
Environment and Natural Resources
1646 Mail Service Center
Raleigh, NC 27699-1646

Dear Ted,

Please see the following comments and information as a follow-up to your letter dated December 9, 2003.

1. The 50 feet set back along Griffith Road meets or exceeds your requirement. The 50 feet setback along the west creek bank has been reestablished.
2. Wind row spacing has been increased.
3. Persistent wet weather (until recently) has kept the site extremely wet resulting in areas of ponding water. With the recent dryer weather, we have been able to eliminate this condition. However, at times the ponding may reoccur as a result of equipment traffic and rain.

A request for a Treatment and Processing Permit application resulted in NCDENR mailing me the attached five pages. Inadvertently I completed the notification application. Should there be a different application form, please forward and I will complete it. However, it is not my intent to apply for the notification permit. Today, I have contacted the local fire marshal in hopes of receiving the necessary letter you have requested. I will forward as soon as I have secured this information.

I have attached the City of Winston-Salem's approved erosion control plan for your records. Please note the department's stamp and signature. Mr. Jeff Kopf may be reached at 336-727-2388 should you need further information regarding erosion control site approval. I had previously included a copy of the paid permit showing Tax Block and Lot.

In an effort to better keep our records, we are converting land clearing debris as 1000 lbs. (0.5 tn) per cubic yard and clean yard waste as 400 lbs. (0.2 tn) per cubic yard. Truck loads are being monitored on a daily basis.

Upon review, please forward your comments to my office or phone my mobile at 336-403-4285.

Sincerely,

A handwritten signature in cursive script, appearing to read "M. Eugene Lowder".

M. Eugene Lowder
President
Lowder Recycling and Disposal, LLC

MEL/ge

Cc: James Beal, Solid Waste, Mooresville Regional Office
Wendy Simmons, Waste Management Specialist, Winston Salem Regional Office
Brent Rockett, Solid Waste Western Area Supervisor

Attachments



CITY OF WINSTON-SALEM
FIRE ADMINISTRATION

P.O. BOX 2511 • WINSTON-SALEM, NORTH CAROLINA 27102-2511
336-773-7900 • fax 336-773-7974 • www.cityofws.org/fire

John W. Gist
Fire Chief

John W. Lucas
Deputy Fire Chief

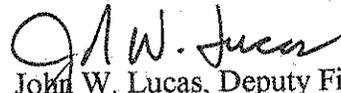
April 2, 2004

Mr. Gene Lowder
Lowder Recycling and Disposal, LLC
2840 Griffith Road
Winston-Salem, NC 27103

Mr. Lowder:

This letter is in reference to your request concerning our response to your facility during emergencies. Your facility would receive a compliment of companies which would respond from our 2050 Griffith Road location, 1701 Pope Road location and Clemmons Fire Department. A second alarm if needed would have two additional engine companies and one truck company. All of our companies are staffed with career trained professional firefighters.

Sincerely,


John W. Lucas, Deputy Fire Chief
Winston-Salem Fire Department

Lowder

TREATMENT AND PROCESSING

Treatment and processing permits are issued by the Division of Waste Management, Solid Waste Section for facilities that receive wastes and treat or process those wastes for utilization by recycling, reclaiming, or for final disposal. Facilities that receive primarily organic wastes to be treated or processed for recycling or reuse in soil or plant related uses are normally permitted by the Composting and Land Application branch of the Solid Waste Section.

Facilities that receive wastes to be treated or processed for final disposal or uses that are not soil/plant related are normally permitted by the Permitting Branch of the Solid Waste Section. This would include facilities that receive inert debris or construction demolition waste and reuse a portion of the waste while disposing of the rest. Air curtain burners would be permitted by the Permitting Branch.

Requirements for Treatment and Processing Facilities that receive wastes to be treated for recycling or reuse in soil or plant related uses may be found in Section .0300 of the Solid Waste Management Rules and in this document. Included in this document are requirements for facility siting and operation and for permit applications. If part or all of the process results in heat being generated through biological means a permit to operate a compost facility will be required. Individuals wishing to compost should refer to the Solid Waste Compost Rules in Section .1400 of the Solid Waste Management Rules.

Technical assistance is also provided in this document on how to complete application requirements. Application requirements vary for these facilities based on what is being treated or processed and how it is being accomplished. Application forms are not used due to the variable requirements.

The following definitions will apply in this document.

"Land clearing waste" means solid waste which is generated solely from land clearing activities such as stumps, trees, limbs, brush, grass, and other naturally occurring vegetative material.

"High C: N ratio Yard trash" means solid waste resulting from landscaping and yard maintenance such as brush, tree limbs, and similar vegetative materials that has a C: N ration higher than 75.

"Untreated and unpainted wood waste" means solid waste wood material that has not been glued, treated with preservatives, painted, stained, or varnished.

"Agricultural processing wastes" means materials that are derived from agricultural products that have been through a processing or receiving facility such as tobacco dust or cotton gin trash.

Treatment and processing at facilities that receive primarily organic wastes to be treated or processed for recycling or reuse in soil-plant related industries might include activities such as:

- Grinding or chipping land clearing debris, high carbon nitrogen yardwaste, and untreated and unpainted pallets or construction wood waste into mulch or boiler fuel. Certain treated wood wastes such as particleboard may also be ground or chipped into boiler fuel.
- Land clearing debris and high carbon nitrogen ratio yard waste may be piled up and allowed to decompose through natural means.

- Certain agricultural processing wastes such as tobacco dust and cotton gin trash, as well as approved coal or wood ash, untreated and unpainted wood fibers, and wall board could also be received at a treatment and processing facility for the manufacture of soil products.

Waste products other than land clearing debris and high C: N ratio yard waste will be considered for treatment and processing facilities on a case by case basis. A variety of tests may be required to determine the if a waste can be managed at a treatment and processing facility. Testing requirements may vary significantly, depending on the waste and its source. The minimum sampling requirement will be four waste analyses from the NC Department of Agriculture Lab.

All treatment and processing facilities are required to obtain a permit to construct and operate the facility unless all the following requirements are met.

- (1) Only land clearing debris, untreated and unpainted wood waste, and high C: N yard trash are managed at the facility.
- (2) The facility shall be less than 2 acres in size and shall not process or store more than 6000 cubic yards of material per three month period, or have on hand at any one time a combination of waste material and finished product that exceeds 6000 cubic yards.
- (3) The facility notifies the Division of Waste Management, Solid Waste Section annually of all activities and files an annual report with the Section.

Forms for Treatment and Processing notifications are available upon request. Treatment and processing notification sites are subject to all Federal, State, or Local laws, ordinances, rules, regulations, or orders, including but not limited to zoning restrictions, flood plain restrictions, wetland restrictions, sedimentation and erosion control requirements, and mining regulations.

Siting criteria for treatment and processing facilities are:

- (1) Facilities shall not be located in the 100-year floodplain.
- (2) Facilities or practices shall not cause or contribute to the taking of any endangered or threatened species of plants, fish, or wildlife.
- (3) Facilities or practices shall not result in the destruction or adverse modification of the critical habitat of endangered or threatened species as identified in 50 CFR Part 17 which is hereby incorporated by reference including any subsequent amendments and editions. This material is available for inspection at the Department of Environment, Health, and Natural Resources, Division of Solid Waste Management, 401 Oberlin Road, Raleigh, North Carolina 27605 where copies can be obtained at no cost.
- (4) A facility shall not be located where the permanent, seasonal or perched water table is located within 12 inches of the soil surface. Seasonal water table information shall be provided from hand auger borings, test pits or other suitable site specific methods that depicts seasonal groundwater depth at the site.
- (5) Facilities or practices shall not cause point or non-point source pollution of waters of the state that violates assigned water quality standards.
- (6) The facility shall meet the following minimum buffer requirements:
 - a) 100 feet from the waste boundary to all surface waters of the state as defined in G.S. 143-212 and all property lines.
 - b) 200 feet from the treatment and processing area to residential dwellings and commercial or public buildings.

- c) 100 feet from water supply wells.
 - d) 50 feet from property lines for land clearing debris facilities, 100 feet for all others.
 - e) Buffer requirements may be adjusted as necessary to insure adequate protection of public health and the environment. Buffer adjustments may vary with the method of treating or processing and the material being received at the facility.
 - f) Setbacks and seasonal water table separations may be increased if nitrogen containing, putrescible or pathogen containing wastes are managed at the facility.
- (7) The facility shall meet all requirements of any applicable zoning ordinance. In areas zoned for industrial uses horizontal setbacks may be reduced if local zoning setbacks are less and the reduction will not adversely affect the any part of the sedimentation and erosion control plan.

Operation requirements for treatment and processing facilities are:

- (1) Adequate erosion control measures, structures, or devices shall be utilized to control runoff and prevent silt or nutrients from leaving the site and to prevent excessive on site erosion. The site shall be managed in such a manner as to prevent standing water on the site to prevent the attraction of vectors.
- (2) Access roads shall be of all-weather construction and properly maintained.
- (3) A sign shall be posted at the facility entrance showing the contact name and phone number in case of an emergency.
- (4) The site shall be managed in such a manner as to avoid the attraction of vectors.
- (5) Record Keeping
- (6) An annual report shall be submitted to the Division of Waste Management, Solid Waste Section, by August 1st of each year for the previous July 1 through June 30.
- (7) Facilities that qualify as a notification site shall annually complete treatment and processing notification form. Notification forms will be provided by the Solid Waste Section upon request.

Facilities that are required to obtain a permit shall complete the requirements of Section .0300 of the Solid Waste Management Rules and provide the following information.

1. An aerial photograph, scale 1 inch is equal to 400 feet or less, showing the area for at least 1000 feet around the proposed facility
2. A vicinity map showing the location of the proposed facility.
3. Site Plan or scale drawing, 1 inch = 100 feet or less, showing the following items:
 - a. Property lines.
 - b. Existing topography.
 - c. Proposed grading with final grade, if the application is for a new facility.
 - d. Permanent and temporary sedimentation and erosion control structures.
 - e. The location of existing and proposed buildings, structures for storage of materials, monitoring or water supply wells, and utilities.
 - f. Existing surface water features (ditches, ponds, swamps, etc.)
 - g. Access control features (gates, fences, and earthen berms).
 - h. Existing and proposed roads and the anticipated traffic flow pattern.
 - i. 100 year flood plain (FEMA Flood Insurance Rate Map with site indicated on it).
 - j. Adjacent land uses, including other solid waste management activities.
 - k. Locations of stockpiles shown on the site plan, with proposed pile sizes, traffic lanes between piles, and types of material in each pile.
4. Facilities not previously permitted by the Division shall provide:
 - a. Sedimentation and Erosion control plan with approval letter from the Division of Land Quality or appropriate local government agency. If the application is for an existing facility a letter or recent inspection report should be included from the appropriate government agency indicating that the existing plan is adequate and that all related structures are in proper working order.
 - b. Letter from the appropriate agency that the proposed facility shall not cause or contribute to the taking of any endangered or threatened species of plants, fish, or wildlife.
 - c. Letter from the appropriate agency stating that the site is not located in a wetland.
5. Provide a legal description of the property and a copy of the deed for the property with metes and bounds.
7. If the property is owned by an individual(s)/corporation that is not the proposed operator, notarized and signed affidavits must be provided to the Solid Waste Section from the landowners of the site indicating that the property can be used for the proposed facility.
8. An operations Plan including:
 - a. A detailed narrative describing all the proposed operations that will take place at the facility including: receiving, processing, handling and storage of materials; anticipated

process time; length of time materials will remain on-site before and after processing; how the site will be maintained to prevent surface water from ponding and ruts from occurring around storage piles, etc.

- b. A list of materials proposed to be received.
- c. An estimate of how much of each type of material to be received will be processed per day or week.
- d. An explanation of how non-recyclable material will be managed at the site, an estimate of how much of that material will be managed, and the name and location of the facility where such material will ultimately be disposed.
- g. A list of all proposed uses of the recycled materials. Specific markets may be required with some materials.
- h. A letter from the local fire marshal/chief of the appropriate fire department that has jurisdiction over this facility that an incident at this facility will be responded to with the appropriate equipment.
- i. A list of all equipment to be utilized at the site for processing handling and loading of materials.
- j. If any of the information in this item is considered confidential, then documents shall be stamped as such and the Solid Waste Section will handle in accordance with applicable General Statutes.
- k. Contingency plans for equipment failure, fire or medical emergencies, and for poor product market conditions.
- l. Records indicating the inflow and out flow of material, in tons.

h:cla/treat&pr/tr&pr3

601

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Product storage

Firewood Match Dirt

Ask Jim 31 feet.

North Carolina
Department of Environment and Natural Resources

Division of Waste Management

Michael F. Easley, Governor
William G. Ross Jr., Secretary
Dexter R. Matthews, Director



December 9, 2003

Mr. Gene Lowder
Lowder Recycling and Disposal, LLC
2840 Griffith Road
Winston Salem, North Carolina 27103

Dear Mr. Lowder:

The Division of Waste Management, Solid Waste Section, has reviewed the information you submitted for a permit to manage yard waste and land clearing debris in Forsythe County, North Carolina. The facility is currently operating without a permit. Field Operations Branch staff have inspected the facility.

The information you submitted includes an application for a Land Clearing Debris Treatment and Processing Notification. This application is for a facility that is less than two acres in size, manages less than 6,000 cubic yards per quarter and normally does not receive green yard waste. Currently your facility is larger than two acres, appears to contain more than 6,000 cubic yard of material is receiving yard waste. As a result the facility cannot be approved for a notification.

If you wish to operate a facility of this size you will need to apply for a Treatment and Processing Permit or a Solid Waste Compost Permit. If you wish to continue to receive green yard waste, such as grass clippings, you will need to apply for a compost permit. Green yard waste has greater potential to contain pathogens and pesticides and to generate odors if managed improperly. The treatment and processing operations could continue as part of the compost permit.

Enclosed for your use are copies of the Solid Waste Compost Rules and the permit application guidelines for a Land Clearing Debris Treatment and Processing Facility. The application requirements for a compost facility are in section .1405 of the compost rules. Forms are not available.

Specific issues with the written information you submitted include:

- The information you submitted did not include a letter from the local fire department. This is a requirement for a permit. Other permit applicants across the State have not had difficulty obtaining this letter.
- You indicated that the application should be treated as confidential. In order to have a file treated as confidential you must explain what proprietary information there is about your process and why it should remain confidential.
- Reporting for all solid waste permits is required to be in tons. If yards scales are not available you will need to record cubic and indicate how you will convert yards to tons.

1646 Mail Service Center, Raleigh, North Carolina 27699-1646

Phone: 919-733-0692 \ FAX: 919-733-4810 \ Internet: www.enr.state.nc.us

AN EQUAL OPPORTUNITY \ AFFIRMATIVE ACTION EMPLOYER - 50% RECYCLED / 10% POST CONSUMER PAPER

- Documentation was not provided that the appropriate government agency has approved a storm water management plan or an erosion control plan for this site.
- The site plan submitted does not accurately represent what is on the site.

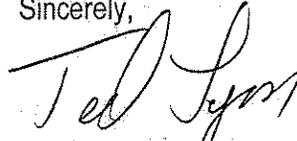
During our inspection of the facility in question the following potential problems were noted:

- (1) Set backs from streams and property lines were not being met or were questionable.
- (2) Windrow spacing was inadequate.
- (3) There was standing water in a number of areas around the facility.

Currently you are operating without a permit. Your time limitations for obtaining the proper permit will be determined by our Field Operations Branch.

If you have any questions concerning these issues please feel free to contact me at 919-733-0693 ext. 253.

Sincerely,



Ted Lyon, Supervisor
Composting & Land Application Branch

Cc: James Beal, Solid Waste, Mooresville Regional Office
Wendy Simmons, Waste Management Specialist, Winston Salem Regional Office
Brent Rockett, Solid Waste Western Area Supervisor

336-711-4600

704-663-1699 x 205

8) OPERATIONS PLAN FOR LOWDER RECYCLING & DISPOSAL, LLC.

Temperature

A. Lowder Recycling & Disposal (LR&D) will be receiving land-clearing debris such as stumps, brush and soil. All wood debris will be separated from the soils and stockpiled separately. Land clearing debris may remain in stockpiles for one week to twelve months. The soil material will be screened using a Powerscreen trommel to remove any small pieces of wood debris. The soil will be sold as topsoil and/or fill dirt. Stockpiled wood waste will be ground twice to assure a good marketable product. LR&D does not own a grinder, therefore; all grinding to date has been subcontracted. The first grinds will remain in wind rows for six to twelve months to allow aging and decomposition. When aging and market demands allow, the first grinds will be reground. These second grinds are the finished mulch product. The mulch is then replaced in new wind rows to be sold. Wind rows are typically separated 10' - 12' to allow a drive lane between them. This allows for easy access to the wind rows and prohibits rainwater ponding.

B. LR&D receives brush, stumps, grass clippings, tree prunings, yard waste and spoil dirt. *what is*

C. There is no way to determine how much material will be received. This is driven by construction activity and weather. (Ice storms, Tornados, etc.) Currently, we stockpile these materials until it becomes efficient to hire a local grinding company to mobilize and perform the 1st grind process.

D. It is our intent to recycle all materials received at LR&D. If metals are found (such as posts, wire, scrap, etc.) in a load, they are separated and hauled to Atlantic Scrap Metal, Kernersville, NC 336-996-2350 for proper handling and disposal.

G. The finished product (2nd grinds) is a mulch product. This mulch can be used in plant beds or as a ground cover. The topsoil and screened soil is ideal for lawns and plant beds.

3

H. Fire Marshal Bernard Smith referred District Chief A.D. Sechrist to assist Lowder R&D in the necessary requirements. The local fire department visited our facility and is familiar with our operation. However, when asked, Fire Marshal Bernard Smith would not commit in writing to equipment should his services be needed. The nearest fire station is 1.0 mile. Mr. Smith stated he has not written such a letter previously but stated he would send the necessary equipment as *3* the situation required.

I. LR&D owns a Powerscreen Trommel, 928G Cat Wheel Loader, 953 Cat Track Loader and a Hitachi 270 with grapple. The product is placed in wind rows using tandem and tri-axle dump trucks as well as the Cat front end loader.

Why

J. All information in regards to this permit application is confidential and should be treated as such.

- K. The owner of LR&D also owns Lowder, Inc. (a grading and utility contractor) Lowder, Inc. also owns and operates approximately 50 pieces of construction equipment. Therefore, additional equipment is readily available should a breakdown or emergency occur. Upon a fire or medical emergency, local authorities will be notified immediately. Should the market become unfavorable, LR&D would stop accepting additional land clearing materials until the existing mulch has been sold.
- L. There is no way to determine tonnage since scales are not on site. Incoming material and outgoing product is accounted for by the truckload. Daily loads vary.

Report ~~in~~ tons -
how convert?

Oper info -

Waste comes in is checked?
where goes?

Zoning - unclear old permit means have zoning approval.

SITE PLAN REQUIREMENTS

- | | |
|--------------------------------------|---------------|
| 1. Aerial Photo | okay/attached |
| 2. Vicinity Map | included |
| 3. Site Plan – scale 60 ft. = 1 inch | okay |
| Property lines | okay |
| Existing topography | okay |
| Proposed grading | okay |
| Erosion Control plan | okay |
| Locate existing buildings | okay |
| Existing water features | okay |
| Access control features | okay |
| Traffic flow patterns | okay |
| 100 year map-included | okay |
| Adjacent land uses | okay |
| Wind rows shown w/drive lanes | okay |

Siting Criteria for Treatment and Processing Facilities

- 1) Facility is not located in floodplain. See attached map.
- 2) Appears there are no threatened species affected. Letter is forthcoming from North Carolina National Heritage Program, Ms. Linda Pearsall.
- 3) See attached letter from Linda Pearsall for #2 and #3.
- 4) Test Pits were observed at 5 different locations as marked on the site plan. Pictures are attached for review. No water infiltration was observed. Pits were left open for 48 hours with no seepage.
- 5) Okay
- 6) All buffers have been satisfied.
- 7) All zoning requirements have been met per City of Winston Salem.

do not have

E

unclear

REC'D
N.C. Dep. of Environment and Natural Resources
JUN 02 2003
Winston-Salem
Regional Office

LOWDER, INC.

COMPLETE SITE DEVELOPMENT

2810 Griffith Road

Winston-Salem, N.C. 27103

Phone: (336) 760-0477 Fax: (336) 760-6640

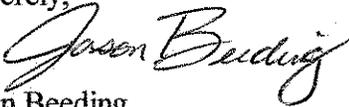
June 2, 2003

Tim Jewitt
North Carolina Department of Environment and Natural Resources
585 Waughtown Street
Winston-Salem, N.C. 27107

Dear Tim,

Included are the three sets of the Land Clearing Debris Treatment and Processing Facility Application for Lowder Recycling and Disposal, LLC. Please direct any questions or comments to Gene Lowder at (336) 760-0477 or (336) 403-4285. Thank you for your attention.

Sincerely,



Jason Beeding
Lowder, Inc.

cc: Gene Lowder

Ted,

6/4/2003

Here is an LCID
T&P Application for
~~Chittwood~~ FORSYTH CO.
Let me or James Beale
know if you have any questions.



8) OPERATIONS PLAN FOR LOWDER RECYCLING & DISPOSAL, LLC.

- A. Lowder Recycling & Disposal (LR&D) will be receiving land-clearing debris such as stumps, brush and soil. All wood debris will be separated from the soils and stockpiled separately. Land clearing debris may remain in stockpiles for one week to twelve months. The soil material will be screened using a Powerscreen trommel to remove any small pieces of wood debris. The soil will be sold as topsoil and/or fill dirt. Stockpiled wood waste will be ground twice to assure a good marketable product. LR&D does not own a grinder, therefore; all grinding to date has been subcontracted. The first grinds will remain in wind rows for six to twelve months to allow aging and decomposition. When aging and market demands allow, the first grinds will be reground. These second grinds are the finished mulch product. The mulch is then replaced in new wind rows to be sold. Wind rows are typically separated 10' – 12' to allow a drive lane between them. This allows for easy access to the wind rows and prohibits rainwater ponding.
- B. LR&D receives brush, stumps, grass clippings, tree prunings, yard waste and spoil dirt.
- C. There is no way to determine how much material will be received. This is driven by construction activity and weather. (Ice storms, Tornados, etc.) Currently, we stockpile these materials until it becomes efficient to hire a local grinding company to mobilize and perform the 1st grind process.
- D. It is our intent to recycle all materials received at LR&D. If metals are found (such as posts, wire, scrap, etc.) in a load, they are separated and hauled to Atlantic Scrap Metal, Kernersville, NC 336-996-2350 for proper handling and disposal.
- G. The finished product (2nd grinds) is a mulch product. This mulch can be used in plant beds or as a ground cover. The topsoil and screened soil is ideal for lawns and plant beds.
- H. Fire Marshal Bernard Smith referred District Chief A.D. Sechrist to assist Lowder R&D in the necessary requirements. The local fire department visited our facility and is familiar with our operation. However, when asked, Fire Marshal Bernard Smith would not commit in writing to equipment should his services be needed. The nearest fire station is 1.0 mile. Mr. Smith stated he has not written such a letter previously but stated he would send the necessary equipment as the situation required.
- I. LR&D owns a Powerscreen Trommel, 928G Cat Wheel Loader, 953 Cat Track Loader and a Hitachi 270 with grapple. The product is placed in wind rows using tandem and tri-axle dump trucks as well as the Cat front end loader.
- J. All information in regards to this permit application is confidential and should be treated as such.

- K. The owner of LR&D also owns Lowder, Inc. (a grading and utility contractor) Lowder, Inc. also owns and operates approximately 50 pieces of construction equipment. Therefore, additional equipment is readily available should a breakdown or emergency occur. Upon a fire or medical emergency, local authorities will be notified immediately. Should the market become unfavorable, LR&D would stop accepting additional land clearing materials until the existing mulch has been sold.

- L. There is no way to determine tonnage since scales are not on site. Incoming material and outgoing product is accounted for by the truckload. Daily loads vary.

SITE PLAN REQUIREMENTS

- | | |
|--------------------------------------|---------------|
| 1. Aerial Photo | okay/attached |
| 2. Vicinity Map | included |
| 3. Site Plan – scale 60 ft. = 1 inch | okay |
| Property lines | okay |
| Existing topography | okay |
| Proposed grading | okay |
| Erosion Control plan | okay |
| Locate existing buildings | okay |
| Existing water features | okay |
| Access control features | okay |
| Traffic flow patterns | okay |
| 100 year map-included | okay |
| Adjacent land uses | okay |
| Wind rows shown w/drive lanes | okay |

Siting Criteria for Treatment and Processing Facilities

- 1) Facility is not located in floodplain. See attached map.
- 2) Appears there are no threatened species affected. Letter is forthcoming from North Carolina National Heritage Program, Ms. Linda Pearsall.
- 3) See attached letter from Linda Pearsall for #2 and #3.
- 4) Test Pits were observed at 5 different locations as marked on the site plan. Pictures are attached for review. No water infiltration was observed. Pits were left open for 48 hours with no seepage.
- 5) Okay
- 6) All buffers have been satisfied.
- 7) All zoning requirements have been met per City of Winston Salem.

LOWDER RECYCLING AND DISPOSAL, LLC

2840 GRIFFITH ROAD

WINSTON SALEM, NC 27103

PHONE: (336) 760-0477 FAX: (336) 760-6640

May 5, 2003

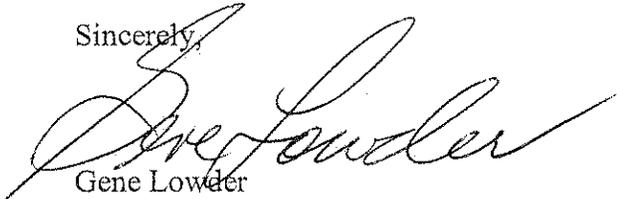
Ms. Linda Pearsall
N.C. Natural Heritage Program
1615 MSC
Raleigh, NC 27699-1615

Ms. Pearsall:

Lowder Recycling and Disposal, LLC operates a four (4) acre site at 2840 Griffith Road in Winston Salem, N.C. This four (4) acre site is part of an existing thirteen (13) acre parcel owned by Lowder Recycling and Disposal, LLC. This operation will be receiving land clearing debris and miscellaneous soils for grinding and screening respectively.

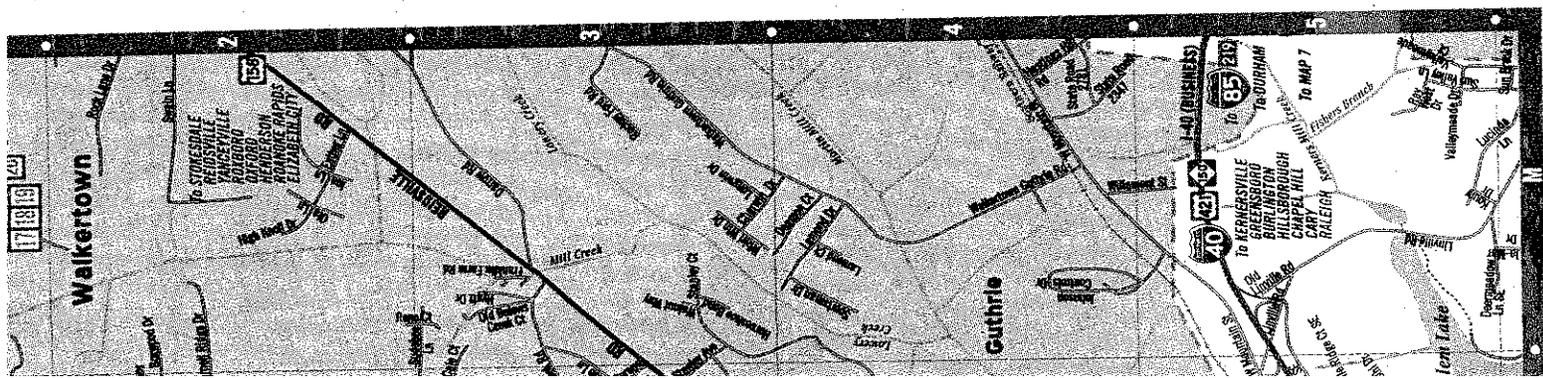
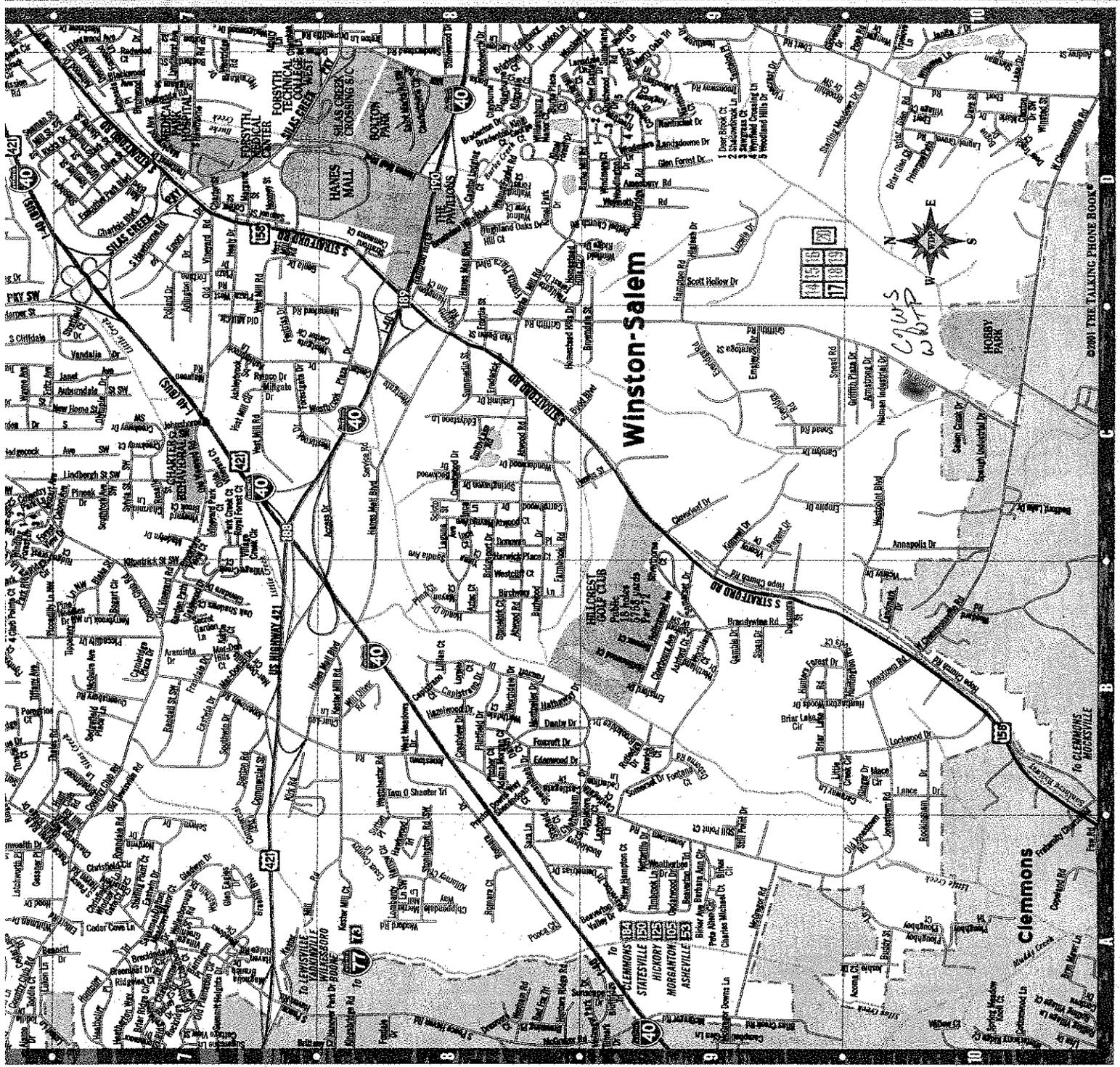
I have attached a vicinity map for your review. As previously discussed, please review this location for the habitat of endangered and/or threatened wild life species.

Sincerely,



Gene Lowder

Enclosure





LAND CLEARING DEBRIS TREATMENT AND PROCESSING FACILITY
ANNUAL NOTIFICATION FORM

DRAFT

The landowner(s) and operator(s) of any Land Clearing Debris Treatment and Processing Facility that is under two acres in size and processes and stores less than 6000 cubic yards per quarter shall annually submit this notification form to the Division of Waste management, Solid Waste Section, prior to constructing or operating the facility. Notifications shall be submitted by annually by August 1st of each year.

Facility Name: LOWDER RECYCLING AND DISPOSAL, LLC
Street Address of Facility: 2840 GRIFFITH ROAD
City: WINSTON SALEM County: FORSYTH Zip: 27103
Directions to Site: SEE ATTACHED

The land on which this landfill is located is described in the deed recorded in:

Deed Book: 2118 Page: 4543 County: FORSYTH

TAX BLOCK 3930
LOT 111B

Name of landowner: LOWDER RECYCLING AND DISPOSAL, LLC
Mailing address of land owner: 2840 GRIFFITH ROAD
WINSTON SALEM State: N.C. Zip: 27103

DRAFT

Land owner telephone number (336-760-3868 If the land is owned by more than one person, attach additional sheets with the name, address, and phone number of all additional landowners.

Name of operator: LOWDER RECYCLING AND DISPOSAL, LLC

Trade or business name of operator: LOWDER RECYCLING AND DISPOSAL, LLC

Mailing address of operator: SAME

City: _____ State: _____ Zip: _____

Telephone number of operator: () 336-760-3868

If the facility is operated by more than one person, attach additional sheets with the name, address, and phone number of all additional operators.

INSTRUCTIONS

Purpose: Annual Notification of Land Clearing Debris management sites under two (2) acres in size is required.

Contact the Solid Waste Section at the address below for further information.

Distribution: Mail completed recorded original notification to the following address:

Division of Waste Management
Solid Waste Section
PO Box 29603
Raleigh, North Carolina 27611-9603
(919) 733-0692

Disposition: This form will be transferred to the State Records Center when reference value ends. Records will be held for agency in the State Records Center five (5) additional years and then transferred to the custody of the Archives.

DRAFT

Certification by Private or Corporate Land Owner:

DRAFT

I certify that the information provided by me in this notification is true, accurate, and complete to the best of my knowledge. The facility siting and disposal operations of this Land Clearing Debris Facility will comply with the requirements of Section .0300 of 15A NCAC 13B, North Carolina Solid Waste Management Rules and the guidelines included with this document. The facility and its operations shall also comply with all applicable Federal, State, and Local laws, rules, regulations, and ordinances. Where the operator is different from the landowner, I, the landowner, have knowledge of the operator's plans to manage solid waste on the land and I specifically grant permission for the operation of the facility. I understand that both the landowner and operator are jointly and severally liable for improper operations as provided for by North Carolina General Statute 130A-309.27. I further understand that North Carolina General Statute 130A-22 provides for administrative penalties of up to five thousand dollars (\$5,000.00) per day per each violation of the Solid Waste Management Rules. I further understand that the Solid Waste Management Rules may be revised or amended in the future and that facility siting and operations will be required to comply with all such revisions or amendments.

LOWDER RECYCLING & DISPOSAL, LLC
Print Name (Owner)

M.E. Lowder
Signature (Owner)

5/16/03
Date

Corporate Title (if applicable)

DRAFT

North Carolina County

I, EDITH Y. CAMP, a Notary Public for said County and State, do hereby certify that M.E. LOWDER personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the 16th day of May, 192003.

(Official Seal)

Edith Y. Camp
Notary Public

My commission expires 11-20, 192004.

For additional private or corporate landowners and facility operators, attach separate notarized certifications for each additional landowner and landfill operator.

Certification by Private or Corporate Landfill Operator (if different from Owner):

DRAFT

I certify that the information provided by me in this notification is true, accurate, and complete to the best of my knowledge. The facility siting and disposal operations of this Land Clearing Debris Facility will comply with the requirements of Sections .0300 of 15A NCAC 13B, North Carolina Solid Waste Management Rules and the guidelines included with this document. The facility and its operations will also comply with all applicable Federal, State, and Local laws, rules, regulations, and ordinances. I have informed the landowner of my plans to manage solid waste on the land and the landowner has specifically granted permission for the operation of the facility. I understand that both the operator and landowner are jointly and severally liable for improper operations as provided for by North Carolina General Statute 130A-309.27. I further understand that North Carolina General Statute 130A-22 provides for administrative penalties of up to five thousand dollars (\$5,000.00) per day per each violation of the Solid Waste Management Rules. I further understand that the Solid Waste Management Rules may be revised or amended in the future and that the facility siting and operation will be required to comply with all such revisions or amendments.

Print Name (Operator)

Signature (Operator)

Date

Corporate Title (if applicable)

DRAFT

North Carolina

County

I, _____, a Notary Public for said County and State, do hereby certify that _____ personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the _____ day of _____, 19_____.

(Official Seal)

Notary Public

My commission expires _____, 19_____.

For additional private or corporate landowners and facility operators, attach separate notarized certifications for each additional landowner and landfill operator.



DRAFTED BY: Thomas T. Crumpler, Esq.

FORSYTH CO., NC 234 FEE: 8.00
PRESENTED & RECORDED: 05/31/2004 3:48PM
BICKIE C. WOOD REGISTER OF DEEDS BY: THOMAS
STATE OF NC REEL ESTATE EXTRA: 250.00
BK2118 P4543 - P4543

Excise Tax \$

PROBATE AND FILING FEE \$ EAKD

Tax Block 3930 Lot 111B Parcel Identifier No.:
Property Address: 13.17 Acres, Griffith Drive, Winston-Salem, North Carolina
Mail after recording to: Kasper Box 45
Mail future tax bills to:

FORSYTH COUNTY, NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this the 31st day of May, 2004, by and between

GRANTOR

GRANTEE

FORSYTH/STRATFORD VENTURES, L.L.C.,
a North Carolina limited liability company

LOWDER RECYCLING & DISPOSAL, LLC,
a North Carolina limited liability company

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in Winston Township, Forsyth County, North Carolina and more particularly described as follows:

BEGINNING at an iron in the western right of way line of Griffith Drive (State Road 2972), said iron also being located at the southeastern corner of that property conveyed to Hoots Concrete Co., Inc. in Deed Book 1633, Page 3236, Forsyth County Registry, and running thence along the western right-of-way line of Griffith Drive, South 33° 25' 33" West 763.45 feet to an iron; thence leaving the right of way of Griffith Drive, and running North 34° 28' 27" West 143.57 feet to an iron; thence North 33° 43' 42" West 330.32 feet to an iron; thence North 03° 11' 55" West 217.92 feet to an iron; thence North 39° 50' 36" West 107.15 feet to an iron; thence North 28° 33' 40" West 436.91 feet to an iron; thence North 11° 14' 30" West 77.60 feet to an iron located in the eastern boundary line of the property conveyed to Richard C. Harrington in Deed Book 1834, Page 2655, Forsyth County Registry; thence with the eastern boundary line of Harrington, North 15° 45' 29" West 109.80 feet to an iron; thence North 73° 25' 11" East 271.58 feet to an iron; thence South 38° 52' 24" East 433.92 feet to an iron; thence South 20° 28' 10" East 22.46 feet to an iron; thence South 40° 32' 55" East 120.07 feet to an iron; thence South 56° 36' 04" East 464.55 feet to the point and place of BEGINNING, containing 13.17177 acres, more or less, as shown on a survey prepared by Thomas A. Riccio & Associates, dated September 23, 1994 (revised April 8, 1998), bearing Drawing Number 94384R, and being further identified as Tax Lot 111B in Tax Block 3930, on the Forsyth County Tax Maps.

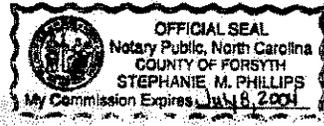
TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple. And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whosoever except for the exceptions hereinafter stated. Title to the property hereinabove described is subject to the following exceptions: Easements, rights of way and restrictions of record, if any.

IN WITNESS WHEREOF, the Grantor has set his hand and seal the day and year first above written.

FORSYTH/STRATFORD VENTURES, L.L.C.

By: William T. Wilson
William T. Wilson, III, Member

SEAL-STAMP NORTH CAROLINA, Forsyth COUNTY.



I, a Notary Public of the County and State aforesaid, certify that William T. Wilson, III, member of Forsyth/Stratford Ventures, L.L.C., a North Carolina limited liability company, Grantor, personally appeared before me this day and acknowledged the execution of the foregoing instrument, for and on behalf of said company. Witness my hand and official stamp or seal, this 30 day of May, 2004.

My commission expires July 8, 2004
Stephanie M. Phillips
NOTARY PUBLIC

The foregoing Certificate(s) of Stephanie M. Phillips is/are certified to be correct.

DICKIE C. WOOD, REGISTER OF DEEDS FOR FORSYTH COUNTY
By: Dickie C. Wood Deputy/Assistant-Register of Deeds.



100 East First Street
Suite 328
Winston-Salem, NC 27101

DEVELOPMENT PERMIT

PERMIT 00349165D

DATE 06/06/00

PAID OR FOR DEPOSIT ONLY TO
CITY OF
WINSTON-SALEM, NC

INSPECTOR TERRITORY 44

6 2000

CITY REVENUE COLLECTOR
2

LOCATION 2840 GRIFFITH

RD BLOCK 3930

LOT 111B

JURIS WS

SUBDIV LOWDER RECYCLIN

SUBID & DISPOSAL

OWNER NAME GENE LOWDER

OWNER PHONE (336)

OWNER ADDRESS 1705 CHARDALE DR, CLMSVIL RD

CONTR NAME SAME WSNC 766-4250

CONTR PHONE () -

CONTR ADDRESS

CONTR LICENSE

Use Of Property AS PER APPROVED DEV PLAN

Acres Graded 8.0

Site Acres 10.0

FEE : 1100.00

x

This permit is not valid unless stamped or certified paid by the

BY:

City Tax Collector

APB

This permit is void unless the authorized construction is started within six months or after start of construction, project stops for twelve month period
DRIVEWAY PERMIT REQUIRED. CONTACT ENGINEERING AT 727-2882
ext. 125 HOURS: 7:00am - 8:00am or 3:00pm - 4:00pm.

EROSION Control Permit
[Signature]



100 East First Street
Suite 328
Winston-Salem, NC 27101

*Office
TRAILER*

BUILDING PERMIT

00351665B

DATE 07/13/00

INSPECTOR TERRITORY 353

LOCATION 2840 GRIFFITH RD BLOCK 3930 LOT 111B

JURIS WS SUBDIV SUBID SITE

OWNER NAME GENE LOWDER OWNER PHONE (336) 766-4250

OWNER ADDRESS 1705 CHARDALE DR CLEMMONS NC

CONTR NAME 27012 CONTR PHONE ()

CONTR ADDRESS SAME

LOCATOR STREET: CLEMMONSVILLE RD

ZONING DIST GI

ESTIMATED COST: BUILDING HEATING 1,000
TOTAL

YARD DIMENSIONS: FRONT=[] REAR=[] RIGHT=[] LEFT=[]
CORNER=[]
HEATED SQ FT OF BUILDING TOTAL=[]

CONSTRUCTION: RECYCLING PLANT

COMMENTS: APPR BAF INSP SAM LAWSON

FEE : 15.00

This permit is not valid unless stamped or certified paid by the City Tax Collector

X
BY:
F H

This permit is void unless the authorized construction is started within six months or after start of construction, project stops for twelve month period Building Permit is for structure only. Electrical, Plumbing, and Heating Permits must be purchased separately. DRIVEWAY PERMIT REQUIRED. CONTACT ENGINEERING AT 727-2882 ext. 125 HOURS: 7:00am - 8:00am or 3:00pm - 4:00pm.

CONTR LICENSE 22936
PAID OR FOR DEPOSIT ONLY TO
CITY OF
WINSTON-SALEM, NC
PAGE 606834
PLUMBING
WIRING
1,000 CITY REVENUE COLLECTOR



ENGINEERING TECTONICS, P.A.
GEOTECHNICAL & ENVIRONMENTAL ENGINEERS

P.O. Box I, Winston-Salem, NC 27108 (336) 724-6994

July 26, 2000

Lowder Construction Co.
1705 Chardale Drive
Clemmons, NC 27012

Attn: Gene Lowder

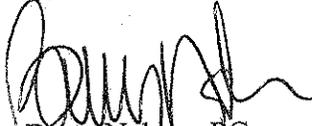
Subject: Jurisdictional Wetlands
Griffith Road Site

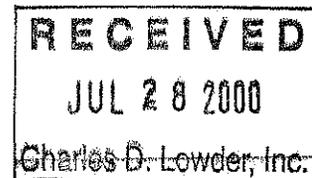
Dear Gene:

As per your request, Engineering Tectonics, P.A. has obtained a copy of the Forsyth County USDA Soil Conservation Service Soil Survey. We have identified the Griffith Road Tract and determined that there are no wetland soils on the tracts that would qualify as jurisdictional wetlands by the US Army Corps of Engineers. During a couple of site walkovers, we did not observe sufficient conditions of "hydrology" that would put the watertable at or within 6-12 inches of the land surface with the exception of in the watercourses or streambeds. Therefore, the absence of this condition leads us to believe that the site would fail to qualify for the wetland definition of the Corps of Engineers.

Should you have any questions or desire additional information, please do not hesitate to contact us. Thank you for your business.

Very truly yours,
ENGINEERING TECTONICS, P.A.


A. Barry Nelson, PG
Chief Hydrologist



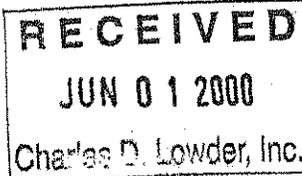




ENGINEERING TECTONICS, P.A.
GEOTECHNICAL & ENVIRONMENTAL ENGINEERS

P.O. Box I, Winston-Salem, NC 27108 (336) 724-6994

Wednesday, May 31, 2000



Mr. Gene Lowder
C D Lowder Construction Inc.
1705 Chardale Drive
Clemmons, North Carolina 27012

RE: Historical Aerial Photo Review
Griffith Drive @ WWTP
Forsyth County, North Carolina

Dear Gene,

Engineering Tectonics P. A. has completed a review of the aerial photographs of the site across from the City of Winston-Salem Waste Water Treatment Plant on Griffith Road.

A summary of the photographs of the property is provided below. Based on our review, we did not observe any indications of adverse land uses that would preclude your land purchase and development.

Historical Aerial Photograph Review:

- 1951 (Map # 153) Open pasturage, no wetlands. Pasture to creek bed.
- 1958 (Map # 4-03) Open grass with hay crops. No WWTP yet.
- 1966 (Map # 96) WWTP in place at this time. Grass with hay crops. No wetlands or industry present.
- 1984 (Map # 21-438) Open, no concrete plant. Residential and light industry present at this time.
- 1990 (Map # E 11) Unidentified cylindrical concrete structures northwest of site.

If you have any questions or desire additional information, please do not
hesitate to contact me at (336) 724-6994 ext. 104.

Sincerely,

ENGINEERING TECTONICS P. A.



A. Barry Nelson
Senior Geologist

8) OPERATIONS PLAN FOR LOWDER RECYCLING & DISPOSAL, LLC.

- A. Lowder Recycling & Disposal (LR&D) will be receiving land-clearing debris such as stumps, brush and soil. All wood debris will be separated from the soils and stockpiled separately. Land clearing debris may remain in stockpiles for one week to twelve months. The soil material will be screened using a Powerscreen trommel to remove any small pieces of wood debris. The soil will be sold as topsoil and/or fill dirt. Stockpiled wood waste will be ground twice to assure a good marketable product. LR&D does not own a grinder, therefore; all grinding to date has been subcontracted. The first grinds will remain in wind rows for six to twelve months to allow aging and decomposition. When aging and market demands allow, the first grinds will be reground. These second grinds are the finished mulch product. The mulch is then replaced in new wind rows to be sold. Wind rows are typically separated 10' – 12' to allow a drive lane between them. This allows for easy access to the wind rows and prohibits rainwater ponding.
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SITE PLAN REQUIREMENTS

- | | |
|--------------------------------------|---------------|
| 1. Aerial Photo | okay/attached |
| 2. Vicinity Map | included |
| 3. Site Plan – scale 60 ft. = 1 inch | okay |
| Property lines | okay |
| Existing topography | okay |
| Proposed grading | okay |
| Erosion Control plan | okay |
| Locate existing buildings | okay |
| Existing water features | okay |
| Access control features | okay |
| Traffic flow patterns | okay |
| 100 year map-included | okay |
| Adjacent land uses | okay |
| Wind rows shown w/drive lanes | okay |

Siting Criteria for Treatment and Processing Facilities

- 1) Facility is not located in floodplain. See attached map.
- 2) Appears there are no threatened species affected. Letter is forthcoming from North Carolina National Heritage Program, Ms. Linda Pearsall.
- 3) See attached letter from Linda Pearsall for #2 and #3.
- 4) Test Pits were observed at 5 different locations as marked on the site plan. Pictures are attached for review. No water infiltration was observed. Pits were left open for 48 hours with no seepage.
- 5) Okay
- 6) All buffers have been satisfied.
- 7) All zoning requirements have been met per City of Winston Salem.

LAND CLEARING DEBRIS TREATMENT AND PROCESSING FACILITY
ANNUAL NOTIFICATION FORM

DRAFT

The landowner(s) and operator(s) of any Land Clearing Debris Treatment and Processing Facility that is under two acres in size and processes and stores less than 6000 cubic yards per quarter shall annually submit this notification form to the Division of Waste management, Solid Waste Section, prior to constructing or operating the facility. Notifications shall be submitted by annually by August 1st of each year.

Facility Name: LOWDER RECYCLING AND DISPOSAL, LLC
Street Address of Facility: 2840 GRIFFITH ROAD
City: WINSTON SALEM County: FORSYTH Zip: 27103
Directions to Site: SEE ATTACHED

The land on which this landfill is located is described in the deed recorded in:

Deed Book: 2118 Page: 4543 County: FORSYTH

TAX BLOCK 3930
LOT 1111B

Name of landowner: LOWDER RECYCLING AND DISPOSAL, LLC

Mailing address of land owner: 2840 GRIFFITH ROAD
WINSTON SALEM State: N.C. Zip: 27103

DRAFT

Land owner telephone number (336-760-3868 If the land is owned by more than one person, attach additional sheets with the name, address, and phone number of all additional landowners.

Name of operator: LOWDER RECYCLING AND DISPOSAL, LLC

Trade or business name of operator: LOWDER RECYCLING AND DISPOSAL, LLC

Mailing address of operator: SAME

City: _____ State: _____ Zip: _____

Telephone number of operator: () 336-760-3868

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INSTRUCTIONS

Purpose: Annual Notification of Land Clearing Debris management sites under two (2) acres in size is required.

Contact the Solid Waste Section at the address below for further information.

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Division of Waste Management
Solid Waste Section
PO Box 29603
Raleigh, North Carolina 27611-9603
(919) 733-0692

Disposition: This form will be transferred to the State Records Center when reference value ends. Records will be held for agency in the State Records Center five (5) additional years and then transferred to the custody of the Archives.

DRAFT

Certification by Private or Corporate Land Owner:

DRAFT

I certify that the information provided by me in this notification is true, accurate, and complete to the best of my knowledge. The facility siting and disposal operations of this Land Clearing Debris Facility will comply with the requirements of Section .0300 of 15A NCAC 13B, North Carolina Solid Waste Management Rules and the guidelines included with this document. The facility and its operations shall also comply with all applicable Federal, State, and Local laws, rules, regulations, and ordinances. Where the operator is different from the landowner, I, the landowner, have knowledge of the operator's plans to manage solid waste on the land and I specifically grant permission for the operation of the facility. I understand that both the landowner and operator are jointly and severally liable for improper operations as provided for by North Carolina General Statute 130A-309.27. I further understand that North Carolina General Statute 130A-22 provides for administrative penalties of up to five thousand dollars (\$5,000.00) per day per each violation of the Solid Waste Management Rules. I further understand that the Solid Waste Management Rules may be revised or amended in the future and that facility siting and operations will be required to comply with all such revisions or amendments.

LOWDER RECYCLING & DISPOSAL, LLC

Print Name (Owner)

M E Lowder

Signature (Owner)

5/16/03

Date

Corporate Title (if applicable)

DRAFT

North Carolina County

I, EDITH Y. CAMP, a Notary Public for said County and State, do hereby certify that M.E. LOWDER personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the 16th day of May, 192003.

(Official Seal)

Edith Y. Camp
Notary Public

My commission expires 11-20, 192004.

For additional private or corporate landowners and facility operators, attach separate notarized certifications for each additional landowner and landfill operator.

DRAFT

Certification by Private or Corporate Landfill Operator (if different from Owner):

I certify that the information provided by me in this notification is true, accurate, and complete to the best of my knowledge. The facility siting and disposal operations of this Land Clearing Debris Facility will comply with the requirements of Sections .0300 of 15A NCAC 13B, North Carolina Solid Waste Management Rules and the guidelines included with this document. The facility and its operations will also comply with all applicable Federal, State, and Local laws, rules, regulations, and ordinances. I have informed the landowner of my plans to manage solid waste on the land and the landowner has specifically granted permission for the operation of the facility. I understand that both the operator and landowner are jointly and severally liable for improper operations as provided for by North Carolina General Statute 130A-309.27. I further understand that North Carolina General Statute 130A-22 provides for administrative penalties of up to five thousand dollars (\$5,000.00) per day per each violation of the Solid Waste Management Rules. I further understand that the Solid Waste Management Rules may be revised or amended in the future and that the facility siting and operation will be required to comply with all such revisions or amendments.

Print Name (Operator)

Signature (Operator)

Date

Corporate Title (if applicable)

North Carolina

County

I, _____, a Notary Public for said County and State, do hereby certify that _____ personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

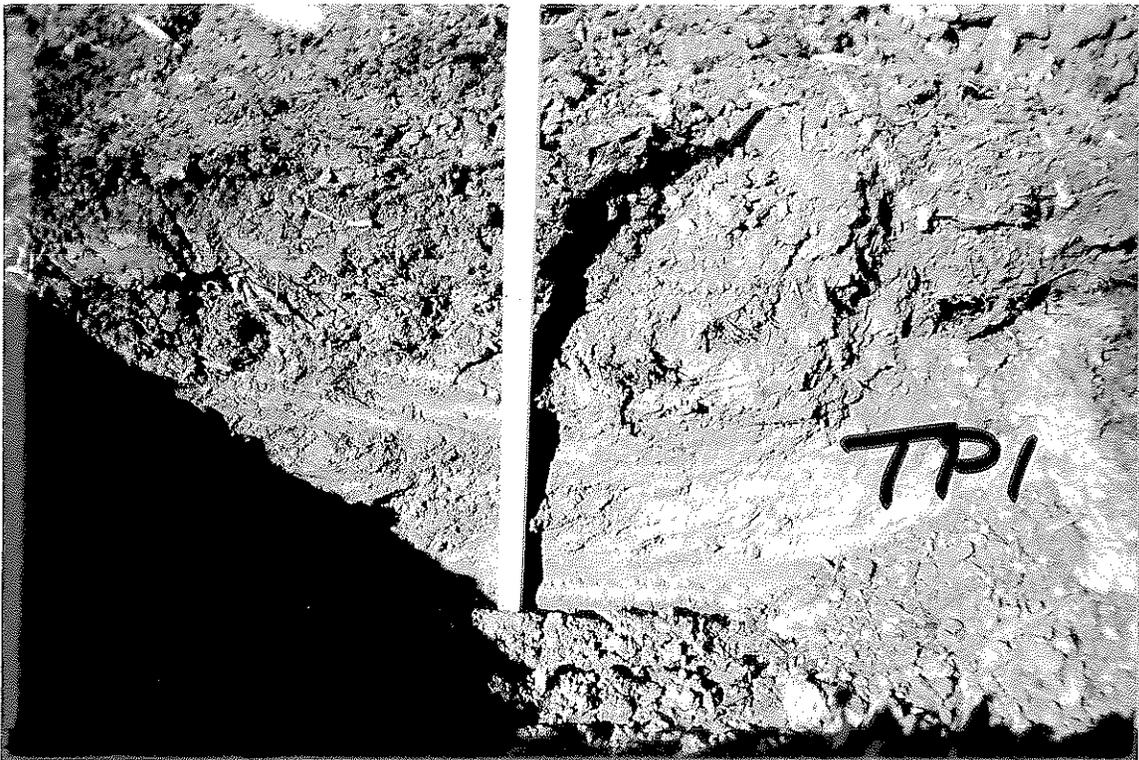
Witness my hand and official seal, this the _____ day of _____, 19_____.

(Official Seal)

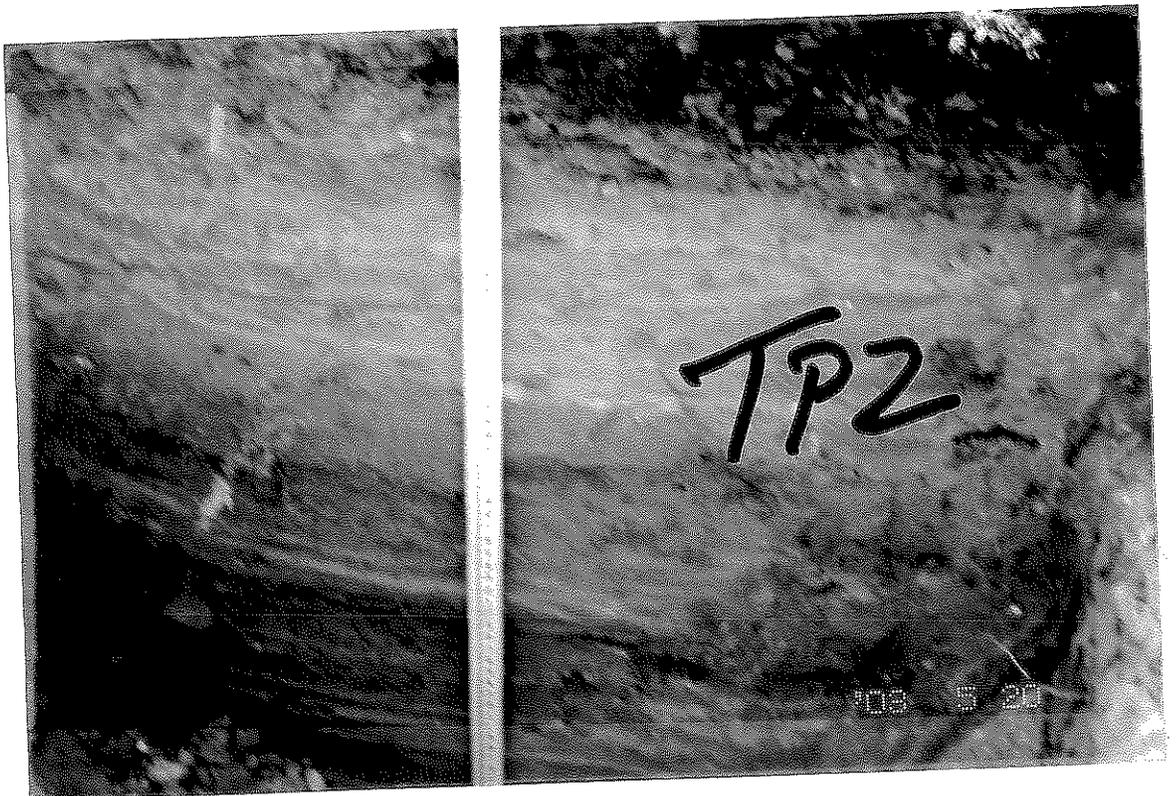
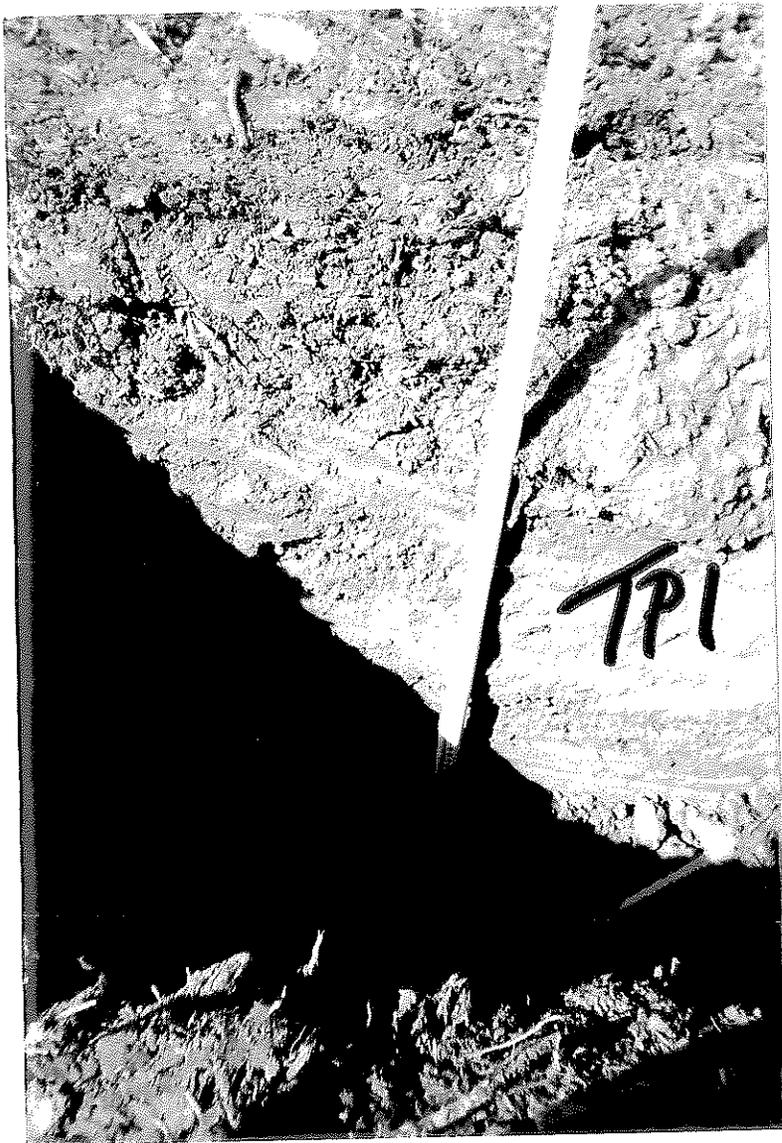
Notary Public

My commission expires _____, 19_____.

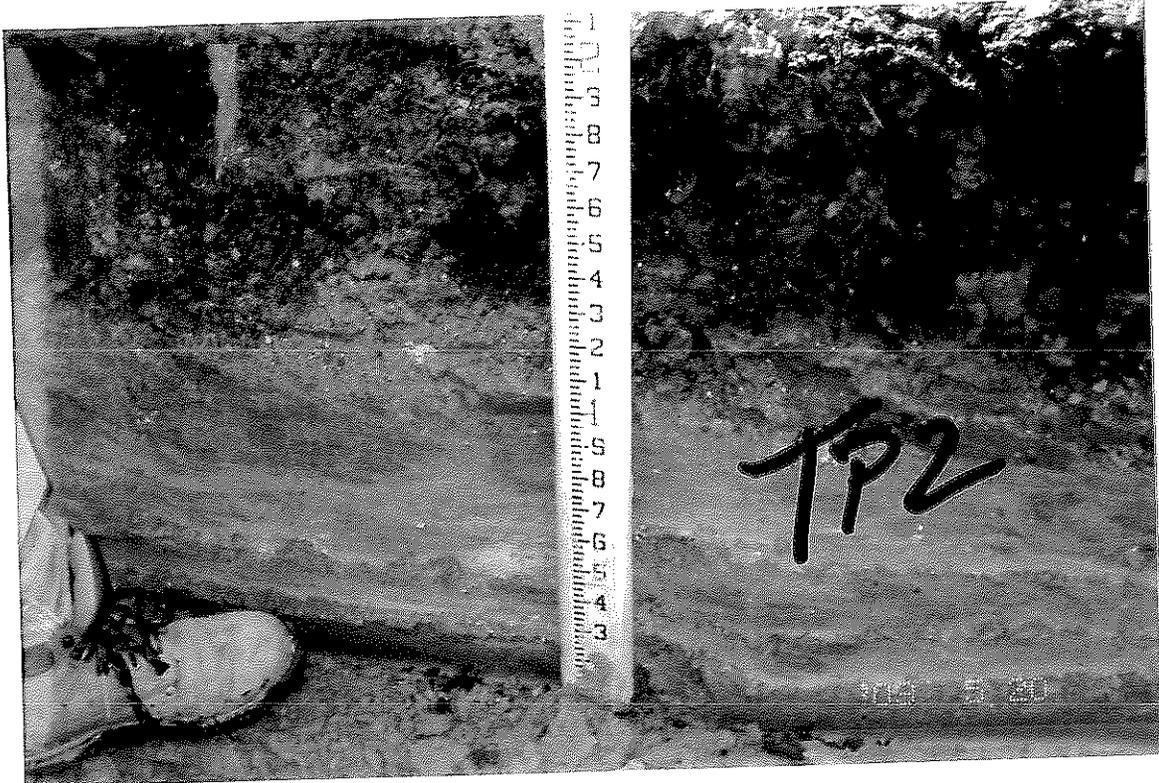
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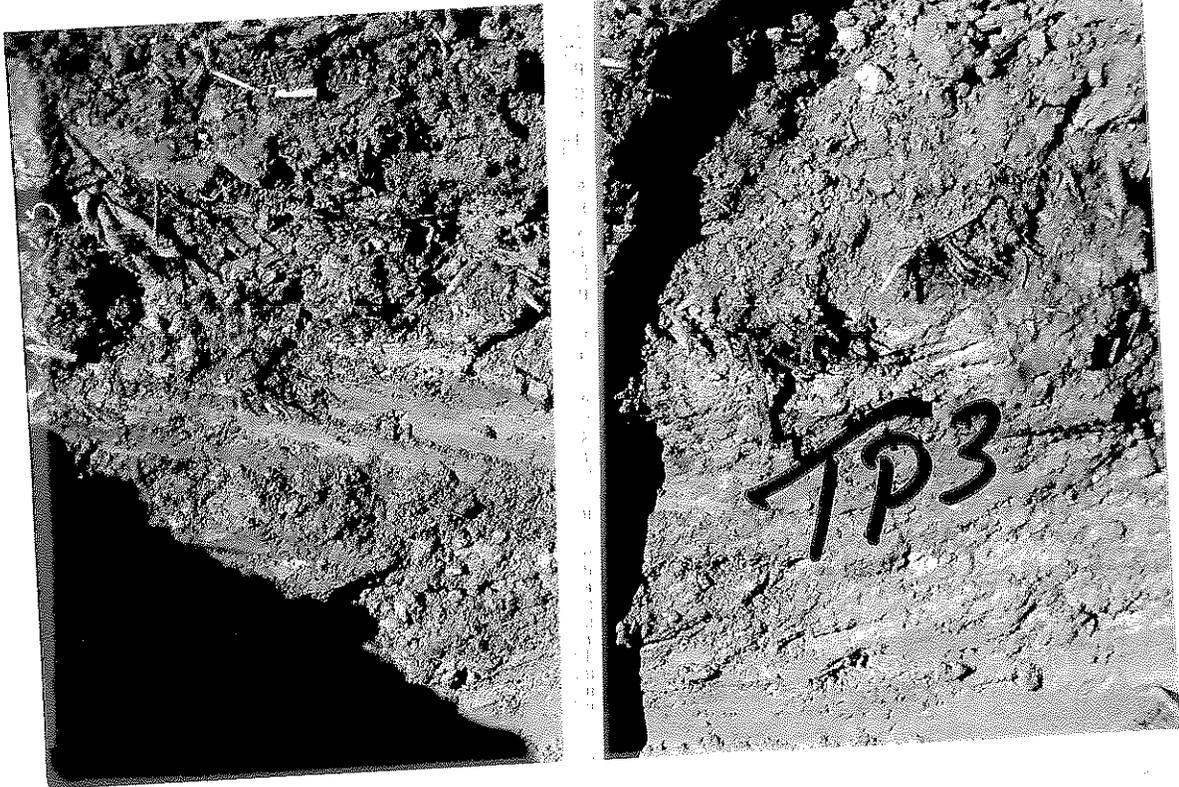
34 - Lowder Recycling



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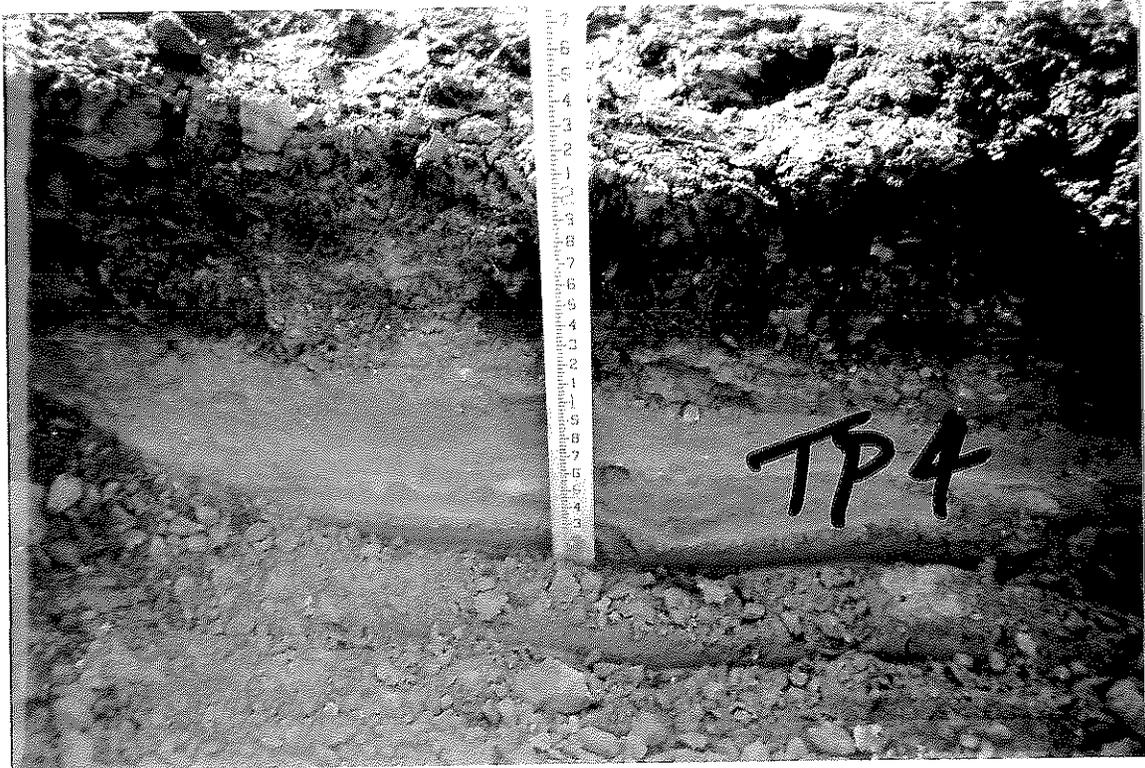
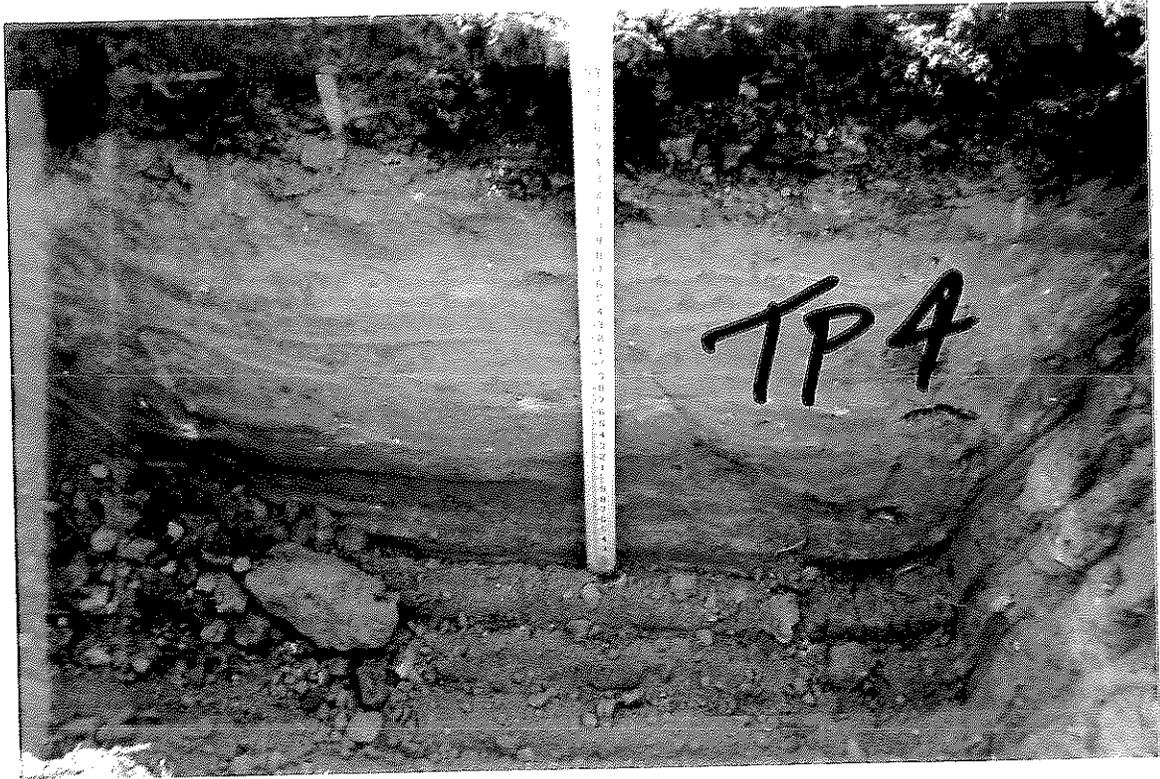
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34-Lowder Recycling

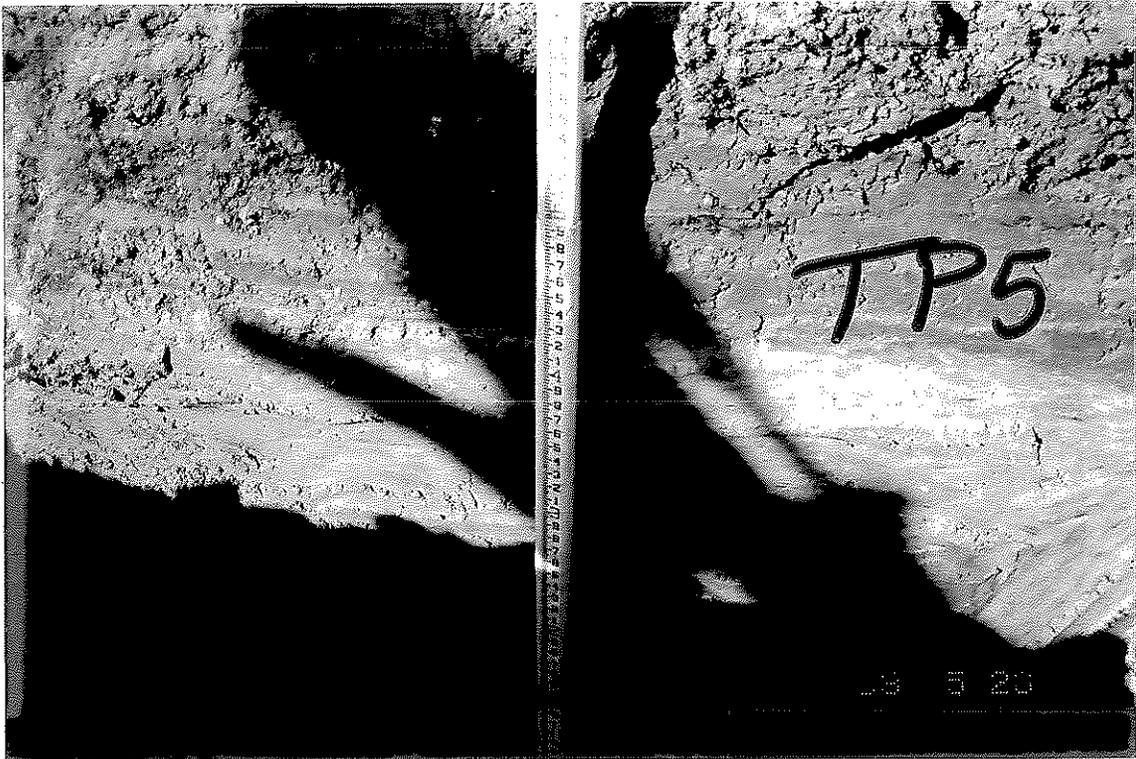


34-Lowder Recycling



34-Lowder Recycling





34-Lowder Recycling