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

NCDENR

August 9, 2002

Mr. Mike L. Griffin
Griffin Brothers Companies
d/b/a Highway 55 C&D Landfill, LLC
19109 W. Catawba Ave; Suite 118
Cornelius, North Carolina 28031

Re: General Conditions and Site Specific Design Requirements for the Proposed Highway 55 C&D Landfill, LLC Construction and Demolition Landfill, Wake County, Apex, North Carolina.

Dear Mr. Griffin:

The Solid Waste Section (Section) of the Division of Waste Management, has completed its review of the site study application for Highway 55 C&D Landfill, LLC. The proposed site is located north of Old Smithfield Road and west of the Highway 55 By-pass and will be accessed by a entrance off of Old Smithfield Road, in Apex, Wake County, North Carolina. Pursuant to Rule .0503(1) and .0504(1), of the North Carolina Administrative Code 15A NCAC 13B, the Division is notifying Highway 55 C&D Landfill, LLC that the site is considered suitable based on the information provide to the Section in documents prepared by Enviro-Pro, P.C.. The site suitability documents are as follows:

1. Report - Site Application - Highway 55 C&D Landfill and Recycling Center - prepared for Highway 55 C&D Landfill, LLC Construction & Demolition Landfill - Wake County, North Carolina; application dated 19 April 2002 and received 24 April 2002 from Enviro-Pro, P.C.;

2. Response to Comment dated 19 March 2002 - Site Suitability Permit Application, response received 24 April 2002 and 8 May 2002 from Enviro-Pro for information dated 19 April 2002 and 7 May 2002;

3. Second Response to Comment letter dated 3 July 2002 - Site Suitability Permit Application - response dated 11 July 2002 "Revised Site Plan Application Report" from Enviro-Pro;

4. Certified minutes from Wake County dated 3 December 2001 and 19 November 2001 indicating the vote of the Wake County Commissioners in approving the franchise for Highway 55 C&D Landfill, LLC, received in the Revised Site Suitability application dated April 2002 received 24 April 2002;

5. Special Use Permit recorded in Deed Book: 9099 and Pages: 1039 thru 1044, as part of the Site Suitability application dated April 2002 received 24 April 2002;

Highway 55 C&D Landfill, LLC is authorized to prepare an application for a permit to construct. This letter addresses the approved disposal area, a scope for any additional subsurface investigations if required to prepare the construction plans for the disposal area and support facilities and design and construction standards for the referenced facility.

Section .0201 of the Solid Waste Management Rules (15A NCAC 13B) requires the Division to issue a solid waste permit in two parts. The first part is a Permit to Construct and the second part is a Permit to Operate. The Division may only issue a Permit to Operate after it determines that the facility has been constructed in accordance with the construction permit and that all pre-operative conditions have been met. **This letter is not a Permit to Construct**. This letter only informs the applicant that they may proceed with their construction permit application. The final action the Division may take on a permit application is the issuance or denial of a permit.

APPROVED DISPOSAL AREA

General

Based upon information submitted in the revised application dated April 2002, received 24 April 2002 and additional information received, as mentioned above, the Solid Waste Section has determined that the proposed 43.6 +/- acre footprint (of the total 88.6 acres proposed for the project) as shown on drawing labeled Figure 6 is suitable for the development of the C&D landfill. The adjacent 27.733 acres (as part of the 116.333 acres indicated by the deed) located west of White Oak Creek has not been investigated and is not being considered in this site suitability review. The footprint may be smaller based on site specific design and hydrogeologic design of the site monitoring system, based on information in the Construction Plan submitted and any other activities Highway 55 C&D Landfill, LLC undertakes at the site to include recycling, composting and the location of buildings/storage facilities.

GENERAL CONDITIONS AND SITE-SPECIFIC DESIGN REQUIREMENTS

The Section requires the submittal of a construction plan application for the first five-year development phase, as identified in the conceptual design plan, which is consistent with the requirements of 15A NCAC 13B .0201(e), including, but not limited to, the site specific criteria set forth in this letter.

Buffers

Horizontal buffers shall be as described in the conceptual design and as designated in Rule .0503(2)(f), and shall also include the following buffer criteria:

a) A 100-foot minimum buffer shall be maintained between facility boundaries and borrow areas, unless otherwise approved by the Division;
b) A minimum 50-foot buffer shall be maintained between borrow areas and delineated wetlands;
c) A minimum 50-foot buffer shall be maintained between disposal areas and delineated wetlands;
d) A minimum 50-foot buffer shall be maintained between facility activities and any sites of archeological, historical and/or cultural significance;
e). A minimum 200-foot buffer shall be maintained between the disposal area and the site property lines;
f). A minimum 500-foot buffer to wells(on-site or off-site) and off-site dwellings.

Highway 55 C&D Landfill, LLC may utilize all remaining areas of the site, except buffer areas, for other solid waste management activities (such as yard waste composting or recycling) or for landfill support activities (such as stockpiling of cover material) upon approval by the Section.

Design and Construction Standards

1. The applicant must complete the application for a permit to construct consistent with Rule .0503(2) and .0504(2) and the general site conditions and design requirements of this letter.

2. A property survey (describing the metes and bounds of the entire property owned) sealed by a licensed North Carolina Surveyor, shall be submitted with the permit to construct application.

Additional Subsurface Investigation

Any additional geologic and hydrogeologic information, along with ground water monitoring plan information shall be submitted as a component of the construction plan application. The report shall present the results of additional subsurface investigations at the site and shall be consistent with the requirements of the Solid Waste Management Rules.

The Permit to Construct and the Permit to Operate will be issued to Highway 55 C&D Landfill, LLC, as owner of the property. If Highway 55 C&D Landfill, LLC does not own the property at the time of permitting(Permit to Construct), then an affidavit signed by the landowner(s) and lease holders will be required.

The Division encourages Highway 55 C&D Landfill, LLC to take an aggressive approach to comprehensive solid waste management in order to contribute towards the States' waste reduction goals and lessen dependency upon conventional disposal in a municipal solid waste landfill facility.

If you have any questions, or would like to schedule a meeting to discuss this letter, please contact our office at (919)733-0692, Ext. 256. The staff engineer assigned this project is Jim Barber in our Fayetteville Regional Office at (910) 486-1541 or (919) 733-0692 Ext: 344.

Sincerely,

James C Coffey

James C. Coffey
Section Chief
Solid Waste Section
Division of Waste Management

cc: Ms. Nancy Scott, AG office
Mark Fry, SWS
Jim Barber, SWS
Robert Hearn, SWS
Mr. Bobby Lutfy, SWS
Dan Brewer, Patterson-Brewer
Raleigh Central File: Wake County 92-30

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

NCDENR

12

July 22, 2002

MEMORANDUM

TO: Jim Barber

FROM: Bobby Lutfy BL

RE: Site Plan Application & Construction Plan Application
Highway 55 C&D Landfill and Recycling Center
Wake County

With the additional revisions received today, the Site Plan Application and Construction Plan Application for the Highway 55 C&D Landfill and Recycling Center meet the hydrogeologic requirements in the Solid Waste Management Rules. It is still not clear to me how we should handle the Property Survey since the survey plot includes acreage in addition to that evaluated for the Facility applications.

CC: Jim Coffey

1646 Mail Service Center, Raleigh, North Carolina 27699-1646
Phone: 919-733-4996 \ FAX: 919-715-3605 \ Internet: www.enr.state.nc.us

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