

Demo 54-A Permit

NORTH CAROLINA DEPARTMENT OF
ENVIRONMENT AND NATURAL RESOURCES
DIVISION OF WASTE MANAGEMENT



December 29, 1998

Mr. Scott A. Stevens, P.E.
Kinston City Engineer
P.O. Box 339
Kinston, North Carolina 28502

Subject: Closure Letter; City of Kinston
Davis Street Landfill, Permit Number 54-A

Dear Mr. Stevens:

This closure letter acknowledges that the referenced facility has been closed, in accordance with the conditions of Section .0510 of the Solid Waste Management Rules and specifies the post-closure necessary site maintenance and monitoring responsibilities of the facility owner/operator. Section .0510 (d) also states that when a disposal site/facility has been closed, the permit is terminated and any future disposal operations will require a new permit. Any activities not associated with the maintenance or monitoring of the closed site/facility may be viewed as operation of the facility, therefore violating North Carolina Solid Waste Management Rules.

POST-CLOSURE MAINTENANCE CONDITIONS:

Post-closure necessary maintenance for this facility shall consist of whatever measures, procedures, and activities required to maintain this facility in compliance with those closure conditions specified within this letter. More specific closure conditions, in addition to Section .0510, for this facility include:

- (1) Closure, in accordance with the "Operational Requirements for Landfills" Section .0566, unless otherwise specified in the permit for this facility is as follows:
 - (a) Adequate cover of one foot at a minimum shall be maintained for this facility.

JAMES B. HUNT JR.
GOVERNOR

WAYNE McDEVITT
SECRETARY

WILLIAM L. MEYER
DIRECTOR

Mr. Stevens
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December 29, 1998

- (b) Erosion control measures, shall be maintained as necessary in accordance with Division of Land Quality requirements.
- (c) Drainage control measures shall be implemented, as part of site maintenance, necessary to prevent the impoundment of surface water over disposal areas at the facility.
- d) Temporary seeding, covered with straw & tacking or similar material if necessary, to prevent erosion in the event of site maintenance involving earth moving/filling activities.
- (e) Vegetation consisting of native grasses or combination of grasses to promote a year round vegetative cover shall be maintained.
- (f) Ground water separation of four (4) feet shall be maintained and/or devices utilized to maintain ground water at four (4) feet shall remain.
- (g) Leachate control, containment on-site.
- (h) If applicable, ground water monitoring wells shall be sampled according to permit conditions for five (5) years in accordance with the N.C Water Quality Monitoring Guidance Document for Solid Waste Facilities. At the end of five years the ground water information will be reviewed and a determination as to continued monitoring will be made.

All disposal sites, either operating or closed are subject to the explosive gas requirements of Section .0566 (13) (a&b), and if necessary, the ground water requirements of Section .0566 (15).

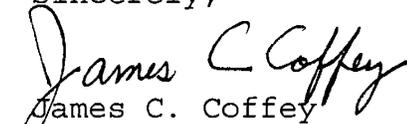
Mr. Stevens

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December 29, 1998

Should you have any questions or information concerning the content of this letter, please contact the undersigned at your convenience at (919) 733-0692 Ext: 255 or Jim Barber at (910) 486-1191.

Sincerely,


James C. Coffey

Permitting Branch Supervisor
Solid Waste Section

cc: Terry Dover - Eastern Area Supervisor
Bobby Nelms - Waste Management Specialist
Ray Williams - Environmental Technician
Jim Barber - Eastern Area Engineer
✓ Raleigh Central File - Lenior County Permit 54-A



City of Kinston

Engineering

P.O. Box 339
Kinston, North Carolina 28502

December 15, 1998

RECEIVED

DEC 17 1998

NC Department of Environment and Natural Resources
Division of Waste Management
Solid Waste Section
Attn: Mr. Jim Barber
225 Green Street
Suite 601
Fayetteville, North Carolina 28301

**DIVISION OF WASTE MANAGEMENT
FAYETTEVILLE REGIONAL OFFICE**

Subject: Closure of Davis Street Landfill
City of Kinston, Lenoir County

Dear Mr. Barber:

Enclosed is a copy of the recorded Declaration Identifying a Demolition/Land Clearing and Inert Debris Landfill Site prepared by our City Attorney Vernon Rochelle. The City of Kinston appreciates your assistance in closing the subject landfill.

If we can be of additional service, please contact my office (252) 939-3237.

Sincerely,

Scott A. Stevens, P.E.
City Engineer

Enclosures

cc: J. T. Pratt, III, Director of Public Works
File 98LANDF2.WPD

NORTH CAROLINA
LENOIR COUNTY

Prepared by Vernon H. Rochelle

**DECLARATION IDENTIFYING A DEMOLITION/
LAND CLEARING AND INERT DEBRIS LANDFILL SITE**

REGISTER OF DEEDS

THIS DECLARATION IDENTIFYING A DEMOLITION/LAND CLEARING AND INERT DEBRIS LANDFILL SITE, made this 7th day of December, 1998, by the **CITY OF KINSTON**, a municipal corporation and body politic, in Lenoir County, North Carolina (hereinafter referred to as **"Declarant"**); and **PROSPECTIVE PURCHASERS, USERS, OCCUPANTS, VISITORS AND ALL GOVERNMENTAL DEPARTMENTS AND AGENCIES** (hereinafter referred to as **"the Public"**).

WITNESSETH:

WHEREAS, Declarant is the owner of an approximate 53.26 acre tract in the City of Kinston, Kinston Township, Lenoir County, North Carolina, graphically depicted on that certain Map for Record recorded in Plat Cabinet 4, Page 300, and being a portion of the property described in that certain deed recorded in Deed Book 517, Page 698, both in the Lenoir County Registry, which Declarant has utilized as a Demolition/Land Clearing and Inert Debris Landfill Site; and

WHEREAS, the North Carolina Department of Environment and Natural Resources, Division of Waste Management has inspected said site and by letter dated September 22, 1998, has informed Declarant that said site has been closed in accordance with the procedures outlined in the Solid Waste Management Rules, subject to the requirements of 15A N.C. Administrative Code 13B, Section .0510, Closure Conditions as set forth in said letter.

NOW THEREFORE, Declarant provides as follows:

1. Declarant hereby refers the Public to its 53.26 acre Demolition/Land Clearing and Inert Debris Landfill Site depicted on the attached map, being a portion of the property described in Deed Book 517, Page 698, Lenoir County Registry, a copy of which is attached hereto, both of which are incorporated herein by reference for the information and benefit of the Public.
2. Declarant records this Declaration and Letter of Closure, Permit, Deed and Map of Record as attachments hereto, for the information and benefit of the Public pursuant to the provisions of North Carolina Solid Waste Management Rules as set forth in the N.C. Administrative Code, and a copy

26.0

Page Two- Declaration

hereof will be furnished to the N.C. Department of Environment and Natural Resources, Division of Waste Management.

3. The requirements of 15A N.C. Administrative Code 13B, Section .0510 as set forth in the attached letter shall apply to said site.

4. This Declaration shall become, from and after the date of its recordation, a covenant running with Declarant's 53.26 acre tract hereinabove referred.

IN WITNESS WHEREOF, Declarant has caused this instrument to be executed in its name by its Mayor, attested by its City Clerk, and its official seal affixed, all as by law provided, the day and year first above written.

CITY OF KINSTON

BY: Johnnie Mosley
Johnnie Mosley, Mayor

Attest:

Rhonda F. Barwick
Rhonda F. Barwick, City Clerk

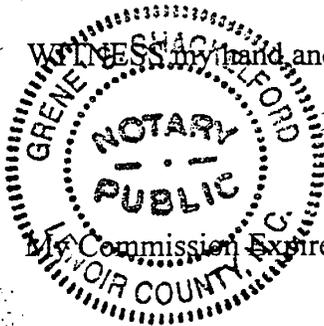
(OFFICIAL SEAL)

STATE OF NORTH CAROLINA
COUNTY OF LENOIR

I, Grene' S. Shackelford, Notary Public for said County and State, certify that Rhonda F. Barwick personally came before me this day and acknowledged that she is the City Clerk of the City of Kinston, a municipal corporation, and that by authority duly given, the foregoing instrument was signed in its name by its Mayor, sealed with the City's seal, and attested by herself as its City Clerk.

Witness my hand and notarial seal, this 7th day of December, 1998.

Grene' S. Shackelford
Notary Public



My Commission Expires: 3/2/2000

NORTH CAROLINA: Lenoir County

The foregoing certificates of *Berna S. Shackelford* P. of *Lenoir Co.*

are certified to be correct.

Filed for registration at *9:48* o'clock *A* M this *14* day of *December* *1998*

Gwynn Rouse, Register of Deeds

By *Pam Rich, Deputy*

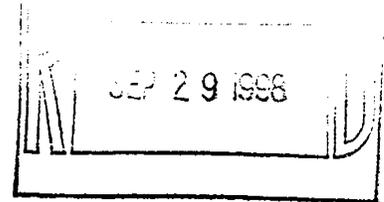
Kinston Printing Co.

NORTH CAROLINA DEPARTMENT OF
ENVIRONMENT AND NATURAL RESOURCES
DIVISION OF WASTE MANAGEMENT

September 22, 1998

JAMES B. HUNT JR.
GOVERNORWAYNE MCDEVITT
SECRETARYWILLIAM L. MEYER
DIRECTOR

Mr. J.T. Pratt, Public Works Director
City of Kinston
P.O. Box 339
Kinston, North Carolina 28502



RE: Closure of the City of Kinston Demolition/Land Clearing and Inert Debris Landfill located southeast of the intersection of Davis and Tampa Streets as described by the deed recorded in BOOK: 517 PAGE(s):698-700; Permit # 54-A issued 25 March 1981.

Dear Mr. Pratt:

The final inspection for the subject landfill was conducted on 20 May 1998 by a representative from the North Carolina Division of Waste Management, Solid Waste Section.

It was determined that the site has been closed-out in accordance with the procedures outlined in the Solid Waste Management Rules. Please note the following requirements from 15A N.C. Admin. Code 13B Section .0510 Closure Conditions:

1. When a solid waste disposal site has been closed in accordance with the requirements of the Division; future necessary maintenance and water quality monitoring(if applicable), shall be the responsibility of the landowner.
2. When a solid waste disposal site has been closed in accordance with the requirements of the Division, the permit/notification is terminated. Any future disposal operations at the site will require a new permit/notification. Any disposal activities done without a new permit/notification will constitute a "open dump" and will be subject to compliance action.

FAYETTEVILLE REGIONAL OFFICE
225 GREEN STREET, SUITE 601, FAYETTEVILLE, NC 28301-5043
PHONE 910-486-1191 FAX 910-486-1791

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Mr. Pratt

Page 2

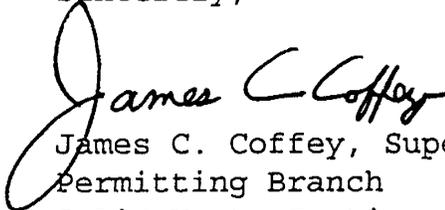
September 22, 1998

Enclosed you will find the correct copy of the deed and original plat, (as provided by Scott A. Stevens, Kinston City Engineer). Please record this closure letter, with enclosed copies of the deed, plat and permit letter, in the Grantor Index against the tract of deeded property and return a copy of the recorded letter to:

Solid Waste Section
225 Green Street
Suite 601
Fayetteville, N.C. 28301
ATTN: Jim Barber

If you have questions concerning this matter, feel free to contact Jim Barber at (910) 486-1191 or this office at (919) 733-0692 Extension 255.

Sincerely,



James C. Coffey, Supervisor
Permitting Branch
Solid Waste Section

cc: Terry Dover w/enclosures
Bobby Nelms w/enclosures
Jim Barber w/enclosures
Raleigh Central file - Lenoir County; City of Kinston Permit
54-A w/enclosures.

PERMIT NO. 54-ADATE ISSUED 3/25/81

STATE OF NORTH CAROLINA
DEPARTMENT OF HUMAN RESOURCES
Division of Health Services

P.O. Box 2091 Raleigh 27602

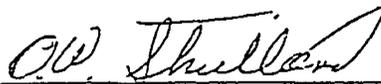
SOLID WASTE PERMIT

CITY OF KINSTON is hereby issued a permit to
operate a SANITARY LANDFILL (DEMOLITION-LANDSCAPE)
located KINSTON, LENOIR COUNTY,
in accordance with Article 13B of the General Statutes of North Carolina and all
rules promulgated thereunder. The facility is located on the below described
property.

Lying and being in Kinston Township, Lenoir County, North Carolina, on the eastern
side of Queen Street extended and beginning at a point at or in the eastern edge
of the sidewalk of the eastern edge
of the sidewalk
its extension
control corner
measured along
a common corner
79 degrees 27
line of the ()
with the line
iron stake; to
C. T. Randolph
side of the lot
Extension referred to above; thence north 11 deg. 27 minutes East 146.7 feet to a
stake; thence North 5 deg. 20 min. East 34 feet to a stake; thence North 4 deg.
20 min. East 25 feet to the point of beginning.

SEE DEED DESCRIPTION
IN BOOK: 517 PAGES:
698 TO 700 ATTACHED
TO THIS PERMIT PAGE.


Hugh H. Tilson, M.D.
Director
Division of Health Services


O. W. Strickland, Head
Solid & Hazardous Waste Management
Branch
Environmental Health Section

INDEXED

INDEXED

NORTH CAROLINA

BOOK 517 PAGE 698

LENOIR COUNTY

THIS DEED, Made and executed this 15th day of July, 1963, by and between R. H. LEACH and wife, VIDA WEST LEACH of the County of Lenoir, State of North Carolina, parties of the first part, and the City of Kinston, a Municipal corporation, organized and existing under and by virtue of the laws of the State of North Carolina, and having its location and corporate limits within the County of Lenoir, said State, party of the second part,

WITNESSETH:

That for and in consideration of the sum of ONE HUNDRED (\$100.00) DOLLARS and other valuable considerations in hand paid to the parties of the first part by the party of the second part, the receipt of which is hereby fully acknowledged, the said parties of the first part have given, granted, bargained, sold and conveyed, and by these presents do give, grant, bargain, sell and convey, to and unto the City of Kinston, said party of the second part, its successors and assigns, in fee simple, that certain tract or parcel of land, situate in Kinston Township, Lenoir County, North Carolina, and more particularly bounded and described as follows:

BEGINNING at a point on the east right-of-way line of Davis Street, said point being 150 feet south of the south right-of-way line of Tampa Street, thence North 69 deg. 12 minutes West 1120.16 feet, thence North 75 deg. 48 min. West 580 feet, thence South 22 deg. 57 min. West 1257 feet to a point, said point being the south-east corner of C. T. Randolph property, thence in an easterly direction along the north side of the Neuse River and following the course of the Neuse River 8001.17 feet to a point, said point being on the west right-of-way line of A. & N. C. RR., and lying 100 feet West of the center line of said A. & N. C. RR; thence North 38 deg. 28 min. West 3416 feet and along the west right-of-way line of the A. & N. C. RR; thence North 72 deg. 48 min. West 572.07 feet, thence South 13 deg. 57 West 121.37 feet; thence North 63 deg. 11 min. West 173.2 feet; thence North 71 deg. 39 min. West 318.03 feet; thence North 73 deg. 31 min. West 38.7 feet; thence North 76 deg. 51 min. West 138.05 feet; thence North 80 deg. 02 min. West 286.18 feet; thence North 86 deg. 40 min. West 40 feet; thence South 84 deg. 55 min. West 125 feet; thence South 72 deg. 45 min. West 213.75 feet; thence North 73 deg. 47 min. West 230.69 feet; thence North 72 deg. 15 min. West 355.57 feet to a point; said point being on the rear and East line of a reserved piece of the Leach property fronting on Davis Street; thence along said East line parallel with Davis Street South 3 deg. 42 min. West 1440 feet to a point; thence North 86 deg. 18 min. West 150 feet along the southern line of the reserved strip to a point; thence North 3 deg. 42 min. East 50 feet along the east right-of-way line of Davis Street to the point of beginning.

RECEIVED

AUG 25 1998

VISION OF WASTE MANAGEMENT
YETTEVILLE REGIONAL OFFICE

WALLACE & WALLACE
ATTORNEYS AT LAW
KINSTON, N. C.

BOOK 517 PAGE 699

- 2 -

Being that certain 329-acre tract shown on that certain map titled - "SANITARY SEWER LAGOON SITE", prepared by the City of Kinston, as Drawing L-107, dated June 17, 1963. The 60-acre City property shown on said map is owned by the City by previous purchase and is not included in the stated acreage of 329 acres. Said map is made a part of this description by reference.

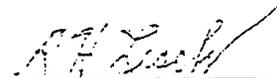
TO HAVE AND TO HOLD the above described tract or parcel of land with all privileges and appurtenances thereto belonging unto it, the said City of Kinston, party of the second part, its successors and assigns, in fee simple forever.

AND the said parties of the first part for themselves and their legal representatives, covenant to and with the said second party and its successors and assigns, that they are seized of said premises in fee and have a right to convey the same in fee simple and have done so by this indenture; that the same is free and clear of all encumbrances and that they will and do hereby warrant and defend the title to the same against the lawful claims of all persons.

That the aforesaid lands conveyed by this instrument are the properties for which Option dated April 15, 1963 was given to the City of Kinston, and which Option appears of record in the Office of the Register of Deeds of Lenoir County, North Carolina, in Book 512, page 389; and the aforesaid description is taken from an accurate survey and plotting of said lands for the purpose of this conveyance.

IT IS UNDERSTOOD AND AGREED that the conveyance above made covers all rights and interest of the first parties in and to a certain right of ingress and egress along the old logging road which traverses or formerly traversed a portion of the lands, and the parties of the first part do hereby quit claim and release such right of ingress and egress over such right-of-way or logging road.

IN TESTIMONY WHEREOF, the said parties of the first part have hereunto set their hands and seals, this the day and year first above written.


 _____ (SEAL)
 R. H. Leach


 _____ (SEAL)
 Vida West Leach

BOOK 517 PAGE 700

NORTH CAROLINA

LENOIR COUNTY

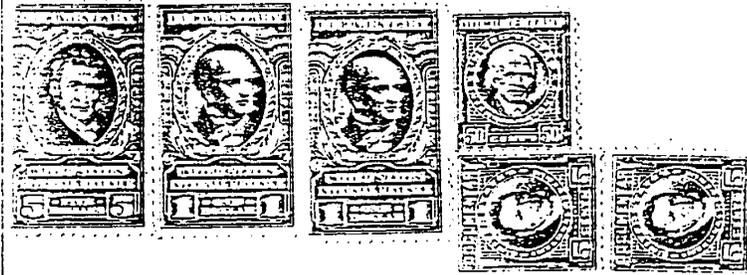
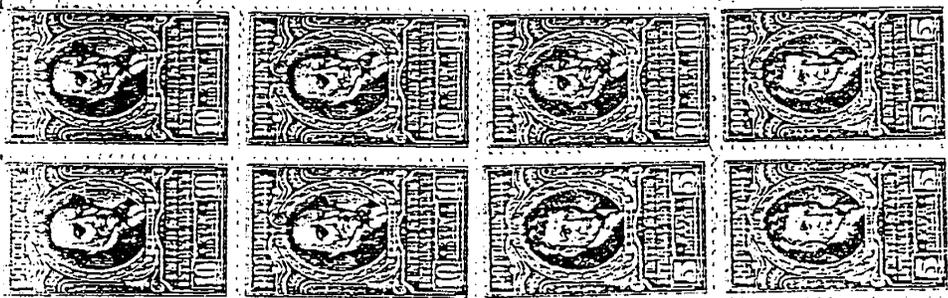
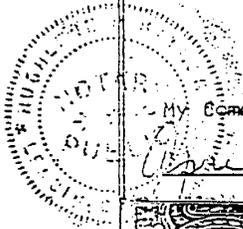
Personally appeared before me this day R. H. Leach and wifem
Vida West Leach, signers of the foregoing Deed, and acknowledged the due
execution thereof for the purposes therein expressed.

Witness my hand and official seal, this 15th day of July, 1963.

Hughlene P. Baynor
NOTARY PUBLIC

My Commission expires:

April 30 1964



3
July 16 1963
Robert Leach
Deed of R. H. Leach & Vida West Leach

NORTH CAROLINA
LENOIR COUNTY

The foregoing certificate of
Hughlene P. Baynor
Notary Public of Lenoir County, State of
North Carolina, is adjudged to be correct.
Let the instrument with this certificate be
registered.

Witness my hand, this the 16th day of July, 1963
John L. Davis
Notary Superior Court

NORTH CAROLINA DEPARTMENT OF
ENVIRONMENT AND NATURAL RESOURCES
DIVISION OF WASTE MANAGEMENT

July 22, 1998



JAMES B. HUNT JR.
GOVERNOR

Mr. J.T. Pratt, Public Works Director
City of Kinston
P.O. Box 339
Kinston, North Carolina 28502

WAYNE MCDEVITT
SECRETARY

RE: Closure of the City of Kinston Demolition/Land Clearing and Inert Debris Landfill located near the intersection of Highway 70 and Highway 11 & 55; as described by deed of record BOOK: 65 PAGE: 650; Permit # 54-A issued 25 March 1981.

WILLIAM L. MEYER
DIRECTOR

Dear Mr. Pratt:

The final inspection for the subject landfill was conducted on 20 May 1998 by a representative from the North Carolina Division of Waste Management, Solid Waste Section.

It was determined that the site has been closed-out in accordance with the procedures outlined in the Solid Waste Management Rules. Please note the following requirements from 15A N.C. Admin. Code 13B Section .0510 Closure Conditions:

1. When a solid waste disposal site has been closed in accordance with the requirements of the Division; future necessary maintenance and water quality monitoring (if applicable), shall be the responsibility of the landowner.
2. When a solid waste disposal site has been closed in accordance with the requirements of the Division, the permit/notification is terminated. Any future disposal operations at the site will require a new permit/notification. Any disposal activities done without a new permit/notification will constitute a "open dump" and will be subject to compliance action.

FAYETTEVILLE REGIONAL OFFICE
225 GREEN STREET, SUITE 601, FAYETTEVILLE, NC 28301-5043
PHONE 910-486-1191 FAX 910-486-1791

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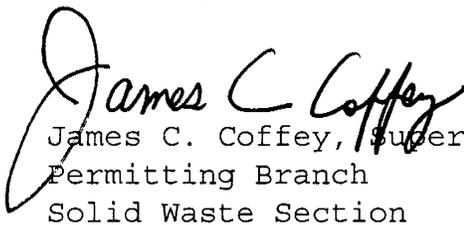
Mr. Pratt
Page 2
July 22, 1998

Enclosed you will find a copy of the original plat from the permit application, a copy of the permit page with metes & bounds description, and a copy of the referenced deed book and page number from page one of this letter. Please note that the boundary description of these properties differs. If the property was sold or re-configured in the past, and the deed book reference for the landowner is incorret; please record this closure letter in the Grantor Index against the correct tract of deeded property and return a copy of the recorded letter to:

Solid Waste Section
225 Green Street
Suite 601
Fayetteville, N.C. 28301
ATTN: Jim Barber

If you have questions concerning this matter, feel free to contact Jim Barber at (910) 486-1191 or this office at (919) 733-0692 Extension 255.

Sincerely,


James C. Coffey, Supervisor
Permitting Branch
Solid Waste Section

cc: Terry Dover w/enclosures
Bobby Nelms w/enclosures
Jim Barber w/enclosures
✓ Raleigh Central file - Lenoir County; City of Kinston Permit
54-A w/enclosures.

PERMIT NO. 54-A

DATE ISSUED 3/25/81

STATE OF NORTH CAROLINA
DEPARTMENT OF HUMAN RESOURCES
Division of Health Services
P.O. Box 2091 Raleigh 27602

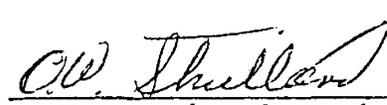
SOLID WASTE PERMIT

CITY OF KINSTON is hereby issued a permit to
operate a SANITARY LANDFILL (DEMOLITION-LANDSCAPE)
located KINSTON, LENOIR COUNTY,
in accordance with Article 13B of the General Statutes of North Carolina and all
rules promulgated thereunder. The facility is located on the below described
property.

Lying and being in Kinston Township, Lenoir County, North Carolina, on the eastern side of Queen Street extended, and beginning at a point at or in the eastern edge of the sidewalk now extending along the eastern side of Queen Street extended at its extension southwardly from the City of Kinston, said beginning point being a control corner and being 718 feet from the southern edge of Broadway Street as measured along the edge of said Queen Street Extended, and said point also being a common corner or in the line of Charlie J. Herring; and running thence South 79 degrees 27 minutes East and with the Herring line 410.4 feet to the property line of the City of Kinston properties; thence South 22 deg. 57 min. West and with the line of the City of Kinston properties 574.6 feet to a point marked by an iron stake; thence North 27 degrees 18 minutes West 458.95 feet and with the C. T. Randolph Line to an iron stake located at or near the edge of the eastern side of the bridge across a slough; said bridge being a portion of the Queen Street Extension referred to above; thence North 11 deg. 27 minutes East 146.7 feet to a stake; thence North 5 deg. 20 min. East 34 feet to a stake; thence North 4 deg. 20 min. East 25 feet to the point of beginning.



Hugh H. Tilson, M.D.
Director
Division of Health Services



O. W. Strickland, Head
Solid & Hazardous Waste Management
Branch
Environmental Health Section

Copy of Deed for Proposed Site

NORTH CAROLINA

LENOIR COUNTY.

THIS DEED made and executed this 11th day of March, 1938, by and between H. P. Rasberry and wife, Nina Credle Rasberry, of Lenoir County, North Carolina, parties of the first part, and L. Harvey & Son Company, a North Carolina Corporation with general offices in Kinston, North Carolina, party of the second part,

WITNESSETH:

That the parties of the first part in consideration of \$10.00 and other valuable consideration, the receipt of which is hereby acknowledged, have bargained and sold, and by these presents do bargain, sell and convey to the party of the second part, its successors and assigns, an undivided one-third interest in and to all that certain tract or parcel of land situate in Neuse Township, Lenoir County, North Carolina, on the north side of and fronting on the Kinston-Pink Hill paved highway, and more particularly described as follows:

BEGINNING at a stake on the northern edge of the New Highway which runs southwardly from the Caswell Street Bridge, at a ditch, thence with the ditch N. 64 W. 100 feet; then N. 56 W. 112 feet; then N. 61 W. 275 feet; then N. 50 W. 151 feet; then N. 55 W. 365 feet; then S. 51 3/4 W. 455 feet; then S. 52 E. 976 feet; thence with the road N. 51 3/4 E. 529 feet to the beginning, containing 10.252 acres; and being the same tract of land described in and conveyed by the deed from I. S. Rochelle and wife, Lena O. Rochelle to T. W. Newborn and L. Harvey & Son Company of date March 6, 1923, and of record in Book 65, page 650, office of the Register of Deeds of Lenoir County, and especially including all the right, title, interest and estate of the party of the first part in and to all the portion of the said tract of land embraced within the right of way of the Kinston-Carolina R. R. Company over and across said lands.

old land fill closed along time ago.

TO HAVE AND TO HOLD ~~and~~ undivided one-third interest in and to the above described tract or parcel of land with all privileges and appurtenances thereto belonging unto it, the said L. Harvey & Son Company, its successors and assigns in fee simple forever.

And the parties of the first part for themselves, their heirs, executors and administrators, covenant to and with the party of the second part, its successors and assigns that they are seized of an undivided one-third interest in said premises in fee, and have a good and perfect right to convey the same in fee simple, that the same is free and clear of all

4

EXHIBIT G

Copy of Deed for Proposed Site

NORTH CAROLINA

LENOIR COUNTY.

THIS DEED made and executed this 11th day of March, 1938, by and between H. P. Rasberry and wife, Nina Credle Rasberry, of Lenoir County, North Carolina, parties of the first part, and L. Harvey & Son Company, a North Carolina Corporation with general offices in Kinston, North Carolina, party of the second part,

WITNESSETH:

That the parties of the first part in consideration of \$10.00 and other valuable consideration, the receipt of which is hereby acknowledged, have bargained and sold, and by these presents do bargain, sell and convey to the party of the second part, its successors and assigns, an undivided one-third interest in and to all that certain tract or parcel of land situate in Neuse Township, Lenoir County, North Carolina, on the north side of and fronting on the Kinston-Pink Hill paved highway, and more particularly described as follows:

BEGINNING at a stake on the northern edge of the New Highway which runs southwardly from the Caswell Street Bridge, at a ditch, thence with the ditch N. 64 W. 100 feet; then N. 56 $\frac{1}{2}$ W. 112 feet; then N. 61 $\frac{1}{2}$ W. 275 feet; then N. 50 $\frac{1}{2}$ W. 151 feet; then N. 55 W. 365 feet; then S. 51 $\frac{3}{4}$ W. 455 feet; then S. 52 $\frac{1}{2}$ E. 976 feet; thence with the road N. 51 $\frac{3}{4}$ E. 529 feet to the beginning, containing 10.252 acres; and being the same tract of land described in and conveyed by the deed from I. S. Rochelle and wife, Lena O. Rochelle to T. W. Newborn and L. Harvey & Son Company of date March 6, 1923, and of record in Book 65, page 650, office of the Register of Deeds of Lenoir County, and especially including all the right, title, interest and estate of the party of the first part in and to all the portion of the said tract of land embraced within the right of way of the Kinston-Carolina R. R. Company over and across said lands.

TO HAVE AND TO HOLD said undivided one-third interest in and to the above described tract or parcel of land with all privileges and appurtenances thereto belonging unto it, the said L. Harvey & Son Company, its successors and assigns in fee simple forever.

And the parties of the first part for themselves, their heirs, executors and administrators, covenant to and with the party of the second part, its successors and assigns that they are seized of an undivided one-third interest in said premises in fee, and have a good and perfect right to convey the same in fee simple, that the same is free and clear of all

✓

State of North Carolina
Department of Environment
and Natural Resources
Washington Regional Office

RECEIVED

MAY 28 1998

James B. Hunt, Jr., Governor
Wayne McDevitt, Secretary

DIVISION OF WASTE MANAGEMENT
FAYETTEVILLE REGIONAL OFFICE



RECEIVED

MAY 28 1998

DIVISION OF WASTE MANAGEMENT
FAYETTEVILLE REGIONAL OFFICE

**Solid Waste Section
Waste Management Division**

May 26, 1998

MEMORANDUM

TO: Terry Dover
Waste Management Division
Fayetteville Regional Office

FROM: Bill Morris *BM*
Waste Management Specialist

SUBJECT: City of Kinston, LCID Landfill, Permit # 54-A

Attached is a final inspection of the subject landfill. The City of Kinston has met closure requirements and is asking for a final closure letter from the Division.

BM/ae

Enclosure

NC DEPARTMENT OF ENVIRONMENT, HEALTH AND NATURAL RESOURCES

Division of Solid Waste Management

Solid Waste Section

SOLID WASTE MANAGEMENT FACILITY EVALUATION REPORT

Type of Facility LCID Permit # 54-A County Lenoir
Name of Facility KINSTON Demo LF Location KINSTON
Date of Last Evaluation ~~5-20-98~~

I. Permit Conditions Followed Yes No N/A

A. Specific Condition(s) Violated _____

II. Operational Requirements Followed Yes No

15A N.C. Admin. Code 13B Section _____

A. Specific Violation(s) by number and letter.

III. Other Violations of Rule or Law _____

IV. Evaluator's Comments Site meets closure requirements.

V. Continuation Page Required? Yes No Receiving Signature _____
Evaluation Date 5-20-98 Solid Waste Section Billy J. Morris

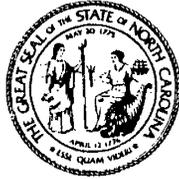
Purpose: G.S. 130A-294 requires that an evaluation program be established for the operation of solid waste management facilities on a statewide basis. The Solid Waste Management Act and Solid Waste Management Rules codified at 15A NCAC 13B list requirements which must be followed by solid waste facilities.

Instructions: Solid Waste Section personnel shall complete the evaluation form each time they conduct official evaluations. The form shall be signed by the person(s) receiving the report.

Distribution: Part I White: facility copy
Part II Canary: Raleigh central office file copy
Part III Pink: Regional office file copy

Disposition: This form may be retained in accordance with the Record Retention and Disposition Schedule of the Solid Waste Section, Solid Waste Management Division of the Department of Environment, Health and Natural Resources

City of Kinston
54-A



State of North Carolina
Department of Environment, Health, and Natural Resources
Division of Solid Waste Management
P.O. Box 27687 · Raleigh, North Carolina 27611-7687

James G. Martin, Governor
William W. Cobey, Jr., Secretary

William L. Meyer
Director

March 23, 1992

Mr. Sunny Cruz, Superintendent
Department of Public Works
City of Kinston
P.O. Box 339
Kinston, NC 28502

Dear Sonny:

Thank you for your letter of January 28, 1992, explaining Kinston's situation regarding disposal of yard trash, stumps, etc., within your permitted Demolition Landfill #54-A.

Your questions concerning this disposal and the affect on the City's data base regarding the 25% reduction goal are very timely. The same question must be dealt with on a statewide basis.

First, let me state that under current law, G.S. 130A-294, Kinston is in compliance with the yard waste ban from sapitary landfills, which will be effective January 1, 1993. Kinston currently disposes of yard waste in a landfill classified for such use under the N.C. Solid Waste Management Rules, 15A N.C. Admin. Code 13B.

Second, in order to qualify toward the 25% waste reduction goal, waste must be managed in a manner other than land disposal or incineration. Kinston may beneficially recover it's yard waste by mulching or composting.

At this time, the section has not enforced a provision for scales at land clearing and inert debris landfills. The section is giving consideration to this type waste not entering the waste reduction calculations. However, yard trash will enter the evaluations and Kinston should propose a method to determine the amount of yard waste disposed.

Mr. Sonny Cruz
March 23, 1992
Page 2

Feel free to contact Terry Dover at (919) 486-1191, if you have further questions.

Sincerely,


Dexter R. Matthews, Chief
Solid Waste Section

DRM/mju

cc: Terry Dover
Billy Morris

EXHIBIT B

Proposed Site in Relation to Flood Plain

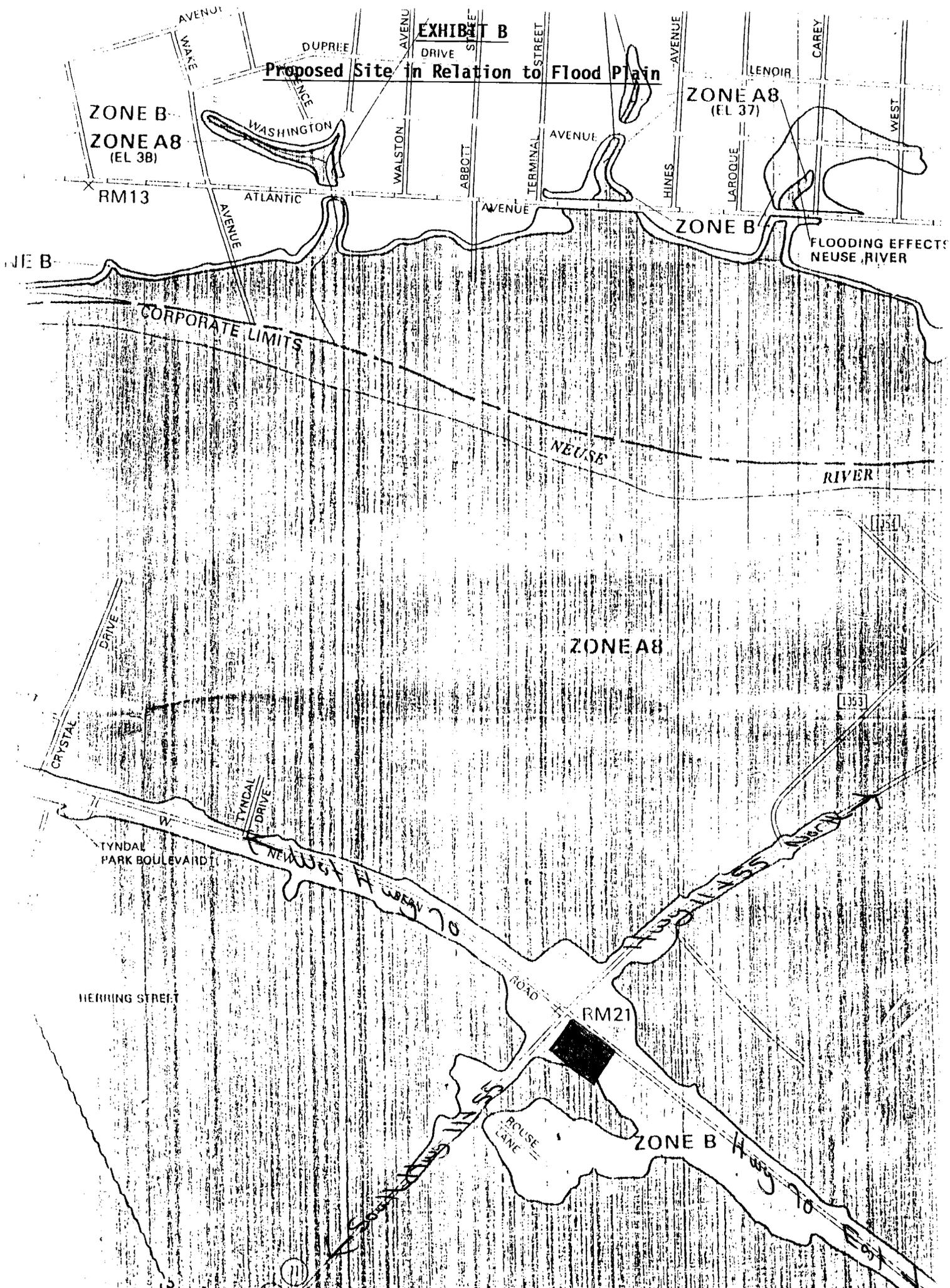


EXHIBIT C

Approval Letter from Zoning Department
City of Kinston

P. O. Drawer 339

North Carolina
28501



DUDLEY D. FOSTER
MAYOR

STEPHEN W. RAPER
CITY MANAGER

VERNON H. ROCHELLE
CITY ATTORNEY

NELL D. PATRICK
CITY CLERK AND TREASURER

October 9, 1985

Mr. George Harper
L. Harvey & Son Company
Highway 258 North
Kinston, N. C. 28501

Dear Mr. Harper:

The proposed sites that you have suggested for disposal of building materials for the old E. V. Webb warehouse are outside the city limits of the city of Kinston and are not subject to Section 12-4 of the City Code. As you have indicated, all wooden materials will be disposed of at the Lenoir County landfill site. It is our understanding from your comments that concrete, brick, roofing materials, and so forth will be placed on sites located adjacent to Highway 11 South, Highway 70 East, and North of Highway 70 West adjacent to Wendy's Restaurant. Both sites are located within the 500 or 100 year flood plain. However, filling is allowed in these areas as long as said filling is not done in the flood way.

If we can assist you further, please advise.

Yours truly,

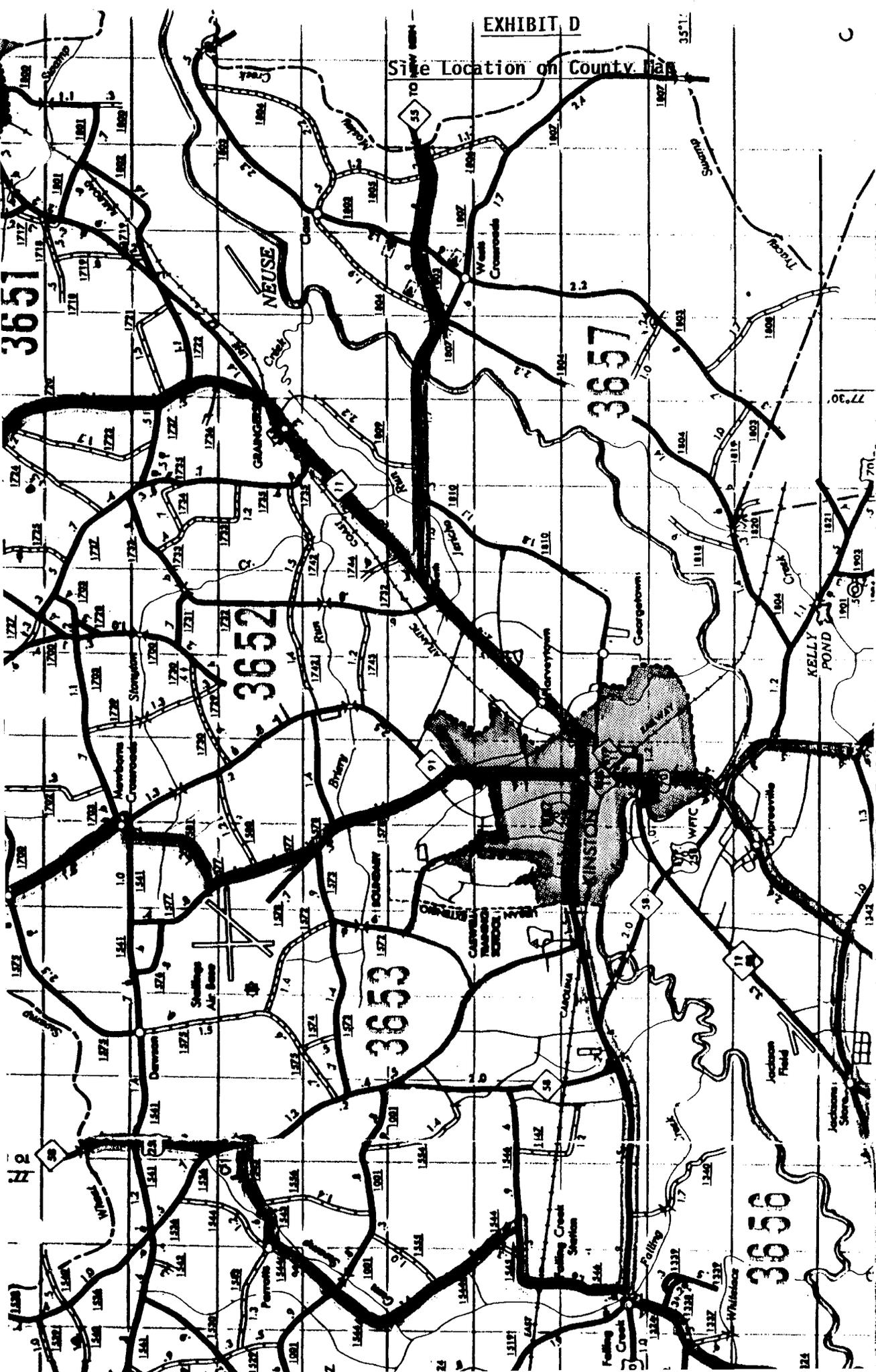
Jacky Eubanks

Jacky Eubanks
Planning Administrator

JE:ld

EXHIBIT D

Site Location on County Map



■ Site Location

APPLICATION
FOR
PROPOSED DEMOLITION LANDFILL
LENOIR COUNTY
KINSTON, NORTH CAROLINA 28501

SUBMITTED
BY
L. HARVEY & SON COMPANY



TO: J. Gordon Layton, Environmental Engineer

November 13, 1985

FROM: Rick Holder *RAH*

RE: Application For Proposed Demolition Landfill

The following information is submitted as application requirements as outlined in Section .0506 of the North Carolina Solid Waste Management Rules pamphlet you forwarded to me earlier in the summer. The proposed site for this application is an approximate 8.9 acre property along the North side of the West bound lane of U.S. Hwy. 70 that begins approximately 250 feet West of the intersection of U.S. 70 & Hwy. 11 & 55 in Lenoir County. This property belongs to L. Harvey & Son Company, a North Carolina corporation with a main office in Kinston, North Carolina. The application information is as follows:

1. Site plan for proposed demolition landfill

Exhibit "A" - Aerial map of property and surrounding area;

Exhibit "B" - Topography map of proposed site;

Exhibit "C" - Site in relation to flood plain (Fed. Ins. Agency Map);

Exhibit "D" - Approval letter from zoning department;

Exhibit "E" - Site location on a county map.

2. Construction plan for proposed demolition landfill

Exhibit "F" - Plat plan for proposed site;

Exhibit "G" - Copy of deed for proposed site.

3. The waste fill for this proposed site will come from the disposal of building materials from the old E. V. Webb building located at the Northwest corner of the intersection of Herritage Street & Vernon Ave. inside the Kinston city limits. The fill material going into this site will be concrete, brick, roofind materials and the like. All wooden materials will be disposed of at the Lenoir County landfill.

Once the proposed site has been filled with construction demolition debris, the area will be leveled and fill dirt will be brought in to finish out the project. Temporary silt fencing will be placed around all slopes to prevent immediate erosion runoff before adequate vegetation growth can stabilize the slopes. Temporary vegetation plantings will be approximately 4 lbs. of Kentucky 31 Fescue grass per 1,000 sq. ft. with fertilization rates of 35 lbs. of 8-8-8 per 1,000 sq. ft. We are not certain what the ultimate end use of this site will be, but we will probably eventually place a more permanent and more effective vegetation seeding of common bermudagrass at a rate of 2 lbs. per 1,000 sq. ft.

The contact person for this project should you need any additional information at any time during the application process of the actual filling process will be Rick Holder. I can best be reached during workdays at 523-9090 or after hours at 527-1837 here in Kinston.

Should you have any questions regarding this application, please feel free to call me at any time. We are planning to start the E. V. Webb building demolition and subsequent fill around early January, 1986.

Richard Holder

RAH/lkh

EXHIBIT D

Approval Letter from Zoning Department
City of Kinston

P. O. Drawer 339

North Carolina
28501



DUDLEY D. FOSTER
MAYOR

STEPHEN W. RAPER
CITY MANAGER

VERNON H. ROCHELLE
CITY ATTORNEY

NELL D. PATRICK
CITY CLERK AND TREASURER

October 9, 1985

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L. Harvey & Son Company
Highway 258 North
Kinston, N. C. 28501

Dear Mr. Harper:

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If we can assist you further, please advise.

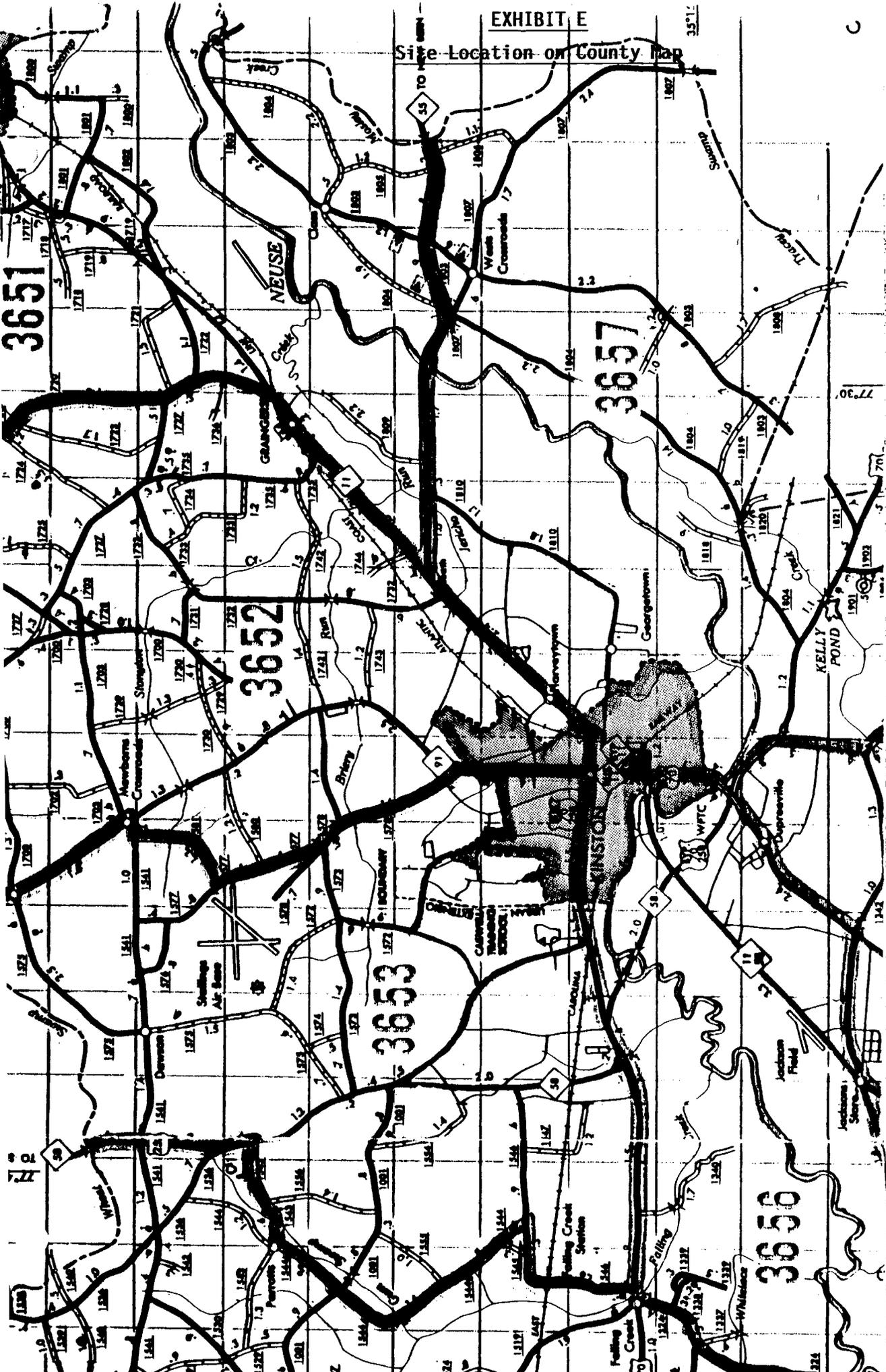
Yours truly,

Jacky Eubanks

Jacky Eubanks
Planning Administrator

JE:ld

Site Location on County Map



■ Site Location

3651

3652

3653

3657

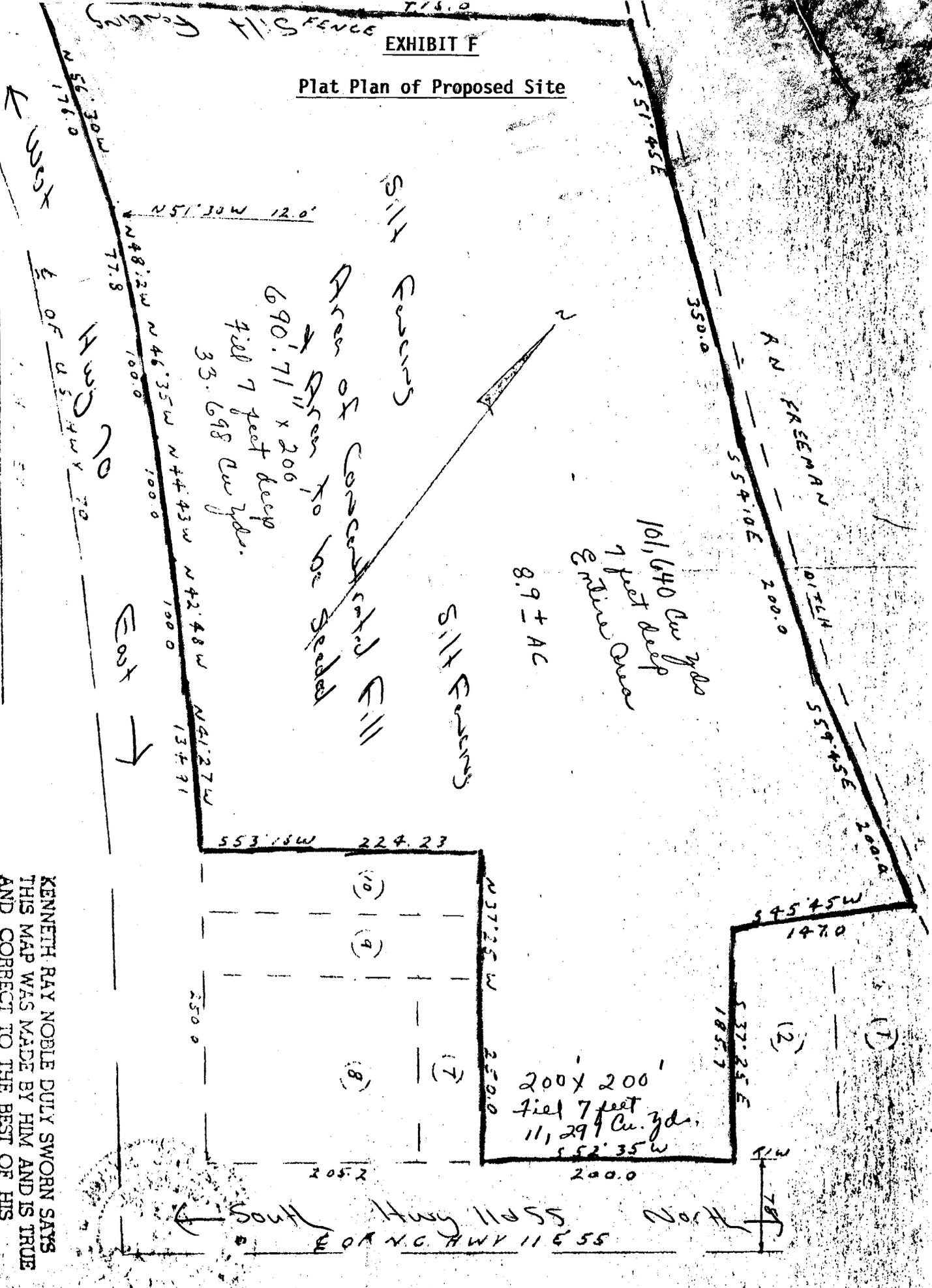
3656

118

C

EXHIBIT F

Plat Plan of Proposed Site



BEING A PORTION OF THE LAND RECORDED IN
 MAP BOOK & PAGE 58 IN THE LEWIS COUNTY
 REGISTRY AND IS LOCATED IN THE WESTON

KENNETH RAY NOBLE DULY SWORN SAYS
 THIS MAP WAS MADE BY HIM AND IS TRUE
 AND CORRECT TO THE BEST OF HIS
 KNOWLEDGE AND BELIEF
 SWORN TO AND SUBSCRIBED BEFORE ME
 THIS DAY OF _____ 19__

R. S. L. 922

EXHIBIT F

Copy of Deed of Proposed Site

NORTH CAROLINA

LENOIR COUNTY

796 Page 2nd

INDEXED

THIS CORRECTION DEED made this 24th day of August, 1983, by MALLARD OIL COMPANY, a North Carolina corporation, with its principal office and place of business in the City of Kinston, Lenoir County, North Carolina, party of the first part, to C. FELIX HARVEY, W. A. MALLARD, JR., LEIGH H. MCNAIRY and SUNNY GILL HARVEY, parties of the second part.

W I T N E S S E T H:

WHEREAS, the party of the first part executed a Deed dated December 15, 1978, and recorded in Deed Book 738, Page 155, Lenoir County Registry, conveying its one-half (1/2) undivided interest in a parcel or lot of land therein and hereinafter more particularly described; and,

WHEREAS, the party of the first part desired to convey its one-half (1/2) undivided interest to the second parties in proportions as set out therein, to-wit, C. Felix Harvey, ten percent (10%) interest; W. A. Mallard, Jr., fifteen percent (15%) interest; Leigh H. McNairy, twelve and one-half percent (12-1/2%) interest; and Sunny Gill Harvey, twelve and one-half percent (12-1/2%) interest; and,

WHEREAS, to clarify the interests conveyed by that certain Deed recorded in Book 738, Page 155, Lenoir County Registry, and to correct and clarify the interests actually intended to be conveyed, the first party does execute this Correction Deed.

NOW, THEREFORE, said party of the first part for and in consideration of the sum of One Hundred Dollars (\$100.00) and other good and valuable considerations to it paid by the parties of the second part, the receipt of which is hereby acknowledged, has bargained, sold, conveyed and confirmed and by these presents does hereby bargain, sell, convey and confirm its one-half (1/2) undivided interest in the following proportions: to C. Felix Harvey, twenty percent (20%) of its undivided one-half (1/2) interest; to W. A. Mallard, Jr., thirty

IRIS, ROCHELLE
& DUKE, P.A.
ATTORNEYS AT LAW
KINSTON, N. C.
2220P-0000

Prepared by: Vernon H. Rochelle

8. -

EXHIBIT G

Copy of Deed for Proposed Site

NORTH CAROLINA

LENOIR COUNTY.

THIS DEED made and executed this 11th day of March, 1938, by and between H. P. Rasberry and wife, Nina Credle Rasberry, of Lenoir County, North Carolina, parties of the first part, and L. Harvey & Son Company, a North Carolina Corporation with general offices in Kinston, North Carolina, party of the second part,

WITNESSETH:

That the parties of the first part in consideration of \$10.00 and other valuable consideration, the receipt of which is hereby acknowledged, have bargained and sold, and by these presents do bargain, sell and convey to the party of the second part, its successors and assigns, an undivided one-third interest in and to all that certain tract or parcel of land situate in Neuse Township, Lenoir County, North Carolina, on the north side of and fronting on the Kinston-Pink Hill paved highway, and more particularly described as follows:

BEGINNING at a stake on the northern edge of the New Highway which runs southwardly from the Caswell Street Bridge, at a ditch, thence with the ditch N. 64 W. 100 feet; then N. 56 $\frac{1}{2}$ W. 112 feet; then N. 61 $\frac{1}{2}$ W. 275 feet; then N. 50 $\frac{1}{2}$ W. 151 feet; then N. 55 W. 365 feet; then S. 51 $\frac{3}{4}$ W. 455 feet; then S. 52 $\frac{1}{2}$ E. 976 feet; thence with the road N. 51 $\frac{3}{4}$ E. 529 feet to the beginning, containing 10.252 acres; and being the same tract of land described in and conveyed by the deed from I. S. Rochelle and wife, Lena O. Rochelle to T. W. Newborn and L. Harvey & Son Company of date March 6, 1923, and of record in Book 65, page 650, office of the Register of Deeds of Lenoir County, and especially including all the right, title, interest and estate of the party of the first part in and to all the portion of the said tract of land embraced within the right of way of the Kinston-Carolina R. R. Company over and across said lands.

TO HAVE AND TO HOLD ~~and~~ undivided one-third interest in and to the above described tract or parcel of land with all privileges and appurtenances thereto belonging unto it, the said L. Harvey & Son Company, its successors and assigns in fee simple forever.

And the parties of the first part for themselves, their heirs, executors and administrators, covenant to and with the party of the second part, its successors and assigns that they are seized of an undivided one-third interest in said premises in fee, and have a good and perfect right to convey the same in fee simple, that the same is free and clear of all

percent (30%) of its undivided one-half (1/2) interest; to Leigh H. McNairy, twenty-five percent (25%) of its undivided one-half (1/2) interest; and to Sunny Gill Harvey, twenty-five percent (25%) of its undivided one-half (1/2) interest, their respective heirs and assigns, in fee simple, in and to that certain parcel or lot of land situate in Neuse Township, Lenoir County, North Carolina, and more particularly described as follows:

BEGINNING at the point of intersection of the centerline of N.C. Highway No. 55 with the centerline of U.S. Highway No. 70 ("By-Pass"), and runs thence with the centerline of U.S. Highway No. 70, S. 42° E. 275 feet; thence it runs S. 52° 25' W. 327 feet to an iron stake; thence it runs N. 42° W. 275 feet to the centerline of N.C. Highway No. 55; thence it runs N. 52° 25' E. with the centerline of N.C. Highway No. 55, 327 feet to the point or place of beginning. But this conveyance is made subject to the rights of way of public roads appearing upon the public records of Lenoir County, North Carolina. And being the same lands described in a Deed dated January 15, 1976 from Samuel C. Sugg and wife, Ruth H. Sugg, to Mallard Oil Company, recorded in Book 685, at Page 493, Lenoir County Registry, to which said record reference is hereby made.

TO HAVE AND TO HOLD the aforesaid one-half (1/2) undivided interest in the above tract of land, together with all rights, privileges and appurtenances thereunto in anywise appertaining and belonging, unto the said parties of the second part, their respective heirs, assigns and legal representatives, in fee simple, to them and to their only use and behoof.

AND the said party of the first part, for itself, its successors and legal representatives, covenants to and with the said parties of the second part, their respective heirs, assigns and legal representatives, that it is seized of a one-half (1/2) undivided interest in said premises in fee, and has a good and lawful right to convey the same in fee simple, and has done so by this indenture; that the same is free and clear from all encumbrances, and that it does hereby warrant and will forever defend the title made to same by this indenture against the lawful claims of all persons whomsoever.

IN TESTIMONY WHEREOF, the party of the first part has

8. -

caused this Correction Deed to be signed in its name by its President and attested by its Secretary and its corporate seal hereunto affixed, all by authority duly given, this the day and year first above written.

MALLARD OIL COMPANY

By: [Signature]
President

(CORPORATE SEAL)
ATTEST: -

[Signature]
Secretary

NORTH CAROLINA

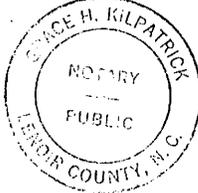
LENOIR COUNTY

Personally came before me this day 24th and acknowledged that she is Secretary of MALLARD OIL COMPANY, a corporation, and by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its President, sealed with its corporate seal and attested by himself as its Secretary.

WITNESS my hand and Notarial Seal this 24th day of August 1983.

[Signature]
Notary Public

My commission expires: August 3, 1986



NORTH CAROLINA: LENOIR COUNTY

The foregoing certifies that Grace N. Papadimitriou Senior Co

are certified to be correct.

Filed for registration at 10:15 o'clock A M this 24 day of August, 1983

OWEN G. DUNN CO. 35422

By: [Signature]
Gwynn Rouse, Register of Deeds

8

APPLICATION
FOR
PROPOSED DEMOLITION LANDFILL
LENOIR COUNTY
KINSTON, NORTH CAROLINA 28501

SUBMITTED

BY

C. FELIX HARVEY

LEIGH H. McNAIRY

SUNNY G. HARVEY

W. A. MALLARD, JR.



TO: J. Gordon Layton, Environmental Engineer

November 13, 1985

FROM: Rick Holder 

RE: Application For Proposed Demolition Landfill

The following information is submitted as application requirements as outlined in Section .0506 of the North Carolina Solid Waste Management Rules pamphlet you forwarded to me earlier in the summer. The proposed site for the application is an approximate 2.1 acre East bound lane of U.S. Hwy 70 that begins at the centerline of intersection of U.S. Hwy. 70 & North Carolina Hwy. 11 & 55 in Lenoir County. This property is owned by C. Felix Harvey, Sunny Gill Harvey, Leigh Harvey McNairy and W. A. Mallard, Jr. The application information is as follows:

1. Site plan for proposed demolition landfill

Exhibit "A" - Aerial map of property and surrounding area;

Exhibit "B" - Site in relation to flood plain (Fed. Ins. Agency Map);

Exhibit "C" - Approval letter from Zoning Department;

Exhibit "D" - Site location on a county map.

2. Construction plan for proposed demolition landfill

Exhibit "E" - Plat plan for proposed site;

Exhibit "F" - Copy of Deed for proposed site.

3. The waste fill for this proposed site will come from the disposal of building materials from the old E. V. Webb building located at the Northwest corner of the intersection of Herritage Street & Vernon Ave. inside the Kinston city limits. The fill material going into this sight will be concrete, brick, roofing materials and the like. All wooden materials will be disposed of at the Lenoir County landfill.

Once the proposed site has been filled with construction demolition debris the area will be leveled and fill dirt will be brought in to finish out the project. Temporary silt fencing will be placed around all slopes to prevent immediate erosion runoff before adequate vegetation growth can stabilize the slopes. Temporary vegetation plantings will be approximately 4 lbs. of Kentucky 31 Fescue grassed per 1,000 sq. ft. with fertilization rates of 35 lbs. of 8-8-8 per 1,000 sq. ft. We are not certain what the ultimate end use of this site will be, but we will probably eventually place a more permanent and more effective vegetation seeding of common Bermudagrass at a rate of 2 lbs. per 1,000 sq. ft.

The contact person for this project should you need any additional information at any time during the application process of the actual filling process will be Rick Holder. I can best be reached during workdays at 523-9090 or after hours at 527-1837 here in Kinston. Should you have any questions regarding this application, please feel free to call me at any time. We are planning to start the E. V. Webb building demolition and subsequent fill around early January, 1986.

Richard Holder

RAH/1kh



North Carolina Department of Human Resources
Division of Health Services
P.O. Box 2091 • Raleigh, North Carolina 27602-2091

Cumh
Permits

James G. Martin, Governor
Phillip J. Kirk, Jr., Secretary

Ronald H. Levine, M.D., M.P.H.
State Health Director
919/733-3446

July 1, 1986

Mr. L. S. Carter, Director
Solid Waste Management
698 Ann Street
Fayetteville, North Carolina 28301

RE: Permit #26-F

Dear Mr. Carter:

This is to inform you that the site and plan submitted for the proposed Demolition site on Highway 87 is approved. The permit is currently being processed and will be mailed on July 7, 1986. The permit number for the site is #26-F.

If you have any questions, please give me a call.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read "J. Gordon Layton".

J. Gordon Layton, Environmental Engineer
Solid & Hazardous Waste Management Branch
Environmental Health Section

JGL/nlp

cc: Mr. Flint Worrell
Mr. Terry Dover